

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, July 20, 2023 – 9:30 am

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

**1. Call to Order, Pledge of Allegiance, Prayer, Roll Call:** Mayor Trefry called the City Commission Regular Meeting and Public Hearing to order at 9:30 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Patricia Trefry, Vice-Mayor Beth Ramsay-Vickrey, Commissioner Tom Harding, Commissioner Freddie Foster, Commissioner Joey Raspe. **Also present:** City Administrator Dave Turner, Assistant Fire Marshal Mike Card, Building Official Lenny Leggett, Building Assistant Karl Bursa, Police Chief Kris DiGiovanni, City Attorney Dirk Smits, City Clerk Silvia Gransee, Code Officer Barry Goldman, Public Works Department Heard Mike Guarino, Administrative Assistant Cheryl Baker.

Public Attendance: 17

Zoom Attendance: 37

**2. Agenda Additions, Changes & Deletions:** City Administrator Turner asked for the addition of the approval for emergency repair parts for the Utility Plant. The Mayor agreed for the item to be added under the City Administrator's Report as Item 8b.

**3. Special Request:** None.

### **4. Citizen Comments and Correspondence**

Mayor Trefry invited attendees to give public comment.

Fred Swanson, 620 9<sup>th</sup> Street, spoke on his submitted correspondence to the City Commission.

Laurie Swanson, 620 9<sup>th</sup> Street, spoke to Commission on media coverage and the current events surrounding a new City Hall building.

Dan Schott, 800 11<sup>th</sup> Street, spoke on the proposed City Hall and voiced his opposition to a new City Hall building.

Georgie Sage, Sunset Beach Club, gave her opposition to a new City Hall building, asked for a postponement on the action item, and gave a request for a bid for repairs for the current Marble Hall.

James LaConti, 250 Sadowski Causeway, gave his experience in the construction business and voiced his opposition to a new City Hall building.

Larry Mills, 251 4<sup>th</sup> Street, spoke on his request for bid documents and his work experience with bid evaluations.

Mayor Trefry asked for citizen comments online. City Clerk Gransee explained technical difficulties and asked for permission to review citizen correspondence first. Mayor Trefry agreed.

City Clerk Gransee informed on the following correspondence received by the City Clerk for the City Commission:

July 3<sup>rd</sup>, Donald Steamer, 311 11<sup>th</sup> Street – gave thoughts on the bid evaluation meeting and asked for a re-bid with additional time.

July 10<sup>th</sup> Ron Teke, 290 10<sup>th</sup> Street – voiced concerns on the received bids and gave a recommendation to reopen the bidding process.

July 10<sup>th</sup>, Dorothy Eville, 77 7<sup>th</sup> – gave her opinion on a new City Hall building, the bidding process, and declared opposition to a new City Hall building.

July 10<sup>th</sup>, Paul Eville, 77 7<sup>th</sup> Street – commented on trailer rentals and stated his opposition to a new City Hall building.

July 10<sup>th</sup>, Fred Swanson, 620 9<sup>th</sup> Street – gave thoughts on the Evaluation Committee meeting and voiced opposition to the acceptance of either bid.

July 12<sup>th</sup> Laurie Swanson, 620 9<sup>th</sup> Street – stated her disappointment with the City Clerk, gave concerns on the overall process, questioned the validity of the bid opening, and stated opposition to the acceptance of either bid, and asked for the resignation of City Commissioners.

July 13<sup>th</sup>, Constance Foster – questioned stated exemptions on bids and gave questions on funding for a new city hall building

July 13<sup>th</sup>, Marie Flood, no address given – asked for the resignation of City Commissioners and gave opposition to the City Hall bid.

July 13<sup>th</sup>, Sue Bartkus, 140 1<sup>st</sup> Street – gave concerns on the number of received bids and voiced opposition for a new City Hall building.

July 15<sup>th</sup>, Fred Swanson, 620 9<sup>th</sup> Street – asked for acknowledgement of receipt on his correspondence from July 10<sup>th</sup>.

July 17<sup>th</sup>, Marcus Anderson, 101 4<sup>th</sup> Street – stated opposition on accepting the bid, questioned financing, and voiced opposition to a new City Hall building.

July 18<sup>th</sup>, Fred Swanson, 620 9<sup>th</sup> Street – gave thoughts on the design of the new city hall building and voiced opposition to a new city hall building and the acceptance of a bid.

July 18<sup>th</sup>, Ken Jones, no address given – gave thoughts on becoming a full-time resident, past experiences both personal and professional, and gave questions on process and transparency.

July 18<sup>th</sup>, Judi Virost, 80 7<sup>th</sup> Street – gave concerns on the consideration of bids and gave support for a remodel of the current City Hall.

July 19<sup>th</sup>, Patricia, and Robert Apostolakis, 450 12<sup>th</sup> Street, and 44 7<sup>th</sup> Street, gave “two no votes for the new building for City Hall and the Post Office.

July 19<sup>th</sup>, Cynthia, and William Catto, 601 W. Ocean Dr. – asked for the rejection of the current bids and to seek additional bids.

July 19<sup>th</sup>, Orlando Fernandez, no address given, stated his dissatisfaction with the Administration and opposition to a new City Hall building.

July 19<sup>th</sup>, Dean Williamson, no address given, asked questions on the USPS Postal Lease.

July 19<sup>th</sup>, Joanna, and Richard Milovcich, two no-votes for a new City Hall Building.

July 20<sup>th</sup>, ‘Concerned in KCB’ Group, no address given, stating opposition to a new City Hall building.

July 20<sup>th</sup>, James LaConti, 250 Sadowski Causeway, stated his opposition to the acceptance of the bids and asked to come to a solution.

There was no additional citizen correspondence.

Mayor Trefry asked for citizen comments online.

Joe Schmidt, talked on negative news, comments on allegations of fraud, and gave his demands to the City Commission.

Constance Foster, 54 7<sup>th</sup> Street, talked to the Commission on the received bids and asked for the reconsideration of repair of the old building and other alternatives.

There was no additional public comments.

**5. Approval of Minutes:** Mayor Trefry approved the minutes from the June 15<sup>th</sup> City Commission Regular Meeting and Public Hearing and the June 15<sup>th</sup> City Commission Public Hearing as written with no objections from the Commission.

## **6. Committee and Department Reports**

- a. Marathon Fire/EMS – Assistant Fire Marshal Mike Card reported reduced Fire and EMS calls and reminded for slower traffic to stay in the right lane to help keep the roadways open. Mike Card further reported on a new Fire Chief for the City of Marathon with a starting date of September 1<sup>st</sup>. Assistant Fire Marshal Card continued by updating on the Benevolent Fund for the Fire Department and explained the purpose behind the organization and encouraged member applications. Mike Card informed on having hired four new EMT Firefighter Paramedics who are currently undergoing training. Mike Card updated on the Web EOC webinars in preparation for hurricane preparedness and clarified where to find membership applications for the Benevolent fund and the services the fund provides.
- b. Police Department – Chief DiGiovanni
- c. Building Department – Building Official Leggett
- d. Public Works – Public Works Department Head Guarino
- e. City Clerk – City Clerk Gransee
- f. Code Enforcement Officer – Code Officer Goldman
- g. Beautification Committee
- h. Planning & Zoning Board
- i. Recreation Committee – Chair Report
- j. Utility Board

Mayor Trefry asked for Commissioner comments on staff reports.

Commissioner Foster asked how anonymous complaints are being processed and if laws are being followed. Code Enforcement Officer Goldman explained the rule and how it applies to him. Chief DiGiovanni gave further information and recalled a past experience in the difficulty in resolving an anonymous complaint.

Commissioner Harding asked City Administrator Turner to elaborate on the grant for the Playground on 1<sup>st</sup> Street. City Administrator Turner detailed updates for a shade structure over the existing playground equipment, a rebuild of the tiki hut roof, and increase of the rubber mulch. City Administrator Turner explained that the additional funds will come out of the ARP monies which makes the project free to the taxpayer.

Commissioner Raspe thanked the department heads for submitting their reports, in particular the comprehensiveness of the Police Departments report, and the overall savings of time at a meeting these reports provide.

## **7. Items for Discussion/Approval**

### **a. Discussion/Approval: Appointment of Alternate Sandra Glassman to be a full member on the Beautification Committee.**

Mayor Trefry introduced the agenda item and asked Beautification Committee Vice-Chair Sandy Bachman for any additional comments. Sandy Bachman had none. Mayor Trefry asked for a motion to approve Sandra Glassman as an alternate to the Beautification Committee.

**MOTION:** Motion made by Commissioner Ramsay-Vickrey. Mayor Trefry asked for a second. Commissioner Foster seconded the motion.

**DISCUSSION:** City Clerk Gransee asked for clarification on the appointment to a full member to the Committee.

**AMENDED MOTION:** Commissioner Ramsay-Vickrey amended her motion to appoint Sandra Glassman to be a full-time member of the Beautification Committee. Mayor Trefry asked for a second. Commissioner Foster seconded the motion.

**FURTHER DISCUSSION:** None.

**ON THE AMENDED MOTION:** Rollcall vote. Unanimous approval.

### **b. Discussion/Approval of Xylem Water Solutions USA, Inc. Quote #2023-WEP-0449 for a Submersible Propeller Pump in the amount of \$21,727.00.**

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

**MOTION:** Motion made by Commissioner Harding to approve. Mayor Trefry asked for a second. Vice-Mayor Ramsay-Vickrey seconded the motion.

**DISCUSSION:** Commissioner Foster asked City Administrator Turner if the item was approved by the Utility Board. City Administrator Turner confirmed the approval.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

### **c. Discussion/Approval of Xylem Water Solutions USA, Inc. Quote # 2023-WEP-0448 for a Submersible Pump in the amount of \$11,338.00.**

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

**MOTION:** Motion made by Commissioner Raspe to approve. Mayor Trefry asked for second. Commissioner Foster seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**d. Discussion/Approval on adopting Monroe County's Code of Ordinance on Sea Turtle Protection (Code 1979, 13-67; Ord. No. 8-1994, Sec. 7; Ord. No. 10-1998, 1).**

Mayor Trefry introduced the agenda item and asked City Attorney Smits to elaborate on the topic. City Attorney Smits stated support for the agenda item and explained protection under the County's ordinance. Vice-Mayor Ramsay-Vickrey explained her disagreement with the adoption of the County's ordinance for it being out of date and the exclusion of critical criteria including lighting and mechanical beach cleaning. Vice-Mayor Ramsay-Vickrey asked for the review of the ordinance before adoption.

Commissioner Harding asked on the State requirements for proper lighting on stairways and how to accommodate proper turtle lighting and still meeting state laws.

Commissioner Foster asked City Attorney Smits to elaborate on why this ordinance is needed and if the City can choose which parts to adopt and incorporate. City Attorney Smits explained Florida Statutes, enforcement mechanisms, the ability to provide more protection than the State Statute, and the Turtle Foundation to be a guidepost for the Fish and Wildlife Commission.

Commissioner Raspe asked to make a motion to stay with the County ordinance and to come back next meeting with a more restrictive ordinance. Commissioner Raspe further asked to have Vice-Mayor Ramsay-Vickrey chair the topic with his help.

Mayor Trefry stated no need to adopt the County's ordinance and agreed to bring back the ordinance the following month tailored to the city. Mayor Trefry asked Commissioner Raspe for a motion.

**MOTION:** Motion made by Commissioner Raspe to table the agenda item and bring it back the following month with a more restrictive ordinance better tailored to the City's needs. City Attorney Smits asked for clarification on a timeline. Commissioner Raspe confirmed his intent for a workshop in August and a first reading in September. Mayor Trefry asked for a second. Vice-Mayor Ramsay-Vickrey seconded the motion.

**DISCUSSION:** City Attorney Smits reminded that no two Commissioners can work on the matter at the same time. City Administrator Turner stated to be available to Commissioners as well as City Attorney Smits.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**e. Discussion/Approval to Engage an Independent Investigative Attorney regarding Allegations of Fraud.**

**i. Update on Statute of Limitations:** City Attorney Smits updated on the Statute of Limitations and explained the timelines on the limitations of fraud and laws in Florida Statutes. City Attorney further elaborated on possible obstacles determining who is at fault and recovery of fraudulent conduct.

**ii. Estimate of costs for an investigative attorney:** City Attorney Smits explained the estimate on cost for an investigative attorney and offered to obtain more quotes if desired. City Attorney Smits further explained anticipated costs.

Commissioner Foster asked City Attorney Smits to explain the power of enforcement and subpoena power by the investigative attorney. City Attorney Smits stated for the investigator to have no subpoena power and for every person to have a right to remain silent. Commissioner Foster questioned the purpose of an investigation and the level of the FEMA investigation. City Attorney Smits stated no knowledge of the investigation other than the name and position of the person and detailed his understanding of a FEMA investigation. City Attorney Smits further stated no knowledge of the subpoena power of a FEMA investigator.

Vice-Mayor Ramsay-Vickrey stated for the allegations made in the May 24<sup>th</sup> newspaper to be serious and the need for them to be addressed. Vice-Mayor Ramsay-Vickrey clarified that the allegations did not come from her, but from Kathryn McCullough, and had only asked for an investigation into the allegations made by Kathryn McCullough in the May 24<sup>th</sup> newspaper. Vice-Mayor Ramsay-Vickrey elaborated on her support for an outside independent investigation into former Commissioner and City Clerk Kathryn McCullough in addition to any FEMA investigation.

Commissioner Raspe stated his belief that a FEMA investigation to be sufficient and there was no need to hire anyone else.

Mayor Trefry entertained a motion to hire an investigative independent attorney and asked for a motion.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to hire an outside independent investigative attorney to look into the allegations of fraud levied by Kahryn McCullough in the Citizen Newspaper on May 24<sup>th</sup>. Mayor Trefry asked for a second. Commissioner Harding seconded the motion.

**DISCUSSION:** Commissioner Foster suggested for the allegations made by Vice-Mayor Ramsay-Vickrey to be included. Mayor Trefry stated to welcome transparency and any wrongdoings the investigation will uncover. Commissioner Harding stated for an outside investigation to be objective and the importance of transparency to the State and FEMA.

**ON THE MOTION:** Rollcall vote. Commissioner Raspe – No. Vice-Mayor Ramsay-Vickrey – Yes. Commissioner Harding – Yes. Commissioner Foster – No. Mayor Trefry - Yes. Motion passed.

City Attorney Smits stated to circulate the attorney’s proposal for review and clarified the need for signature to get started.

**f. Discussion/Approval on Recommendations by the Bid Evaluation Committee for the City Hall Project: Terrence Justice/LIVS Associates**

Mayor Trefry introduced the agenda item and asked for the members of the Bid Evaluation Committee to be present. Lazaro Cabezon, from Livs Associates, spoke to the Commission and explained the findings of the Bid Committee. Mr. Cabezon talked about the differences in price for the bids, the missing performance bond, and stated the benefit for the City to rebid the project.

Terrence Justice spoke on the recommendation from the Bid Evaluation Committee and explained the Commission’s discretion to award the bid to the lower bidder. Terrence Justice talked to the Commission on the number of bids, bid documents, the disqualification of one bid, the option to award, and the discretion to rebid.

Commissioner Raspe questioned Terrence Justice on typos and math calculations. Mr. Justice explained the rules on discrepancies and minor inconsistencies, his evaluation of the bids, and reiterated the Commission’s ability to come to their own decision and to disagree with the Committee’s recommendation. Commissioner Raspe continued questioning Terrence Justice on differences in bids and if bidders were vetted. Terrence Justice explained the rules on private conversations with bidders and his evaluation of the bids. Commissioner Raspe continued questioning Terrence Justice on the bid evaluation and how the Committee came to their recommendation.

Commissioner Foster questioned Terrence Justice if he received payment for his review. Mr. Justice stated that he had not invoiced the City at this point. Commissioner Foster also voiced concern over the dismissal of the PSC bid for typos and math calculations. Terrence Justice continued answering questions on work sites and references, review of drawing packages, and concerns by Commissioner Foster about the score sheet and no guidance document.

Commissioner Harding asked Terrence Justice to elaborate on his request for a performance bond. Mr. Justice explained the standard requirement for a performance bond for publicly bid projects and its purpose for protection to the City. Mr. Justice gave further thoughts to his recommendation and adjustments made for electrical cost savings.

Vice-Mayor Ramsay-Vickrey had no questions for Terrence Justice.

Mayor Trefry asked for additional comments from Lazaro Cabezon. Mr. Cabezon stated to have followed up with references given and found change order requests satisfactory. City Administrator Turner clarified Mr. Cabezon’s statement on references and change order requests.

Commissioner Raspe asked to share pictures of a current HOB jobsite with the Commission. City Attorney Smits allowed the pictures and asked the pictures to be made part of the record. Commissioner Raspe shared the pictures with the Commission. Mayor Trefry asked for Commissioner Raspe to share the pictures with the City Clerk. City Attorney Smits asked for the pictures to be appended to the minutes.

Mayor Trefry asked Commissioner Raspe if the photos represent violations of the Marathon City Code. Commissioner Raspe stated possible violations due to the debris and clarified the date of the pictures.

Mayor Trefry entertained a motion to approve or deny awarding the City Hall Project to HOB's or go out for a second bid. Mayor Trefry asked for a motion.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve the awarding of the bid to HOB. Mayor Trefry asked for a second. Commissioner Harding seconded the motion.

**DISCUSSION:** Commissioner Foster questioned the entertainment of the motion and stated disagreement. Commissioner Harding asked staff for clarification on the bidding process. City Administrator Turner explained that Livs Associates was hired by the time he became the City Administrator and recalled some changes to the drawings. City Administrator Turner continued explaining the bidding process through DemandStar as the public platform for government bids and gave further information on plan holders and bidders. City Administrator Turner continued explaining the process of answering questions from contractors through DemandStar. Commissioner Harding stated that due diligence was done by the staff in the bidding process and recalled his experience on the Utility Board in regard to bids and change orders. Commissioner Harding gave further thoughts in support of the bid including the bid coming in at 4.6% of the projected number, and concerns on receiving additional bids if the project is put out to bid again. Commissioner Harding gave support for the hiring of a local manager for the project.

Vice-Mayor Ramsay-Vickrey spoke on past years hurricanes limiting the availability of contractors and increasing costs in bids as well as Covid causing supply chain issues and driving construction costs. The Vice-Mayor continued talking on prior engineers reports showing substantial damage and explained the definition of substantial damage per FEMA. Vice-Mayor Ramsay-Vickrey gave further details of a FEMA site inspection in 2017 finding severe damage, and an engineer's report from March 2018 recommending demolition and replacement. Vice-Mayor Ramsay-Vickrey informed of the December 2017 report talking of critical damage and recommending the demolition of the building. Vice-Mayor Ramsay-Vickrey continued reporting on the prior Building Inspector's determination in a letter from December 2021 stating the scope of repair exceeding the 50-percent rule and citing major repairs necessary. The Vice-Mayor reported this report followed the prior Building Official's letter from April 25, 2018, which stated unsafe offices in City Hall and major damage. Vice-Mayor Ramsay-Vickrey further informed on meeting minutes from a January 26, 2005, Ad-hoc Committee meeting for City Hall's Renovation and Replacement, which included Joe Schmidt, Corky Spherly, and Ed Borysiewicz. Vice-Mayor Ramsay-Vickrey continued given details of the meeting minutes including reports on the sinking floor and recommendations on renovations or replacement of City Hall, as well as cost estimates. Vice-Mayor Ramsay-Vickrey informed of a handwritten note from former Building Official Ed Borysiewicz from January 31<sup>st</sup>, 2005, to the Ad-Hoc Committee giving details on needed repairs and costs. The Vice-Mayor continued informing of additional committee meetings and findings of the Committee including a recommendation of a new building. The Vice-Mayor spoke on FEMA's 50-percent rule including rules on substantial damage, calculations on repair estimates, and requirements per FEMA on compliance including the elevation of the building. Vice-Mayor Ramsay-Vickrey gave additional detail on prior findings about the building not being able to be lifted and the building having to be code compliant. Vice-Mayor Ramsay-Vickrey stated understanding of both sides and the importance of FEMA compliance and following its mandate. Vice-Mayor Ramsay-Vickrey continued reasoning in support of the award of the bid and voting in accordance with the 50-percent rule, in compliance with the flood insurance program, FEMA, and future funding opportunities.

Commissioner Raspe questioned why no commercial contractors bid the project. Commissioner Harding stated his understanding for several larger active projects in Monroe County as well as other areas in the State, and the City Hall project being a smaller job in comparison.

Commissioner Raspe disagreed with Commissioner Harding and reiterated being more comfortable with a commercial builder and questioned the acceptance of one bid for a project.

Commissioner Harding repeated his experience with receiving bids on the Utility Board and his condominium complex. Commissioner Harding further expressed no surprise by the low number of bids based in his experience.

Commissioner Foster commented on Commissioner Raspe's background in heavy construction and his own experience in heavy construction as senior project manager and stated his opposition at its highest level. City Administrator Turner confirmed to Commissioner Foster on having received additional bids which were given to legal. City Attorney Smits confirmed that a timeframe was given in the bid, and responses received after were closed. Commissioner Foster asked for confirmation of two bids having been denied due to the timeframe not having been extended. City Administrator Turner clarified that two bidders asking for extensions does not necessarily produce a bid.

Mayor Trefry asked for any further discussion. There was none. City Clerk Gransee asked for the restatement of the motion.

**RESTATEMENT OF MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to accept the HOB bid for the new City Hall project. City Clerk Gransee confirmed the second by Commissioner Harding.

**FURTHER DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Commissioner Foster – No. Commissioner Raspe – No. Vice-Mayor Ramsay-Vickrey – Yes. Commissioner Harding – Yes. Mayor Trefry – Yes. Motion passed.

Mayor Trefry called for a recess at 11:45 am until 12:00 pm.

The meeting reconvened at 12:00 pm.

**g. Discussion/Approval for USPS Lease Agreement #QG0000781860:**

Mayor Trefry introduced the agenda item and asked City Administrator Turner to elaborate. City Administrator Turner gave the background of coming to a lease agreement with the help of Congressman Jimenez. The City Administrator gave details on the length of the agreement of 10 years with the option to 30 years. City Administrator Turner thanked Congressman Jimenez for his help and asked the Commission for questions.

Commissioner Foster asked City Administrator Turner to clarify the purpose of the annual rent of \$1.00. City Administrator Turner explained that the annual rent was in place when he took office and the directive was given to not change the amount. City Administrator Turner gave further thoughts on the possibility of raising the rent and differences in leases between government and private sector. City Administrator Turner confirmed not having asked for an increase in rent nor having knowledge of it being done prior.

Commissioner Harding commended City Administrator Turner for his work on keeping the Post Office and voiced his satisfaction in having a lease.

Vice-Mayor Ramsay-Vickrey agreed with Commissioner Harding and stated support for the lease.

Commissioner Raspe stated that a compromise would have been welcome and gave thoughts on possible costs for the Post Office if lease was not renewed.

Mayor Trefry said for the City to be fortunate to have the lease and explained alternatives to having a post office in the City. Mayor Trefry continued explaining being in a dialogue with the Main Postmaster on various issues and



working on solutions. City Attorney Smits stated he did not review the contract and the Commission can pass the contract pending on legal review. Mayor Trefry entertained a motion concerning the lease for the postal service.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to accept the lease for the Postal Service conditioned on legal review. Mayor Trefry asked for a second. Commissioner Harding seconded the motion.

**DISCUSSION:** Commissioner Foster stated to support the Post Office in the City but voiced difficulties with the acceptance of the annual rent. There was no further discussion.

**ON THE MOTION:** Rollcall vote. Commissioner Harding – Yes. Commissioner Foster – No. Commissioner Raspe – Yes. Vice-Mayor Ramsay-Vickrey – Yes. Mayor Trefry – Yes. Motion passed.

## **8. City Administrator Items for Discussion/Approval**

### **a. Introduction of Budget for FY2023-2024**

Mayor Trefry introduced the agenda item and asked City Administrator Turner to continue.

City Administrator Turner explained the budget approval process including information on important dates and upcoming meetings.

The City Administrator shared data on the taxable value of the City over the last years and what increases occurred. City Administrator Turner continued explaining the proposed budget and current exclusions. City Administrator Turner recommended keeping the millage rate the same at 2.8726 percent and but voiced confidence in keeping the millage the same despite cost increases. City Administrator Turner continued informing on lower millage rates and voting requirements. City Administrator Turner informed that a lower millage rate to 2.5835 percent would represent cuts or layoffs.

Commissioner Harding explained the County's budget timeline and purpose of September meetings. City Administrator Turner confirmed the deadline to submit the initial millage rate to the county by the end July and also explained the millage rate can go down but cannot go up. Commissioner Harding continued explaining the budget process.

City Administrator Turner continued his report on the proposed budget including ad valorem taxes and proposed rollback. The City Administrator informed of proposed millage rates for other municipalities in the county and further explained homesteaded versus non-homesteaded property tax increases due to the increased value of the city. City Administrator Turner continued reporting on expected income and expenses and confirmed that no new City Hall expenses were included in the proposed budget. Commissioner Harding clarified the process for possible budget amendments after Law Enforcement negotiations are completed.

City Administrator Turner continued presenting the proposed budget including protective services, Fire EMS, Public Works, Parks and Recreation, and the Beautification Committee Budget. City Administrator Turner informed on proposed additions to reserves and equipment, educated on purpose of reserves, and advised on additions to contingencies for hurricanes and other unforeseen events.

City Administrator Turner presented the increased highlights in the proposed budget including FRS increases, health insurance costs, flood and wind, liability, and technology needs. City Administrator Turner informed on salary increases and anticipated COLA adjustments between five to seven percent.

City Administrator Turner recommended keeping the millage rate the same at 2.8726 percent the same as last year, or lower, and further explained additional monies available if millage is being kept the same and possible uses for it. Commissioner Raspe recalled storm clean up after Hurricane Irma and asked if the City was still under contract with the same contractors. City Administrator Turner informed on being in a MOU (Memorandum of Understanding) with Monroe County and explained the purpose behind. City Administrator Turner further explained the process in the event of a storm.

Commissioner Harding gave information on the purpose of the Web EOC and explained that working with the County is in the best interest for the City.

City Administrator Turner gave further information on issues on reimbursement and the use of Web EOC during an emergency event.

Commissioner Foster recalled his experiences after Hurricane Irma and asked about the risks on being independent from the County and the costs on the reserves and difficulties in the recovery of monies.

City Administrator Turner guessed an estimate of an additional 3 million dollars to the budget and the needs for multiple tax increases.

Commissioner Harding recalled costs after Hurricane Irma did not meet FMEA requirements and where mostly ineligible for reimbursement. Commissioner Harding recalled about 1.3 million dollars in costs for the Hurricane Irma cleanup, which the City was reimbursed for some but not all due to missing documentation. Commissioner Foster asked if the City is in a better condition with the lessons learned from past experiences and stated concerns for the City. City Administrator Turner clarified the storm debris clean-up process and the City's ability to clean their own streets.

Mayor Trefry recalled the costs of Hurricane Irma to be closer to 1.5 million dollars and the City having paid with a line-of-credit which was paid back over a year.

Commissioner Harding informed on what difficulties occurred after Hurricane Irma and what has been learned from it.

Mayor Trefry spoke on contractor requirements and prior processes.

City Administrator Turner continued presenting the City's proposed budget and anticipated variables and asked for the millage to stay the same.

Mayor Trefry asked City Administrator Turner to see a reduction.

City Administrator Turner further explained the process of storm cleanup.

Mayor Trefry asked if new Commissioners are familiar with the Web EOC platform and asked City Administrator Turner for an opportunity to educate. City Administrator Turner agreed and further discussion followed on the Web EOC process during an event and City Administrator Turner's responsibilities in the event of a storm.

Mayor Trefry asked on a possible presentation by Shannon Weimer, Director of the Monroe County EOC, on Storm readiness. City Administrator Turner confirmed to reach out.

City Administrator asked for a motion and a vote to keep the millage rate the same.

**MOTION:** Motion made by Commissioner Raspe to recommend keeping the millage rate at 2.8726 %. The same as last years. Commissioner Harding seconded the motion.

**DISCUSSION:** City Administrator Turner confirmed the correct millage rate.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**b. Agenda addition: A Proposal from Komline-Harn for a Cartridge Filter Housing Emergency Replacement in the amount of \$25,712.97.**

Mayor Trefry introduced the agenda item and asked City Administrator Turner to elaborate. City Administrator Turner explained the need for the replacement of the part for the plant to continue operating. Mayor Trefry asked for a motion.

**MOTION:** Motion made by Commissioner Raspe to approve. Commissioner Foster seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**9. Secretary-Treasurer's Report**

**a. Treasurer's Report June 2023:** Commissioner Harding gave the Treasurer's report in his position as Secretary Treasurer. Commissioner Harding reported on taxes, overall expenses, general and restricted cash accounts, and infrastructure accounts. Commissioner Harding reported an expected rollover amount for the end of this fiscal year but showing a negative running balance for the current month. Commissioner Harding informed for the income from rental licenses to increase in the next months. Commissioner Harding continued talking on Wastewater and predicted a negative balance with a need to pull from the reserves for maintenance items.

Commissioner Harding additionally reported on continuing Stormwater reimbursements and no concerns in cash flow.

Commissioner Harding continued informing on the annual financial audit with the City being in overall healthy financial condition in compliance.

Commissioner Harding continued his financial report on the draft financial plan for the proposed City Hall Project. Commissioner Harding educated on sales tax funding and the funding it provides for the City for infrastructure projects. Commissioner Harding continued his report on rollover amounts, the State Hardening Grant, and cash transfers for City Hall funding to minimize a loan amount. Commissioner Harding recommended onsite engineering support services and gave further information on a possible loan for the City Hall project. Commissioner Harding explained that the Commission as a whole will make a decision on any loans for the City and, upon questioning by Commissioner Foster, gave his thoughts on a maximum acceptable loan amount, bank expectations, and taxes. Commissioner Harding clarified not anticipating having to raise taxes for the current bid, but rising medical and insurance costs might need recovery in the future.

**b. Approval of Warrant 0623 in the amount of \$357,212.15**

Mayor Trefry introduced the agenda item and asked for a motion to approve Warrant No. 0623 in the amount of \$357,212.15.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve the warrant. Mayor Trefry asked for a second. Commissioner Harding seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

Mayor Trefry called for a recess until 1:15 pm.

The meeting reconvened at 1:15 pm.

**10. City Attorney's Report**

City Attorney Smits updated on the current litigations against the City and his anticipated outcome of both cases. City Attorney Smits further updated on the unionization status for the Police Department and waiting on the Public Employee Relations Committee to start negotiations. Mayor Trefry asked for Commissioner questions.

Commissioner Harding asked for the possibility of reimbursement of legal costs which City Attorney Smits explained are not that much in the lawsuit.

Commissioner Foster asked City Attorney Smits on the Employees Manual and if further discussion was needed. City Attorney Smits explained the importance of distinguishing responsibilities which are defined in the charter and the policy. City Attorney Smits continued talking on the Commission's province towards hiring and firing of certain positions and the managerial responsibilities of the City Administrator. City Attorney Smits stated that the policy can be clarified in accordance with the City's Code and will inform the Commission when completed.

**11. Ordinances & Resolutions**

**a. Resolution No. 2023-07:** A Pledge Of The Southeast Florida Local And Tribal Governments Endorsing The Southeast Florida Climate Action Pledge; Agreeing To Jointly Advance Strategic Climate Adaptation And Mitigation Planning, Programs, Policies And Projects; And Advancing The Implementation Of The Regional Climate Action Plan As Appropriate For Each Government.

Mayor Trefry introduced the agenda item and asked for motion to approve Resolution No. 2023-07.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve. Mayor Trefry asked for a second. Commissioner Harding seconded the motion.

**DISCUSSION:** Commissioner Foster asked about costs associated with the approval of the Resolution. Commissioner Harding explained this to be a voluntary membership, and the groups support will benefit with future grants. Commissioner Harding further commented on the needs to affect climate change and sea level rises, and future mitigations to improve climate change. Commissioner Harding clarified no requirement for cost, but that attendance of training sessions and meetings are encouraged. Commissioner Harding stated his understanding of the group being an advisory group to make improvements for climate change.

Mayor Trefry asked City Attorney Smits to weigh in.

City Attorney Smits gave his legal opinion and stated this Resolution not to be permanent with no given mandates. Commissioner Foster had no additional questions.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**b. Resolution No. 2023-08:** 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 Trefry provided the Reading of Resolution No. 2023-08 and asked for a motion to approve the Resolution.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve. Mayor Trefry asked for a second. Commissioner Harding seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Unanimous approval.

**c. ~~First Reading of Ordinance No. 2023-485: Adopting Monroe County's Code of Ordinance on Sea Turtle Protection (Code 1979, 13-67; Ord. No. 8-1994, Sec. 7; Ord. No. 10-1998, 1), Article V. Sec. 12-114~~**

Agenda Item Removed

## **12. Commissioner's Reports & Comments**

### **a. Commissioner Harding**

#### **i. Wastewater Sampling Update**

Commissioner Harding updated on the Wastewater sampling and gave data on current cases per the CDC and the Florida Department of Health. Commissioner Harding informed on levels being very low for the City and gave data comparisons to neighboring counties and the national average. Commissioner Harding further updated on no concerns on Monkey Pox for the City and informed the current program to be funded until July 28<sup>th</sup> with an extension expected. Commissioner Harding updated that future testing will include the RSV and Flu virus and will provide further information at the next meeting.

Commissioner Harding updated on attending the Monroe County meeting on Grant Proposal Tips for working with FEMA, having attended the training on Form 6 requirements, having attended a DEP meeting for grant procedures, working with the City Administrator on the Utility Board Budget, having worked on the financial plan for City Hall, and having attended the DOAH meeting. Commissioner Harding further informed on having

attended the year-end review between BioBot and CDC, having attended an extreme heat summer seminar by FEMA as well as having attended the City Hall Evaluation meeting.

**b. Commissioner Raspe**

**i. Discussion/Action on Unlicensed Contractors and the Establishment of Contractor Rules.**

Commissioner Raspe reported on meeting with City Administrator Turner on concerns of contractors not being informed on City rules and having worked on solutions. Commissioner Raspe informed of new requirements for permit postings on job sites and possible signage on West Ocean and Sadowski.

Mayor Trefry commended Commissioner Raspe for his work.

City Administrator Turner asked for input from the Commission on agreement with the new process and questions on how to move forward. City Administrator Turner stated this new process to improve the lives of the residents in the City. The Commission continued talking on the topic.

Commissioner Foster had no comments.

Commissioner Harding suggested a banner for Storm Ready which states the requirements for a licensed contractor. Commissioner Harding further asked on knowledge of emergency exceptions for contractors on Sundays, which was confirmed as allowed with the Mayors permission. Mayor Trefry confirmed for staff to have been directed to move forward with a banner.

**ii. ~~Consideration and Vote to Pursue Bids for Repair of Existing City Hall/ Marble Hall.~~**

Commissioner Raspe removed the item from his report.

**c. Vice-Mayor Ramsay-Vickrey**

**i.FKNMS Mooring Buoys**

**ii.Mini-Lobster Season, Education and Law Enforcement Partnerships.**

Vice-Mayor Ramsay-Vickrey informed on participating in the Florida Keys National Marine Sanctuary Advisory Council meeting and gave an update on the Mini-Lobster Season including efforts by Law Enforcement and the TDC on education and enforcement. Vice-Mayor Ramsay-Vickrey further updated on a discussion on new mooring balls on popular dive sites.

Additionally, Vice-Mayor Ramsay-Vickrey reported on attending a Storm Committee meeting, having missed the BPW Induction meeting due to a bad back, having attended the Rotary Club Dinner honoring Sheriff Rick Ramsay, attendance of the County's 200-year celebration event in Big Pine Key, and having attended the BOCC meeting in June. Vice-Mayor Ramsay-Vickrey further informed on the upcoming National Night Out on August 1<sup>st</sup> and the American Cancer Society kick-off on August 8<sup>th</sup> at Dockside.

Police Chief DiGiovanni elaborated on the purpose of National Night Out and what interactions are being provided for the public. Mayor Trefry commented on a great event in the prior year. Commissioner Raspe informed that the Kids Fishing Derby is sponsoring the Swag for the City. Commissioner Harding suggested a letter to the FWC Leadership thanking for the City's support during Lobster season and asked Chief DiGiovanni for an evaluation after the season. Chief DiGiovanni updated on staffing for the upcoming week with further conversation on future planning.

**d. Commissioner Foster**

**i. Status of Jamie Buxton promotion**

Commissioner Foster asked Chief DiGiovanni for an update on Corporal Buxton's promotion. Chief DiGiovanni reported for all required training having been completed, and for the paperwork having been submitted to the City Administrator with a recommendation for promotion.

Commissioner Foster asked for City Administrator Turner to elaborate.

City Attorney Smits updated on ongoing communication with Mr. Axelrod and Attorney Mr. Miller on the question of Status Quo and that it has been advised that the Status Quo should be maintained until PERK has ruled. Commissioner Foster asked if the promotion can go forward if the Attorney's come to an agreement. City Attorney Smits explained that if everyone is in agreement it should happen and gave further thoughts on the topic and legal requirements.

### **ii. Protocol for process/approval of request for information from city employees**

Commissioner Foster spoke on complaints on the delay on receiving information from the City on bids, and asked City Administrator Turner to explain the expectations of the process. Commissioner Foster clarified his question and asked what processes to follow on receiving information in a timely manner. City Clerk Gransee asked for permission to answer Commissioner Foster's question. City Clerk Gransee explained receiving Commissioner Foster's request for information and having answered his correspondence in a timely manner with information on Florida Statutes on exemptions. City Attorney Smits explained that public records requests have a reasonable time to be responded to and he accepted his share of responsibility in the delay of answer. City Attorney Smits continued talking about contacting his office, exemptions, and City Attorney Smith being his number two contact person.

Commissioner Harding commended City Clerk Gransee for her professionalism and responsiveness. Commissioner Harding further commented the bid process being a learning experience for everyone and thanked City Clerk Gransee. Commissioner Foster asked on a need for training and possible costs associated with. City Attorney Smits stated that public records training is always good due to constant changes and beliefs in staff having a good understanding. City Attorney Smits offered Commissioner Foster to provide an estimate for which training courses he desires. Commissioner Foster thanked City Clerk Gransee.

### **iii. Discussion/vote on the need to obtain an independent audit of the city building funds**

Commissioner Foster spoke on the agenda item and stated his belief that after talking with previous building inspectors, an independent 4-year review should be completed. Mayor Trefry recommended to reach out to Jennifer Johnson and City Administrator Turner for a review. Commissioner Foster stated to want an independent investigation on the particular item and concerns on Building funds. Commissioner Harding thanked Commissioner Foster for his concern and voiced his confidence in Jennifer Johnson and her accounting firm. Commissioner Harding further stated seeing no need for an independent audit in addition to the City Administrator's review, his own review, and the independent auditor review from Miami. Commissioner Harding stated that the Utilization report probably needs review and updating. Commissioner Harding confirmed diligent review and for the building fund to be a stand-alone. Commissioner Harding gave additional information on the financial requirements for the building fund.

Vice-Mayor Ramsay-Vickrey agreed with Commissioner Harding and stated that Commissioner Foster should first meet with City Administrator Turner and Jennifer Johnson from the accounting firm for a review.

Commissioner Raspe stated that he believes for room for an independent audit but agreed that Commissioner Foster should meet with the City Administrator and Jennifer Johnson first and gave some concerns on changes that occurred with the Building Department.

City Attorney Smits suggested for the item to be flagged at the next audit for review with a timeframe of a 4-year lookback and gave further details on the purpose of utilization reports. Commissioner Foster stated for his to satisfy his needs.

Commissioner Foster spoke on a previously mentioned email from City Administrator Turner regarding public safety and asked the City Administrator for clarification in his meaning. City Administrator Turner stated that the Fire and EMS contract expired with the cost possibly doubling for the service. Discussion followed on the term of public safety and what it entails. Commissioner Foster asked about future plans for the Police

Department. City Administrator Turner stated that the budget is for the Commission to decide and for Fire to be included in the definition of public safety. Commissioner Harding agreed for Fire, EMS, and the Police to be included in the definition of public safety.

City Administrator Turner stated for Jennifer Johnson to have informed of being available at any time for a meeting.

Mayor Trefry spoke on climate research and the heat advisory over the last few month and asked for everyone to complete their hurricane preparedness. Mayor Trefry further reminded of the upcoming Florida League of Cities and asked for City Clerk Gransee to send travel packages for attending Commissioners. City Clerk Gransee confirmed room and conference registrations and reminded of processes for travel arrangements and reimbursement procedures. City Clerk Gransee confirmed to send a reminder email to the Commission.

**13. Adjournment:** The meeting adjourned at 2:19 pm

Respectfully submitted,

*Silvia Gransee*

City Clerk

**ADOPTED:** August 17<sup>th</sup>, 2023

*Silvia Gransee*

*City Clerk*