MINUTES

KEY COLONY BEACH CITY COMMISSION
REGULAR MEETING & PUBLIC HEARING
Thursday, July 18th, 2024 – 9:30 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 meeting was called to order by Mayor Joey Raspe at 9:30 AM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Joey Raspe, Vice-Mayor Freddie Foster (via Zoom), Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Doug Colonell (via Zoom). **Also present:** Interim City Administrator John Bartus, City Attorney Dirk Smits, Building Official Ed Borysiewicz (via Zoom), Interim Building Official Tony Loreno, Police Chief Kris DiGiovanni, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, City Clerk Silvia Roussin.

   Mayor Raspe recognized good cause for Commissioner Colonell and Vice-Mayor Foster to attend via Zoom.

   Public Attendance: 4

2. Agenda Additions, Changes & Deletions: City Clerk Roussin informed on the following agenda additions:

- Under Item 3: A Presentation of Support by Chief DiGiovanni
- Under Item 7a. – A corrected Budget Calendar
- Under Item 7c and d – an updated proposed budget for FY2024/25
- Under Item 9h – Discussion/Approval for an amendment to the Mittauer Engineering Agreement from July 16th, 2024
- Under Item 9i – Discussion/Approval of the City Administrator Employment agreement
- Under 9j – Discussion/Approval of a recommendation by the Planning & Zoning Board to appoint Patricia Diebold to the Board as an alternate member.
- Under Item 9k – Discussion/Approval of a TDC Grant Award Agreement for the Pickleball and Tennis Court Project.
- Under Item 10 – Resolution 2024-07 with a proposed millage and roll-back rate and a correction in the public hearing dates.
- Under Item 11a – Addendum of the Treasurer's Report
- Under Item 13a i. – Addendum to the Wastewater report
- Under Item 13 a iii (3) – Addendum of a review on a proposed increase in monthly sewer charges.

Mayor Raspe found good cause to add the requested items to the agenda. There were no other changes or deletions.

3. **Special Request:** Chief DiGiovanni thanked the City Commission for their support during the Police Benevolent Association negotiations and asked to recognize two Commission members specifically. Chief DiGiovanni recognized Mayor Joey Raspe and Vice-Mayor Freddie Foster for their support and presented a plaque of appreciation.

4. **Citizen Comments and Correspondence:** Mayor Raspe asked for citizen comments and correspondence.

   City Clerk Roussin informed that all citizen correspondence received pertained to Monday's meeting and was forwarded to the City Commission.

Luis Alonso thanked the Commission for their time during the June meeting. He reported that the property is no longer under contract and expressed that he had hoped for a different outcome. Luis Alonso confirmed that the property had been under contract, but an extension for due diligence was not granted. He stated that he had been excited about the project and had given it his best shot.

There were no other comments.

5. **Approval of Minutes**
   a. May 16th, 2024 - City Commission Regular Meeting: Mayor Raspe asked for a motion to approve the meeting minutes from May 16th, 2024.

MOTION: Motion made by Commissioner DiFransico to approve. Mayor Raspe asked for a second. Commissioner Harding 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
   b. City Administrator's Report – Mayor Raspe
   c. Police Department – Chief DiGiovanni
   d. Building/Code Department – Building Official Borysiewicz/Loreno
   e. Public Works – Public Works Department Head Guarino
   f. City Hall – City Clerk Roussin
   g. Beautification Committee – Sandra Bachman
   h. Planning & Zoning Board – George Lancaster
   i. Recreation Committee
   j. Utility Board - Bill Fahs

Mayor Raspe asked for additional verbal reports from Department Heads and Board members. There were none.

Commissioner Harding commented on the completion of the Gazebo Tiki Hut and suggested installing landscaping lights and wireless internet for the public. Mayor Raspe supported the idea and noted that power was already available.

7. **FY24/25 Budget Discussions/Approvals** (addendums available Tuesday after Monday's Budget Workshop)
   a. Approval of Budget Calendar: Mayor Raspe asked for a motion to approve.

MOTION: Motion made by Commissioner DiFransico to approve. Mayor Raspe asked for a second. Commissioner Harding seconded the motion.
DISCUSSION: Commissioner Harding asked for confirmation that the first hearing date will be September 3rd. The date was confirmed.
ON THE MOTION: Rollcall vote. Unanimous approval.

b. Review of Building and Business Tax Fees & Schedule of Violations & Penalties: Commissioner Harding reviewed the city's assessment of fees and fines and suggested doing a yearly review of the matter. Commissioner Harding talked about the possibility of lowering building fees and reviewing the vacation rental license and development fees. Commissioner Harding offered to work on a proposal and put in a yearly schedule for approval. Vice-Mayor Foster urged compliance with State Laws on building permit fees and to verify

compliance. Mayor Raspe asked to review a possible scrivener error under long-term violations. Mayor Raspe believed the stated 30-day suspension for a third violation is supposed to be one year. Mayor Raspe agreed with an adjustment of smaller increments of fines and fees on a more regular basis. Commissioner Harding confirmed to review the current assessments and to verify compliance with the State. Mayor Raspe informed that Administrative Assistant Tammie Anderson started license fee comparisons to other municipalities in the county and thanked her for her work.

c. Review of proposed General Fund budget: Commissioner Harding informed on edits made to the police budget after Monday's Workshop and adjustments for a 7th Police Officer, overtime, and contract police expenditures. Commissioner Harding informed on some minor adjustments for overtime for the Public Works Department and the amount pulled-off reserves have increased slightly. Commissioner Harding proposed to keep the millage rate the same for today's meeting, with expectations of having a final lower millage rate in August. Commissioner Harding stated to return to the August meeting with a revised budget reflecting the changes. Commissioner Harding informed of no changes in the Utility budget and the draft ordinance on a proposed sewer charge amendment having been included in today's documents.

City Attorney Smits informed that City of Marathon Manager George Garrett was in attendance to talk about the fire contract. Mayor Raspe invited George Garrett to speak.

City of Marathon Manager George Garrett informed on having released a city budget that must be reviewed by the Marathon City Council first. George Garrett informed the projected number was higher than last year's proposal and to provide a copy of the full budget upon Council approval. George Garrett congratulated the City Commission on hiring John Bartus as City Administrator, praised his capabilities and accomplishments, and anticipated a great future working relationship for both cities.
City of Marathon Manager George Garrett reported that the one-day mini lobster season was covered well and updated on the boat ramp use and coverage. George Garrett expressed appreciation to the city and provided further information on volunteer responsibilities. Mayor Raspe thanked City Manager George Garrett for attending the meeting.

d. Review of proposed Utility Fund Budget: See under c.

e. Approval of proposed millage rate (to be adopted via Resolution 2024-07 under Item 10): Mayor Raspe introduced the agenda item and agreed to keep the millage rate the same for today's purposes. Mayor Raspe explained that the millage rate can be lowered but not raised once approved. Mayor Raspe agreed with Commissioner Harding to draw some monies from the reserves and deferred to Agenda Item 10 for the approval of the Resolution.

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

a. Update on Marble Hall, Administrative Offices, and overall progress: Mayor Raspe asked Building Official Loreno to elaborate on progress. Building Official Loreno informed that all plans had been finalized and are ready to be put out on DemandStar upon legal review. Mayor Raspe informed on pilings, drywall, and tile installation cost estimates. Building Official Ed Borysiewicz confirmed cost estimates and scope of work. Mayor Raspe informed that the pin piles had to go to bid, but the floor leveling and tile work were anticipated to be under $25,000.00. Vice-Mayor Foster confirmed that big items must go out to bid but smaller items to be handled a la carte.

9. City Commissioner Items for Discussion/Approval

a. Discussion/Approval for a proposed change in leave and FMLA use for city employees: Mayor Raspe introduced the agenda item and asked Vice-Mayor Foster to elaborate. Vice-Mayor Foster informed on having reviewed the city's policy on leave, sick, comp time, and FMLA Leave and, after a comparison with

other agencies, proposed to align the city's numbers with the County's. Vice-Mayor Foster stated support for the change of using sick time first when applying for FMLA. Vice-Mayor Foster stated that once approved, the controls will be put in the employee manual and beliefs to be competitive with retaining employees and pursue top-level employees if there is a need.

MOTION: Motion made by Mayor Raspe to adopt the change. Vice-Mayor Foster seconded the motion.
DISCUSSION: Commissioner DiFransico asked about the impact on the budget. Commissioner Harding explained that more vacation days do not impact the budget unless contract workers are hired. Vice-Mayor Foster confirmed the placing of controls in the personnel manual after approval was obtained.
ON THE MOTION: Rollcall vote. Unanimous approval.

b. Discussion/Approval of the following recommendations by the Utility Board regarding Solar Power:

i. Continued Discussion/Approval of a recommendation by the Utility Board to offer the power company the installation of solar panels on city-owned buildings, as discussed in the Utility Board meeting on April 23, 2024.

- Update by Commissioner DiFransico on conversations with SALT Energy

Mayor Raspe introduced the agenda item and asked Commissioner DiFransico to elaborate. Commissioner DiFransico informed that FKEC is not interested in placing solar panels on city-owned buildings but he had researched the topic in more detail. Commissioner DiFransico reported working with SALT Energy on a proposal for the city to install solar panels on the Golf Shop, the Public Works, and Storage building with the possibility of 20% replacement of power usage in the Wastewater treatment plant. Commissioner DiFransico informed of a cost estimate of $300,000.00 and an opportunity by the Federal Government to pay 1/3 of the amount. Commissioner DiFransico stated that the city does not currently have the funds for the expenditure but suggested sending the matter back to the Utility Board to determine if the matter is financially viable to pursue. City Attorney Smits confirmed the need for a motion.

MOTION: Motion made by Commissioner DiFransico to send the matter back to the Utility Board and have more information provided by SALT Energy. Mayor Raspe asked for a second. Commissioner Harding seconded the motion.
DISCUSSION: Vice-Mayor Foster asked about the repetitive discussions on the matter. Commissioner DiFransico explained that the use of buildings is a new proposal. Vice-Mayor Foster explained that the topic had been discussed before and wanted to ensure the Board was utilized to the best of its ability.
ON THE MOTION: Rollcall vote. Unanimous approval.

c. Discussion/Approval for possible questions on the November ballot.

i. Discussion/Approval of a recommendation by the Utility Board to recommend to the City Commission the use of a referendum, either binding or non-binding, should the proposal under 9b. not be acceptable to the City Commission.

Mayor Raspe introduced the agenda item and informed for Item 9c.i. to be tabled based upon the prior motion.
Mayor Raspe asked the Commission for any suggestions for questions for the November ballot. There were none.

d. Discussion/Approval of Invoice 6042 from LaRue Planning for updates to the Comprehensive Plan in the amount of $13,500.00:

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

MOTION: Motion made by Commissioner Harding to approve. Mayor Raspe asked for a second. Commissioner DiFransico seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

e. Discussion/Approval for a recommendation by the Utility Board to award ITB 2024-01 for the Clean and Camera of the Sewer Gravity Main Line to Insituform Technologies:

Mayor Raspe introduced the agenda item and asked Chair Fahs to elaborate on the Utility Board's recommendation. Utility Board Chair Fahs stated that five bids were received, all were found satisfactory, and the Board selected Insituform Technologies' lowest bid of $104,500.00. Mayor Raspe asked for a motion to accept.

MOTION: Motion made by Commissioner DiFransico to approve. Mayor Raspe asked for a second. Commissioner Harding seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

f. Discussion/Approval for a recommendation by the Utility Board for the extension of a contract with G-Tech for Wastewater sludge hauling:

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

MOTION: Motion made Commissioner Harding to approve. Mayor Raspe asked for a second. Commissioner DiFransico seconded the motion.
DISCUSSION: Commissioner Harding asked for new City Administrator Bartus to follow up with Utility Board Chair Fahs with details on the contract. Vice-Chair Foster asked for verification of licenses for compliance purposes. City Clerk Roussin informed that Juan Perez could not attend the meeting but had stated to honor all prices as in the current contract, however, the question on licensing was not raised. Mayor Raspe stated that this needs to be checked before finalizing the contract. City Attorney Smits confirmed that the contract can be approved subject to compliance and proper licensing, which is part of the contract requirements.
ON THE MOTION: Rollcall vote. Unanimous approval.

g. Discussion/Approval for a recommendation by the Utility Board to pursue additional Stormwater Funding through a Florida Keys Stewardship Grant Opportunity.

Mayor Raspe introduced the agenda item and asked Commissioner Harding to elaborate. Commissioner Harding informed that the DEP is expanding funding opportunities through the Florida Keys Stewardship funding, including Stormwater projects. Commissioner Harding anticipated this opportunity to be an annual one, and this year's due date would be August 31st. Commissioner Harding believed enough work to be left after the exhaustion of current grant monies and to pursue available monies on a yearly basis to complete projects in the rest of the city. Commissioner Harding suggested using Jason Shepler or RMK funding for the application process. Mayor Raspe asked for a motion to approve.

MOTION: Motion made by Commissioner DiFransico. Mayor Raspe asked for a second. Vice-Mayor Foster seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

h. Discussion/Approval for an Amendment to the Mittauer Engineering Agreement from July 16th, 2024 **addendum**

Mayor Raspe introduced the agenda item. Vice-Mayor Foster informed about the need for an additional survey to expedite the process and requested the item be added to the agenda.

MOTION: Motion made by Mayor Raspe to approve. Vice-Mayor Foster seconded the motion.
DISCUSSION: Vice-Mayor Foster gave his understanding of the cost to be reimbursable.
ON THE MOTION: Rollcall vote. Unanimous approval.

i. Discussion/Approval of the City Administrator Employment Agreement **Agenda Addendum**

Mayor Raspe introduced the agenda addition and asked City Attorney Smits to elaborate. City Attorney Smits explained the changes made and the verbiage redacted and changed in the agreement. Commissioner Harding asked about compensation for additional hours worked. City Attorney Smits stated that additional approval had to come back to the Commission. A discussion followed on hourly compensation in excess of regular time worked. Mayor Raspe clarified that the contract should be good as is and that the matter should be brought back if needed. Mayor Raspe asked for a motion to approve.

MOTION: Motion made by Commissioner DiFransico to approve as amended. Mayor Raspe asked for a second. Commissioner Harding seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

j. Discussion/Approval of a recommendation by the Planning & Zoning Board to appoint Patricia Diebold to the Board as an alternate member **Agenda Addendum**

Mayor Raspe introduced the agenda item and spoke on behalf of Chair George Lancaster. Mayor Raspe informed of the qualifications and experiences of Patricia Diebold and asked for a motion to accept the Planning & Zoning Board's recommendation to accept her as an alternate member to the Planning & Zoning Board.

MOTION: Motion made by Vice-Mayor Foster to approve the recommendation. Mayor Raspe asked for a second. Commissioner DiFransico seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

k. Discussion/Approval of a TDC Grant Award Agreement for the Pickleball and Tennisball Project **Agenda Addendum**

Mayor Raspe introduced the agenda addition. Vice-Mayor Foster informed on a meeting with the TDC alongside Building Official Borysiewicz and having scored well in the rating process. Vice-Mayor Foster informed for the required impact study to be completed once authorized and recommended approval.

MOTION: Motion made by Mayor Raspe to approve. Commissioner DiFransico seconded the motion.
DISCUSSION: Commissioner Harding suggested changing the agreement name to Pickleball/Tennis to avoid confusing the project's expenditures. City Attorney Smits informed that the tennis courts are defined in the agreement's scope of work.
ON THE MOTION: Rollcall vote. Unanimous approval.

10. Ordinances & Resolutions

Resolution 2024-07: A Resolution Of The City Commission Of The City Of Key Colony Beach, Florida; Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date.

Mayor Raspe provided the reading of the proposed Resolution and asked for a motion to approve the Resolution.

MOTION: Motion made by Commissioner Harding to approve. Mayor Raspe asked for a second. Commissioner DiFransico seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

11. Secretary-Treasurer's Report

a. June 2024 Financial Summary: Commissioner Harding gave the June financial summary, including year-to-date revenues, reported expenses below budgeted target, and reimbursements received for Stormwater expenses. Commissioner Harding informed of no changes since 2022 for monthly accounting charges and the twice-yearly charge for auditing services. Commissioner Harding informed that the liability insurance has been paid, and monthly legal fees have come down with detailed tracking on expenditures. Commissioner Harding projected a rollover of funds and has worked on the budget over the last month.
Commissioner Harding informed that Wastewater revenue is below the budgeted target, expenses are down significantly, and the yearly account audit payment has been made. Commissioner Harding expected a minor negative balance by the end of the fiscal year. Commission Harding informed that a budget has been drafted with a proposed rate increase of 6.5% and reserve funding of $398,000.
Commissioner Harding informed that the June Stormwater reimbursement has been received and will be reconciled in July. Commissioner Harding expects positive revenue at the end of this cycle.

b. Approval of Warrant 0624 in the amount of $544,399.04: Mayor Raspe asked Commissioner Harding to make the motion.

MOTION: Motion made by Commissioner Harding to approve. Mayor Raspe asked for a second. Commissioner DiFransico seconded the motion.
DISCUSSION: None.
ON THE MOTION: Rollcall vote. Unanimous approval.

12. City Attorney's Report

a. Update on a transfer of building rights associated with the property located at 721 West Ocean Drive to the City of Marathon.

City Attorney Smits stated that there is no need to give an update on 721 West Ocean Drive due to Luis Alonso's update under citizen comments.

City Attorney Smits announced the intention to hold a closed session at the end of the next City Commission in the case of Cox versus the City of Key Colony Beach, case number 2023-ca-148-m, to receive advice concerning litigation expenditures. He informed the attendees to be the City Commissioners, the City Administrator, a Court Reporter, and himself or a designee, or both. City Attorney Smits stated the possibility of removing the closed session in case there is nothing to report.
Commissioner DiFransico asked about the tracking of violations of fines. City Attorney Smits explained that all time is being tracked and recorded, and defendants in litigation cannot be advised by the City Attorney. Commissioner DiFransico suggested reminding violators of accruing fines. City Attorney Smits explained to be talking about the matter in closed session and to keep tracking all time.

Mayor Raspe asked for an update on the fire contract. City Attorney Smits stated that progress had been made as of this morning and that a firm number would be available after the City of Marathon's Council review. City Attorney Smits believes that the process is on track.

13. Commissioner's Reports & Comments

a. Commissioner Harding

i. Wastewater Sampling Summary Report from July 15th, 2024

Commissioner Harding gave the report on wastewater sampling and informed of a second wave of COVID-19, which is higher in the city than it was during the winter. Commissioner Harding told that the State overall has received an increase.

ii. Community Rating System discount for flood insurance policies

Commissioner Harding explained the CRS FEMA flood insurance awareness program and stated that he had verified with his insurance underwriter that the city is currently receiving the 15% discount on a full-risk premium. Commissioner Harding informed that FEMA approved going to a 20% discount next April. He gave further details on the fee calculations and advised contacting their insurance agency to talk to the underwriter. Commissioner Harding gave a further breakdown of assessed fees and discounts, invoice details, and policy breakdown.
Commissioner Colonell asked for clarification on how to receive the discount. Commissioner Harding explained that FEMA has made the discount and use of the FEMA spreadsheet mandatory and that people should look at the policy or call the agency for compliance.

iii. Addendum on draft ordinance – explained proposed increase.

Mayor Raspe introduced the draft ordinance to increase monthly sewer charges and asked Commissioner

Harding to elaborate. Commissioner Harding explained researching current assessments and for the draft ordinance to be presented to the Utility Board for review.

b. Commissioner DiFransico: Nothing more.

c. Commissioner Colonell: Nothing more.

d. Vice-Mayor Foster: Nothing more.

e. Mayor Raspe: Nothing more.

13. Citizen Comments: None.

14. Adjournment: The meeting adjourned at 10:52 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

ADOPTED: ***August 15, 2024***
Silvia Roussin
City Clerk