

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, July 16th, 2026, 10:29 AM

At the temporary meeting place for the City of Key Colony Beach
The Inn – Back Patio, 700 W. Ocean Drive, Key Colony Beach, Florida & via Zoom Conferencing

- 1. Call to Order and Roll Call:** Commissioner Harding called the Key Colony Beach City Commission Regular Meeting & Public Hearing to order at 10:29 AM, followed by Rollcall. **Present:** Mayor Foster (via Zoom), Vice-Mayor Doug Colonell (via Zoom), Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Diehl. **Also present:** City Attorney Jim Hicks, City Administrator John Bartus, Chief of Police Jamie Buxton, Building Official Tony Lorenzo, Building Assistant Samantha Rodamer, Public Works Department Head Mike Guarino, Administrative Assistant Par Darnall, City Clerk Silvia Roussin.

Commissioner Harding found good cause for Mayor Foster and Vice-Mayor Colonell to attend the meeting via Zoom.

- 2. Approval of the Agenda** (*Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote*)

City Clerk Roussin informed the following proposed agenda changes:

5g. Addendum to the Beautification Chair Report

7a. Addendum to the Budget Workshop Review: A Millage Options Comparison by Commissioner Harding
A new Item 7e. Discussion/Approval to authorize the City Administrator to solicit voluntary donations on behalf of the City for the Sailfish Public Art Project.

8. Deletion of the First Reading of Ordinance 2026-513

11a. Commissioner Harding: The addendum to the Wastewater Report

A new Item 11a (3): An FDOT Work Request Update

There were no other changes, and Commissioner Harding asked for a motion to approve the agenda.

MOTION: Motion made by Commissioner to Diehl to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner DiFransico asked for agenda items 6 (e), 6 (f), and 6 (g) to be taken out of the consent action items for discussion.

ON THE MOTION: Rollcall vote. Unanimous approval.

- 3. Special Requests:** None.

- 4. Citizen Comments and Correspondence**

City Clerk Roussin informed the Commission of the following citizen correspondence:

- **June 19, 2026:** Robert and Gail Zimmerman submitted correspondence regarding the June 18, 2026, City Commission meeting and the approval of the boat lift at 841 W. Ocean Drive.

- **June 22, 2026:** Former Key Colony Beach Sergeant Jefferson Rodriguez submitted correspondence in support of Chief Jamie Buxton, recognizing the significance of her appointment and offering comments regarding compensation.
- **July 6, 2026:** Liz Montgomery submitted correspondence expressing appreciation for the renewal of the Golf Course Management contract with Daryl Rice.
- **July 6, 2026:** Ellen Ashooh submitted correspondence thanking the City Commission for the recent improvements to the Golf Course.
- **July 7, 2026:** Jacki Low submitted correspondence expressing appreciation for the improvements to the Golf Course and recognizing the efforts of management, City staff, the City Commission, and the Recreation Committee.
- **July 9, 2026:** Nancy Frisby submitted correspondence expressing appreciation for the improvements made to the Golf Course.
- In addition to correspondence received from Lynne Benton and Dick Harper late the day before.

Commissioner Harding asked for citizen comments.

Lynne Benton, KCB Resident, commented on agenda items 8a and 8 b regarding ordinance changes and shared her understanding of the code and procedure for making recommendations from the Planning & Zoning Board to the Commission. She also offered further comments on suggested clarifications for the public, her understanding of the proposed changes for Ordinance 2026-513, and a request to provide more clarity to citizens.

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

- a. Marathon Fire/EMS – Acting Fire Chief Lt. Shana Rogers
- b. Police/Code Enforcement – Chief of Police Jamie Buxton
- c. City Administrator – John Bartus
- d. Public Works – Public Works Department Head Guarino
- e. City Hall – City Clerk Roussin
- f. Building Department – Building Official Loreno
- g. Beautification Committee – Chair Bachman
- h. Planning & Zoning Board – Chair Lancaster
- i. Recreation Committee – Chair Catto
- j. Utility Board – Chair Swanson

Commissioner Harding informed that Acting Fire Chief Shana Rogers was not in attendance and asked for comments on the Department Head Reports. There were none.

6. Consent Action Items *(Under the consent agenda, all action items will be voted on after one motion, and a second will be required to approve them without discussion. If a Commission member wants any action item discussed or voted on separately, the Commission member, at the beginning of the open session, must ask that the action be moved to the discussion action item section.)*

- a. Approval of the following City Commission Meeting Minutes
 - 1. 06-18-2026 City Commission Regular Meeting Minutes
- b. Approval of Warrant No. 0626 for \$4,549,876.66

Commissioner Harding asked for a motion to approve the consent action items.

MOTION: Motion made by Commissioner DiFransico to approve. Commissioner Diehl seconded the motion.

DISCUSSION: Commissioner DiFransico requested clarification on the scope of the contract under agenda item 6d and on the inclusion of subcontractors in the Reynolds contract. City Clerk Roussin recommended moving the matter to Discussion Action Items. Commissioner Diehl asked for clarification on the scope of the contract under item 6c. City Clerk Roussin recommended moving that item as well. There were no further changes, and City Clerk Roussin confirmed that the remaining consent action items for approval were the meeting minutes and the warrant.

ON THE MOTION: Rollcall vote. Unanimous approval.

7. Discussion Action Items

a. (6c) Approval of a Contract with Brightview for Restroom Maintenance Services for \$23,628.37

Commissioner Harding introduced the agenda item and asked for a motion to approve.

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

DISCUSSION: Commissioner Diehl requested clarification on the scope of the contract. Commissioner Harding clarified that the contract provides service seven days a week, excluding holidays, and identifies the specific restrooms included in the contract. Commissioner Harding further stated that the company provides cleaning services and supplies for all restrooms, which Public Works Department Head Guarino confirmed. Commissioner Diehl expressed satisfaction with the scope.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. (6d) Approval of a Proposal by Reynolds Construction for a new Omni Site local Monitoring System for the Wastewater Plant for \$29,880.37

Commissioner Harding introduced the agenda item and made a motion.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

DISCUSSION: Commissioner DiFransico requested clarification on the scope of services and the subcontractors listed in the proposal. Commissioner Harding explained that the contractor may subcontract specific parts of the project, commented on annual maintenance fees, and provided additional background regarding the digester's lack of sensors, cameras, and monitoring. Commissioner Harding emphasized the importance of nighttime and remote monitoring. He described Reynolds as a local contractor and stated that the project would be turnkey-ready and include future fiber-optic capabilities. Commissioner Harding further stated that the system would be app-driven and provide 24-hour monitoring worldwide with an annual fee and commented on the corrective actions requested by DEP after the recent wastewater spill. Mayor Foster expressed support for the system and confirmed the need for the City.

ON THE MOTION: Rollcall vote. Unanimous approval.

c. (6e) Approval of a Proposal by Jeffrey Allen for the Purchase of a Club Car Carryall for the Public Works Department for \$18,666.80

Commissioner Harding introduced the agenda item and made a motion.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner Harding asked Public Works Department Head Guarino to explain the need and purpose of the purchase. Public Works Department Head Guarino reported that a resident donated a golf

cart approximately four years ago and discussed the benefits of having a golf cart, including ease of access at job sites and transporting contractors around the golf course. Mr. Guarino further stated that the cart could also be used by iguana control personnel and that the new cart would replace the donated cart, which is approximately 30 years old. Commissioner Harding stated that funds were available in the budget. Public Works Department Head Guarino further commented on state contract pricing, the aluminum frame, and his experience that this cart would hold up best.

ON THE MOTION: Rollcall vote. Unanimous approval.

d. (6f) Approval of a Proposal by Alan Jay Fleet Sales for the Purchase of a 2026 Ford Ranger Super Crew Pickup Truck for the Building Department for \$38,480.00

Commissioner Harding introduced the agenda item and made a motion.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: Vice-Mayor Colonell asked about the need to purchase the vehicle. Building Official Loreno explained that the current vehicle had reached the end of its service life and that he had requested a smaller vehicle within the current budget. Vice-Mayor Colonell asked for clarification on the maintenance needs of the aging vehicle. Commissioner Harding explained the practice of transferring used vehicles from the Building Department to the Public Works Department. The Commission further discussed the need for the purchase, available funds, the transfer of vehicles to the Public Works Department at a greatly reduced cost, and the method for keeping the City fleet appropriate. Public Works Department Head Guarino confirmed the replacement of the 2015 truck and the practice of Building Department trucks being handed down to his department.

ON THE MOTION: Rollcall vote. Commissioner Diehl – yes. Commissioner Harding – yes. Commissioner DiFransico – yes. Vice-Mayor Colonell – no. Mayor Foster – yes.

e. (6g) Approval of a Proposal by Alan Jay Fleet Sales for the Purchase of a 2026 Ford F-150 Police Responder for the Police Department for \$49,604.00

Commissioner Harding introduced the agenda item and made a motion.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: Mayor Foster asked whether the expenditure would come from the current budget or the following fiscal year. Chief Buxton reported that the request was to secure the current year's price, with the purchase to occur in the next fiscal year's budget. Public Works Department Head Guarino informed the Commission that repairs to the other truck would be completed at no cost. Chief Buxton reported that the current fleet has one SUV remaining and that, if approved, the purchase would complete the department's transition to pickup trucks, which would be handed down to Public Works overtime. Chief Buxton provided a rough estimate of \$20,000 to \$25,000 to outfit the truck with lights and \$4,000 to \$5,000 to wrap the truck. Chief Buxton stated that the lights from the older vehicle could not be used because they are not amber lights. Vice-Mayor Colonell questioned the need for a new vehicle and asked about the sale of the previous two vehicles. Chief Buxton stated that the current vehicle is at the typical retirement age and suggested that Code Enforcement could use the vehicle within the City. Commissioner Harding discussed typical purchase prices for police vehicles nationwide and stated that the proposed price was consistent with national standards.

ON THE MOTION: Rollcall vote. Unanimous approval.

f. (a) Discussion/Review of FY 26/27 City Commission Budget Workshop

Commissioner Harding provided a follow-up to the previous City Commission Budget Workshop and reviewed updates to the proposed FY 2026–2027 budget. Commissioner Harding reported incorporating recent changes related to Tourist Development Council (TDC) grant funding applications, reviewed millage rate comparisons, presented historical millage assessment data, and outlined the estimated impacts of various millage scenarios on the City's budget, property taxes, and reserve levels.

MOTION: Motion made by Commissioner Harding to approve a proposed millage rate of 2.834% with a rollback rate of 4.33% for the 2026-2027 budget. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner Harding stated that he saw no need to set a higher proposed millage rate and noted that doing so could confuse residents about the Commission's ability to lower the rate later. He recommended moving forward with a proposed millage rate of 2.834% and confirmed that he had reviewed the proposed millage rate with City Accountant Jennifer Johnson. The Commission discussed the relationship between millage rates, expenditures, and long-term financial sustainability. Commissioner DiFransico expressed concern that continued spending at the current rate could reduce reserve balances and noted the impact an increased millage rate could have on future budgets. Commissioner Harding stated that while a millage increase remains under consideration, the Commission should continue focusing on reducing expenditures wherever possible. He suggested evaluating whether certain services could be delivered more efficiently or at a lower cost. He also noted that, despite ongoing discussions about the millage rate, the proposed budget reflects lower overall spending than in the current fiscal year. Looking ahead, he explained that several City Hall construction-related expenses are expected to conclude next year, reducing the City's baseline operating costs. However, he acknowledged that overall expenditures remain higher than they were two years ago and emphasized the importance of maintaining fiscal discipline.

ON THE MOTION: Rollcall vote. Unanimous approval.

g. (b) Approval of a CPH Engineering Service Agreement for the development of a Collection System Action Plan (CSAP) for 42,000.00 (Base Proposal) or \$54,500.00 (including GIS Map Development)

Commissioner Harding introduced the agenda item and made a motion.

MOTION: Motion made by Commissioner Harding to approve the total proposal for \$54,500.00. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner Harding provided background on the proposal and recalled the recent spills at the Wastewater Plant and the required action plans requested by DEP. Commissioner Harding stated that there is a deadline for the required action plan and that the document will be required at the next permit issuance. Commissioner Harding also stated that the State would like to see protocols and procedures implemented as part of the action plan. Commissioner DiFransico asked for confirmation that the City's drawings would be adequate for developing the plan. Commissioner Harding explained that the plan would be a real-time document developed with on-site input and verification.

ON THE MOTION: Rollcall vote. Unanimous approval.

1. (c) Discussion/Approval of a recommendation by the Recreation Committee to form an Advisory Committee to advise on the future of the Golf Course, composed of a City Commissioner, a Recreation Committee member, a Resident Golfer, and Public Works Department Head Mike Guarino.

Commissioner Harding introduced the agenda item and asked for a motion.

MOTION: Motion made by Commissioner DiFransico to approve. There was no second.

ON THE MOTION: The motion failed.

2. (d) Discussion/Approval of a recommendation by the Recreation Committee to provide suitable fans for the Golf Course Clubhouse porch.

Commissioner Harding introduced the agenda item and made a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner Harding recalled the prior purchase of patio furniture for the Golf Course Clubhouse and noted that suggestions have been received to install ceiling fans on the patio. Commissioner Harding suggested that Public Works Department Head Mike Guarino purchase fans from Home Depot and complete the installation in-house. Mayor Foster asked that the structure be verified as suitable for installation and recommended purchasing outdoor-rated fans online for a more durable product. Vice-Mayor Colonell agreed with purchasing more robust outdoor-rated fans online, noting that they would be more weather-tolerant, even if slightly more expensive. Commissioner Diehl questioned whether the purchase could interfere with potential future clubhouse renovations and expressed concern about making the expenditure before renovations were completed. Mayor Foster and Vice-Mayor Colonell expressed support for proceeding with the purchase at this time and for Public Works Department Head Guarino to evaluate the best product.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. (e) Discussion/Approval to authorize the City Administrator to solicit voluntary donations on behalf of the City for the Sailfish Public Art Project.

Commissioner Harding introduced the agenda item and made a motion to approve.

MOTION: Motion made by Commissioner Diehl to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

8. Ordinances & Resolutions:

a. ~~FIRST READING OF ORDINANCE 2026-513: An Ordinance of the City of Key Colony Beach, Florida, amending Article XII, Other Development Review Committee Procedures, Section 101-171, Variances, and providing for codification, repealing any inconsistent provisions, providing for severability, and providing an effective date. -deleted**~~**

b. FIRST READING OF ORDINANCE 2026-514: An Ordinance of the City of Key Colony Beach, Florida, amending Chapter Six of the Code of Ordinances, entitled Buildings, Article II, Dangerous Structures, amending Section 6-37, Certification and Recertification of Existing and Future Multi-Story Structures, and providing for codification, repealing any inconsistent provision, providing for severability, and providing an effective date.

Commissioner Harding provided the first reading of the ordinance and made a motion.

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

DISCUSSION: Commissioner Harding provided background on the ordinance and explained that it addresses state law changes adopted after the collapse of Champlain Towers. Commissioner Harding stated that the proposed ordinance is intended to align the City's Code with state law requirements for condominium associations, which Building Official Loreno confirmed.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin stated that the second reading would take place in August.

- c. **Resolution 2026-09:** A Resolution Of The City Of Key Colony Beach, Florida, Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2026; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date.

Commissioner Harding provided the reading of the resolution and asked for a motion.

MOTION: Motion made by Commissioner DiFransico to approve. Commissioner Harding seconded the motion.

DISCUSSION: Commissioner Harding reminded that the resolution is the annual Stormwater Assessment Resolution and that the assessment will increase by \$4.00, from \$80.00 to \$84.00. City Clerk Roussin confirmed that the assessments will be levied against residential and commercial property owners.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Resolution was adopted.

- d. **Resolution 2026-10:** A Resolution of the City Commission of the City of Key Colony Beach, Florida, determining the proposed millage rate, 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.

Commissioner Harding provided the reading of the resolution and made a motion to approve.

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

DISCUSSION: Commissioner Harding explained that the resolution is the formal document required to be provided to Monroe County. Commissioner DiFransico requested clarification regarding the maximum millage rate. City Attorney Hicks clarified the requirements for millage rate increases and the applicable majority-vote requirements. City Clerk Roussin read Sections 1 through 4 into the record. Mayor Foster requested further clarification regarding proposed maximum millage rates and voting requirements. City Attorney Hicks confirmed Commissioner DiFransico's understanding that a supermajority vote would be required for a higher millage rate.

ON THE MOTION: Rollcall vote. Unanimous approval.

The resolution was adopted.

9. Secretary-Treasurer's Report

- a. June 2026 Financial Summary

Commissioner Harding presented the June Treasurer's Report and reviewed current expenditures and revenues. He reported that total expenses remained under budget and were generally on target at this point in the fiscal year. Commissioner Harding also provided an update on the Building Fund, the final grant submission for City Hall, and smaller revenue items related to Wastewater and Stormwater. He noted that year-to-date financial activity was consistent with the typical phase of the fiscal year, while identifying expenses over budget for sludge and consulting services and available funds for stormwater-related needs.

10. City Attorney's Report: No report.

11. Commissioners' Reports & Comments

a. Commissioner Harding

1. Wastewater Sampling Weekly Report for July 13, 2026

Commissioner Harding reported several COVID cases during the previous week, with wastewater sampling indicating moderate levels. He also reported low RSV levels and noted a minor uptick in COVID levels statewide, including in Miami-Dade and Broward Counties.

2. Dry Floodproofing Project Update

Commissioner Harding reported that FEMA approved the budget request for dry floodproofing improvements for the Maintenance Department. He stated that the approval is now moving into the contract-signing phase for reimbursement and that the work is expected to be completed during the current budget year. Commissioner Harding further reported that Phase 2 was also approved with a federal share and a small local match. Mayor Foster asked about the financing and cash-flow considerations associated with the grants and match requirements. Commissioner Harding stated that he would estimate the cash-flow needs and emphasized that the approved grants were positive news, agreeing on the need to ensure sufficient cash flow.

3. FDOT Work Request Update

Commissioner Harding reported that the FDOT work-request changes had been implemented to improve safety at the intersection. He reminded pedestrians to use the push button when crossing and explained that the changes are intended to separate vehicles from pedestrians. Commissioner Harding also reminded the public of state law regarding pedestrian crossings, the applicable fines, and the requirement that a vehicle not enter the crosswalk until the pedestrian has completed the crossing.

Commissioner Harding further updated on the furniture having arrived at the Golf Course Club House, the trees having been planted to prevent air from golf balls, and the completion of this year's golf course spending.

b. Commissioner Diehl

1. Key Colony Beach 70th Birthday Committee Update

Commissioner Diehl reported that the committee held a kickoff meeting for event planning and reviewed commitments already made for the upcoming celebration. Commissioner Diehl reported on planned activities, including a Commissioners' breakfast, silent auctions, sports tournaments, a parade, and participation by local restaurants. Commissioner Diehl stated that the committee will meet again in August and that planning is off to a good start with strong participation. Mayor Foster recommended posting information on the City website for residents interested in participating or assisting, including appropriate

contacts and action items.

c. Commissioner DiFransico

1. 680 11th Street Update

Commissioner DiFransico apologized for correspondence from Mr. Harper addressed to all Commissioners, which should have been directed only to him, and stated he hoped Mr. Harper would apologize for miscommunications. He discussed negotiations to date, including the amounts discussed, and addressed Mr. Harper's accusations. Commissioner DiFransico stated he could not recommend an agreement with Mr. Harper given the situation with fines and penalties. Commissioner DiFransico could not provide a clear answer regarding occupancy of the residence and deferred to City Attorney Hicks. City Attorney Hicks referenced prior legal memoranda on the matter and recommended that specific actions be brought forward at the next meeting. City Attorney Hicks stated that he believed there was evidence regarding occupancy of the residence and provided further input regarding possible fines for living on the property. Vice-Mayor Colonell asked about Commissioner DiFransico's assessment of whether the matter had reached an impasse. Commissioner DiFransico provided input on the negotiations, and City Administrator Bartus supported Commissioner DiFransico's comments regarding what had been offered. Commissioner DiFransico stated that he was not comfortable with the offer that was provided by Mr. Harper to bring to the City Commission for approval. The Commission discussed how to move forward, including finding a middle ground on fines, tolling of the permit, allegations of prior overcharging, whether tolling was part of the lawsuit, and prior Special Magistrate decisions.

d. Vice-Mayor Colonell

1. City Hall Update

Vice-Mayor Colonell provided an update on City Hall construction, covering completed work, upcoming activities, material deliveries, and schedule updates. He reported that the project was approximately three weeks behind schedule, with a revised projected completion date of November 3rd. Vice-Mayor Colonell noted that some delays were due to contractor scheduling and vacations. He also provided updates on Marble Hall repairs and outstanding paperwork for change orders. The Commission further discussed the project schedule, contractor time management, potential acceleration of subcontractor schedules, possible delays and additional time, frustrations with delayed material deliveries, credits owed to the City, and the potential timing for occupancy of the building.

e. Mayor Foster: Mayor Foster reported on a meeting with the recovery group regarding FEMA trailer rent and possible reimbursement.

12. Citizen Comments: None.

13. Adjournment: The meeting adjourned at 12:07 PM.

Respectfully submitted,

Silvia Roussin

City Clerk

ADOPTED: August 20, 2026
Silvia Roussin
City Clerk

07-16-2026 Citizen Correspondence – Regular Meeting

The City Commission received the following correspondence:

- **June 19, 2026:** Robert and Gail Zimmerman submitted correspondence regarding the June 18, 2026, City Commission meeting and the approval of the boat lift at 841 W. Ocean Drive.
- **June 22, 2026:** Former Key Colony Beach Sergeant Jefferson Rodriguez submitted correspondence in support of Chief Jamie Buxton, recognizing the significance of her appointment and offering comments regarding compensation.
- **July 6, 2026:** Liz Montgomery submitted correspondence expressing appreciation for the renewal of the Golf Course Management contract with Daryl Rice.
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- **July 7, 2026:** Jacki Low submitted correspondence expressing appreciation for the improvements to the Golf Course and recognizing the efforts of management, City staff, the City Commission, and the Recreation Committee.
- **July 9, 2026:** Nancy Frisby submitted correspondence expressing appreciation for the improvements made to the Golf Course.

* In addition to correspondence received from Lynne Benton +

All correspondence has been distributed to the City Commission and will be included in the official minutes of today's meeting.

Dick Harper Date yesterday afternoon.

Sincerely,

Silvia Roussin

City Clerk

Robert and Gail Zimmerman
799 West Ocean Drive
Key Colony Beach, Florida 33051

June 19, 2026

City Commissioners of KCB
600 West Ocean Drive
P.O. Box 510141
City of Key Colony Beach, Florida 33051

ATTN: Mr. Freddie Foster, Mayor and Chair

Dear KCB City Commissioners:

Our family is one of the original owners at Castillo del Sol Condominiums. As such, we have been proud members of the Key Colony Beach community for close to forty years. During this time, we have grown to cherish the beauty and affability that defines the culture of this city. Consequently, words cannot begin to describe the disappointment and disillusionment bordering on disgust, that we experienced witnessing the processing that took place relative to City Commissioners decision to approve construction of the 40,000 lb. boat lift by our neighbor at 841 West Ocean Drive.

What we witnessed was a charade. A Commission that downplayed or ignored the concerns of numerous citizens, and bent over backwards to accommodate the wishes of one individual. The explanations given to support this decision were spineless and underwhelming. To say that this was simply a redo of a previously expired approval, ignores the fact that the prior approval was based on information provided to the Army Corps of Engineers for a smaller scale project that did not include an on-site evaluation. It is also arguable whether this evaluation at the time even included provisions for a boat lift.

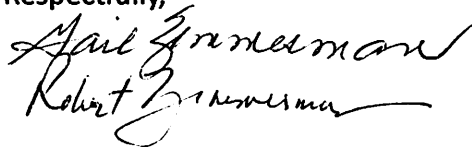
A second explanation centered around the fact that there was "nothing in the City Codes to prohibit its (boat lift) construction." Well, why is that? Why is it that we do not having zoning

regulations to protect the beauty and integrity of our ocean front beach? Is that not the function of a planning and zoning board and/or our city leaders? Maybe this is something that should be looked at before we lose what little precious beach we have left. At the same time something should be said for those of us who enjoy the ocean front, whether it be for swimming, snorkeling, paddle boarding, or wind surfing. There are legitimate safety concerns here that were downplayed during the meeting. The justification for this was a legal opinion that the City could, or would not be held liable, should this decision to approve result in any damage or personal injury. Thank you, City Commissioners, for your underwhelming regard for our wellbeing.

The third, and final explanation that we could glean for approving this shameless debacle was a fear of litigation. Of all the above, this is perhaps the most defensible excuse for this judgement. But, does this mean that anyone of affluence can get anything they want simply by intimidating a potential law suit against the city? If we don't have a legal defense in these situations, I challenge our city leaders to initiate or revise our local ordinances so that the KCB does not need to cave to these threats.

Having said our piece, what's done is done, and we will now live with it. Hopefully, you, our city leaders will accept these criticisms in a constructive light, and that we can all learn from this experience. In so doing, maybe some good may eventually come from these proceedings.

Respectfully,

The block contains two handwritten signatures in black ink. The top signature is 'Gail Zimmerman' and the bottom signature is 'Robert Zimmerman'. Both are written in a cursive, flowing style.

Dr. Robert and Gail Zimmerman

Unit D4, Castillo del Sol Condominiums

Cc: KCB Planning and Zoning Board

June 22, 2026

Mayor Freddie Foster
Vice Mayor and Honorable Commissioners
City of Key Colony Beach

RE: Support for Chief Jamie Buxton

Mayor Foster and Honorable Commissioners,

I write this letter as a citizen, former Sergeant of the Key Colony Beach Police Department, and current Police Officer and K9 Handler with the Coconut Creek Police Department to congratulate Chief Jamie Buxton on her appointment as Chief of Police and to express my wholehearted support for the Commission's decision.

First and foremost, congratulations to Chief Buxton on this historic achievement. Her appointment is the culmination of years of dedication, professionalism, and service to both the department and the residents of Key Colony Beach. It is a well-deserved accomplishment that reflects positively on both the City and the Police Department.

I had the privilege of serving the residents of Key Colony Beach from September 2017 through September 2021. I arrived approximately one week after Hurricane Irma and witnessed firsthand the challenges facing the City and Police Department during one of the most difficult periods in the community's history. During my tenure, I served under Chief Kris DiGiovanni and worked alongside many dedicated officers who helped rebuild, stabilize, and strengthen the department in the years that followed.

While Chief Buxton brought prior law-enforcement experience with her to Key Colony Beach, I had the privilege of serving as her Field Training Officer following her arrival at the department. I also trained and supervised Officers Nicholas Niemiec, Joseph Burden, and Ross Bethard during their careers with the agency. Having worked closely with each of these officers and observed their performance, professionalism, leadership abilities, and commitment to public service firsthand, I can state without hesitation that Jamie Buxton was uniquely qualified to lead the Key Colony Beach Police Department into its next chapter.

Throughout her career, Chief Buxton consistently demonstrated professionalism, integrity, sound judgment, leadership, and an unwavering commitment to both the department and the residents she serves. She earned the respect of her peers, supervisors, and community members through hard work, competence, and dedication. More importantly, she possesses a deep understanding of the organization, the expectations of the community, and the unique challenges associated with policing in the Florida Keys.

The Commission's decision to appoint Chief Buxton was not simply the right decision for today—it was the right decision for the future of the agency. Effective leadership, institutional knowledge, and community trust are qualities that cannot easily be replaced, and Chief Buxton possesses all three.

It is also important to recognize the significance of her appointment. Chief Buxton is the first female Chief of Police in the history of the Key Colony Beach Police Department. Having previously become the department's first female Sergeant, her appointment as Chief represents a significant milestone for both the agency and the City and serves as a testament to her hard work, perseverance, and dedication to the profession.

As a final consideration, I would respectfully encourage the Commission to ensure that Chief Buxton's compensation remains commensurate with executive law-enforcement leadership positions throughout Monroe County, the Florida Keys, and surrounding South Florida jurisdictions. I encourage the Commission to review the compensation packages of surrounding Chiefs of Police, Sheriffs, and executive law-enforcement leaders throughout the region. Such a review will demonstrate that many comparable executive leadership positions receive compensation exceeding \$160,000 annually. Given Chief Buxton's experience, proven leadership, institutional knowledge, and the substantial responsibilities entrusted to her, compensation consistent with comparable executive leadership positions would be both reasonable and appropriate.

Again, congratulations to Chief Buxton on this historic achievement. Without reservation, I believe she possesses the character, professionalism, vision, and leadership ability necessary to elevate the Key Colony Beach Police Department to new heights. The City has selected an exceptional leader, and I am confident she will continue serving the residents of Key Colony Beach with distinction for many years to come.

Thank you for your time, consideration, and continued dedication to the residents of Key Colony Beach.

Respectfully,

Jefferson Rodriguez

Former Sergeant, Key Colony Beach Police Department (2017–2021)

Police Officer / K9 Handler

Coconut Creek Police Department

Silvia Roussin

From: Liz Montgomery <lizmontgomery38@gmail.com>
Sent: Monday, July 6, 2026 1:07 PM
To: Silvia Roussin
Subject: Thank you

Thank you for renewing Daryl's contract and investing in our golf course that we love.
Liz Montgomery

Silvia Roussin

From: Ellen Ashooh <ehashooh@gmail.com>
Sent: Monday, July 6, 2026 1:31 PM
To: Silvia Roussin
Cc: Cindy Catto
Subject: Golf course renovation

Attn: Silvia

The updates to the course in KCB look fabulous. Thank you so much 😊 and to the entire commission. I can't wait to see it all in person.

Ellen Ashooh

Sent from my iPhone

Silvia Roussin

From: jackie low <jsnorkles@yahoo.com>
Sent: Tuesday, July 7, 2026 5:41 PM
To: Silvia Roussin
Subject: Golf course

Dear KCB City Commissioners and Recreation Committee,

A big shout out to all of you who have participated in making the KCB Golf Course EVEN BETTER. Special kudos to Daryl who never fails to keep the course looking great and the players happy. I can't forget to mention Tom and Kevin for their work assisting Daryl in making the course such a fun experience for all. I also want to commend the City for the money they have spent and hopefully will continue to spend on course improvements. Trees make for a beautiful course and well placed trees add to its safety. Keep them coming! The new maintenance equipment and attractive seating overlooking the 9th hole are wonderful additions. A special thank you to Cindy Catto and the Recreation Community. Their efforts have helped make these improvements possible, and their support in keeping Daryl at the helm has been invaluable to the continued success of the course.

Well done!

Jackie Low
Member of KCB Women's Golf League
Member of course for the past 22 years

Silvia Roussin

From: Nancy Frisby <nfrisby@charter.net>
Sent: Thursday, July 9, 2026 2:20 PM
To: Silvia Roussin
Subject: KCB Golf Course

A big thank you to the KCB City Commissioners and the Rec. committee for the great improvements to the golf course!
It will be so appreciated by a great number of folks.

July 15, 2026

RE: City Commission Meeting, Agenda Items 8(a-b), July 16, 2026. Ordinance Changes 2026-513, and 2026-514, and Clarification.

Dear Honorable Mayor and City Commissioners,

Perhaps I am overlooking something, and if so, I would appreciate your help in better understanding the process. Thank you for helping inform me and other citizens.

According to my reading of Ordinance Sec. 101-172(2), all proposed code amendments are to be submitted to the planning and zoning committee for study and recommendations, and the planning and zoning committee is required to make their recommendations in writing to the commission. After receipt of the planning and zoning committee recommendation, the City Commission provides the proper notice and readings.

I could not find a written recommendation in the meeting packet from the planning and zoning board regarding Ordinance 2026-513, or a vote by the planning and zoning board recommending approval of this amendment.

In addition, when considering an ordinance change, many well-governed cities find it helpful to clearly define the issue they are trying to address and explain how the proposed amendment is intended to resolve that issue during the first reading, allowing residents to better understand the proposed amendment and provide more meaningful public input.

Ordinance 2026-513.

In the case of ordinance 2026-513, the City states that "*it is necessary*" to amend provisions and that the City has determined the revisions are "*in the best interests* of the public health, safety, and welfare of the residents ..." Commission packet, p. 107.

From my reading of the amendment, it eliminates the ability of the Planning and Zoning Board to make conditional approvals concerning variances (Sec. 101-171(2)); and eliminates the ability of the planning and zoning board to make recommendations concerning appropriate conditions and safeguards (Sec. 101-171(b)(2)).

I was unable to find a record explaining why this change is necessary and how it is in the best interests of the residents. Would the Commission please consider explaining to its' resident why this change is necessary and in the best interests of the residents before adopting it, as it impacts the process citizens are subjected to when they request a variance. In addition, every Florida City ordinance I reviewed allowed conditional approvals; I could not find a City that did not allow conditional approvals for the important reasons listed on the next page.

Ordinance 2026-514.

Similar with proposed ordinance 2026-514, which includes extensive changes, the record is incomplete. What is the reason for the change (why it is necessary), what problem is it trying to solve, how does this change solve the problem?

Thank-you for considering this request to provide more clarity for citizens.

Respectfully,
Lynne Benton
621 10th Street
Copy to Planning Board

8a. Ordinances & Resolutions: City Suggests (Ordinance 2026-513)

Cities Proposed Changes:

- (1) eliminating the ability of the P&Z to make conditional approvals concerning variances (Sec. 101-171(2)); and
- (2) eliminating the ability of the planning and zoning board to make recommendations concerning appropriate conditions and safeguards (Sec. 101-171(b)(2)).

Florida's best governed Cities allow conditional approvals for the following reasons:

1. Allow Flexibility

Conditional approvals often allow reasonable projects to move forward without forcing applicants through another lengthy application cycle.

2. More Denials and Delays

Without conditional approvals, boards may have only two choices: approve or deny. Projects with minor deficiencies may be denied unnecessarily.

3. Less Efficient Process

Issues that could be addressed through conditions may require repeated hearings and additional costs for applicants and the city.

4. Fewer Tools for Mitigating Impacts

Conditions allow boards to address minor concerns without denying an otherwise acceptable application.

The record is not clear: What problem is this amendment trying to solve?

Rule makers have a duty to identify both the problem the change is addressing, and how the change addresses the problem.

The record is not clear: How does this amendment solve the problem?

The record is not clear: No record of any City that does not allow conditional approvals.

There is no record of other cities similar to KCB that has eliminated this provision. To the contrary, many Florida municipalities including coastal communities such as Marathon, Key West, Islamorada, Naples, and Fort Lauderdale—allow Planning and Zoning Boards, and Planning Commissions to approve applications subject to conditions. Allow conditional approvals but limit them to:

- Minor revisions.
- Submission of revised plans.
- Compliance with staff comments.
- Conditions that are clear, objective, and enforceable.

RICHARD B. HARPER
680 11TH STREET
POST OFFICE BOX 510193
KEY COLONY BEACH, FL 33051
305.743.8829

July 15, 2026

Mayor Foster, Vice Mayor Colonell, Commissioners Diehl, Difransico, and Harding, City
Administrator Bartus, and Building Official Loreno
City of Key Colony Beach, Florida

Re: 680 11th Street Prosecution and
Settlement Agreement

Dear Commissioners and staff:

The city's cover-ups in this case don't make a lot of sense until you look at the history we're expected to ignore.

You may recall that, at the October 2025 commission meeting, Mayor Foster apologized for the code enforcement prosecution of Jody Cox, Chris Corso, and Kari Ann Tremblay.

"I have to undo a wrong that was done..." he said. "What has been done in the past, we can't undo everything. There's a lot of stuff I think was harmful. I think it was, I want to be careful of my words, not in the best interests of our citizens, and we are not going to go down that path... I wanna make a right of something."

The mayor apologized. The commission unanimously waived and released all the fines and repair obligations.

What city officials have done to me is a far greater wrong. The city has selectively delayed or prosecuted me since I first discussed my plans with Building Official Borysiewicz in 2018. And every time I made progress, city officials were there to slap me down. Throughout this entire persecution, the city has emphasized collecting revenue, punishing me, and winning it all costs. The history shows that winning at all costs means subverting and circumventing state law.

Hey, I'm an obvious bad guy. Not only did they say I "failed" to finish building in the 17 months they've left me alone to work, I also keep pointing out all their shortcomings.

I've tried to get the city simply to follow the law but here we are.

Let's consider two opposing facts

- City officials keep threatening me with their "legal" rulings and tens of thousands in "legal" costs.
- City officials keep hiding the legal facts like all their malfeasance and the fact that not only did the city insurance lawyer do the legal work, the city's own rulings locked in those legal costs. The position of the commission is, "We're not looking back. We're moving forward."

The history is important. 2023 started for us with "big plans for little Key Colony Beach," which we discovered to be an ongoing delivery of misdirection, spin, and straight out lies from city officials. It's also when the city came up with the stop work order and prosecution of me. No wonder the city doesn't want to look back. It's far better to just cover up the malfeasance.

Based on the testimony of the same officials the mayor had to apologize for, KCB's magistrate ordered me to pay a bunch of fines. He prohibited residing in my homestead, ordered me to hire a contractor not only to inspect all the work already done but also to buy a "Post-Facto" permit for work to be completed.

Let's look at how those orders violated Florida law. A home is pretty important under Florida law so Florida requires written notice to revoke a CO. KCB didn't follow the law for the old city hall and they didn't follow it for me. Florida doesn't allow that. Florida also doesn't allow municipalities to require contractors to pull permits. Owner-builders can do that. And Florida doesn't allow municipalities to reinspect work that has already passed inspection.

To quote Building Official Leggett, "this is the most inspected project in Key Colony Beach." That's the same official who testified he had only six inspection slips. City inspectors have examined, accepted, and passed every aspect of this work to date. Specifically, City Building Official Justice also said, "The work that has been done to date we can demonstrate had an active, valid permit... No reason to go back retroactively." Again, under Florida law, neither the code officer nor the building department has the authority to require reinspection.

It's all about the money. In asking for the fines, city attorney Gaelon Jones demanded punishment, arguing that the permit fees were not a "penalty with sufficient teeth."

The city offered an "agreement" that would give me a "TCO" and let me get back to work as long as I pay \$18,676 to cover two of the fines right now--the two fines based on what those disgraced city officials claimed. They asked for "just" those two fines "to help [my] cashflow." The third fine is now over \$38,000 and racheting up every day. They will hold that over my head forever. Ka ching.

One city official said the city may negotiate the third fine. That's not in writing. Ka ching.

To get the TCO, the city demanded that I retain a contractor to reinspect the property and have the contractor buy a permit for work to be completed. Sound familiar? They said I can use a private inspection service but that's still against the law. The stop work order won't be lifted until they issue a new permit.

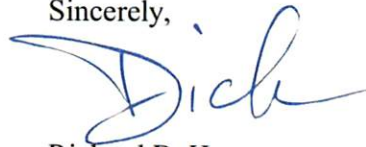
I've tried to get the city simply to follow the law but here we are.

I have accepted most of the city's proposed agreement points. The city wants to assure that downstairs is "storage only" and that the project is finished and meets fire and safety requirements. I want to ensure that a TCO that lasts for the life of the permit and the CO are forthcoming, that I can act as owner builder, and that no one reneges on this MOU. I offered to pay the fine from the original code board right up to the day the city stopped me from working. I also agreed to hire a private inspector. And all I asked was for city to toll the permit as required by law and to waive the fines their own misconduct got the magistrate to impose.

I was informed this afternoon that the commission won't accept the agreement that commissioner DiFransico, city administrator Bartus, building official Loreno and I worked so hard on and that you intend to sue me yet again.

This is my home. I remain concerned that this process has exposed so many illegal actions. I had hoped that, if we accomplish nothing else with this effort, we might now eliminate the jeopardy in the event of a(nother) calamity.

Sincerely,

A handwritten signature in blue ink that reads "Dick". The signature is stylized with a large, sweeping "D" and a cursive "ick".

Richard B. Harper