

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, April 18th, 2024 – 9:35 am
Marble Hall, 600 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 Doug Colonell. **Absent:** Commissioner Tom DiFransico. **Also present:** Planning & Zoning Chair George Lancaster, City Attorney Dirk Smits, Police Chief Kris DiGiovanni, Public Works Department Head Mike Guarino, Building Official Ed Borysewicz, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Present: 13

Mayor Raspe informed about the need for new members on the Planning & Zoning Board and asked for anyone to consider volunteering.

2. Agenda Additions, Changes & Deletions: Mayor Raspe asked for the following agenda additions:

- Addendum to Item 5b.: City Commission Townhall meeting minutes
- Addendum to Item 12a (i) to the Wastewater report.

There were no other changes.

3. Special Request: Lien Reduction Request by China Beach, USA, Owner of the property located at 1000 W. Ocean in the estimated amount of \$45,000:

Mayor Raspe introduced the agenda item and recognized Attorney Jack Bridges as the representative for the applicant.

Jack Bridges introduced himself as the co-counsel of Attorney Theron Simmons and informed to be representing the property owner China Beach LLC. Jack Bridges informed that his witness would be attending via Zoom. City Clerk Gransee administered the Oath of Witness to Jenni Negrón.

Jenni Negrón testified to being the project manager and responsible for the permit process for the property. Jenni Negrón stated that the original renovation permit took six months to obtain due to comments and corrections the City requested. Jenni Negrón further testified on having received a permit with restrictions, delays due to flood test requirements, and having received a red tag after the test. Jenni Negrón spoke about additional repair requirements by the City and a subsequent agreement for a demolition. Jenni Negrón stated that the demolition permit took three months to obtain due to additional requests from the City. Jenni Negrón testified on delays due to an electrical connection to the neighboring property and informed on incurred costs China Beach. Jenni Negrón confirmed that the demolition was completed.

Jack Bridges elaborated on the timeline of events and monies spent and informed on his experience as a Special Magistrate for the City of Marathon and the City of Layton. Jack Bridges further informed to have an understanding of rules and regulations and the purpose of Code Enforcement not to be to punishment but to receive code compliance. Jack Bridges expressed empathy with the frustration at code violators but stated for his client having followed the rules and requests by the City. Jack Bridges spoke on the assessment of a fine being impacted by the gravity of the violations, actions that were taken to correct the violation, and any other violations committed by the same offender. Jack Bridges asserted that this client took immediate action to achieve compliance and gave

agreement for the City to be entitled to costs. Jack Bridges asked to mitigate the fines as much as possible and thanked the City Commission for hearing him.

Vice-Mayor Foster asked about an incident involving the Marathon Recue Services refusing to enter the building because they deemed it unsafe, which led to the requirements of core samples and subsequent requirement to bring the property into compliance. Jack Bridges stated not to be aware of this event.

Jenni Negrón testified to the event of the accident and the subsequent assessment by a third party engineer. Vice-Mayor Foster informed on extensive renovations to the building prior to the request and the city having pictures that show that support walls were removed without an engineering analysis. Vice-Mayor Foster stated for there to be a gap in the analysis of what happened. Jack Bridges did not deny Vice-Mayor Foster's statement but explained that the owner tried to come into compliance once he was aware of the problem. Jack Bridges further stated to understand the seriousness of safety and code violations.

Mayor Raspe informed to have been the Chair for both the Code and Planning & Zoning Board during the time of events and recalled for the property owner having caused delays and not the City.

Commissioner Colonell asked if a licensed builder was involved in the project or if it was a homeowner project. Jenni Negrón informed that it was a licensed builder who also held a demolition permit. Commissioner Colonell questioned Jenni Negrón's statement about the builder not being aware of the two structures being connected by electricity. Jenni Negrón testified to have been more involved in the remodeling part of the building than the demolition and could not answer the question.

City Attorney Smits informed on a prepared memo for the matter which detailed the history of the case and explained calculations in the assessment of fines. City Attorney Smits stated for the lowest acceptable fine to be \$7,760.00 and the top assessment of fine to be \$23,510.00. City Attorney Smits confirmed the amount of \$23,510.00 to include the cost of prosecution and administrative fee.

MOTION: Motion made by Mayor Raspe to assess a fine of \$23,510.00 to the property. Vice-Mayor Foster seconded the motion.

DISCUSSION: Vice-Mayor Foster stated to like the property cleaned. Building Official Borysewicz confirmed for there property still having numerous sections still having concrete and rebar, and the ability for code enforcement on the property.

ON THE MOTION: Rollcall vote. Unanimous approval.

4. Citizen Comments and Correspondence: Mayor Raspe reminded of the three-minute time constraint for public comment and asked for comments on pickleball and tennis to be held until the discussion item is presented.

City Clerk Gransee informed on the following correspondence:

- April 9th, 2024, Sandy Bachman, KCB resident, wrote to the City Commission with concerns on traffic on Ocean Drive during the St. Patrick's Day Parade.
- April 9th, 2024, David McKeehan, 631 8th Street, wrote to the City Commission with concerns about the proposed solar panel farm and asked for the rejection of the proposal.
- April 12th, 2024, Ted Fischer, KCBCA President, thanked the City Commission, Public Works & Police Department, and City Staff, for the support in setting up and running this year's Key Colony Beach Day.
- April 12th, 2024, Janie Byland, 72 7th Street, wrote with concerns on the proposed solar panels and asked the Commission to reject the plan.
- April 12th, 2024, Judi Virost, 80 7th Street, wrote to the City Commission expressing opposition to the proposed solar panels.
- April 14th, 2024, Greg Burke, KCB Resident, wrote to the City Commission expressing opposition to the project.

- April 15th, 2024, Marilyn and Bill Avery, 79 7th Street, wrote in opposition to the installation of solar panels.
- April 15th, 2024, Patricia Evangelista, 838 W. Ocean Drive, wrote to the City Commission with concerns on the Pickleball expansion Request for Proposals and the elimination of one tennis court.
- April 15th, 2024, Judi Virost, 80 7th Street, wrote to the City Commission with praise on the ongoing Townhall meetings, the reopening of Marble Hall, and flooding improvements at the end of 7th Street with the installation of a new drainage. In addition, Judi Virost gave support for the proposed changes in billing for water use.
- April 15th, 2024, David Evangelista, 838 W. Ocean Drive, wrote to the Commission to state concurrence with the Recreations Committee’s rejection of the proposed bid package and to only proceed accordingly with the previously approved Option 4.
- April 15th, 2024, Barbara Tatarchuk, 201 E. Ocean Drive, wrote to the City Commission with information on tennis playing times and number of people attending, size of the current and proposed tennis courts, and changes in the proposed bid from the original agreement. Barbara Tatarchuk asked the Commission to follow the recommendation of the Recreation Committee and reject the bid package that was presented by the Pickleball Club.
- April 15th, 2024, David Evangelista, 383 W. Ocean Drive, informed the City Commission of recommendations from the United States Tennis Association on recreational tennis courts dimensions.
- April 16th, 2024, Judy Burgett, 580 9th Street, wrote to the City Commission with thoughts on the dimensions of the proposed tennis courts, safety issues on the current courts including problems with the storage of the temporary pickleball nets, information on the usage of the tennis courts and past fundraising events, and a need for the Bocce court requiring additional seating.
- April 17th, 2024, Steve Dingel, 721 8th Street, wrote to the Commission in opposition to a proposed solar plant.

Mayor Raspe asked for citizen comments.

Joe Schmidt, 430 4th Street, commented on the need for a City Administrator and asked for the person to be required to be a Key Colony Beach resident and follow the same rules as residents.

There was no further comment.

5. Approval of Minutes

- a. February 12th, 2024 - City Commission Townhall Meeting
- b. March 18th, 2024 – City Commission Townhall Meeting ****addendum****
- c. March 21st, 2024 – City Commission Public Hearing
- d. March 21st, 2024 – City Commission Regular Meeting

Mayor Raspe asked for a motion to approve the minutes.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

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

- a. **Marathon Fire/EMS:** Marathon Assistant Fire Marshal Card gave his April report to the Commission and reported that no fire incidences occurred for the City and gave additional information on hazardous, public service, false alarm, and good intent calls. Marathon Assistant Fire Marshal Card informed on a successful

7-mile bridge run and spoke about the upcoming Offshore Grand Prix Boat Races. Assistant Fire Marshal Card gave the anticipated route and stated to anticipate good weather for the race. Assistant Fire Marshal Card informed on the Leadership Monroe Emergency Session and invited to stop by the Fire Station and partake.

Joe Schmidt, 430 4th Street, asked Assistant Fire Marshal on the traffic on US1 and driving in the left lane. A brief discussion followed on traffic and causes of delays.

Building Official Borysiewicz thanked Assistant Fire Marshal Card for the EMS services he received. Assistant Fire Marshal Card stated for the city to have some of the best paramedics in the country with vast knowledge on drug training.

- b. City Administrator's Report – Mayor Raspe
- c. Police Department – Chief DiGiovanni
- d. Building/Code Department –Building Official Borysiewicz
- e. Public Works – Public Works Department Head Guarino
- f. City Clerk – City Clerk Gransee
- g. Beautification Committee – Sandra Bachman
- h. Planning & Zoning Board – George Lancaster
- i. Recreation Committee – Richard Pflueger
- j. Utility Board - Bill Fahs

7. Mayor-City Administrator Items for Discussions & Approvals:

Mayor Raspe gave a summary of the Townhall meeting and informed about the first Vulnerability meeting that was held to give information on flood risk from sea level rises, tidal flooding, rain fall, and the combination of events. Mayor Raspe informed for the second part of the hearing to be held on May 13th.

Mayor Raspe reported on residents input on a proposed change in methodology in billing as well as input on going forward with a proposal on solar energy by the Retention Pond.

a. Review of Townhall Meeting held on April 15th, 2024

i. Discussion/Approval for a recommendation to the Utility Board on going forward with the proposal on Solar Energy by the Retention Pond.

Mayor Raspe asked for a motion to reject the proposal of solar energy.

MOTION: Motion made by Vice-Mayor Foster. Mayor Raspe asked for second. Commissioner Colonell seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

ii. Review of discussions on a change in methodology on charging for wastewater & third-party billing through the FCAA (Utility Board Meeting on 04/23/2024 for a recommendation to the Commission)

Mayor Raspe introduced the agenda item and informed for the Utility Board to meet on April 23rd to make a recommendation to the Commission. Mayor Raspe informed to have requested particular numbers on the proposed changes to properly educate the public.

Commissioner Harding commented on the city's ability to continue to manage the billing and to look at the administration charge if charging by volume to stay within the city.

City Attorney Smits explained expected fluctuations depending on use and to expect the incurrence of costs due to code amendments and a possible rate study. City Attorney Smits informed having circulated information on Key West Statutes as well as having circulated FKAA agreements. City Attorney Smits agreed with Commissioner Harding on the city's ability to configure a methodology and to save money for the city.

Larry Mills, 251 4th Street, spoke on the verbiage of water in/water out, the use of water meters, irrigation systems and possible negative effects on the yards in the city.

Donald Steamer, KCB Resident & Utility Board member, stated for the term water in/water out to give a wrong impression and there to be no proposal that only considers water in/water out and gave further details on the proposed billing change. Donald Steamer reiterated not to use the term 'water in/water out' to avoid the wrong expectations on an increase in cost.

Barbara Cisna, 690 11th Street, stated to have attended the Townhall meeting and have given concern not to go with the concept. Barbara Cisna informed of being snowbirds with no water usage for a pool or irrigation system as well as having zero water usage for 8 month out of the year. Barbara Cisna stated for the proposal to be advantageous for residents in similar situations.

Vice-Mayor Foster recommended, based on the current workload of the city and mistakes made in the past by changing ordinances, to table the matter to continue the billing for the fixed rate and to revisit the matter when more time is available.

Commissioner Colonell concurred with Vice-Mayor Foster.

Commissioner Harding spoke about the benefit to the city to encourage ACH payments and to offer a possible incentive to sign up for recurring deductions.

City Clerk Gransee asked for a direction from the City Commission on how to go forward.

MOTION: Motion made by Vice-Mayor Foster to table the matter and to give the Utility Board direction if to proceed next year. Mayor Raspe asked for a second. Commissioner Colonell seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Attorney Smits gave understanding that this is a direction to stand down.

b. Discussion/Approval on a revised City Administrator Job Description & Employment Contract

Mayor Raspe introduced the agenda item and spoke on the suggested changes and input received. Mayor Raspe informed that the question of working hours and pay has not being settled as well as the time when an Administrator takes over. Mayor Raspe suggested for a 30 hour work week to be sufficient which is considered full-time by the IRS. Mayor Raspe suggested a salary of \$62,400.00 with full benefits or \$75,000.00 with no benefits. Mayor Raspe reminded for the job to be only three days a week and asked for more input from the Commission on pay, benefits, and working hours. Mayor Raspe asked to bring suggestions on this items to the next meeting and gave confidence for the job description being complete. Mayor Raspe stated for there to be no need for the Administrator being a direct supervisor and asked for suggestions to be sent to City Clerk Gransee to be disbursed to the Commissioners.

Mayor Raspe agreed to a deadline of May 10th to return suggestions to City Clerk Gransee.

Commissioner Harding commented on the restrictions of Sunshine Law being a detriment to their work and further informed for the State of Florida to consider the position of City Administrator as an executive position. Commissioner Harding cautioned on the cost for total benefits and questioned the definition of labeling the position. Mayor Raspe agreed with the changing of the title. City Attorney Smits suggested the use of an independent contractor working under a 1099-status. Commissioner Harding stated for the title change to be most beneficial for the limitations to the significant amount of benefits.

c. Update on Marble Hall, Administrative Offices, and overall progress

Mayor Raspe reported that all city and club meetings are being held at Marble Hall and that exercise classes have resumed six days a week in the building. Mayor Raspe informed that preliminary engineering and architectural drawings for the Administrative Offices are being worked on with a possible stand-alone police department with EOC capabilities. Mayor Raspe further informed that progress will be posted as it evolves and asked for public input. Mayor Raspe further informed for the Hardening Grant to be able to be used for the stand-alone building.

Mayor Raspe updated on the completion of the Post Office with finished drywall, painting, and having met with USPS personnel. Mayor Raspe informed of a tentative move back to the building by Memorial Day once the lease is signed. Mayor Raspe stated that it was a group effort getting the Post Office ready and for the date not being absolute.

Mayor Raspe thanked the Beautification Committee for the landscaping and cleanup effort around City Hall.

8. City Commissioner Items for Discussion/Approval

a. Discussion/Approval of the appointment of Carman Slusher as a full member to the Planning & Zoning Board per the recommendation of the Planning & Zoning Board

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

MOTION: Motion made by Vice-Mayor Foster. Mayor Raspe asked for second. Commissioner Colonell seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Discussion/Approval of a proposal by Mittauer & Associates to provide engineering drawings for drainage improvements along 7th Street and Shelter Bay Drive in the amount of \$67,500 per the recommendation of the Utility Board from February 20th, 2024.

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

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

DISCUSSION: Vice-Mayor Foster asked for the payment to be put on hold, upon approval, in order for the money to be reallocated from the remaining grant. Commissioner Harding believed to know an alternative and confirmed to Vice-Mayor Foster to be aware of Kate DeLoach working on the reallocation efforts.

ON THE MOTION: Rollcall vote. Unanimous approval.

c. Discussion/Approval of two proposals by TikiHuts for the construction of a new Tiki Hut Gazebo

- i. New Tiki Hut 22x22 Single Roof (8 Pole Round) – Gazebo behind City Hall in the amount of \$14,336.00.
- ii. Fire Retardant for the Tiki Hut 22x22 Single Roof (8 Pole Round) in the amount of \$1936.00.

Mayor Raspe introduced the agenda item and informed for the structure to be in bad shape with extensive spalling. Mayor Raspe informed that the Building Official Borysiewicz recommended replacement with a Tiki Hut for cost savings. Mayor Raspe informed of proposals from TikiHuts for the construction of a new Tiki and the fireproofing of the thatch. Mayor Raspe asked for a motion to approve.

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

DISCUSSION: Vice-Mayor Foster asked about the cost to remove the old structure. Public Works Department Head Guarino informed on the need to obtain bids for the roof. Building Official Borysiewicz clarified that Public Works Department Head Guarino made him aware of the bad shape of the structure and replacement with a Tiki Hut. Commissioner Harding informed on an engineering report and agreed with the proposal being the most cost effective solution. Mayor Raspe confirmed for the pavers staying in place and the new posts outside the paver area. There was no further discussion and Mayor Raspe asked for a rollcall vote.

ON THE MOTION: Rollcall vote. Unanimous approval.

d. Discussion/Approval of a recommendation by the Recreation Committee to reject the proposed ITB (Invitation to Bid) 2024-02 for the Tennis Courts, Pickleball Courts, and Playing Surface at 7th Street Park.

- i. Memo by the Pickleball Club regarding the approval of a new ITB for two Tennis Courts.
- ii. Draft ITB 2024-02 7th Street Park
- iii. Recommendation by the Recreation Committee – Chair Richard Pflueger
- iv. Comments by the Pickleball Club Board of Directors from 04-11-2024

Mayor Raspe introduced the agenda item and asked to combine Agenda Items 8d and 8e. Mayor Raspe entertained a motion to support the Recreation Committee’s proposal to reject and to put the project back out to bid and going back to Option 4 as it was approved and originally stated.

City Attorney Smits confirmed to be able to incorporate both items and informed on the additional recommendation under item 8e. to rewrite the bid, have Building Official Borysiewicz be in charge, and consult with both tennis and pickleball in the formulation of Option 4. Mayor Raspe informed having received consensus from both parties at the Recreation Committee meeting as long as Building Official Borysiewicz confirms no time constraints and being comfortable in the position. Building Official Borysiewicz stated the need for more input from the tennis side and informed on the previous bid having come in more than double what was anticipated. Building Official Borysiewicz apologized for not having included the tennis group in the bid discussion meeting and explained the attempt to downsize the tennis courts to a recreational size and as well as four foot fence due to aesthetics and cost reduction. Building Official Borysiewicz further talked on the utilization of the existing basketball was not taken into consideration under the first bid and to be included in the second bid. Building Official Borysiewicz stated to have been informed for the tennis group asking to stay with the original size court and the necessity of the 10 foot fence. Building Official Borysiewicz gave his belief for everyone to be in agreement utilizing the original bid. Building Official Borysiewicz suggested to possibly breaking the bid down and Public Works to complete some land preparation in addition for base work being able to completed locally for cost savings. Building Official Borysiewicz continued explaining that specialty contractors will be hired for the

leveling and striping of the tennis courts, fencing, and landscaping and monies can be saved by hiring local contractors.

Mayor Raspe stated his understanding for the Pickleball group being in agreement with the current process and time being of the essence. Mayor Raspe asked for a motion.

MOTION: City Attorney Smits stated the motion for the record: To reject ITB 2024-02 and to accept and approve the recommendation from the Recreation Committee. Mayor Raspe stated so moved and asked for a second.

DISCUSSION: Vice-Mayor Foster suggested the need for an additional motion. City Attorney Smits stated for agenda item d. to include the rejection and for item e. to appoint Building Official Ed Borysiewicz to be the contact and lead person in the preparation of the bid package, 2) rewrite the bid to go back to the original Option 4 as it was approved, and 3) for Building Official Borysiewicz to consult with members from each sport. Vice-Mayor Foster gave agreement to the clarification. City Attorney Smits restated the motion to accept the recommendation to reject bid 2024-02 and accept the recommendation under e as it was stated.

ON THE MOTION: Commissioner Harding seconded the motion.

FURTHER DISCUSSION: Building Official Borysiewicz asked on bid threshold requirements. City Attorney Smits stated to work with the Building Official and gave further information on threshold requirements for transparency.

Mayor Raspe invited the public for input.

Richard Pflueger, 240 8th Street, asked if additional public review will be provided before the bid goes back out. City Attorney Smits explained for Building Official Borysiewicz to consult with both groups in coming up with the bid and for there to be no need to bring it back to the Commission. Mayor Raspe explained that once both groups have come to an agreement through Building Official Borysiewicz the bid will go out.

Commissioner Harding asked for the possibility to have the completed bid posted on the city's website and reviewed by the public. City Attorney Smits confirmed the suggestion. Commissioner Harding suggested to have the completed bid posted for three days to provide the ability for public comment.

Monica Greene, Treasurer, Pickleball Club, stated for the Club to support moving forward with Option 4 and clarified the basketball court was addressed based on the recommendation from Commissioner Harding from the September 21st, 2023, meeting. Monica Greene further stated that the club contracted with an engineering firm and asked for directives on closing out the contract or utilizing the engineer for the bid package. City Attorney Smits recommended to keep the contract open for sufficient detail and scope. Mayor Raspe asked Building Official Borysiewicz to address the topic of the basketball court with both groups.

Commissioner Harding recalled the approval of the original option to move the basketball court over to 8th Street Park and use that court as a backup for pickleball, and the basketball court on 7th street would be gone and replaced with the tennis courts.

Commissioner Harding stated his suggestion was concern moving the basketball court over and finding out it has to be used constantly for pickleball; and if it should be considered keeping the basketball court in the area by 7th Street with the tennis courts and have the full area for pickleball over by 7th Street.

Commissioner Harding clarified that this was only a comment he made for concern for doing all the work for pickleball and still not have enough capacity. Commissioner Harding stated his thoughts were to keep the basketball court in the same area with enough room to add two tennis courts and to perhaps pursue the option to find out cost.

Building Official Borysiewicz asked for clarification on the two new tournament style tennis courts and whether the basketball court will be incorporated and kept for utilization or if the basketball court will be kept in its location with a separate tennis court.

Commissioner Harding stated his thoughts if enough room was available to retain a basketball court and two tennis courts on 7th Street.

Building Official Borysiewicz asked for clarification not to be able to use the existing basketball court as a base for the tennis court.

Commissioner Harding suggested to look at the current layout and the possibility of using the court as the base and the reuse a larger area for two tennis courts and a basketball court to be the better option. Commissioner Harding explained his prior concerns for the basketball court at 8th Street to be used more for pickleball and to keep the area all pickleball. Commissioner Harding gave further concerns that in three years the basketball courts have to be moved again.

Vice-Mayor Foster gave his understanding that one of the courts, whether pickleball or tennis, will have a half-court and not having observed utilization of the entire court. Vice-Mayor Foster gave his observations of pickleball being played on the basketball court and not seeing a need for a full basketball court but rather a half-court. Vice-Mayor Foster explained that one of the courts can have a net with an arching arm which will satisfy the need and the only question to be addressed is who's court it will go on. Vice-Mayor Foster gave his understanding of the intent of the proposal to use the existing basketball base for cost.

Commissioner Harding agreed with Vice-Mayor Foster that a half basketball court would be sufficient on 7th Street and if space permitting a half basketball court and two tennis courts to be the best long-term solution in cost.

Barbara Tatarchuk, 201 E. Ocean Drive, clarified previous tennis group concerns to have the tennis courts primarily used for tennis and not to have additional striping for other sports. Barbara Tatarchuk gave agreement with a separate basketball court but not a dual usage. Commissioner Harding agreed with Barbara Tatarchuk and stated for there to be enough room for two tennis courts and half a basketball court.

Mayor Raspe asked Barbara Tatarchuk to convey her message to Building Official Borysiewicz. There was no further discussion and Mayor Raspe asked for rollcall.

ON THE MOTION: Rollcall vote. Unanimous approval.

- e. **Discussion/Approval of a recommendation by the Recreation Committee for: 1) The City Commission to appoint Building Official Ed Borysiewicz to be the contact and lead person in the preparation of the bid package, 2) rewrite the bid to go back to the original Option 4 as it was approved, and 3) for Building Official Borysiewicz to consult with members from each sport. **see under 8 d.****

9. Secretary-Treasurer's Report

- a. March 2024 Financial Summary: Commissioner Harding gave the March Financial summary in his position as Secretary-Treasurer. Commissioner Harding reported revenue being above budget target, pickleball donations, boat trailer revenue budgeting above exceptions, year to-date expenses being below budgeted target. Commissioner Harding reported for Infrastructure Funds having been reduced by a Stormwater payment and asked to make a motion, that once reimbursement funds come back into the Stormwater account, that the funds will be transferred back into the Infrastructure fund.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Commissioner Harding updated on the application for advance payment requests with the State to look encouraging.

Commissioner Harding informed on the legal fees for March and for litigation to be included in the bills and the current running balance for the City.

Commissioner Harding informed on Wastewater targeting below budget and that for this month to include two months of electric bills, and that most of the Stormwater fees were collected.

Commissioner Harding updated on the FEMA grant for the dry proofing of the maintenance building, providing feedback to the State of Florida and having to follow up with City Attorney Smits on competitive engineering bids and additional budget from FEMA.

Commissioner Harding informed on the FDOT 2022 grant application and having provided all final documents. Commissioner Harding stated that once the budget is approved by the Governor the contract will be release for approval.

Commissioner Harding had no updates on the FDOT 2024 application and stated not to expect anything back until May.

Commissioner Harding reported that an update was provided to the State of Florida for the City Hall grant and having worked with Building Official Borysiewicz on a modification on building plans for a stand-alone building which was submitted to the State. Commissioner Harding reported on having not received any feedback from the State and cautioned for a reduced amount grant funding due to a smaller building and cost. Commissioner Harding stated to have kept the grant active with the modification and to be waiting for feedback from the State of Florida.

- b. Approval of Warrant 0324 in the amount of \$803,925.48:** Commissioner Harding asked Mayor Raspe for approval of Warrant 0324 in the amount of \$803,925.48.

MOTION: Motion made by Mayor Raspe to approve the Warrant. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Inaudible question by resident.

Commissioner Harding explained for the warrant to include all city bills including the wastewater and stormwater bills. Commissioner Harding further explained for this month to include a big stormwater bill which will be reimbursed by grant monies.

10. City Attorney's Report

City Attorney Smits informed having done a lot of work with the Utility Board on the Aquaduct billing, which the Commission verified does not have to be continued.

City Attorney Smits informed having attended the Recreation Committee meeting and for the code claim for 1000 W. Ocean having been resolved.

City Attorney Smits stated to be well within budget for legal with the exception of litigation and to provide a budget for it.

City Attorney Smits stated to have talked with everyone before the meeting and asked if anyone had additional questions.

Commissioner Harding informed for the administrative cost for processing legal and staff time to be outdated and offered to work with legal and staff to calculate an updated cost assessment. City Attorney Smits stated to be happy to work with Commissioner Harding on the task. Mayor Raspe agreed.

11. Ordinances & Resolutions

- a. **SECOND/FINAL READING of Ordinance No. 2024-489:** An Ordinance of the City of Key Colony Beach, Florida, amending the Code of Ordinance Article VI – Finance, Section 2-75, to increase the discretionary spending threshold, amending the language containing scrivener’s error, repealing conflicting Ordinances, providing for severability, and providing for an effective date.
 - i. Ordinance No. 2024-489
 - ii. Business Impact Statement
 - iii. Proof of Publication

Mayor Raspe provided the second reading of Ordinance No. 2024-489 and asked for a motion to approve.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- b. **Resolution 2024-06: A Resolution of the City Commission of the City Of Key Colony Beach, Florida, approving Florida Department of Transportation 2022 Transportation Alternative Fm451639-1-58-01 attached hereto as Exhibit “A”; providing for an effective date.**

Mayor Raspe provided the reading of Resolution 2024-06 and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding. Mayor Raspe asked for a second. Commissioner Colonell seconded the motion.

DISCUSSION: Commissioner Harding explained the application requirement by FDOT for a formal resolution.

ON THE MOTION: Rollcall vote. Unanimous approval.

12. Commissioner’s Reports & Comments

- a. Commissioner Harding
 - i. **Wastewater sampling summary report for April 15, 2024:** Commissioner Harding reported a spike in Covid in the previous week and for the State of Florida being low in numbers. Commissioner Harding reported small numbers of influenza in the previous month and now being back to zero.
 - ii. **Feedback from Key Largo on wastewater solar:** Commissioner Harding informed not to address the topic further but to be available for questions.
 - iii. **Discussion on re-starting the monthly Community Rating System Workgroup Meeting for Key Colony Beach:** Commissioner Harding gave background on prior work for the CRS audit and suggested to restart the meeting on a monthly basis. Commissioner Harding informed on the current rating and stated for the monthly meetings having benefited setting up the city for its yearly audit. Commissioner Harding stated for Building Official Borysiewicz to be a key player and asked for input. Building Official Borysiewicz recalled the start of the CRS program in the 90’s and recalled it being a positive project with annual audits. Building Official Borysiewicz informed on recordkeeping practices to comply with CRS requirements and spoke of the increase in the CRS discount due to the increase in flood

elevation requirements. Building Official Borysiewicz informed for the city having increased the elevation requirements above State requirements in order to receive a higher CRS discount. Building Official Borysiewicz informed on having received resident phone calls for CRS credits that are not being applied. Building Official Borysiewicz informed not having been able to verify with insurance companies or FEMA on the current standing for the application of CRS credits.

Commissioner Harding suggested reaching out to the prior CRS contact for the State. City Clerk Gransee confirmed to be able to provide the contact information. Commissioner Harding informed having seen public announcements on positive news on CRS increases and to look further into it.

Vice-Mayor Foster asked on the advantage and disadvantage for the extra two feet of freeboard for the city. Building Official Borysiewicz explained FEMA maps and the changes in the center of the city over time. Building Official Borysiewicz further explained elevation requirements and changes due to the Florida Building Code. Building Official Borysiewicz stated, that the requirements by the city to add two additional feet, made 80 % to 85% of the city non-conforming. Building Official Borysiewicz clarified the meaning and consequences of having a non-conforming structure and the consequence of the 50-percent substantial improvement rule. Building Official Borysiewicz continued explaining that the prior Building Official stated that a non-conforming building below flood elevation could not expand horizontally. Building Official Borysiewicz stated to have looked, alongside Mayor Raspe, at the Florida Building Code and FEMA interpretations and having received confirmation from the State to still be able to go horizontal. Building Official Borysiewicz cautioned to be careful with any additions to a house due to being non-conforming and not going over the 50-percent rule.

Vice-Mayor Foster asked Mayor Raspe for Building Official Borysiewicz to revisit the topic and reverse the requirement of an extra two feet. Mayor Raspe agreed and asked Building Official Borysiewicz if this can be done. Building Official Borysiewicz informed to have to look into the possibility and cautioned on an increase in flood insurance from FEMA.

Commissioner Colonell asked City Attorney Smits on the possibility of being subject to lawsuits from residents that complied and made improvements because of the elevation change.

City Attorney Smits informed that laws are always changing and does not see it as something that result in liability issues for the City.

Planning & Zoning Chair Lancaster informed that the change was not just in the elevation but in the height of the entire dwelling and for the change to have been a lengthy process.

Vice-Mayor Foster explained for the requirements to be in the LDR's and the change to be fairly simple but the question on FEMA should be answered first.

Discussion followed on height requirements in the City.

Building Official Borysiewicz reminded for the new FEMA flood maps not having been finalized and for heights having to be increased again if the maps are approved the way they are.

iv. Update on PFAS EPA Regulation announcement: Commissioner Harding updated on the new EPA PFAS requirement which was released April 10th and represents the first national drinking water standard. Commissioner Harding explained the purpose behind the regulation to protect against chemicals found in freshwater sources and causing significant health issues. Commissioner Harding informed for the Florida Aquaduct to be required to adhere to the new monitoring standard in three years and to have results publicly noticed starting in 2027. Commissioner Harding further reported for additional standards to be adhered to by 2029. Commissioner Harding explained that the FCAA will provide a press release to inform on timelines and implementation.

The Commission took a brief recess at 11:27 am.

b. Commissioner DiFrancisco: Absent.

- c. **Commissioner Colonell:** Commissioner Colonell informed on having talked to Kate DeLoach on the usage of monies for the renovations of Marble Hall and the construction of the new EOC building. Commissioner Colonell reported for Kate DeLoach having received positive comments on the possibility and for it to be also reimbursable. Commissioner Colonell talked on the ability to use the money for both projects and to take advantage of the full grant with the ability of a change order. City Attorney Smits stated for Kate DeLoach to be very helpful. Commissioner Harding cautioned for the Hardening Grant not to be supported for anything below base flood level and for the grant to detail elevation requirements and being above base flood level. Commissioner Harding gave his understanding that FEMA will not support anything below flood level unless it involves dry or wet flood proofing. Commissioner Harding continued explaining the funding process and informed on not having received a response to the quarterly reports. Commissioner Harding stated that in general no federal funds are supported for repairs or mitigation below base flood level.

Mayor Raspe excused City Attorney Smits from the meeting.

- d. **Vice-Mayor Foster:** Vice-Mayor Foster informed for Kate DeLoach to be aware of the rules and asked to give her a chance to come back with answers. Vice-Mayor Foster commended Mayor Raspe for his efforts getting the Post Office back and asked to keep John Misa in everyone's prayers during his health problems.
- e. **Mayor Raspe:** Mayor Raspe had nothing additional to add.

13. Citizen Comments:

Joe Schmidt, 430 4th Street, stated that the necessary mitigation to protect Marble Hall from storms was not deployed and asked to make sure that the proper bulk heads are being placed. Joe Schmidt further stated that problems could have been avoided and wants to make sure that everyone is aware of what needs to be done to be avoided again.

Building Official Borysiewicz clarified the available flood panels for Marble Hall and that Marble Hall was considered a refuge of last resort. Building Official Borysiewicz explained that the city was able to receive a grant in the nineties to retrofit Marble Hall which included the flood panels, retro fitting all trusses on the roof, accordion shutters, and for Marble Hall having been flood proofed. Building Official Borysiewicz recalled uncertainty on putting the flood panels up during Hurricane Irma and preventing Marble Hall being used as a last resort. Building Official Borysiewicz informed on his decision to leave the panels off to provide people a refuge of last resort. Building Official Borysiewicz explained that the storm got strong fast and the decision to have Marble Hall as a last resort was too dangerous and left no time to put the panels on. Building Official Borysiewicz explained for this to have been his responsibility and gave further information on the location of the shutters, tracks, and panels.

14. Adjournment:

The meeting adjourned at 11:39 am.

Respectfully submitted,
Silvia Gransee
City Clerk
ADOPTED: 5/16/2024
Silvia Gransee
City Clerk

04-18-2024 Agenda Additions & Deletions / Regular Meeting

Addendum to 5b. City Commission Townhall meeting minutes



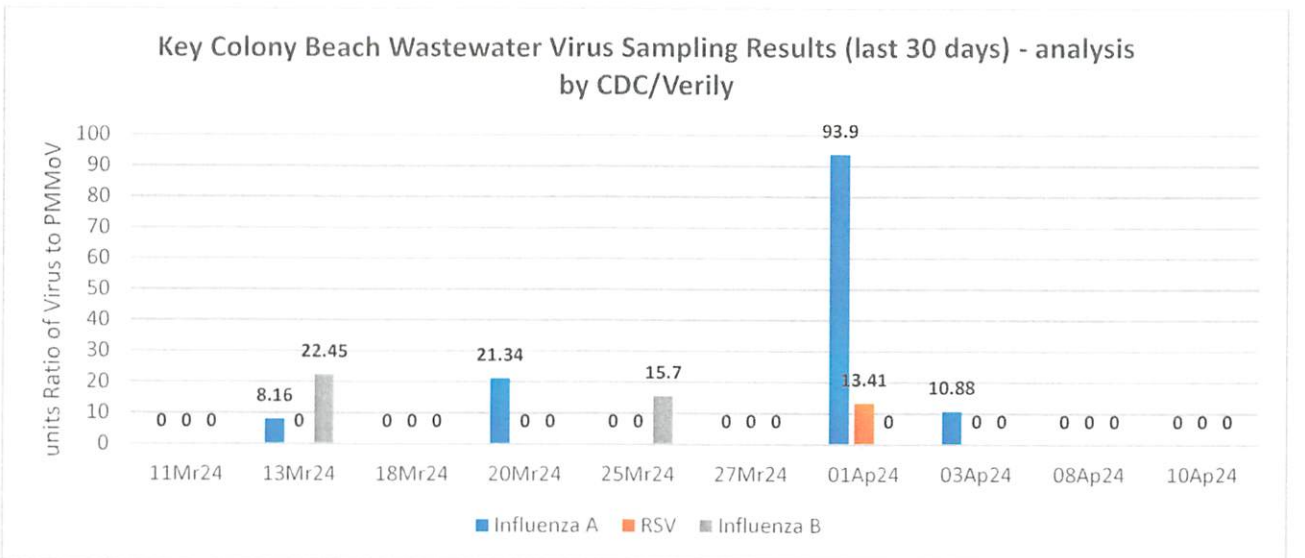
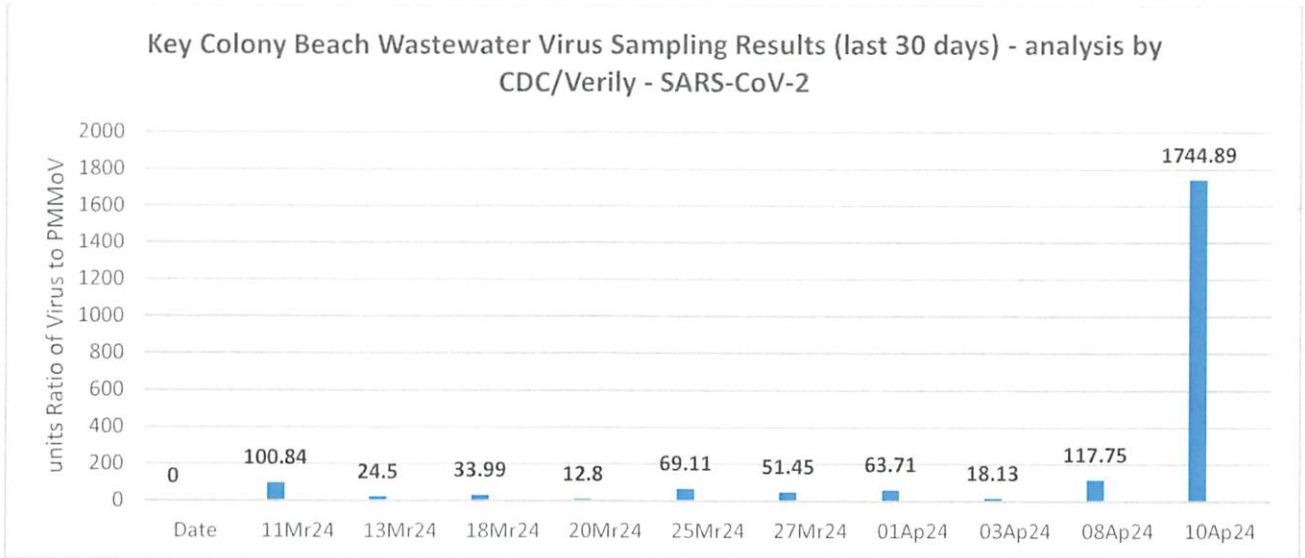
Addendum to 12a (i) to the Wastewater report



City of Key Colony Beach

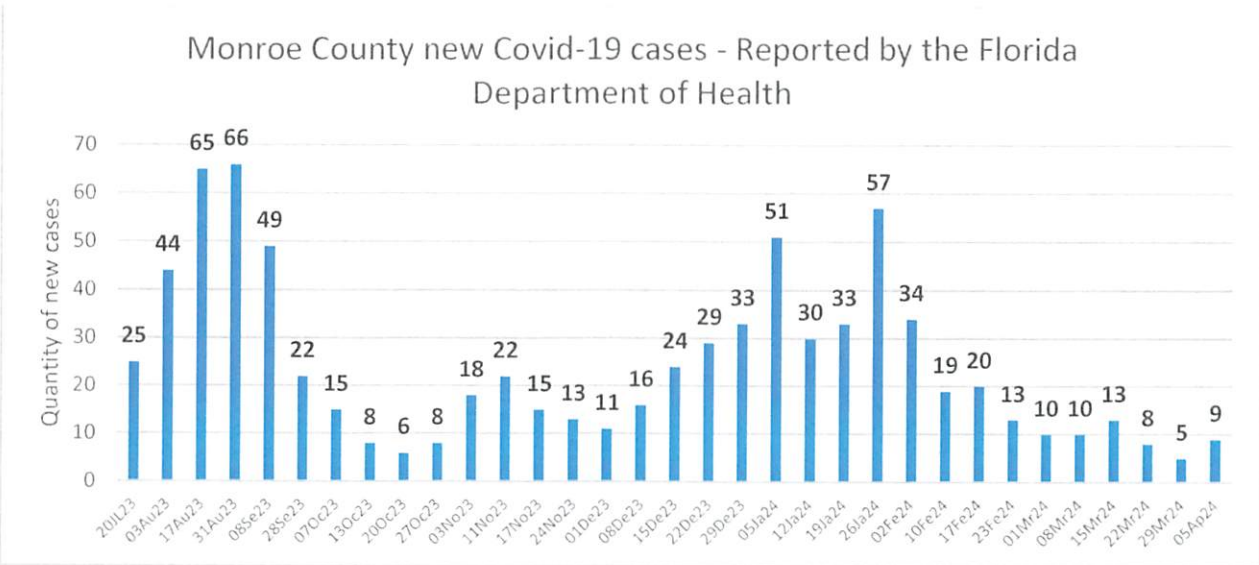
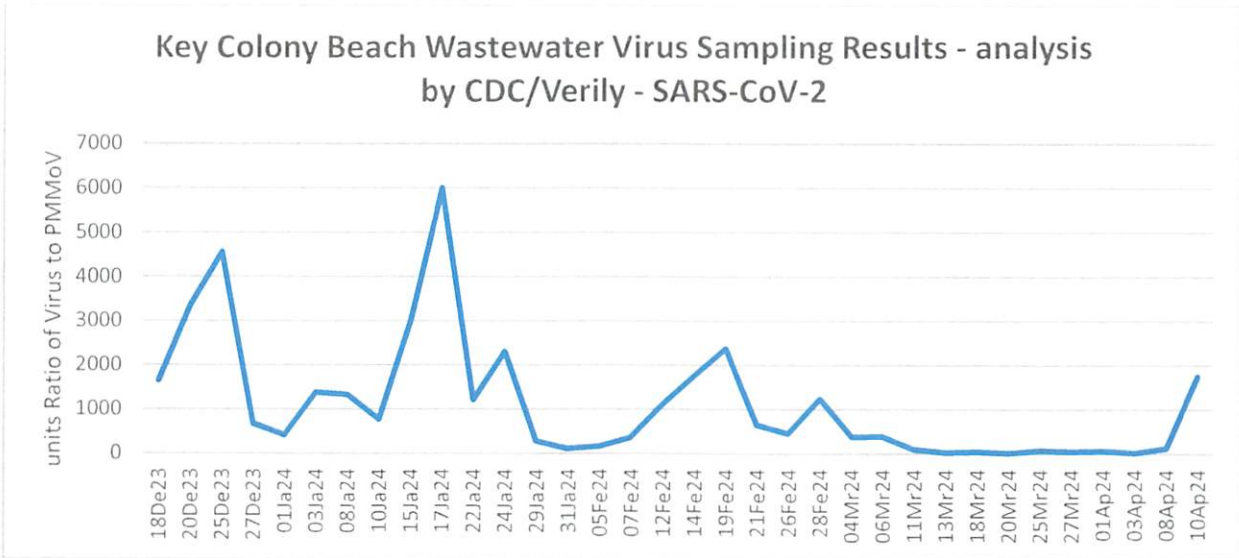
Wastewater Sampling Update for Concern Virus's – April 15, 2024

Specific data for Key Colony Beach – wastewater sampling:



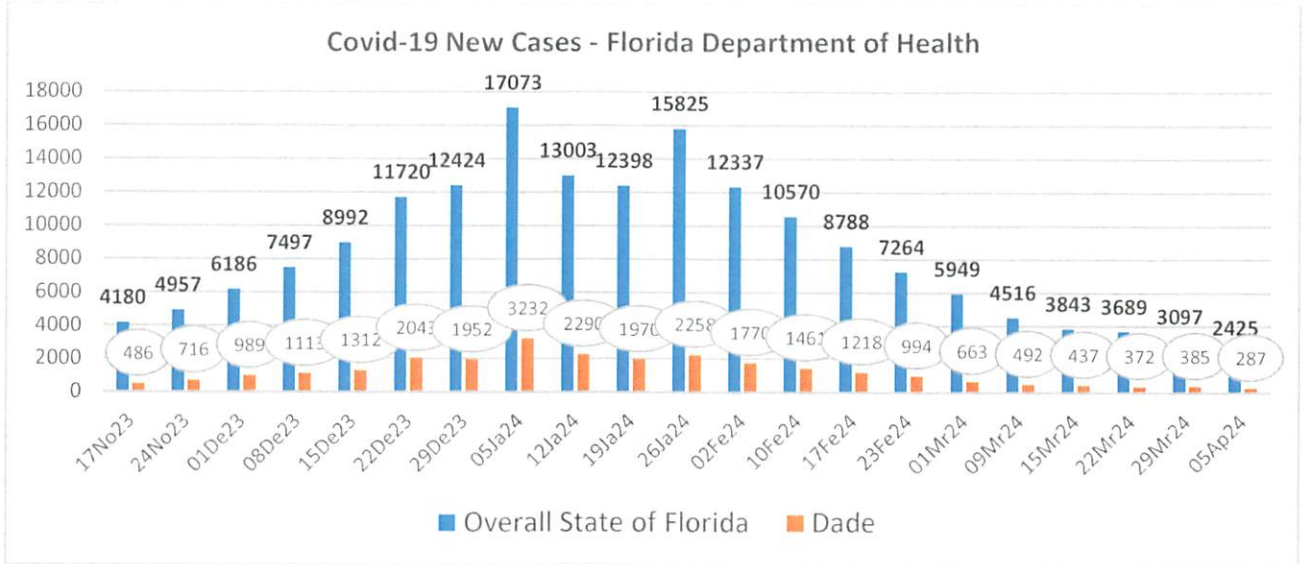
City of Key Colony Beach

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



City of Key Colony Beach

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



Summary Report by Tom Harding, based on CDC/Verily and the State of Florida Health Department for Monroe County new Covid-19 cases - data through 12Ap24.

**04-18-2024 City Commission Meeting
Citizen Correspondence Regular Meeting**

Good Morning City Commissioners and Members of the Public,

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

- April 9th, 2024, Sandy Bachman, KCB resident, wrote to the City Commission with concerns on traffic on Ocean Drive during the St. Patrick's Day Parade.
- April 9th, 2024, David McKeegan, 631 8th Street, wrote to the City Commission with concerns about the proposed solar panel farm and asked for the rejection of the proposal.
- April 12th, 2024, Ted Fischer, KBCA President, thanked the City Commission, Public Works & Police Department, and City Staff, for the support in setting up and running this year's Key Colony Beach Day.
- April 12th, 2024, Janie Byland, 72 7th Street, wrote with concerns on the proposed solar panels and asked the Commission to reject the plan.
- April 12th, 2024, Judi Virost, 80 7th Street, wrote to the City Commission expressing opposition to the proposed solar panels.
- April 14th, 2024, Greg Burke, KCB Resident, wrote to the City Commission expressing opposition to the project.
- April 15th, 2024, Marilyn and Bill Avery, 79 7th Street, wrote in opposition to the installation of solar panels.
- April 15th, 2024, Patricia Evangelista, 838 W. Ocean Drive, wrote to the City Commission with concerns on the Pickleball expansion Request for Proposals and the elimination of one tennis court.
- April 15th, 2024, Judi Virost, 80 7th Street, wrote to the City Commission with praise on the ongoing Townhall meetings, the reopening of Marble Hall, and flooding improvements at the end of 7th Street with the installation of a new drainage. In addition, Judi Virost gave support for the proposed changes in billing for water use.
- April 15th, 2024, David Evangelista, 838 W. Ocean Drive, wrote to the Commission to state concurrence with the Recreations Committee's rejection of the proposed bid package and to only proceed accordingly with the previously approved Option 4.
- April 15th, 2024, Barbara Tatarчук, 201 E. Ocean Drive, wrote to the City Commission with information on tennis playing times and number of people attending, size of the current and proposed tennis courts, and changes in the proposed bid from the original agreement. Barbara Tatarчук asked the Commission to follow the recommendation of the Recreation Committee and reject the bid package that was presented by the Pickleball Club.
- April 15th, 2024, David Evangelista, 383 W. Ocean Drive, informed the City Commission of recommendations from the United States Tennis Association on recreational tennis courts dimensions.
- April 16th, 2024, Judy Burgett, 580 9th Street, wrote to the City Commission with thoughts on the dimensions of the proposed tennis courts, safety issues on the current courts including problems with the storage of the temporary pickleball nets, information on the usage of the tennis courts and past fundraising events, and a need for the Bocce court requiring additional seating.
- April 17th, 2024, Steve Dingel, 721 8th Street, wrote to the Commission in opposition to a proposed solar plant.
- All correspondence was shared with the City Commission in its entirety and will be attached to today's meeting minutes as well.

Thank you!

Silvia Gransee

From: Sandy Bachman <sandy.bachman@gmail.com>
Sent: Tuesday, April 9, 2024 7:48 AM
To: Silvia Gransee
Subject: [External] St Patrick's Day parade

If you could pass this on to the commisioners, please -

During the parade there were cars allowed to make a right onto Ocean Dr. I had several friends mention that kids and adults were looking to the right towards sunset park, waiting for candy, etc to be thrown. A couple times a kid was almost hit because a car was coming from the left. Cars should be held on Sadowski until the parade is over.

Silvia Gransee

From: David McKee <dmm06@ymail.com>
Sent: Tuesday, April 9, 2024 6:40 PM
To: KCB Mayor; Freddie Foster; Tom Harding; Tom DiFransico; Doug Colonell; Silvia Gransee
Cc: Susan McKee
Subject: [External] Subject: Concerns about the proposed solar panel farm

Dear Commissioners,

I am writing to you as a concerned citizen and a resident of the city. I have learned that the city commission is considering a proposal to build a solar panel farm on the Retention Pond by 8th St. and Shelter Bay Dr.. While I appreciate the city's efforts to promote renewable energy and reduce greenhouse gas emissions, I believe that this project is not a good idea for several reasons.

- First, the solar panel farm would take up valuable land that is the largest public open space in the city. The solar panel farm would also create an eyesore in the cityscape, disrupting the aesthetic and historical value of the area. My children grew up flying kites and running through the field when dry.
- Second, the accepted standard for how close residents can live to a small scale solar field is 200-300 meters and even further for monocrystalline or polycrystalline fields. The retention pond is clearly too close to all the neighbors to be considered safe.
- Third, the solar panel farm would pose several risks and challenges for the city's infrastructure and safety. The solar panel farm would require a large investment in wiring, transmission, and maintenance, which would increase the city's expenses and debt. The solar panel farm would also be vulnerable to vandalism, theft, or damage from natural disasters, such as storms, fires, or hurricanes. The solar panel farm would create a potential hazard for the nearby residents, workers, and visitors, who could be exposed to electric shocks, fires, or toxic materials. Moreover, the solar panel farm would generate glare that could affect the visibility and comfort of the people living in the surrounding homes.

In conclusion, I urge you to reject the proposal for the solar panel farm and to explore other alternatives for the city's energy needs. I believe that the city should focus on improving its energy efficiency, conservation, and demand management, rather than investing in a costly and risky project that would have negative impacts on the city's land use, aesthetics, economy, and security. I hope that you will consider the interests and well-being of the city and its people, and make a wise and informed decision.

Sincerely,

David and Susan McKee
631 8th Street
Key Colony Beach, FL 33051

Silvia Gransee

From: Theodore Fischer <ted.fischer1@verizon.net>
Sent: Friday, April 12, 2024 9:50 AM
To: KCB Mayor; Public Works; Chief Kris DiGiovanni; Silvia Gransee; Freddie Foster; Tom DiFransico; Doug Colonell; Tom Harding
Cc: Ted Fischer; Anita Alferes; Toni Appell; Gail Cortelyou; Jan Pflueger; Richard Pflueger; Barb Quick; Brad Thompson; Sue Thompson; Ann Vieth; Bev Vieth; Rich Vieth; denise Decrow
Subject: [External] Overdue Thank You for your help with our 2024 KCB Day Celebration

Good Morning,

We wanted to take a moment to recognize the tremendous support from the City Commissioners, City Staff, Public Works, and KCB Police in setting up and running this year's KCB Celebration! By all accounts it was a great success. We specifically want to thank Mike Guardino and his dedicated staff for going above and beyond to draw on their past experience to help us plan ahead and fill in any gaps before they became a problem. The Chief's assistance with the Marathon Fire Marshall and traffic patterns to keep 7th Street open for the parade and throughout the entire event was also very helpful. Finally, we really appreciate the great cooperation we received from Sylvia and the City office staff in preparing flyers and coordinating posts on the City's Social Media outlets.

Look forward to teaming together in the coming years to enhance the experience for all in our "Gem of the Florida Keys"!

Respectfully,

Ted Fischer
President, KBCA

Silvia Gransee

From: Jane Byland <nannybyland@me.com>
Sent: Friday, April 12, 2024 1:28 PM
To: Silvia Gransee
Subject: Re: [External] Key Colony Beach City Commission

Sylvia, I have previous written a letter expressing my concern and I hope solar panels discussion will provide a final vote of NO. No solar panels, please!!!

Why make ugly our few remaining natural places of beauty in Key colony Beach??

Please relay this message to the councilmen Thank you very much.

Janie Byland,
#72 Seventh Street
Key Colony Beach
Sent from my iPhone

On Apr 12, 2024, at 1:15 PM, City of Key Colony Beach <cityclerk-keycolonybeach.net@shared1.ccsend.com> wrote:

Silvia Gransee

From: Judi Virost <juveets@aol.com>
Sent: Friday, April 12, 2024 2:24 PM
To: Silvia Gransee
Subject: [External] Please forward to Commissioners

Dear Sylvia,
Please forward to the Commissioners.

Thank you,
Judi Virost

April 12, 2024

Dear Members of the KCB Commission,

I wrote to you previously about my concerns about putting a solar field behind my home at #80 7th Street. I am still vehemently opposed to this happening. As I listened to my neighbors at last month's town hall meeting, and again at the March commission meeting, I am even more adamant about my opposition to this solar field.

In researching the effects of solar panels, I have found some issues that should be considered. For example, what is the plan when the panels need to be replaced? The high cost of solar trash should be considered. For more information the Harvard Business Review article titled "The Dark Side of Solar Power" gives a thorough look at this issue.

An article from [greencoast.org](https://www.greencoast.org) states living next to a solar farm could be harmful to your health. Also stated as issues are habitat degradation, as well as being unsightly. A huge concern which deeply concerns me is the fact this solar field will negatively affect my property value. My research indicated that homes within 0.1 miles showed a documented 7% decline in property values.

We live in a state known for lightning strikes. If solar farms are struck by lightning it can result in damage to the equipment that can cost thousands of dollars to repair or replace. The fact we also live in an area affected by high winds as well as hurricanes does not bode well for solar panel useage.

These are just a few of my reasons for opposing this idea. Keeping the Retention Pond, for its use to store run off storm water is a much better idea. Let's keep KCB a beautiful place to live instead of having an eyesore at the end of 7th, 8th and Shelter Bay.

Judi Virost
#80 7th Street

Silvia Gransee

From: Gregory Burke <gregburkesr@gmail.com>
Sent: Sunday, April 14, 2024 8:06 PM
To: Silvia Gransee
Subject: [External] Solar Farm

I cannot believe that this idea would even be considered in a residential area. I am totally against it as a long time resident of this city. I have to agree with my neighbors NONE of us want it.

Sent from my iPad

Silvia Gransee

From: Marilyn Avery <marilynavery@hotmail.com>
Sent: Monday, April 15, 2024 7:15 AM
To: Silvia Gransee
Subject: [External] Please share with City Commissioners our opposition to solar panels on Shelter Bay

Dear City Commissioners:

I attended the last Town Hall Meeting to show my opposition to the installation of solar panels on Shelter Bay and was happy to hear the commissioners were interested in input from residents. Many of us spoke and also wrote letters. Not one person got up to say what a great idea this was for the city. I was happy I went as many speakers educated us as to the many costs to maintain the panels and also of the reflection problem. It was also mentioned corrosion problems and destruction from hurricanes. Key Colony is a beautiful community with well maintained yards and green spaces. Children play, residents practice golf and many throw balls for their dogs on the end of 7th and Shelter Bay. Please don't take anymore green space for costly projects. At the last meeting nothing was even mentioned about the years it would take to recoup the investment and make it somewhat profitable.

Thank you for your time

Marilyn and Bill Avery
79 7 St.

***Patricia A. Evangelista
838 W Ocean Drive
Key Colony Beach FL 33051***

April 15, 2024

Key Colony Beach City Commission
Via Email
600 W. Ocean Drive
Key Colony Beach FL 33051

RE: New RFP or ITB for the construction of Two Tennis Courts
City Commission Regular Meeting & Public Hearing April 18, 2024

Dear Commissioner:

I am writing to express my concern with the Pickleball expansion RFP on the agenda for the City Commission meeting on April 18, 2024. As pickleball and tennis players, my husband and I support the KCB Pickleball Club's efforts to expand the pickleball offerings in the community. However, we do not believe that the pickleball expansion should come at the expense of the other recreational facilities currently available to KCB residents. The latest RFP represents a significant deviation from the project presented to residents and approved by the Recreation Committee and City Commission in September and should not be considered without review and comment by the community as a whole.

When we purchased our home in KCB, one of the factors that convinced us that Key Colony Beach was the place to purchase a home was the wide variety of recreational activities available in the community, including golf, tennis, pickleball, bocce, horseshoes, shuffleboard and basketball, as well as the children's playground. While we do not utilize each of those resources on a regular basis, their existence and close proximity were a positive feature in our deliberations as we envisioned taking advantage of them when friends and family visit.

We have followed the Key Colony Beach pickleball expansion project since its inception in 2023. The initial pickleball expansion proposal of relocating the two existing tennis courts to 7th street and adding four permanent pickleball courts and a basketball court with two overflow pickleball courts to the existing 8th Street tennis court location seemed to be a reasonable alternative which we supported financially as members of the pickleball club. New tennis courts were never requested by anyone in the community. The relocation of the tennis and basketball courts is occurring solely to accommodate the pickleball expansion. This alternative, referred to as Option 4, which included "...new courts [that] would be identical to the existing courts in size...", was presented to the community at the 9/20/2023 Town Hall Meeting and approved by the City Commission at its 09/21/2023 meeting. At the Recreation Committee meeting on 04/08/2024, we learned that a revised RFP reduces the size of the relocated tennis courts, increases the number of new permanent pickleball courts from four to six and makes no provision for the basketball court on the 8th street site. Bid alternates request pricing for reducing the number of tennis courts from two to one and lowering the fencing height from that which currently exists to a height that is not functional for tennis. This RFP represents a significant deviation from the representations made to the community and approved by the Recreation Committee and City Commission.

Failure to ever raise the possibility of eliminating one tennis court prior to it appearing as a bid alternate in the last RFP deprived the community of the opportunity to respond to claims about

***Patricia A. Evangelista
838 W Ocean Drive
Key Colony Beach FL 33051***

court usage and to express support for maintaining this community resource. Residents who support the existence of a community basketball court have also had no opportunity to speak out as they have no idea that this resource may be eliminated.

We respectfully request that the City Commission uphold the Recreation Committee's rejection of the proposed RFP and require the RFP to comply with the representations made to the community at the outset of the project and approved by the City Commission at its September meeting. Material deviations from those original representations should be presented to the community for review and comment prior to consideration by the City Commission and requesting pricing from contractors.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patricia A. Evangelista". The signature is written in a cursive style with a large initial "P" and "E".

Patricia Evangelista
838 W Ocean Dr.

Cc: Silvia Gransee, City Clerk

Silvia Gransee

From: Judi Virost <juveets@aol.com>
Sent: Monday, April 15, 2024 2:59 PM
To: Silvia Gransee
Subject: [External] Please forward to commissioners

Hi Sylvia,

Please forward this to the commissioners. Thanks so much.

Judi Virost
#80 7th Street
KCB

April 15, 2024

Dear Commissioners,

I feel that the only time you hear from me is when I have a complaint with an issue. However, I want to let you know that I am very pleased with the Town Hall meetings and the information that is presented before it's officially voted on at the Commission Meetings. I am also impressed with the speed at which Marble Hall was opened back up! I feel that my opinions are actually being heard and valued - which was definitely NOT the case before. Finally, the flooding at the end of 7th Street appears to have been remedied with the new drainage that was installed near the end of March. Thank you!

However, there is another issue for which I need to share my opinion. I feel the proposed billing of water should be adopted immediately. I can remember my mom complaining since 1975, about the unfairness of the billing being the same for the larger homes being built in KCB compared to ours on 7th Street. We have 2 bathrooms and a kitchen with no pool or irrigation system. Hearing a resident today at the Town Hall meeting object to the change because he will have to pay more for his pool and irrigation system simply highlights how UNFAIR the current system is. I am in essence subsidizing his water and sewer charges. Why should my bill be the same as his? Let's fix this now. In my home community, if we have a pool or irrigation system, we are billed based on usage which makes it FAIR to everyone! Please make it FAIR!!

Thank you,
Judi Virost
#80 7th Street

**David P. Evangelista
838 W. Ocean Dr
Key Colony Beach, FL 33051**

April 15, 2024

Key Colony Beach City Commission
600 W. Ocean Drive
Key Colony Beach, FL 33051

RE: "Bid Package for KCB Tennis and Pickleball Court Expansion"
And "Invitation to Bid 1TB 2024-02"

Dear Commissioner:

The intent of this letter is twofold - to state my concurrence with the Recreation Committee's rejection of the proposed bid packages titled "Bid Package for KCB Tennis and Pickleball Court Expansion" and "Invitation to Bid 1TB 2024-02" and to suggest alternate means of accomplishing the work of "Option 4" that could deliver a comprehensive project built to quality standards that will serve the community without compromise and deliver to the city an end product with reduced maintenance costs.

When my wife and I decided to purchase a home in Key Colony Beach, one of the most compelling reasons was the variety of recreational activities that would be available to us. In addition to pickleball, tennis and golf there was bocce, shuffleboard, basketball, horseshoes, even a playground for when our grandkids come to visit.

The proposed expansion of the pickleball courts, Option 4, was presented to the Recreation Committee on August 14, 2023, vetted during the Town Hall Meeting of Sept 20, 2023 and approved by the City Commission on September 21, 2023. Option 4 includes construction of two new tennis courts, equal to the existing facility with 10 ft fencing and wind and sound screening with enhanced amenities as listed in the attached document from the Town Hall Meeting. It also includes the conversion of the tennis courts on 8th street to four permanent pickleball courts and a basketball court that could also be used for 2 more temporary pickleball courts. The attached sketch was presented by the pickleball community to the City Commission on Sept 21 to depict the details of this conversion.

The first set of bids that came in were significantly over the amount that the pickleball club had budgeted. The Invitation to Bid that they are now proposing to send out is an attempt to reduce the costs. However, it deviates significantly from what the Commission and the community have agreed to, and it should not be allowed. The fact that they have insufficient funds to complete the work they propose to accomplish is not justification for them to renege on their commitment and unilaterally change the scope of the project or to compromise the quality of what they propose to provide.

I recognize that there is a strong pickleball contingent in this community. However, it is not in the best interests of the community as a whole to become pickleball centric at the expense of other existing activities or facilities. Their rationale of correlating tennis court usage to need is flawed. If that is to be the measuring stick by which the cost of recreation facilities are justified, then we would not have bocce, shuffleboard, horseshoes, a playground or a basketball court. But that is not the means by which the community should evaluate the need for recreational facilities. It should be to serve all of the community. I am in favor of expansion of the pickleball facility but only in accordance with the design that the community, Recreation Committee and City Commission approved and not at

the expense of the any other recreational activities this community currently offers or with compromised quality in an effort to reduce costs.

Based on the pricing that was received in response to ITB 2023-014, the budget that the Pickleball Club established for this project is less than will be required to complete the work. There are methods of reducing these costs without compromise to scope and quality of the project. They may include:

- Preparing a clear and comprehensive set of construction documents (plans and specifications) that sufficiently detail the work that is to be performed, thereby eliminating any guesswork by the bidders. The current set of documents that have been submitted to the Commission are contradictory, lack technical specifications and in general do not provide adequate guidance to the bidders to ensure that the City receives a quality project at the best price.
- Removing items of work that bidders would likely subcontract, thereby eliminating the markup they would add to the bids.
- Deferring until a subsequent year, when more funds are available, those items of work which are not essential to the functional utilization of the facilities. These may include plantings for the noise barrier, installation of the water fountain, construction of Tiki Hut, purchasing benches and AED.
- Identifying and removing from the Pickleball Club scope of work, those items that can be performed utilizing town forces which could include relocation of the basketball equipment, construction of the drainage swale around the tennis court, planting of vegetation for noise barrier and installation of the water fountain.

I question why the construction of the Pickleball Courts, which will be a town facility, is being 100% financed by a private club. In the absence of the funds raised by the Pickleball Club, would the town have undertaken and financed this entire project? Instead of compromising the extent and quality of this construction project due to the costs exceeding the Pickleball Club's budget, perhaps the city could step forward with a commitment to fund the shortfall. If the funding is currently available from the city, the entire project consisting of the tennis and pickleball courts, along with all the other ancillary items, could go out to bid at the same time so that the true cost of the project can be known. If, however, the funds are not readily available, the tennis and pickleball courts could be built during this current year to the point where they are functional and defer the balance of the work to next year to allow for the appropriate funds to be available.

I encourage the City Commission to uphold the Recreation Committee's recommendation to reject the current Invitation to Bid and to direct the Pickleball Committee to proceed only in accordance with the previously approved Option 4. The RFP should be reworked to clearly identify the scope of work to be funded by the pickleball club versus that which can be performed by city forces. Requests for proposal with technical specifications clearly identifying the scope and quality of work to be performed should be put out for bid concurrently to vendors responsible for each aspect of the project so that the total project cost can be identified. The possibility of city funding of any shortfall should be considered.

Very Truly Yours



David P. Evangelista

08/14/23 Rec Committee
08/17/23 ~~Rec~~ City Commission

9/20/2023
Town Hall Meeting
9/21/2023
City Commission

With Option 4:

We would build a brand new double tennis court complex near 7th St and Shelter Bay Dr. The new courts would be laid out over where the current basketball court is (new asphalt though).

These new courts would be identical to the existing courts in size except they would be:

All new surfaces, raised and sloped for drainage

Dedicated to tennis only (no pickleball lines)

New painted surface and lines

New fencing

New Windscreens and shrubbery

New nets

New drinking fountain

New Tiki Hut and benches

Electrical outlets

AED and first aid kit

No distracting noise from the pickleball players

Parking along Shelter Bay and 7th St, as well as park parking lot.

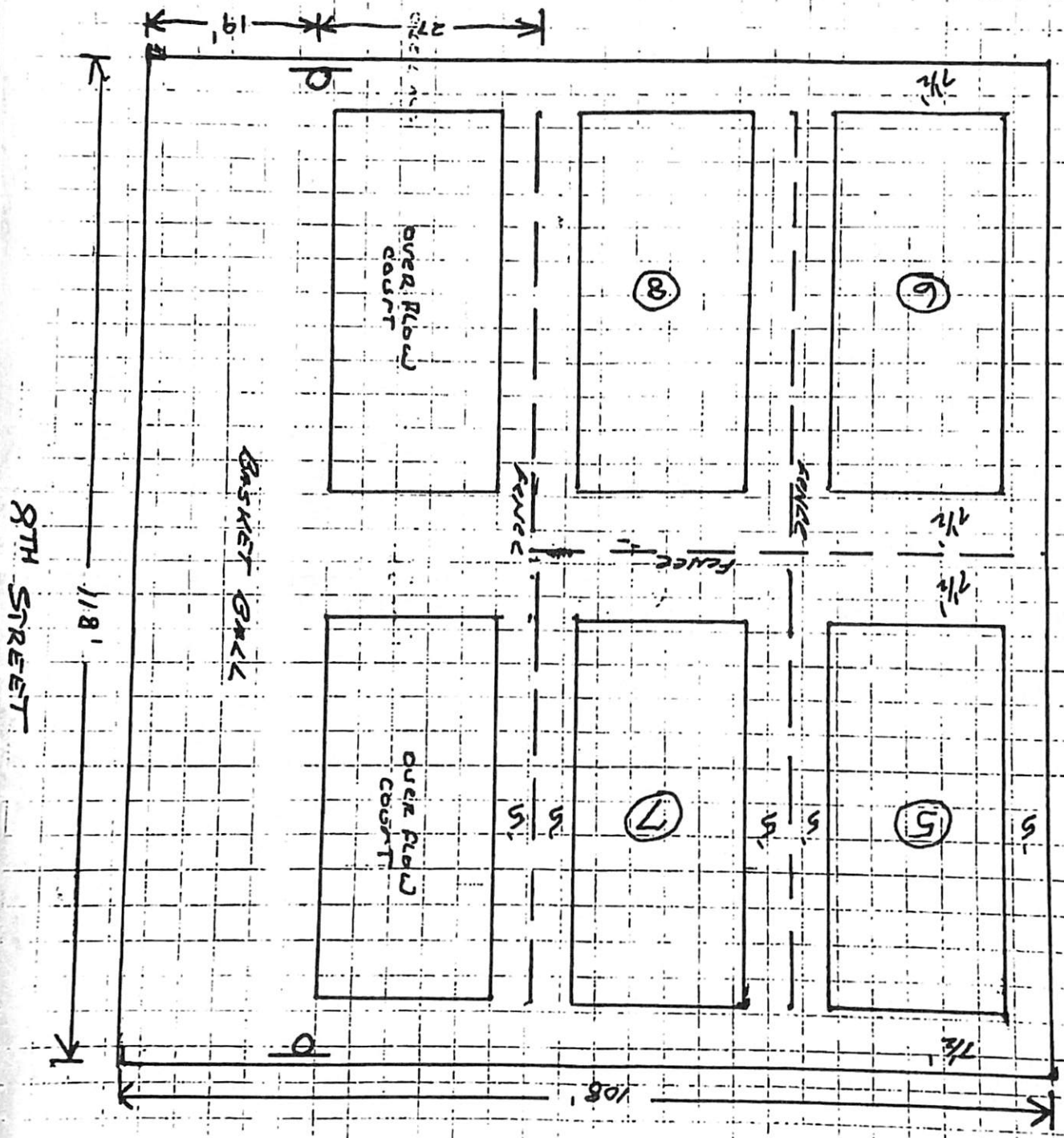
Bathrooms maintained by Public works between the Bocce and new Tennis Complex.

See option 4 sketches:

Positive of Option 4:

1. Retains the number 9 tee for "hole in one" tournament requirement (option 2&3).
2. Retains the number 9 tee as the "signature hole" of KCB golf (option 2&3).
3. No tree removal or excavation near Tee 9 (option 2&3).
4. No need for protection net which eliminates any safety issues (option 2&3).
5. Keeps all the pickleball courts in one central location making it easier to administrate.
6. It would add 4 new courts directly adjacent to the existing pickleball courts. This would give pickleball 8 dedicated courts, plus two overflow courts.
7. The new courts are away from 7 th St and although closer to 8 th St, the layout is on the side of the old tennis courts furthest away from 8th St. The vegetation will reduce pickleball noise from residents, and additional noise reduction screening could be added. Basketball would be closest to 8th St.
8. The basketball court would not be eliminated, only relocated.
9. There would be no interruption or changes to the boat trailer parking.
10. There would be limited disruption to any of the facilities off 7th St.
11. 4 additional pickleball courts along with the overflow courts would satisfy pickleball play in KCB indefinitely.
12. 8 courts will provide playing benefits to KCB home owners and vacationers.
13. Tennis would have a completely new court with the exact same dimensions, and they won't need to hear all the pickleball noise while they are playing tennis.

SIX PICKLEBALL COURTS
ON OLD TENNIS COURT
MOVE TRAINS TO 2ND ST



46' WIDE
BB PLAYING AREA

8TH STREET

BASKET BALL

OVER FLOOR COURT

OVER FLOOR COURT

FENCE

FENCE

FENCE

118'

108'

19'

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27'

27'

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April 15, 2024

Dear Commissioners,

I wish to thank Mayor Raspe, Commissioner Foster, and Commissioner Colonell for attending the Recreation Committee meeting on Monday, April 8. It was important for you to hear our discussion regarding the bid packages for the KCB tennis courts and pickleball courts. You have already received a report from the Pickleball Club regarding that meeting, but some of the information in their report is misleading. As a Recreation Committee member and also as a tennis player, I hope I can provide some additional information that may add some context for your decision making.

The tennis courts on 8th street have been used for decades by tennis players of all ages and skill levels. Although there are small groups of families and friends who play on an occasional basis, the largest group of players gather on Monday, Wednesday, and Friday to play a Round Robin form of doubles tennis from 8:45 to about 10:30. The number of tennis players varies from 4 to 18 men and women, depending on the month, with January, February and March being the most active months. The numbers drop off toward the middle of April, just as they do for pickleball. The report from the Pickleball Club mentioned that the tennis group had only 6-8 players. That is simply not correct.

Regulation courts for tennis are 120 feet by 60 feet. The present tennis courts are approximately 118.5 feet in length and about 108 feet in width for the two courts. The space between the tennis courts is generally considered as shared space, so that accounts for the slightly smaller width. We use every bit of that space, including a small area with two benches for people waiting to play. The Pickleball club's bid package features courts that are only 98 feet by 92 feet for their 2-court option. At the meeting, the pickleball liaison repeatedly mentioned that the reduction in size was just a few feet, but as you can see, the actual reduction is more than 20 feet in length and 8 feet in width. This reduction may save money, but this is not what was agreed upon both in the Townhall meeting in September and in the Recreation Committee meetings. Tennis players are content with their present location, but they are willing to move in a spirit of goodwill, provided that the space they are given is not substantially smaller than the space they are leaving, and that it includes all fencing and services that are presently available to them.

The bid package also includes a one-court option for the tennis courts. There is no reason for this to be included in the bid package if the Pickleball Club is not actually considering it. A one-court option would signal the end of Round Robin tennis., and potentially the end of goodwill between tennis and pickleball players. This was never discussed or approved in any previous meeting. The tennis group was always promised that tennis courts would not be taken away until the two new courts were completed. If money is not available for a two-court option, I would recommend that the City put the project on hold until more funds can be raised.

Also included in the bid package was a change in the location of the basketball court. The original plan was to have 4 new pickleball courts with two additional temporary courts that could double as a basketball court on the 8th street site. Now we see a plan to place the basketball hoops on one of the tennis courts on 7th street and make the temporary pickleball courts permanent, for a total of ten pickleball courts. There is also no mention of court lines for basketball players. One of the initial arguments for convincing tennis players to move to alternate courts was that there would no longer be additional lines for other sports on the courts. Our local basketball players deserve a space that actually allows them to play a game. It seems that their needs are being ignored in this plan. I would hope that the Pickleball Club would be willing to share their two "temporary" courts and allow basketball lines to be added.

Commissioners, I urge you to follow the recommendation of the Recreation Committee and reject the bid package presented by the Pickleball Club because of its failure to follow the guidelines that were carefully set forth as Option 4 in earlier meetings. I also support further investigation by members of both pickleball and tennis representatives as well as the Building Inspector from KCB, so that a new bid package can meet the needs of all affected sports in a fair and equitable fashion. One additional concern is the lack of information available to the community. Thank you for your service to our beautiful city.

Sincerely,

Barbara Tatarchuk
Recreation Committee member
Home - 201 East Ocean Drive, KCB
231-878-6494

**David P. Evangelista
838 W. Ocean Dr
Key Colony Beach, FL 33051**

April 15, 2024

Key Colony Beach City Commission
600 W. Ocean Drive
Key Colony Beach, FL 33051

RE: "Bid Package for KCB Tennis and Pickleball Court Expansion"
"Invitation to Bid 1TB 2024-02" and
Pickleball Club letter to the Commissioners of April 11, 2024

Dear Commissioner:

In the above referenced documents, the Pickleball Club has specified that the city build the replacement tennis courts not to their existing paved size of 107 ft x 118 ft, but to Recreational or Club Size. However, the source documents they have cited for Recreational or Club Size incorrectly state the required paved court size of 92 ft X 98 ft.

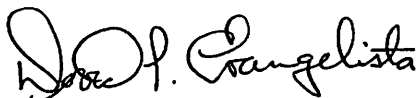
Attached is an excerpt from the USTA (United States Tennis Association) Handbook of Rules and Regulations that indicates the recommended distance between baselines and backstops and between the sidelines and sidestops. Also attached is a USTA diagram which depicts how these dimensions affect the overall size of the paved court. The diagram shows that for international competition this would result in an overall paved court size of 108 ft X 120 ft. Applying the corrected distances for recreational or club competition, the adjusted dimensions will be 102 ft X 114 ft, as shown in the revised drawing we have provided.

In summary:

- The existing paved court size is 107 ft X 118 ft.
- The proposed paved court size is 92 ft X 98 ft.
- The correct USTA minimum recommended paved court size for recreational or club is 102 ft X 118 ft.

We agree with the pickleball club's recommendation that the new tennis courts be built to Recreational or Club size. However, the city should build the new tennis court size not to the currently proposed dimensions but to either the existing paved court dimensions or the correct USTA Recreational or Club size.

Very Truly Yours



David P. Evangelista

Cc: Silvia Gransee, City Clerk
Richard Pfleuger, Recreation Committee

FRIEND AT COURT

THE HANDBOOK
of **TENNIS RULES *and***
REGULATIONS

2024 EDITION



The centreline and serviceline are now marked by means of the points F, H, G, which are measured 21'0" (6.40 m) from the net down the lines bc, XJ, ad, respectively.

Identical procedure the other side of the net completes the court.

If a singles court only is required, no lines are necessary outside the points a, b, c, d, but the court can be measured out as above. Alternatively, the corners of the baseline (c, d) can be found if preferred by pegging the two tapes at a and b instead of at A and B, and by then using lengths of 47'5" (14.46 m) and 39'0" (11.89 m). The net posts will be at n, n, and a 33'0" (10 m) singles net should be used.

When a combined doubles and singles court with a doubles net is used for singles, the net must be supported at the points n, n, to a height of 3 feet 6 inches (1.07 m) by means of two singles sticks, which shall be not more than 3 inches (7.5 cm) square or 3 inches (7.5 cm) in diameter. The centres of the singles sticks shall be 3 feet (.914 m) outside the singles court on each side.

To assist in the placing of these singles sticks it is desirable that the points n, n, should each be shown with a white dot when the court is marked.

When sanctioning bodies approve so called "Blended Lines" on courts the following guidelines must be followed:

Colour:

- Within the same colour family as the background playing surface.
- Lighter than the background playing surface.
- Limit on colour variation of +22 points on the L* scale
(Add $\leq 25\%$ by volume of white paint to the background colour)

Pace:

- Within 5 CPR of the playing surface.

Dimensions:

- 1.0-1.5 cm narrower than the standard lines.

Marking:

- Terminate 8 cm from intersection with white playing lines.

Note: As a guide for international competitions, the recommended minimum distance between the baselines and the backstops should be 21 feet (6.40 m) and between the sidelines and the sidestops the recommended minimum distance should be 12 feet (3.66 m).

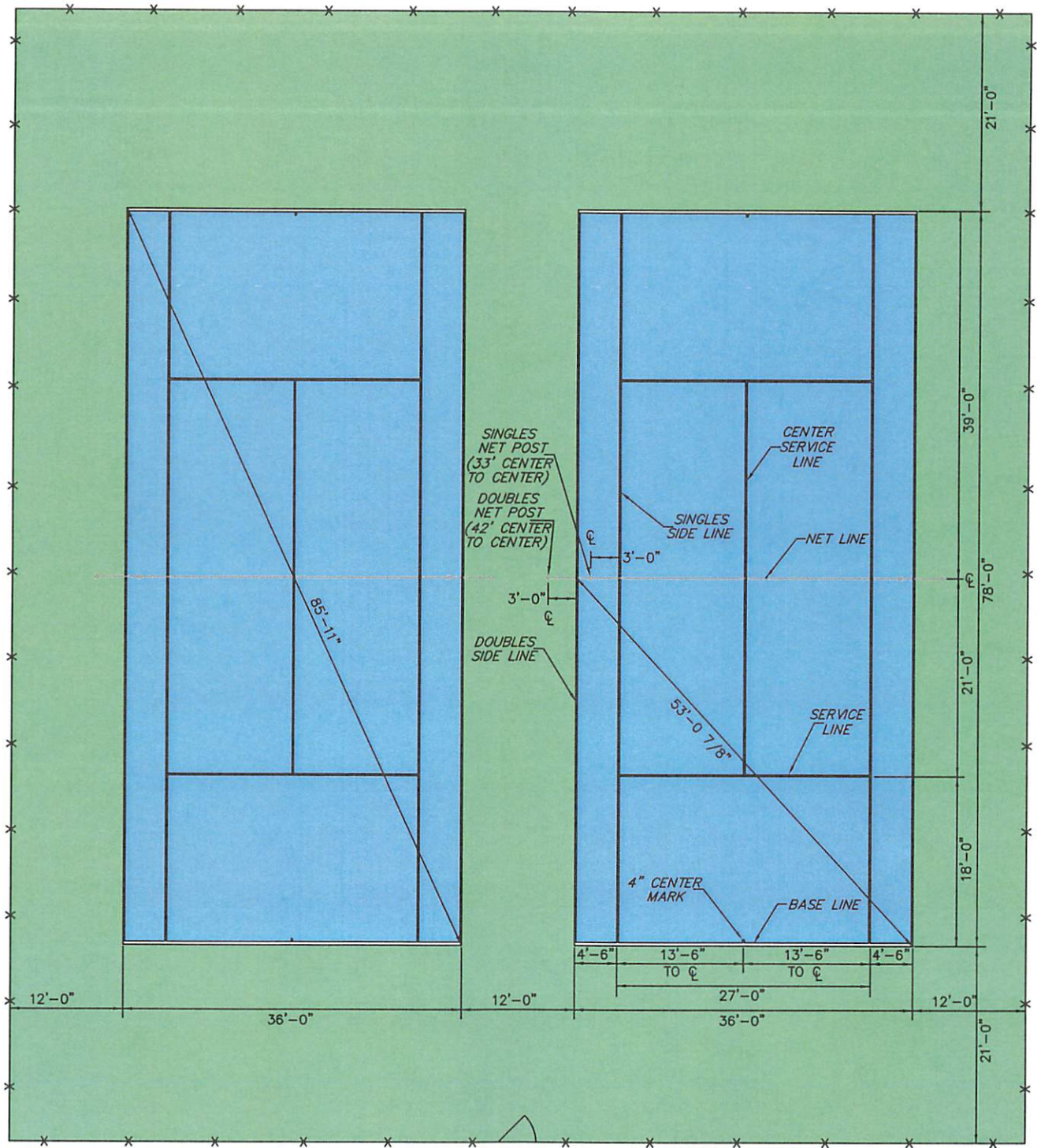
As a guide for recreational and Club play, the recommended minimum distance between the baselines and the backstops should be 18 feet (5.48 m) and between the sidelines and the sidestops the recommended minimum distance should be 10 feet (3.05 m).

As a guide, the recommended minimum height measured at the net from the court surface to the ceiling should be 29.6 feet (9.0 m).

APPENDIX X

RULES OF BEACH TENNIS

The Rules of Beach Tennis are approved by the Rules of Tennis Committee and the Board of Directors and can be found on <http://www.itftennis.com/en/itf-tours/beach-tennis-tour/>



2 COURT LAYOUT

NOTES:

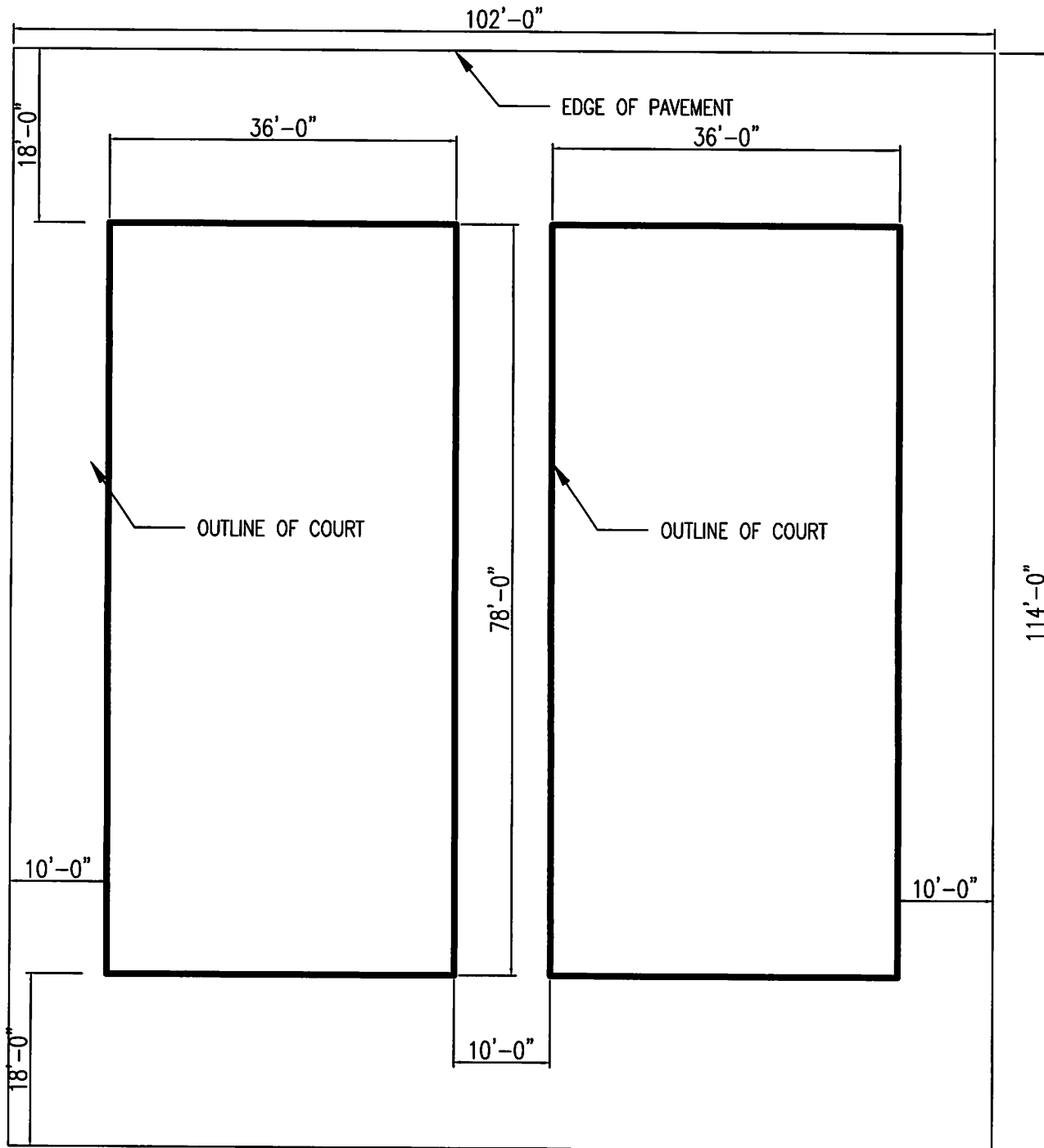
1. ALL DIMENSIONS ARE TO THE OUTSIDE EDGE OF THE PLAYING LINES, WITH THE EXCEPTION OF THE CENTER LINES WHICH ARE MEASURED OUT TO CENTER.
2. THE CENTER SERVICE LINE AND CENTER MARKS SHALL BE 2 INCHES WIDE. OTHER LINES SHALL BE BETWEEN 1" AND 2" WIDE, EXCEPT THE BASE LINES MAY BE UP TO 4 INCHES WIDE.

78 FOOT TENNIS

TYPICAL STRIPING PLAN



MAY 31, 2018



USTA PAVED COURT DIMENSIONS FOR RECREATIONAL OR CLUB PLAY

To: Sylvia Gransee

Re: KCB City Commission Public Hearing And Regular Meeting, April 18, 2024

From: Judy Burgett, Property Owner 580 9th St., KCB, FL 33051, Secretary/ Treasurer
Recreation Committee

Date: April 16, 2024

Having reviewed the large packet provided in preparation for the meeting to be held on April 18, 2024, I would like to add the following for the record:

1. The issue regarding relocating the tennis courts to seventh street and construction details have been poorly planned out. Specifically, the dimensions for two court surfaces is lacking appropriate dimensions, and the fence enclosure for same is totally unrealistic. I suspect that this poor planning is as a result of lack of inclusion of person(s) who could have provided very basic information as these current plans were being set forth.
2. There is no plan set forth for basketball activities and in my opinion, it is not appropriate for this to be allocated to the tennis court surfaces.
3. At the current time, the existing tennis courts continue to experience safety issues with an unstable court separation fence. This fencing is not necessary for tennis activities.
4. There is a problem with the "temporary" pickleball nets being stored on the existing tennis court adjacent to the pickle ball courts. They reduce the baseline access to returning deep baseline shots. In the past, prior to the incorporation of the pickle ball club and prior to my becoming a Recreation committee member, I have suggested a different storage solution and that would be placing hook suspensions for these nets when not in use and outside of the field of tennis play.
5. As far as tennis "numbers", there has been no record as to who has used the tennis courts. There is dedicated time for Round Robin play, Monday, Wednesday, and Friday (around 6 hours total). I can speak on these figures and there are instances when 19 people show up and several of these people convene and see where else they can play at the invitation of a property owner who has access to a private club. Eight players at one time fill up two tennis courts. Tennis players do not have an incorporated club, nor are dues paid. The April 11, 2024 letter from the Pickle Ball Club set forth inaccurate "numbers" regarding tennis activities. In the past, before the Pickle Ball Club was incorporated, there were joint fund raising events to support and benefit racket/paddle properties. Our city has utilized funds obtained through taxes to support our recreation activities.
6. Bocce court players require additional seating. Some participants, fortunately can participate socially and physically even though they may need accommodation regarding mobility. Recreation plans need to consider the participants, not just numbers.
7. Is there an written agreement between the city and incorporated Pickle Ball Club?

Thank you.

Silvia Gransee

From: Steve Dingle <steve@srdbuildingcorp.com>
Sent: Wednesday, April 17, 2024 7:35 AM
To: KCB Mayor; freddie.foster@kekycolonybeach.net; Tom Harding; Tom DiFransico; Doug Colonell; Silvia Gransee
Subject: [External] Opposition of Solar Plant

Mayor Raspe and Commissioners,

Thank you for your time and listening at the town hall meeting on Monday regarding the Solar Plant.

As stated, we are opposed to the solar plant. If the city decides to go forward, we would strongly ask that the panels be kept within the boundaries of the treatment plant and within the landscape screening that exist now. We would ask that the retention area be kept sacred from being a solar farm and left as green space for the residents of Key Colony Beach.

Thank You.

721 8th Street, KCB

M# 561 441 9713

STEVEN R. DINGLE



BUILDING CORP

21 S.E. 5TH STREET, SUITE 101

BOCA RATON, FL 33432

561-395-2150

WWW.SRDBUILDINGCORP.COM

