

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, March 21st, 2024 – 9:35 am OR at the end of the Public Hearing
Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: The Key Colony Beach Regular Meeting & Public Hearing was called to order by Mayor Joey Raspe at 9:35 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Joey Raspe, Vice-Mayor Freddie Foster, Commissioner Tom Harding, Commissioner Tom DiFransico. **Also present:** City Attorney Dirk Smits, Interim Building Official Ed Borysiewicz, Chief of Police Kris DiGiovanni, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Public Attendance: 29

- 2. Agenda Additions, Changes & Deletions:** City Clerk Gransee asked for the following additions and changes.
- **6b.** Deletion of Item 6b of the Approval of Minutes for February 12th, City Commission Townhall Meeting Minutes
 - **6 c.** Addendum of the February 15th, City Commission Regular Meeting Minutes
 - **7 j(i)** Deletion of the Pickleball Liaison Report by Carman Slusher
 - **9c.** Addition of comments by Commissioner DiFransico, answers by City Attorney Smits, and suggested contract changes.
 - **9e(i & ii).** Deletion of the discussion and approval/disapproval of the FKAA interlocal agreement and required program participation.
 - **9 e (iii). Utility Board Recommendation:** A recommendation by the Utility Board to explore a change in methodology for Wastewater billing.
 - **9 e (iv): Utility Boad Recommendation:** A recommendation by the Utility Board for code amendments to address failed & outstanding sewer line inspections.
 - **Item 13 a.** Addendum to the Wastewater report

The Commission agreed with the requested changes.

Vice-Mayor Foster asked for the deletion of item 9d to provide additional time to look at available funding. There were no objections and no additional request for changes.

3. Appointment of Vacant Commission Seat

- a. Introduction of candidates by the City Clerk:** City Clerk Gransee informed of three initial applications with two withdrawals. City Clerk Gransee introduced Douglas Colonell to the Commission.

b. Candidate Statements: Mayor Raspe invited Douglas Colonell to address the Commission.

Doug Colonell spoke to the City Commission and gave background on his education, career, knowledge, training, and education in construction law. Douglas Colonell informed on his experience with working with government agencies, large contracting firms, and experience working with state and federal agencies. Douglas Colonell further informed on the success of his own construction firm and notable projects. Douglas Colonell talked about his family, coming to the Keys and having become a Florida resident in 2022.

c. Citizen Comments & Correspondence: None.

d. City Commissioner Questions/Comments: None.

e. Call for Nominations: Mayor Raspe called for nominations.

NOMINATION: Vice-Mayor Foster nominated. Commissioner DiFransico seconded the nomination. Vice-Mayor Foster clarified his nomination to be for Douglas Colonell.

f. Vote by Commissioners: There were no other nominations and Mayor Raspe asked for rollcall.

ON THE NOMINATION: Rollcall vote. Unanimous approval.

g. Swearing-in Ceremony: City Clerk Gransee administered the Oath of Office to newly appointed Commissioner Douglas Colonell.

Mayor Raspe called for a brief recess.

The meeting reconvened at 9:47 am.

~~**h. **Tentative* per City Code of Ordinances Sec. 2-64 Vacancies on City Commission (2) If a majority of said remaining members are unable to agree upon a person to fill said vacancy after forty-five (45) days, the City Commission shall call a special election for that purpose. However, no special election shall be held within six (6) months prior to a regularly scheduled municipal election.**~~

4. Special Request: Presentation by Burke Energy Solutions on Solar Energy for the Wastewater Plant
a. Request by the Utility Board for Commissioner Input on going forward.

Greg Galmin, from Burke Energy Solutions, introduced himself to the Commission and gave a PowerPoint Presentation on Solar Energy including company details, benefits of solar energy, prior projects, and information on local projects including the Key Largo plant which is similar in size to Key Colony Beach. Greg Galmin informed on prior projects all over the word to show experience working in unique locations. Greg Galmin continued to give an analysis of energy load consumption and cost and presented correlating data. Greg Galmin further talked on the benefits of using solar energy in Florida and talked about his proposal of utilizing the proposed system and potential cost savings. Greg Galmin talked about three available options for the utilization of space including a convertible carport with sliding panels. Greg Galmin explained the benefits of the unique concept including benefits of being hurricane proof, affordable, and evaporation benefits. Greg Galmin spoke on the proposed layouts and informed for Option A being the preferred layout providing 100% power for the entire plant. Greg Galmin continued informing on Option B with a carport like structure to give less than half of power for the plant, and Option C providing about 25% of needed power.

Greg Galmin showed a video with landscape renderings for Option A and gave additional information on cost and load for Options B and C.

Greg Galmin talked on tax incentives and possible available grant monies for the project and upcoming application deadlines. Greg Galmin talked on other available funds, his company's ability to complete the project without effecting the operation of the plant, and not creating an eyesore for neighbors.

Mayor Raspe thanked Greg Galmin for his presentation and asked for Commissioner comments or questions.

Commissioner DiFransico asked if Burke Energy offers long-term operation and maintenance contracts. Greg Galmin confirmed for his company to offer maintenance programs along with software support for the plant. Greg Galmin informed on low maintenance for the panels with a recommended yearly cleaning. Greg Galmin stated for the inverters to be a low or no maintenance, and that a reasonable maintenance program can be provided.

There were no other questions and Mayor Raspe thanked Greg Galmin for his presentation.

a. Request by the Utility Board for Commissioner Input on going forward.

Commissioner Harding talked about the importance of education on methane, its effects on the environment, and the benefits of a methane reduction on the grant application. Commissioner Harding stated uncertainty on the approval of the plan by the South Florida Water Management and suggested going forward in stages to achieve some cost reduction and help with cosmetic concerns. Commissioner Harding further talked on a decrease in electric costs comparable to numbers from 2022.

Commissioner Harding suggested only going forward with the project with a support of a grant and for the Key Largo Plant having been fully funded by grants. Commissioner Harding further explained standard procedure on grants and federal requirements on competitive pricing and quotes.

Commissioner DiFransico agreed with Commissioner Harding to proceed slowly and asked for clarification on the visual impact of Option B. Commissioner Harding explained that additional plants might have to be added to the existing landscaping and cautioned that less boat trailer parking would be available.

Mayor Raspe cautioned using panels on the aging tanks for fear they might get compromised.

Vice-Mayor Foster stated understanding with the proposed project but stated that the neighbors feedback has to be taken into consideration before proceeding.

Mayor Raspe agreed with Vice-Mayor Foster and informed for preliminary feedback received has been concern which will be a factor in going forward.

City Attorney Smits asked for a recommendation and suggested to table the matter.

Mayor Raspe recommended to table the matter until the Commission has more input to give back to the Utility Board.

Commissioner Harding asked if the matter can be added to the next City Commission Townhall meeting.

Mayor Raspe agreed and asked for the public's comment and input.

Mayor Raspe confirmed for the next Townhall meeting to be on April 15th, 2024.

5. Citizen Comments and Correspondence: City Clerk Gransee informed on the following citizen correspondence:

- February 17th, 2024, Mary Kohl, Alternate Beautification Committee Member, thanked the Commission and Staff for the volunteer appreciation gift.
- February 21, 2024, Sue Bartkus, KCB Resident, wrote to the City Commission with various suggestions on trimming the budget.
- February 22nd, 2024, Barbara Baran-Cisna, 690 11th Street, wrote to the City Commission in regard to the neighboring property of 680 11th Street.
- March 15th, 2024, Judi Virost, wrote to the City Commission in opposition to a solar field in the retention pond.

- March 17th, 2024, Janie Byland, 72 7th Street, wrote to the City Commission in opposition to a solar field in the retention pond.
- March 17th, 2024, Ted Bentley, 980 Shelter Bay Drive, wrote to the City Commission in opposition to a solar field in the retention pond.
- March 18th, 2024, Marilyn & Bill Avery, 79 7th Street, wrote to the City Commission in opposition to a solar field on the retention pond.
- March 18th, 2024, Marie Sweeny, no address given, wrote to the City Commission in opposition to the Smart City Project.
- March 18th, 2024, Fed Swanson, 620 9th Street, wrote to the City Commission in opposition to the Smart City Project.
- March 18th, 2024, Jan Pflueger, no address given, wrote to the City Commission with concerns and questions on the Smart City Project.
- March 19th, 2024, Thau Ho, 391 10th Street, wrote to the City Commission with questions on the Smart City Project.
- March 20th, 2024, Laurie Swanson, 620 9th Street, wrote to the Commission in opposition to the Smart City Project.

Mayor Raspe asked for citizen comments.

Ted Bentley, 980 Shelter Bay Drive, stated for his comments to be partially in the record already but asked to speak specifically to the Burke Energy Presentation. Ted Bentley spoke against solar panels in the retention pond and for the presentation not having been specific in costs. Ted Bentley suggested the installation of panels on top of the maintenance building which would create a minimal visual impact and provide about 1/3 of the required power for the plant. Ted Bentley cautioned against a salesperson wanting something to sell and recommended to take all comments under consideration. Ted Bentley gave concern on no proper notice on the matter to affected residents and meeting minutes not being posted in a timely manner.

Thau Ho, 391 10th Street, spoke to the Commission with concerns about cost of insurance for the solar panels. Mayor Raspe explained for the proposal being too early in its stage to be addressed at this point and further explained the process of approval of minutes at the next meeting. Mayor Raspe informed for the proposal to be approached slowly with a thorough review on location, cost, and possible burden on the City.

There were no additional comments.

6. Approval of Minutes

- a. January 18th, 2024 – City Commission Regular Meeting & Public Hearing
- ~~b. February 12th, 2024 – City Commission Townhall Meeting **deleted**~~
- c. February 15th, 2024 - City Commission Regular Meeting & Public Hearing ****added****
- d. February 23rd, 2024 – Key Colony Beach Townhall Meeting Minutes on Floodplain Management

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

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

- a. Marathon Fire/EMS
- b. City Administrator’s Report – Mayor Raspe
- c. Police Department – Chief DiGiovanni
- d. Building Department – Interim Building Official Borysiewicz
- e. Public Works – Public Works Department Head Guarino

- f. City Clerk – City Clerk Gransee
- g. Code Enforcement Officer – Ed Borysiewicz
- h. Beautification Committee – Sandra Bachman
- i. Planning & Zoning Board – George Lancaster
- j. Recreation Committee – Richard Pflueger
 - i. Pickleball Liaison Report – Carman Slusher
- k. Utility Board - Bill Fahs

Commissioner Harding informed on attending a FDOT training meeting after the last Commission meeting alongside Public Works Department Head Mike Guarino and lessons learned during the training.

There were no other questions for the Department Heads.

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

a. Review of Townhall Meeting held on March 18th, 2024.

Mayor Raspe reviewed the Townhall meeting from March 18th and spoke of a positive meeting with lots of citizen input on the discussed topics. Mayor Raspe invited residents to attend the next Townhall meeting on April 15th and asked for suggested topics from residents.

b. Discussion on revised City Administrator Job Description & Agreement

Mayor Raspe informed on having received feedback on suggested changes in the City Administrator’s job description and agreement and having them incorporated in the new agreement. Mayor Raspe asked for additional feedback on hours and compensation to bring back at the next City Commission meeting. Mayor Raspe cautioned that part-time positions can be tough in the Florida Keys unless a secondary source of income is available. Mayor Raspe confirmed for Commissioners to bring feedback to City Clerk Gransee to follow Sunshine Law.

Commissioner DiFransico asked Mayor Raspe on his observation for the position to be part-time.

Mayor Raspe explained to be managing Mayor and City Administrator duties, and to be managing the construction project as well. Mayor Raspe stated for the Department Heads to be outstanding with no additional need for oversight. Mayor Raspe explained the change of verbiage related to job duties to coordination and organization instead of supervising. Mayor Raspe suggested looking at a part-time position and letting the Department Heads run their departments. Mayor Raspe reiterated to provide suggestions to City Clerk Gransee. Vice-Mayor Foster agreed with Mayor Raspe for the Department Heads doing a great job.

Commissioner Harding recalled the first City Administrator having been hired on a part-time basis and responsibilities grew to collect funding through grants which represented a decent workload for the prior City Administrator. Commissioner Harding suggested using RMPK as the primary grant writer and the consideration of a part-time City Administrator.

There was no further discussion.

c. Discussion/Approval for pay increase for the City Clerk of \$10K/yr. with same benefits: Mayor Raspe introduced the agenda item and gave strong support for an approval.

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

DISCUSSION: Commissioner DiFransico asked Vice-Mayor Foster on his assessment on the equity of salaries and how the increase falls in line with his assessment. Vice-Mayor Foster confirmed for the assessment to fall in

line and for him having to review one more position. Commissioner Harding stated equity had been a concern before and to support the increase.

Vice-Mayor Foster informed for input from the Department Heads having been paramount.

Mayor Raspe agreed and for the Department Heads wearing many different hats. There was no further discussion and Mayor Raspe asked for rollcall.

ON THE MOTION: Rollcall vote. Unanimous approval.

d. Discussion/Approval for the final pay for former Building Official Lenny Leggett in the amount of \$7,013.51: Mayor Raspe introduced the agenda item and explained restrictions on the City Administrator's discretionary spending. Mayor Raspe stated for the breakdown of pay to be included in the agenda packet and asked for a motion to approve.

MOTION: Motion made Vice-Mayor Foster to approve. Commissioner DiFrancisco seconded the motion.

DISCUSSION: Mayor Raspe and City Clerk Gransee confirmed for the sick and vacation pay having been reviewed by the City Accountant.

ON THE MOTION: Rollcall vote. Unanimous approval.

e. Update on Marble Hall, Administrative Offices, and overall progress: Mayor Raspe stated for this to be an update only with no approvals needed. Mayor Raspe informed on being in the phase of needing engineering drawings to have the part of the building repaired or replaced and informed on timelines to comply with the Hardening Grant. Mayor Raspe suggested requesting engineering drawings based on received needs from Department Heads after review by the Building Official and City Commission. Mayor Raspe informed for both repairs and replacement of the building to be considered after drawings have been solidified. Mayor Raspe asked Building Official Borysiewicz for comments on going forward.

Building Official Borysiewicz recalled damage to the City Hall structure from Hurricane Irma and mitigation after. Building Official Borysiewicz stated for the Post Office and Building Department offices having been used well until after his retirement and gave further details on the damaged area in question. Building Official Borysiewicz explained for the area having experienced issues with settlement of the slab, mold and mildew after Hurricane Irma, and asbestos which was treated, tested, and confirmed as removed. Building Official Borysiewicz informed on numerous ways to address the settlement including structural foam to stabilize the slab, the installation of pin piles, or a combination of both. Building Official Borysiewicz stated that once stabilized the floor covering can be installed and for the building to be open for business again with the question on available office space to be still up for discussion. Building Official Borysiewicz informed for the old Building Department offices to be open within the next weeks and further talked on staffing needs for his department. Building Official Borysiewicz talked on needs for filing storage and gave suggestions for solutions. Building Official Borysiewicz gave further details on the number of files and the need for archives being instrumental in City business.

The Commission discussed the use of off-site storage and what dimensions would be needed.

Mayor Raspe informed for the Building Department Trailer being picked up April 5th and talked on the importance of timelines and following current codes.

Commissioner Harding asked about the completion of the asbestos testing. Mayor Raspe confirmed the completion and for the air testing having been completed.

Mayor Raspe further confirmed for the insurance policy on the building having been reinstated and having met with the Insurance Company on insurance needs.

Commissioner Harding gave concern on roof damage to Marble Hall and a prior FEMA suggestion to repair an isolated area. Commissioner Harding suggested addressing any issues prior to August to be in compliance with the wind policy.

Mayor Raspe informed not having received any concerns from the structural engineer and suggested a roofing contractor to be able to take a look for any issues. Commissioner Harding spoke on a prior report on lose tiles

and estimate for repairs. Commissioner Harding suggested for a roofing company to inspect the area and provide an estimate for repairs.

Building Official Borysiewicz informed for the roof having replaced after the Post Office addition and gave information on materials used. Building Official Borysiewicz stated belief in the roof being in good shape but for a roofing company being able to verify. Building Official Borysiewicz gave further information on the type of trusses used and for the roof being in great shape.

Mayor Raspe confirmed the ability to contact a roofer to inspect the roof.

Commissioner Harding spoke on outstanding CRS assignments and to consider CRS responsibilities when addressing staffing. Building Official Borysiewicz explained previous compliance with CRS requirements and explained how files and permits were treated and documented. Building Official Borysiewicz informed to look at the past year's documentation and assess the situation.

Mayor Raspe advised for LaRue Planning to be able to take over the responsibilities on a contractual or as needed basis.

There was no further discussion.

9. City Commissioner Items for Discussion/Approval

a. Discussion/Approval of the hiring of Ed Borysiewicz for the position of Building Official, Building Inspector, Fire Inspector, and Code Enforcement Officer

Mayor Raspe reported on Ed Borysiewicz acting as the interim Building Official, Building Inspector, Fire Inspector, and Code Enforcement Officer. Mayor Raspe further informed on having hired two additional staff members for the Building Department for the positions of Building Administrative Assistant and Building Inspector.

Mayor Raspe asked for a discussion on the hiring of Ed Borysiewicz for Building Official, Building Inspector, Fire Inspector, and Code Enforcement Officer, with an annual salary of \$160,000 paid on a bi-weekly basis. Mayor Raspe further informed on a paid stipend in the amount of \$5,000 and asked for an approval of the difference in actual pay. Mayor Raspe informed for the benefits package having been declined and strongly advised to make the offer.

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

DISCUSSION: Ed Borysiewicz thanked the Commission for the offer and informed for the salary of \$160,000 per year to be comparable to the prior Building Officials salary with benefits. Ed Borysiewicz talked about his plans for the future for the Building Department and how he envisions the city to run with Building and Code needs. Ed Borysiewicz talked about the ability to interpret fire and building codes and room to adjust findings with given authority. There was no further discussion and Mayor Raspe asked for rollcall.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Discussion/Approval of the recommendation for appointment of Fred Swanson to the Utility Board as a full-time member: Mayor Raspe introduced the matter to the Commission and asked for a motion to approve Fred Swanson to the Utility Board.

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

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

c. Discussion/Approval of a proposal by The Southern Group for a 12-month agreement with an annual retainer of \$54,000 for the state and local-level advocacy services, beginning March 1, 2024.

- i. Proposal**
- ii. Contract**

Mayor Raspe introduced the agenda item and asked Vice-Mayor Foster to elaborate. Vice-Mayor Foster introduced Kate DeLoach from The Southern Group to the Commission.

Kate DeLoach spoke to the Commission and gave background on her firm, scope of work, and current local clients. Kate DeLoach informed on allocations for the Resiliency Florida and Wastewater funding and the ability to be a resource locally as well as on the State level. Kate DeLoach gave further information on her background and experience in her field. Commissioner DiFrancisco asked about the provided scope of work and if it can be broadened. Kate DeLoach confirmed the ability to broaden the scope of work and to develop a more detailed priority list of what the city is looking for.

Kate DeLoach confirmed to be a Florida Keys resident and for her firm to be also representing the City of Marathon.

Vice-Mayor Foster informed of having received positive input from Monroe County Mayor Holly Raschein and Representative Mooney on The Southern Group and Kate DeLoach. Vice-Mayor Foster talked on the possibility to rewrite the Hardening Grant, and for the Lobbyist in addition to the Grant Writer to support the need for an Administrator on a part time basis only.

MOTION: Motion made by Mayor Raspe to approve the 12-month agreement with The Southern Group for \$54,000 beginning March 1, 2024. Vice-Mayor Foster seconded the motion.

DISCUSSION: Commissioner Harding spoke on the cancellation of the prior lobbyists contract to offset increases in the Fire and EMS costs and for this having been a large part of the offset. There was no further discussion and Mayor Raspe asked for rollcall.

ON THE MOTION: Rollcall vote. Unanimous approval.

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

e. Discussion & Recommendation for Approval/Disapproval for an interlocal agreement between the Florida Keys Aqueduct Authority and the City of Key Colony Beach on Wastewater Fee Collections per the Recommendation of the Utility Board

- i. Interlocal Agreement**
- ii. Required Program Participation Information**
- iii. Utility Board Recommendation: City Clerk Gransee apologized for the short notice on the agenda addendums and asked City Attorney Smits to elaborate.**
- iii. (a) Utility Board Recommendation: A recommendation by the Utility Board for code amendments to address failed & outstanding sewer line inspections. **Addendum****

City Attorney Smits gave a summary of the Utility Boards discussions for the need of outstanding properties needing inspections, current Code requirements, and the request for input from the City Commission. City Attorney Smits informed on requested changes for inspections, failed inspections, and a change in time to remedy failures.

Commissioner Harding informed for the deadline having been extended several times due to the workload of local plumbers and spoke of the need for formal communication for property owners that have not completed the

test. Commissioner Harding stated a deadline of two months being unrealistic and too aggressive and gave personal experience on waiting and correction time. Commissioner Harding informed for the test being done every 10 years and a 6–12-month completion time to be reasonable. Commissioner Harding stated a better public service of communicating and cooperative with the public to meet corrective action within a reasonable amount of time.

Vice-Mayor Foster echoed Commissioner Harding’s comments and spoke on the importance of effective communication. Vice-Mayor Foster stated for the number of outstanding properties being small and should be easily contacted. Vice-Mayor Foster agreed a timeline of 6 months to a year not to be out of line. Vice-Mayor Foster further stated for the biggest issue not to have been sewer intrusion but rather fresh or saltwater intrusion into the piping. Vice-Mayor Foster suggested to table the matter and communicate with the owners to come into compliance.

Commissioner DiFrancisco disagreed with Vice-Mayor Foster and informed of the prior Code Enforcement Officer being unsuccessful in bringing owners into compliance but agreed for two months being too short. Commissioner DiFrancisco stated for the city to have the right enforcement action to achieve compliance.

Vice-Mayor Foster informed not having received communications from the prior Code Officer on outstanding sewer inspections and reiterated the need to reach out one more time to non-compliance owners.

Mayor Raspe agreed with Commissioner Harding for a 6-month time frame for correction and the importance of a phone call or visit for more personal communication. Mayor Raspe agreed for the Utility Board and Commission to take a step back and assess on how to contact the property owners in con-compliance.

(b) Utility Board Recommendation: A recommendation by the Utility Board to explore a change in methodology for Wastewater billing. **Addendum**

City Attorney Smits talked on the request from the Utility Board for input on a change in methodology in the assessment of wastewater billing. City Attorney Smits informed on the current assessment of wastewater to be on a flat fee compared to other municipalities charging for the actual use of water.

Commissioner Harding thanked Utility Board member Donald Steamer for the work he did on the subject. Commissioner Harding explained for the Utility Board having looked at the topic a number of times and gave support for the idea of paying on usage. Commissioner Harding supported Donald Steamer to have found equity issues the way the City is charging for wastewater and further talked on the back charge to the City for the use of credit card payments. Commissioner Harding informed on the ability to buy the data from the FKAA and to charge on a flowrate. Commissioner Harding suggested looking at the cost of buying the data and completing the billing within the city.

Vice-Mayor Foster thanked Donald Steamer and stated for the proposed change to be a clear process of paying by usage. Vice-Mayor Foster talked on the importance of communication with the public and for the methodology being equitable to everyone. Vice-Mayor Foster informed on the ability to use companies to evaluate wastewater billing and methodology and reiterated the need for the public to be informed.

Mayor Raspe agreed with the water in/water out charges and further stated that credit card charges can be passed on to the consumer. Mayor Raspe agreed for the Utility Board to pursue this further.

Commissioner DiFrancisco thanked Donald Steamer and agreed to using the flowrate to charge residents to make it equitable and also agreed with the need for the public to be informed.

Mayor Raspe stated for this being a great topic for a Townhall meeting.

Commissioner Colonell spoke on personal experience with water usage and will do more research on the topic.

City Attorney Smits thanked the Commission for their input and informed to provide a summarization to the Utility Board.

Vice-Mayor Foster thanked Donald Steamer for his work.

f. Discussion/Approval to authorize Mayor-City Administrator Joey Raspe to negotiate and execute a lease with the United States Postal Service (Requires approval of Resolution No. 2024-05 under item 12a.)

Mayor Raspe explained the purpose behind the resolution to expedite the execution of a lease and asked for approval from the Commission to grant the authority to execute the lease. Vice-Mayor Foster agreed with the importance of the timeliness of the execution.

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

DISCUSSION: Commissioner DiFransico asked on a previous discussion for rates of postal services, cost of boxes, home delivery, and asked if this will be part of the engagement for the lease. Mayor Raspe confirmed that it will not be part of the lease.

ON THE MOTION: Rollcall vote. Unanimous approval.

g. Discussion/Approval of a Surveying Proposal Service at 1st Street Park by Reece & Associates for FRDAP Grant requirements in the amount of \$5,900.00: Mayor Raspe introduced the agenda item and asked for comments. Commissioner Harding explained for the survey being required for the grant application for 1st Street Park. City Clerk Gransee informed on additional information in the agenda packet for the grant requirements. Mayor Raspe asked for a motion to approve.

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

DISCUSSION: City Clerk Gransee confirmed for the expenditure to be reimbursed the grant.

ON THE MOTION: Rollcall vote. Unanimous approval.

h. Discussion/Approval on the Recommendation from the Bid Evaluation Committee on ITB 2023-014 Tennis Court Construction Project: Mayor Raspe introduced the agenda item. Carman Slusher spoke for the Bid Evaluation Committee and asked the Commission to reject the two bids that were received due to incorrect and incomplete bid packages. Carman Slusher informed once rejected, a new package can be built for re-solicitation.

MOTION: Motion made by Mayor Raspe to approve the recommendation by the Bid Evaluation Committee to reject both bids. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner DiFransico asked what changes will be made to the re-solicitation of the bid. Carman Slusher informed on following Sunshine Law in the process of working on a new bid package and confirmed for the old bid needing to be updated. Mayor Raspe agreed for the first step is to reject the current bids to move onto the next step. Commissioner Harding suggested holding a public meeting to help with complying Sunshine Regulations. The Commission agreed for it being able to be discussed at the next regular Recreation Committee meeting. Building Official Borysiewicz gave further information on missing details in the bid package which led to an increase in cost.

ON THE MOTION: Rollcall vote. Unanimous approval.

i. Discussion/Approval on the following proposals from LaRue Planning:

- i.** Peril of Flood Update to the Comprehensive Plan in the estimated amount of \$25,000 to \$30,000
- ii.** Update Capital Improvements Element (CIE) Five-Year Schedule of Capital Improvements in the amount not to exceed \$2,500.00.
- iii.** Agreement on professional Comprehensive Planning Services in the amount of \$135.00/hour.

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

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

DISCUSSION: Commissioner DiFransico asked for the purpose behind the need for the Peril of Flood update. Jim LaRue spoke via zoom and confirmed this to be a State requirement to complete. Commissioner DiFransico spoke on the Planning & Zoning Board's responsibilities for Comprehensive Plan Amendments. Jim LaRue confirmed to go through the Planning & Zoning Board for a recommendation to the Commission. There was no further discussion.

ON THE MOTION: Rollcall vote. Unanimous approval.

- j. Discussion and Vote on the continuation of the Smart City Project:** Mayor Raspe introduced the agenda item and informed on unsuccessful communications with the vendor after the first presentation to the public. Mayor Raspe asked for Commissioner input in addition to having received comments from the public on the topic. Commissioner DiFransico stated for the company being welcome to come to the city to compete with other companies but not as a sole source vendor.

MOTION: Motion made by Mayor Raspe to not continue the Smart City Project. Mayor Raspe asked for a second. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- k. Discussion/Approval for the business of a Mobile Food Trailer at the Mobil Gas Station at 13100 13155 Overseas Highway to allow Empanada Nation to sell Empanadas and Cuban Coffee per the recommendation by the Planning & Zoning Board**

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

MOTION: Motion made by Vice-Mayor Foster to approve the request for six months. Doug Colonell seconded the motion.

DISCUSSION: Commissioner DiFransico asked Chief DiGiovanni about a possible traffic impact. Chief DiGiovanni stated not having seen this request but to have the ability to talk with the owners if problems arise.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Raspe called for a 5-minute recess.

The meeting reconvened at 11:56 am.

10. Secretary-Treasurer's Report

- a. February 2024 Financial Summary:** Commissioner Harding gave the February Financial Report in his capacity as Secretary-Treasurer. Commissioner Harding reported all accounts in good standing and gave details on expenses for credit card charges, City Hall repairs, and legal fees. Commissioner Harding informed on income versus expenses and gave a comparison to the year before.

Commissioner Harding informed on the Wastewater revenue being slightly below for the month but slightly above year-to-date. Commissioner Harding informed of capital expenses above targeted levels and Sludge Hauling having been high over the last five weeks. Commissioner Harding gave further details on expenses for chemicals, reduced phone bills, and expectations to be slightly negative at the end of the fiscal year.

Commissioner Harding reported on Stormwater revenue and cash flow concerns with large expenditures having to be paid. Commissioner Harding informed for invoices having to be paid prior to reimbursement

through the grant. Commissioner Harding further informed on a pending application for a cash advancement and the possibility to pull funding from infrastructure funds.

Commissioner Harding reported on the FEMA Dry Proofing project for the Maintenance Building and for engineering costs having been above what was estimated. Commissioner Harding informed to apply for a budget change to incorporate the higher costs. Commissioner Harding gave further details on State requirements for the sourcing of contractors and suggested providing an RFQ for a competitive bid to comply with FEMA. Commissioner Harding asked for any concerns on starting the process with City Attorney Smits.

Vice-Mayor Foster asked for threshold requirements for competitive bids under FEMA. Commissioner Harding informed of no true threshold requirement. City Attorney Smits did not anticipate spending much time on the RFQ but stated understanding with Commissioner Harding's caution to follow guidelines.

Commissioner Harding informed the City of Marathon not having followed a competitive bidding process which led to not being reimbursed.

The Commission gave a head nod to Commissioner Harding to proceed.

Commissioner Harding continued informing on the FDOT 2022 program including completed training for Public Works Department Head Guarino and himself, as well as cost proposal from K2M expected within the next few weeks. Commissioner Harding further informed that approval is not expected until July.

Commissioner Harding informed no updates on the 2024 FDOT application.

Commissioner Harding reported quarterly reporting requirements for the Hardening Grant for City Hall to be due in early April and gave further details on the specifics of the grant. Commissioner Harding stated for the report to be able to be updated for modifications on the building but said that the grant would not pay for repairs if the building were not elevated. Commissioner Harding further informed on the last quarterly report and the available option to cancel the grant.

Vice-Mayor Foster informed to update that the building is still being evaluated but for the matter to be a priority for Kate DeLoach to be rewritten to use in a different avenue.

Commissioner Harding informed on the quarterly reporting obligations for all grants and gave details on the Hardening Grant requirement to include the Police Department to make it a critical facility which has to be elevated. Commissioner Harding further explained the difference between elevation and dry proofing requirements for critical facilities and talked on possible loss of monies with a rewritten grant.

Commissioner Harding continued explaining at statement of work change and possible delays in time.

Commissioner Harding confirmed to provide the update through the grant writer.

b. Approval of Warrant 0224 in the amount of \$1,146,660.50:

MOTION: Motion made by Mayor Raspe to approve Warrant No. 0244 in the amount of \$1,146,660.50. Mayor Raspe asked for a second. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

11. City Attorney's Report: City Attorney Smits reported to have spoken to all Commissioners other than Commissioner Colonell and having attended the Utility, Planning & Zoning, and City Commission meeting. City Attorney Smits stated for his attendance having been a good use of time as directed by the Mayor and asked for questions from the Commission. Mayor Raspe informed Commissioner Colonell that any questions to City Attorney Smits are free of charge.

12. Ordinances & Resolutions

- a. **Resolution No. 2024-05:** A Resolution of the City Commission of the City of Key Colony Beach of Monroe County, Florida, authorizing Mayor-City Administrator Joey Raspe to negotiate and execute a lease with the United States Postal Service.

Mayor Raspe provided the Reading of the Resolution.

MOTION: Motion made by Commissioner Harding to approve Resolution 2024-05. Vice-Mayor Foster seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- b. **First Reading of Ordinance No. 2024-489:** An Ordinance of the City of Key Colony Beach, Florida, amending the Code of Ordinance Article VI – Finance, Section 2-75, to increase the discretionary spending threshold, amending the language containing scrivener’s error, repealing conflicting Ordinances, providing for severability, and providing for an effective date.

Mayor Raspe provided the First Reading of Ordinance No. 2024-489 and explained the purpose behind the amendment. Mayor Raspe asked for a motion to approve.

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

DISCUSSION: Commissioner DiFransico asked why the threshold was not raised to \$10,000. City Attorney Smits explained that an increase to \$10,000 would delay the approval of the Ordinance and recommended passing the Ordinance as is.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Gransee informed for the Second and Final Reading for the Ordinance to be on April 18th.

13. Commissioner’s Reports & Comments

a. Commissioner Harding

i. Wastewater sampling results update

Commissioner Harding reported on low Covid rates in Key Colony Beach and slight numbers on Influenza A and B. Commissioner Harding informed of a weekly publication of a summary by the Department of Health and for the City of Key Colony Beach being included.

ii. South Florida Water Management District workshop feedback - South Florida excessive rain events resulting in flooding, and updates on estimated sea level rise from two recent workshops.

Commissioner Harding informed on attending South Florida Water Management Training classes focused on flooding and sea level rises. Commissioner Harding gave an update on common areas of flooding in the city and for the information being included in the FEMA database to be used for grant purposes.

Commissioner Harding updated on a NOAH presentation on frequent rain events with predictions of increased frequencies.

Commissioner Harding further reported on findings by the University of South Florida Study on sea level rises projections which predicts numbers to decrease. Commissioner Harding stated for the data to be helpful for building

purposes and road elevation. Commissioner Harding informed for the South Florida Water Management District to be working with a firm collecting satellite data on flooding during rain events to coordinate resources.

c. Commissioner Colonell: None.

d. Commissioner DiFransico: Commissioner DiFransico informed on attending a County Commission meeting via Zoom which discussed an introduction to evacuation concerns. Commissioner DiFransico informed on prior evaluations by the State of Florida for a 26-hour evacuation window and ongoing discussions. Commissioner DiFransico stated expectations to be involved in the next few months on discussions what the County recommends to the State. Commissioner DiFransico informed for Key Colony Beach not being part of ROGO but for the evacuation times to be of interest regardless.

e. Vice-Mayor Foster: Vice-Mayor Foster spoke about the new Lobbying Group having the ability to lobby for Sadowski Causeway, the Sewer Plant, the Hardening Grant, and any other items.

Commissioner Hardening informed for grants not supporting maintenance items.

f. Mayor Raspe: Mayor Raspe informed Commissioner Colonell on the protocol of adjournment.

14. Citizen Comments: None.

15. Adjournment: The meeting adjourned at 12:27 pm.

Respectfully Submitted,

Silvia Gransee

City Clerk

ADOPTED: April 18, 2024

Silvia Gransee

City Clerk

**03-21-2024 City Commission Meeting
Citizen Correspondence Regular Meeting**

Good Morning City Commissioners and Members of the Public,

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

- February 17th, 2024, Mary Kohl, Alternate Beautification Committee Member, thanked the Commission and Staff for the volunteer appreciation gift.
- February 21, 2024, Sue Bartkus, KCB Resident, wrote to the City Commission with various suggestions on trimming the budget.
- February 22nd, 2024, Barbara Baran-Cisna, 690 11th Street, wrote to the City Commission in regard to the neighboring property of 680 11th Street.
- March 15th, 2024, Judi Virost, wrote to the City Commission in opposition to a solar field in the retention pond.
- March 17th, 2024, Janie Byland, 72 7th Street, wrote to the City Commission in opposition to a solar field in the retention pond.
- March 17th, 2024, Ted Bentley, 980 Shelter Bay Drive, wrote to the City Commission in opposition to a solar field in the retention pond.
- March 18th, 2024, Marilyn & Bill Avery, 79 7th Street, wrote to the City Commission in opposition to a solar field on the retention pond.
- March 18th, 2024, Marie Sweeny, no address given, wrote to the City Commission in opposition to the Smart City Project.
- March 18th, 2024, Fed Swanson, 620 9th Street, wrote to the City Commission in opposition to the Smart City Project.
- March 18th, 2024, Jan Pflueger, no address given, wrote to the City Commission with concerns and questions on the Smart City Project.
- March 19th, 2024, Thau Ho, 391 10th Street, wrote to the City Commission with questions on the Smart City Project.
- March 20th, 2024, Laurie Swanson, 620 9th Street, wrote to the Commission in opposition to the Smart City Project.

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

Thank you,
Silvia

Silvia Gransee

From: Mary <mlizkohl@gmail.com>
Sent: Saturday, February 17, 2024 1:03 PM
To: Silvia Gransee
Subject: Re: [External] Amazon Order

Sylvia, Thank You To The City Commission and Staff for the thoughtful gift certificate.

I think I will apply it to a new pair of gardening gloves!

Thank you again,

Mary Kohl

On Feb 16, 2024, at 8:34 AM, Silvia Gransee <cityclerk@keycolonybeach.net> wrote:

Good Morning All,

This is just to let you know that the order for St. Patrick's Day has been placed.

Happy Friday!

****This email has been blind copied to the Committee****

Silvia Gransee
City Clerk
City of Key Colony Beach
305.289.1212 ext. 2
Fax 305.289.1767
cityclerk@keycolonybeach.net

Please note: Florida has a very broad public records law. Written communications to or from this office regarding State or County or City business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your email message may be subject to public disclosure.

Please be advised that under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity.

If you are an entity authorized to provide confidential information to a government entity, please indicate the exemption to Florida Chapter 119 and verify its applicability before sending. If you are authorized to receive confidential information from the City of Key Colony Beach it will be so noted and with the statutory exemption applicable. Exempt material retransmission or disclosure is governed by Florida Law. The recipient is charged with compliance regarding any retransmission or disclosure. The City of Key Colony Beach shall not be liable for any inappropriate retransmission or disclosure.

<02-16-2024 Amazon Order.pdf>

Silvia Gransee

From: Sue Bartkus <suebartkus@gmail.com>
Sent: Wednesday, February 21, 2024 4:03 PM
To: KCB Mayor; Freddie Foster; Tom Harding; Tom.difrancisco@keycolonybeach.net; Silvia Gransee
Subject: [External] You asked for the citizens suggestions to trim the budget---

Here is what we would suggest:

1. Make Code Enforcement Officer a PART TIME POSITION. This way we would not need to provide insurance or retirement.
2. Implement a code hearing board instead of using a Magistrate.
3. Eliminate the city boat--save on insurance, maintenance and initial cost.
4. Eliminate providing city vehicles--instead give them a car allowance IF NECESSARY, saving initial investment, insurance, maintenance costs.
5. Review the number of NECESSARY city employees and cut positions not essential. Why do we seem to have over double the number of employees since we hired our first city manager/administrator???? We didn't grow much as a city and aren't going to.
6. Consider making the position of city manager/administrator (who should be a KCB resident) a part time position. Again, not requiring that we pay insurance benefits nor retirement benefits. Many corporations are going this way.
7. Find a new city attorney who will work with the citizens and NOT plot against them--get rid of our present attorney. In future, only have him attend the absolutely necessary meetings. Why have our bills gone up since we got a city manager who hired this attorney????? Why is he at ALL of the meetings including committee meetings? Not necessary is it?
8. Neither Duck Key nor Marathon have their own police department. Why do we? Get a price from the sheriffs dept to see what they would charge us to handle our city? That is who takes care of Marathon and Duck Key.
9. Eliminate our post office. Have them (or us) put in boxes in various locations or one central location. Why should we pay for construction of a building, insurance and utilities and maintenance and then RENT it for \$1. per year???? This seems ridiculous. The post office by Franks Grill is not too far. This is mostly a convenience for people running home businesses. It is convenient but not essential.

WE thank you commissioners for the stellar job you are doing picking up the pieces and putting our wonderful little community back on the right track.

If you need help to work on city hall, please let us know. Jack was a contractor (originally a union carpenter) and can do almost anything. I am good with a broom and a mop and am a great helper/laborer. We are certainly willing to help at city hall when needed.

Thanks so much.

Jack and Sue Bartkus

708-670-2277 Jack jjbartkus@gmail.com

708-670-2201 Sue suebartkus@gmail.com

Silvia Gransee

From: Barbara <mbcco@comcast.net>
Sent: Thursday, February 22, 2024 5:07 PM
To: KCB Mayor; Freddie Foster; Tom Harding; Tom DiFrancisco; Silvia Gransee; City Attorney; Lenny Leggett; Barry Goldman
Subject: Re: [External] Cisna, 690 11th Street

I am following up on my email because I made an error referencing the construction site. The address is 680 11th Street not 670 11th Street. I am sorry if this caused any confusion

Barbara Baran-Cisna.

Sent from my iPhone

On Feb 22, 2024, at 3:36 PM, Barbara <mbcco@comcast.net> wrote:

2/22/24

My name is Barbara Baran-Cisna. My husband, Martin, and I own 690 11th Street. We are the north side of the duplex under construction at 670 11th Street.

Since hurricane Irma we have had to deal with the ongoing issues with this construction. We know some of you have not been a part of the Commission for this entire period of time. We would be willing to meet with the Commission to discuss what has transpired during the past seven years. We have attached a chronological recap detailing what has transpired during this project. We also have a copy of the approved drawings and photographic renderings of the completed project if you would like to see them. If you are unaware, we had damage to our home caused by Mr. Harper's construction.

I was approached by Commissioner Foster during the break at the last Commissioner's meeting. He indicated Mr. Harper was contacted and mediation was being considered. He asked that I provide him a list of things that I felt needed to be addressed and/or repaired. I mentioned the hearing by the Special Magistrate and asked if the dictates and fines were going to be enforced. I am aware of the decisions and details since I was called as a witness to this hearing. He indicated I did not need to concern myself with that; it was a matter between the City and Mr. Harper. He said that I only need to address items to be repaired and not to include anything that was of an emotional nature. I also questioned the involvement of the City's legal counsel in the proposed mediation.

Mr. Harper has been fully educated on multiple occasions by the Building and Code Enforcement officials and the Commission as to what was/is necessary to complete his project. On the occasions I witnessed he verbally agreed to what was presented. Even after granting multiple permits and extensions the City has not enforced the proper measures to insure he is doing what is required on the permits to have the project

completed in the allotted time. He has been shown extreme leniency. How can you be certain that, if you do mediate, he will adhere to what is required of him. What will you put in place to accomplish this compliance?

We would appreciate confirmation and comments on the following:

1. Only by winning a legal appeal can the decision and dictates of the Special Magistrate be altered.
2. Under the law, is it required that the mediator be a licensed attorney or can an individual of the Commission; or the entire Commission; be authorized to mediate on the City's behalf?
3. Since the Commission has a lien on the property, is it a conflict of interest to mediate?
4. The Final Orders of the hearing with the Special Magistrate dictates what is necessary for Mr. Harper to continue work on his project. This includes submission of new drawings to obtain a permit to move the project forward.
5. Will all violations that have taken place since the hearing before the Special Magistrate be addressed?
6. We are not licensed architects or contractors. Any items I may submit should not be construed as the only things that need to be addressed but included with those required by the Building and Code Enforcement departments.
7. Since we are directly impacted by any future decisions or actions at mediation; will we be provided a document, prior the mediation, detailing what the Commission is proposing? Also because it directly impacts us should we not be a part of the mediation process?

You are welcome to stop at our home to speak with us in person or contact us via phone (410 917-2535) or email.

Barbara and Martin Cisna
<KCB_chronological_recap_2_22_24.doc>

Silvia Gransee

From: Judi Virost <juveets@aol.com>
Sent: Friday, March 15, 2024 10:29 AM
To: Silvia Gransee
Subject: [External] Please forward to current commissioners

Dear Commissioners of Key Colony Beach,

I am writing to let you know I vehemently oppose having a solar field directly behind my house at 80 7th Street in the current retention pond area.

I know the retention pond has been a thorn in the side of the city for a long time, but putting ugly solar panels is NOT a solution. I can remember the city spending a lot of money to sod it over, then remove the dead sod, hire various contractors to drill etc.

KCB is a beautiful place to live. Having a natural pond to attract birds etc is what we need.

If the sewer plant needs money for power, maybe the city should have thought about that instead of renting trailers for 6 plus years, and hiring two awful city managers who cost us even more money.

I absolutely do NOT want to look out my windows and see metal. Please rethink this terrible idea!

Judi Virost
80 7 th

Silvia Gransee

From: Freddie Foster <kcbffoster@gmail.com>
Sent: Sunday, March 17, 2024 8:28 PM
To: Silvia Gransee
Subject: Fwd: [External] No solar panels ,please

Please forward to the utility board.

----- Forwarded message -----

From: Jane Byland <nannybyland@me.com>
Date: Sun, Mar 17, 2024 at 2:24 PM
Subject: No solar panels ,please
To: Joey Raspe <KCBJRaspe@gmail.com>, Freddie Foster <KCBFFoster@gmail.com>, Tom DiFransico <Thomas.difranco@gmail.com>, Tom Harding <KCBTomHarding@gmail.com>

Dear Mr. Mayor and members of the commission,

In my opinion, installing solar panels at the catch pond between Seventh and Eighth Streets at shelter Bay would be a bad decision.

Solar panels have already messed up some of the lovely countryside of our beautiful state of Florida on miles and miles of its highways.

Please don't let this happen in Key Colony Beach The catch pond doesn't always look great but when it has plenty of water in it it does.

Thanks for your ear and for the conscientious job that you do for our city.

Very sincerely,
Janie Byland,
72 Seventh Street

Sent from my iPhone

Silvia Gransee

From: Freddie Foster <kcbffoster@gmail.com>
Sent: Sunday, March 17, 2024 1:14 PM
To: Silvia Gransee
Subject: Re: [External] Storm Water Drainage

This needs to go to the commissars and utility board. Thanks

On Sun, Mar 17, 2024 at 12:06 PM Theodore Bentley < tcbentley1@gmail.com > wrote:

Vice Mayor Foster, you may recall I spoke at the last Beautification Committee meeting on March 12th. I spoke as I am highly concerned about the appropriate use of the storm water drainage area between 7th St., Shelter Bay Dr. and 8th St. Although I live directly across from the drainage area, my concerns would be the same if I lived on 12th Street or anywhere else in KCB.

I strongly believe the area can work as it was designed before Irma. As I stated, I witnessed the hurricane debris that had to be stockpiled after the storm. In my statement, I addressed some of the reasons why the area currently is not working as designed.

Unfortunately, I do not have access to the original engineering design and actual final build from that time. So I'm looking through a keyhole for the best solution.

In my career, I have supervised numerous projects that involve hydrology and drilling. I am not an expert or an engineer but I have personally built bridges and ponds in my past life.

I'm very well aware of the water table depth. To accomplish the drainage work required the water table is a factor but not a deterrent.

When I came before the committee last week I had no knowledge of the solar array proposal to power the water treatment plant. I do not know if the array field is actually proposed for the retention area or elsewhere inside the waste treatment facility. I have concerns about any location.

These are some of the reasons; The real all in cost of maintaining the array. If placed in the retention area, the loss of a future site to stockpile hurricane debris. Further loss of water retention. The likely cost of the anchoring system due to hurricane code. The potential for excessive corrosion due to salt spray and salt water. Again, I'm not an expert in solar systems but on past projects I have looked into solar applications.

The aesthetics and financial impact to the owners on 7th St., Shelter Bay Dr. and 8th St., will be negative.

From a practical standpoint; Where is the reach out to neighbors? What is the timeline for an EIR? I see there will be a presentation by Burke Energy to the city this week. What is their role to be? How many harsh salty environments have they built out? I expect perhaps there may be grant dollars? How sure are you that grant funds will be obtained? Where are the cost benefit calculations?

Residential power is running just north of .10 cents a KWH which is one of the lowest rates in the US. I have a hard time believing the savings from a solar system would have much of a pay-out.

In my businesses if returns are in excess of four years the project would be likely deferred or cancelled. A government perspective may allow for a longer timeframe. However, if we are talking payback times in excess of 7 years, it is a loser.

Finally, Key Colony Beach seems to attract many snake oil salespeople. Our past 7 years in particular the city and its leadership have made many costly mistakes. These last few months, I as a resident feel our current city commissioners have been doing a much better job. I really don't want to see KCB go backwards.

Sincerely,

Ted Bentley
980 Shelter Bay Drive
323 816 1899

Silvia Gransee

From: Tammie Anderson <clerk2@keycolonybeach.net>
Sent: Monday, March 18, 2024 8:08 AM
To: Silvia Gransee
Subject: FW: Addition of solar panels to city green area

From: Marilyn Avery <marilynavery@hotmail.com>
Sent: Monday, March 18, 2024 7:24 AM
To: Tammie Anderson <clerk2@keycolonybeach.net>
Subject: [External] Addition of solar panels to city green area

Dear Ms Gransee:

I hope this opinion does not get to you too late for you to share with the Mayor and Commissioners. One of the many positive reasons so many of us property owners purchased our homes in Key Colony Beach was the sheer beauty of our little island. The city property is carefully maintained and most property owners have beautiful lawns and foliage.

Then I read that someone had the idea to take our retention pond (that I do admit could use a little improvement) and turn that much green space and turn it into dark metal field of solar panels. How could you?

Surely you have tried to imagine what that would look like across the street for the residents of shelter bay. Please improve the retention pond and maintain our green spaces. Surely there is a roof somewhere in Key Colony Beach where you can install solar panels.

Thank you for your time

Marilyn and Bill Avery
79 Seventh Street

Silvia Gransee

From: Marie Sweeny <mimiofsi@gmail.com>
Sent: Monday, March 18, 2024 2:31 PM
To: Beth Ramsay-Vickrey; KCBTomHarding@gmail.com; KCBFFoster@gmail.com;
KCBJRaspe@gmail.com; thomas.difransico@gmail.com; Silvia Gransee;
letters@peopleareasking.org
Subject: [External] Smart City

My concern with the Smart City plan is the price of \$130 that I have no choice about. I currently do not pay anywhere near that for my service. Please do not turn KCB into a Smart City. We need to have a choice.

Marie Sweeny

March 18, 2024

Dear City Commissioners,

RE: SMART CITY CONTRACT - HOTWIRE COMMUNICATIONS

I am absolutely opposed to proceeding with a the "Smart City" project with Hotwire Communications (or anyone else). I attended the Townhall Meeting held on November 20, 2023. Based on the Hotwire Communications presentation at that meeting and some further research, I believe pursuing this concept is not in the city's best interest.

A number of companies currently offer internet and cable service in Key Colony Beach: Comcast, Viasat, HughesNet, AT&T

If I become dissatisfied with the service from my current provider (Comcast), I can and will change service providers. I do not want to give up the option to change. If KCB adopts this "Smart City" contract, I am stuck and without leverage.

There are numerous plan options with associated costs available. What I want is invariably different from what other people want. I am willing to pay for services that I want, but I am not willing to pay for services that I don't want.

I googled Hotwire Communications and tapped on People Also Ask – Is hotwire cable good? This lead me to a website called HighSpeedInternet.com to get information on how Hotwire Communications compares to other fiber optic service providers. Here are a few relatively current customer reviews:

- Just changed carrier from Comcast (HOA decision) and by comparison to speed, complexity, more outages, and lack of phone support, Hotwire is the worst of the two.
- My community signed us up for a 10 year contract. Worst cable experience I've ever had. Television frequently shuts off, poor lip synching, voice control doesn't always work, poor selection On Demand; the list is endless.
- Can't say there is anything I like about hotwire actually I call them crap wire and that name suits better.

Hotwire Communications is one of a number of companies offering fiber optic based services. The city should not enter an agreement with one company and award them with a monopoly. This is an area of changing technology. Competition leads to improved service and lower costs.

Frederick J. Swanson
620 9th Street, KCB

Silvia Gransee

From: Jan Pflueger <jcpflueger@bellsouth.net>
Sent: Monday, March 18, 2024 8:01 PM
To: Tom DiFransico; Joey Raspe; KCBFFoster@gmail.com; Tom Harding
Cc: Silvia Gransee
Subject: [External] Smart City - Hotwire Agenda Item

March 18, 2024

Dear City Commissioners,

RE: SMART CITY CONTRACT - HOTWIRE COMMUNICATIONS

I originally drafted this email on November 20th, and hoped this subject would die a natural death but see its been added to the agenda for the next commission meeting. The meeting was not very well attended since it was during Thanksgiving but those present were 100% against this. We were told that there would be another informational meeting in January before it was to come to the Commissioners for a vote; but that never happened.

I attended the town hall presentation back in November and was shocked that the city was considering this very costly decision for our residents. While I acknowledge that some condos and locations in the city have poor internet reception, this is not the best solution for the entire city. The package the vendor is marketing to our city is excessive and I hope you will fully verse yourselves in this technology and its terminology before proceeding. Remember, they are salesmen and are not doing this to help us; they are doing this for their own profit.

The FCC recommended minimum internet speed for a household with 2-4 users streaming a high resolution/4K TV, streaming music, online gaming, remote work, running security cameras would be 50-100 Mbps. This is more than most of us would ever do. Likewise, 5 users would need 500-1000 Mbps. Hotwire is trying to sell the city 10,000 Mbps, over 10 times what anyone would ever possibly need.

Suppose in the next 2-5 years, there's a better, less expense option that opens up? We would be unable to take advantage of it because Hotwire's deal requires us to enter into a 20 year contract with them.

We purchased a home rather than a condo because we wanted to to be able to make our own decisions and not be forced into monthly fees that we had no control over. You would be imposing an HOA on all home owners if you approve this. We currently pay \$30/month (and have been since 2016) for Xfinity internet service that works great. We stream our TV choices, run security cameras, etc., without any problems.

Everyone would agree that fiber optic is today's standard but with technology changing faster than we can keep up with, is obligating the city's residents into a 20 year contract with a 4% possible increase every year the right choice?

If it sounds too good to be true....it probably is.

I respectfully ask

1. that if you don't fully understand what they are selling, vote no.
2. that you not make this decision before giving the citizens an opportunity to hear this presentation for themselves (we were assured a 2nd presentation would be made before proceeding on a vote).
3. that you do not divide this city again by imposing an HOA on all homeowners just to pay for a hurricane-proof "hub" for the city.

Respectfully,

Jan Pflueger

Sent from my iPad

Silvia Gransee

From: Thau and Maureen Ho <mlhtfh@verizon.net>
Sent: Tuesday, March 19, 2024 8:42 PM
To: KCB Mayor; Tom DiFransico; Freddie Foster; Tom Harding; Silvia Gransee; letters@PeopleAreAsking.org
Subject: [External] Question concerning HotWire

Hi,
I am a resident of 391 10st. I was trying to compare HotWire and to the internet and streaming services I have currently to get a better understanding on how the change would affect me. After looking through information regarding the term of service contract proposed by HotWire, I have a few questions below which I hope I could get some clarification. Thanks in advance!
Best
Thau Ho

Questions:

1. What is the basic internet package (High Speed Internet #50?) is included in the proposed \$130/mo subscription?
2. Am I understanding correctly that if I were to elect High Speed Internet #500 which is comparable to what I have right now, I would have to pay a listed \$199.99 per month in addition to the \$130/mo?
3. Does the proposed \$130/mo subscription includes the Local network & news channels & basic Fusion box?
4. Are both Fusion HD box(\$12.99/mo) and HD tech fee(\$15.99/mo) needed for a HD TV? What is needed if I have multiple units of a HD TVs?
5. Since the telecommunications technology advanced so rapidly these days, I wonder if HotWire would willing to consider a shorter contract?

[Sent from the all new AOL app for iOS](#)

Silvia Gransee

From: Laurie & Fred Swanson <swansonfj@yahoo.com>
Sent: Wednesday, March 20, 2024 3:46 PM
To: Silvia Gransee; Joey Raspe; Freddie Foster; Tom Harding; Tom DiFrancico
Subject: [External] Please do not tie us to this "Smart City" monopoly

To KCB Commissioners and the people of KCB,
Please do not tie us to this "Smart City" monopoly.

Hotwire Communications pitched the city to buy their TV/Internet package so every house and condo in KCB will have Hotwire service. Former city administrator Dave Turner told us that we would pay for it with our property taxes.

The basic price with tax is \$130 per month per unit for internet and "digital preferred" cable TV. Here's how we would have to pay for this service:

- Hotwire follows the Marathon Garbage Service model and the entire annual bill appears on each property owner's tax bill, for about a \$1,560 tax increase on every property.
- Hotwire follows the Xfinity model and bills each customer monthly for "add-ons".
- Hotwire is a state licensed cable operator.
- KCB must sign a twenty (20) year contract with Hotwire.
- **All property owners must pay, whether they use the service or not.**

Hotwire has comments from plenty of disgruntled customers on their own website. The independent reviews are even more worrisome.

Other concerns include the fact that the nearest technician is on the mainland; the contract removes individual choice (it's a government-mandated monopoly no matter what you call it); it is priced at double the competition rates for single residence hookups and will more than double over the life of the contract; and every property owner will be forced to pay whether or not they use Hotwire.

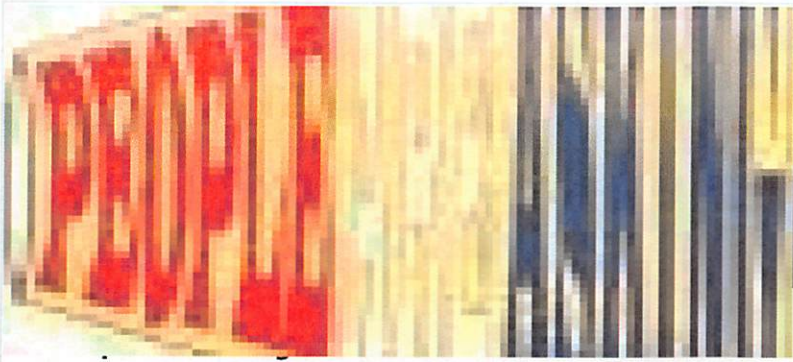
Here's a real problem. If the city hall hub loses power, all KCB Internet and communications are dead in the water. That's not the case for coax-based, cellular, satellite, or landline phone-based service.

A twenty (20) year contract is unconscionable. In 20 years, every KCB home will be on 10G wireless or satellite service or something we haven't predicted yet. (20 years is about 13 generations in technology. Do you have a 20-year-old mobile phone or television or computer?)

KCBers spoke out about the "Smart City," calling it just another way to "extract money from homeowners." That and more comments are here: <http://peopleareasking.org/commission/11-20-2023-comments.htm>

And finally, it's worth remembering the history of another municipality that wound up with bankruptcy, forensic audits, and criminal proceedings when they wired that city for television, telephone and internet. Let's learn from that experience. We do not want that to happen here.


Please do not contract for this government-mandated monopoly from Hotwire or any other provider.



People Are Asking provides a collection site for questions of small town interest and public policy.

Thank you,
Laurie Swanson

Fred & Laurie Swanson
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 There is no power greater than a community discovering the truth and then taking action to ensure that injustices are not repeated.

People Power United