

AGENDA

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, April 18th, 2024 – 9:35 am OR at the end of the Public Hearing
Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

[Zoom Login Information at the end of this Agenda](#)

- 1. Call to Order, Pledge of Allegiance, Prayer, Roll Call**
- 2. Agenda Additions, Changes & Deletions**
- 3. Special Request:** Lien Reduction Request by China Beach, USA, Owner of the property located at 1000 W. Ocean in the estimated amount of \$45,000. – **Pgs. 1-3**
- 4. Citizen Comments and Correspondence - Pgs. 4-5**
- 5. Approval of Minutes**
 - a. February 12th, 2024 - City Commission Townhall Meeting – **Pgs. 6-10**
 - b. March 18th, 2024 – City Commission Townhall Meeting ****TBA****
 - c. March 21st, 2024 – City Commission Public Hearing – **Pg. 11**
 - d. March 21st, 2024 – City Commission Regular Meeting – **Pgs. 12-25**
- 6. Committee and Department Reports** (written reports provided; Staff and Board Chairs available for questions)
 - a. Marathon Fire/EMS – Marathon Assistant Fire Marshal Card – **Pgs. 26-28**
 - b. City Administrator’s Report – Mayor Raspe – **Pg. 29**
 - c. Police Department – Chief DiGiovanni – **Pgs. 30-41**
 - d. Building/Code Department –Building Official Borysiewicz
 - e. Public Works – Public Works Department Head Guarino – **Pgs. 42-43**
 - f. City Hall – City Clerk Gransee – **Pgs. 44-46**
 - g. Beautification Committee – Sandra Bachman
 - h. Planning & Zoning Board – George Lancaster
 - i. Recreation Committee – Richard Pflueger
 - j. Utility Board - Bill Fahs
- 7. Mayor-City Administrator Items for Discussions & Approvals:**
 - a. Review of Townhall Meeting held on April 15th, 2024
 - i. Discussion/Approval for a recommendation to the Utility Board on going forward with the proposal on Solar Energy by the Retention Pond
 - ii. Review of discussions on a change in methodology on charging for wastewater & third-party billing through the FKAA (Utility Board Meeting on 04/23/2024 for a recommendation to the Commission)
 - b. Discussion/Approval on a revised City Administrator Job Description & Employment Contract
 - c. Update on Marble Hall, Administrative Offices, and overall progress
- 8. City Commissioner Items for Discussion/Approval**
 - a. Discussion/Approval of the appointment of Carman Slusher as a full member to the Planning & Zoning Board per the recommendation of the Planning & Zoning Board – **Pgs. 47-51**

- b. **Discussion/Approval of a proposal by Mittauer & Associates to provide engineering drawings for drainage improvements along 7th Street and Shelter Bay Drive in the amount of \$67,500 per the recommendation of the Utility Board from February 20th, 2024. – Pgs. 52-58**
- c. **Discussion/Approval of two proposals by TikiHuts for the construction of a new Tiki Hut Gazebo**
 - i. New Tiki Hut 22x22 Single Roof (8 Pole Round) – Gazebo behind City Hall in the amount of \$14,336.00. – **Pgs. 59-60**
 - ii. Fire Retardant for the Tiki Hut 22x22 Single Roof (8 Pole Round) in the amount of \$1936.00. – **Pgs. 61-62**
- d. **Discussion/Approval of a recommendation by the Recreation Committee to reject the proposed ITB (Invitation to Bid) 2024-02 for the Tennis Courts, Pickleball Courts, and Playing Surface at 7th Street Park.**
 - i. Memo by the Pickleball Club regarding the approval of a new ITB for two Tennis Courts. – **Pgs. 63-73**
 - ii. Draft ITB 2024-02 7th Street Park – **Pgs. 74-91**
 - iii. Recommendation by the Recreation Committee – Chair Richard Pflueger- **Pgs. 92-93**
 - iv. Comments by the Pickleball Club Board of Directors from 04-11-2024 – **Pgs. 94-99**
- e. **Discussion/Approval of a recommendation by the Recreation Committee for: 1) The City Commission to appoint Building Official Ed Borysiewicz to be the contact and lead person in the preparation of the bid package, 2) rewrite the bid to go back to the original Option 4 as it was approved, and 3) for Building Official Borysiewicz to consult with members from each sport.**

9. Secretary-Treasurer’s Report

- a. March 2024 Financial Summary – **Pgs. 100-102**
- b. Approval of Warrant 0324 in the amount of \$803,925.48 – **Pg. 103**

10. City Attorney’s Report

11. Ordinances & Resolutions

- a. **SECOND/FINAL READING of Ordinance No. 2024-489:** An Ordinance of the City of Key Colony Beach, Florida, amending the Code of Ordinance Article VI – Finance, Section 2-75, to increase the discretionary spending threshold, amending the language containing scrivener’s error, repealing conflicting Ordinances, providing for severability, and providing for an effective date.
 - i. Ordinance No. 2024-489 – **Pgs. 104-106**
 - ii. Business Impact Statement – **Pgs. 107-109**
 - iii. Proof of Publication – **Pg. 110**
- b. **Resolution 2024-06:** A Resolution of the City Commission of the City Of Key Colony Beach, Florida, approving Florida Department of Transportation 2022 Transportation Alternative Fm451639-1-58-01 attached hereto as Exhibit “A”; providing for an effective date. – **Pgs. 111-120**

12. Commissioner’s Reports & Comments

- a. Commissioner Harding
 - i. Wastewater sampling summary report for April 15, 2024
 - ii. Feedback from Key Largo on wastewater solar

- iii. Discussion on re-starting the monthly Community Rating System Workgroup Meeting for Key Colony Beach.
- iv. Update on PFAS EPA Regulation announcement.

- b. Commissioner DiFransico
- c. Commissioner Colonell
- d. Vice-Mayor Foster
- e. Mayor Raspe

13. Citizen Comments

14. Adjournment

**This meeting will be held at the City Hall Auditorium ‘Marble Hall’,
600 W. Ocean Drive, Key Colony Beach, Florida 33051.**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/87609057989?pwd=enovMVA0N0JHWFJDd3QycmZkQWlOdz09>

Passcode: 419060

Or One tap mobile:

+13052241968,,87609057989#,,, *419060# US

+13092053325,,87609057989#,,, *419060# US

Or join by phone:

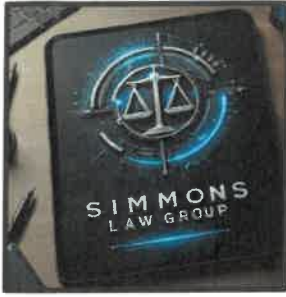
Dial(for higher quality, dial a number based on your current location):

US: +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833

Webinar ID: 876 0905 7989

Passcode: 419060

International numbers available: <https://us02web.zoom.us/j/87609057989>



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Florida Bar Member, 2003

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April 10, 2024

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

Re: Lien Reduction Request from 1000 W. Ocean Drive

Dear Key Colony Beach City Council,

I am writing on behalf of our client, China Beach USA, LLC, the owner of the property located at 1000 W Ocean Dr., Key Colony Beach, FL. We are respectfully requesting a reduction in the \$45,000 in fines that have been estimated as applying against the property due to delays in the demolition and renovation process. As we move closer to construction on a new residence, this item remains to be addressed.

Purpose of Code Enforcement and Fines:

It is important to note that the purpose of fines is not to punish property owners but rather to encourage compliance with city regulations and ensure the safety of the community. As stated in Fla. Stat. §162.02, the primary purpose of code enforcement is to promote, protect, and improve the health, safety, and welfare of its citizens. In this case, our client has been working diligently to address the issues with the property and comply with the city's requirements.

Change in Scope:

From Renovation to Demolition Initially, our client intended to renovate the existing structure. However, upon conducting a core sample, it was determined that the structure

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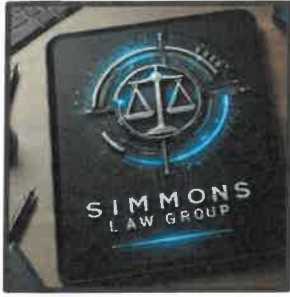
101 NE 3rd AVE

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was unsafe and should not be renovated. In light of this information and the city's desire to address the unsafe nature of the structure, we shifted our plans from renovation to demolition.

Delays Beyond Our Control:

During this process, we encountered several delays, some of which were beyond our control:

1. The city's process for switching from a renovation permit to a demolition permit took longer than anticipated.
2. During the demolition process, electrical issues were revealed that required further attention and coordination with the neighboring property due to the shared common wall.

These unforeseen circumstances led to additional delays in completing the demolition and closing the permit.

Request for Reduction in Fines:

We understand that delays can be frustrating for all parties involved. However, we believe that the \$45,000 in fines is excessive, particularly given the fact that the city bears some responsibility for the delays in issuing the necessary permits and the additional work required to address the electrical issues.

We are committed to working with the city to bring this project to a successful conclusion and ensure that the property is safe and in compliance with all regulations, and adding value to the City as we construct a residence that will contribute positively to the community as a whole. To that end, we are respectfully requesting that the city council

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consider reducing the fines to an amount that covers the city's actual costs related to this matter, as opposed to the current punitive amount of \$45,000.

Benefits of Reducing the Fines:

We believe that a reduction in fines would be in the best interest of all parties involved:

1. It would allow our client to focus their resources on completing the project in a timely manner, rather than on paying excessive fines.
2. It would demonstrate the city's willingness to work collaboratively with property owners who are making good faith efforts to address issues and comply with regulations, despite challenges such as ongoing legal disputes with neighboring property owners.

We appreciate your consideration of our request and look forward to working with you to resolve this matter in a mutually beneficial manner. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Theron Simmons, BCS

Jack Bridges, Esq.

Attorneys for China Beach USA, LLC

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Silvia Gransee

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

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

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

Silvia Gransee

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

Dear Commissioners,

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

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

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

Sincerely,

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

MINUTES

KEY COLONY BEACH CITY COMMISSION

TOWNHALL MEETING

Monday, February 12th, 2024 – 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:** The Key Colony Beach Townhall Meeting was called to order by Mayor Joey Raspe followed by the Pledge of Allegiance and Rollcall. **Present:** Mayor Joey Raspe, Vice-Mayor Freddie Foster, Commissioner Tom Harding, Commissioner Tom DiFransico. **Also present:** Building Assistant Karl Bursa, Chief of Police Kris DiGiovanni, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.

Public Attendees: 28

- 2. Introduction of Guests:** None.
- 3. Mayor Raspe**
 - a. Topic: City Hall Update
 - b. Public Comment & Commissioner Input

Mayor Raspe informed of the next Townhall Meeting in March and invited residents to bring suggestions for the next Townhall meeting.

Mayor Raspe reported that a structural engineer examined Marble Hall, the Post Office, and the Building Department and found it structurally safe. Mayor Raspe further informed for the administrative part of the building, as well as the Building Department's record storage, need to be repaired or replaced. Mayor Raspe informed the engineer, having found the building to be in the same condition as six years ago and gave confidence to bring the building back to pre-existing conditions. Mayor Raspe reported for the building being electrically safe and no life safety issues having been found. Mayor Raspe further informed for all grounding to be safe and no corrosion issues found. Mayor Raspe advised of the HVAC in the Post Office and a compressor needing to be replaced and to provide estimates at Thursday's City Commission meeting. Mayor Raspe further reported for the Post Office to go back into the building and for insurance policies having been reinstated. Mayor Raspe talked about a possible ADA compliant restroom trailer and gave details on monthly leasing costs and the possibility of buying a bathroom trailer. Mayor Raspe informed for the Building Official to issue a Certificate of Occupancy for immediate use if possible and asked for help from residents to help clean to expedite the effort.

Joe Schmidt, 430 4th Street, expressed excitement of the prospect of going back to Marble Hall and stated to be ready to go back to work.

Dave McKeehan, 7th Street, also gave positive thoughts and recalled the corner pilings and cross beams to be intact and in good condition six years ago. Dave McKeehan gave a suggestion on possible repairs under City Hall and also proposed for an alternate bid.

Ron Teke, 290 10th Street, spoke on costs to lease a Post Office Box and gave further information on how to apply. Ron Teke talked on permanent resident requirements, gave cost comparisons on box rentals to the City of Marathon, and gave further information on the topic.

Vice-Mayor Foster asked Ron Teke to elaborate on his conversation with Senator Rubio' office on the topic.

Ron Teke informed on speaking to one of the staff during a video conference concerning the Post Office and suggested a visit to the office in Miami.

Vice- Mayor Foster spoke on the importance of citizen involvement and grassroot efforts. Ron Teke stated to be willing to lead the effort and to collect signatures.

Frank Tremblay, 601 W. Ocean Drive, The Cay, informed of being a Florida resident and spoke of a great summary email by the 'Concerned in KCB' group. Frank Tremblay recalled living in the Marathon Sombrero area and for the mail truck to be delivering mail on Saturdays

Sue Bartkus, KCB Resident, spoke against a Post Office in Key Colony Beach due to costs and suggested the installation of centrally located boxes for mail access.

4. Commissioner Harding

- a. Topic: 2025 Fiscal Year Budget Challenges
- b. Public Comment & Commissioner Input

Commissioner Harding spoke on next year's budget and informed on significant increases in medical, retirement, and insurance expenses as well as ambulance and rescue services. Commissioner Harding spoke on revenue being derived from ad valorem taxes and fees, and expenses to go up faster than revenue coming in. Commissioner Harding informed on an even budget for 2024 but stated to foresee challenges in 2025. Commissioner Harding spoke on possible solutions like tax or fee increases or to reduce services. Commissioner Harding suggested a review of cost schedules and to increase fees to pay a larger share.

Donald Steamer, KCB Resident, asked about the numbers of employees in the City and associated cost increase. Commissioner Harding gave details on increases and future expectations.

Mayor Raspe spoke on rising costs and for the City to be on a fixed income with assessments having to be made on how to go forward.

Joe Schmidt, 430 3rd Street, spoke on the costs of the trailer leases and for the Commission to make decisions.

Commissioner Harding informed for the current meeting room rent to be significantly lower than the rent for a bathroom trailer. Commissioner Harding further informed for medical, retirement, insurance, and ambulance and rescue service costs representing the majority of expenses. Commissioner Harding agreed a reduced rent to be helpful but not enough to cover the significant increase in expenses.

Ted Bentley, 980 Shelter Bay Drive, talked on the effects of property taxes on residents and the city not having control on costs over ambulance and protective services.

Commissioner Harding spoke on possible options for Fire and EMS services to find solutions to the increase in costs.

Ted Bentley commented on outside landscaping services and questioned not using city staff.

Commissioner Harding explained for the majority of landscaping being completed by city staff and the cost of hiring an additional employee exceeding the expense of a landscape company.

Mayor Raspe supported the explanation of cost savings. Ted Bentley gave understanding on the explanation. Commissioner Harding expressed appreciation for the input and asked to bring ideas for the upcoming year.

Donald Steamer, 311 11th Street, asked about the cost for EMS and Fire services and being treated fairly by the City of Marathon.

Commissioner Harding explained increases in costs for the City of Marathon and further explained the calculation of service fees for the City of Key Colony Beach.

Vice-Mayor Foster asked on previous suggestions for the City being able to afford borrowing monies for a new City Hall and questioned the availability of usage.

Commissioner Harding gave details on the estimated loan amount and repayment through infrastructure taxes. Commissioner Harding further explained for infrastructure funds only being able to be used for building and road funding.

Commissioner Harding informed for Monroe County not being interested in providing Fire Services for the City and for the idea not being logistically sound due to distance to the nearest fire station.

5. ~~Commissioner Ramsay-Viekrey~~

~~a. Topic: TBD~~

~~b. Public Comment & Commissioner Input~~

6. Vice-Mayor Foster

a. Topic: Code Enforcement and Citizen Education

b. Public Comment & Commissioner Input

Vice-Mayor Foster spoke on the qualities of a Code Enforcement Officer including safety, cooperative compliance to work with property owners, building relationships, and the importance of education versus punishment. Vice-Mayor Foster gave his personal belief for compliance compared to punishment and fines, and to be a facilitator to work with the citizens and not work as an enforcement agency. Vice-Mayor Foster asked for comments and suggestions on how to keep the city clean, safe, and compliant, and not an enforcement agency based on punishment.

Dave McKeehan, 7th Street, gave a personal experience on the rental property next to his property and expressed appreciation for code compliance.

Barbara Baran-Cisna, 690 11th Street, spoke on the responsibilities of the Code Officer per the Cities Codes of Ordinances and gave personal experiences of code violations by a neighbor. Barbara Baran-Cisna stated for previous Commissions being unsuccessful in achieving compliance until Mr. Goldman's involvement. Barbara Baran-Cisna informed of fines being assessed by the City or Special Magistrate and gave details on the assessment of fines in the area of construction, rental licenses, and miscellaneous. Barbara Baran-Cisna commended Code Officer Goldman for his performance of duties and ethics and stated to the city to thank him for his job.

Ron Teke, 290 10th Street, stated to be a resident since 2001 and for during his residency two individuals having been given the title of Code Officer. Ron Teke explained that prior the Building and Police Department having handled these issues. Ron Teke questioned the need to pay for this service and the ability to have code issues covered by the Building and Police Department.

Commissioner Harding explained to have been part of the Commission when the matter was considered and received feedback concluded that follow-ups were not done and things were overlooked. Commissioner Harding informed the Commission was responding to residents' complaints on non-compliance and gave further details on the process of hiring a Code Officer.

Ron Teke stated to fix the problem if current people were not doing their job.

Commissioner Harding stated that both departments informed of not having enough time which led to the decision to have a dedicated person. Commissioner Harding further reported that a separation of responsibilities is recommended for compliance compared to enforcement.

Ron Teke spoke for the City of Key Colony Beach not having a high crime rate compared to other cities and for money to be able to be saved.

Mayor Raspe explained for the town being very different to what it was a few years ago with different type of renters. Mayor Raspe spoke of problems of overloaded homes, disrespectfulness to neighbors, weekly vacation rentals, and the need to observe these issues.

Donald Steamer stated for the idea of code enforcement to be safety and recognize the difference in garbage cans versus noise complaints.

Carman Slusher, 411 12th Street, spoke about garbage cans problems for the City of Marathon and associated rodent problems and the need for a Code Officer.

Vice-Mayor Foster spoke on the need for education, communication, and community involvement. Vice-Mayor Foster talked on the problem not just being for short-term renters but also residents that violate the rules. Vice-Mayor Foster reiterated the need for more education over punishment.

Mayor Raspe spoke on the education for property managers to be ongoing.

Dan Shott, KCB resident, spoke on the cities need for a strong Police Department to keep the city safe. Chief DiGiovanni informed to receive a lot of support from the Commission and residents and explained the need to separate code violations from criminal investigations. Chief DiGiovanni reiterated good support from the city.

Mayor Raspe stated strong property values due to the fact of the Police Department giving presence and making people feel safe.

Joe Schmidt, 430 4th Street, spoke about his rental manager who employs staff to address garbage cans and the issue can be handled with education.

Joe Schmidt commended Chief DiGiovanni on the Police Department and for residents feeling safe.

Ted Bentley, 890 Shelter Bay Drive, suggested the implementation of a point system for repeat code offenders. Mayor Raspe stated for a system being in place already.

Sue Bartkus, KCB resident, agreed with Ron Teke on having had a great community with a Code Enforcement Board and recalled prior practices on Code Enforcement. Sue Bartkus stated for the problems with rentals are in the big houses and gave further information on issues with lids on garbage cans. Sue Bartkus stated for the Code Officer to go out of his way to justify his position and gave disagreement on the performance of the job.

Discussion on garbage cans with lids followed.

Code Officer Goldman confirmed for garbage to go into bags, bags into cans, and lids should go on cans.

Vice-Mayor Foster informed on problems with lids attached to cans and asked for input from residents and solutions. Vice-Mayor Foster stated that residents should be informed of violations in a timely manner to avoid the accumulation of fines.

7. Commissioner DiFransico

- a. Topic: City Charter Review
- b. Public Comment & Commissioner Input

Commissioner DiFransico informed on attending a course for newly elected officials by the Florida League of Cities and a recommendation for a citizens Charter review every several years. Commissioner DiFransico informed on the purpose of the charter and where to find it on the city's website. Commissioner DiFransico talked on the importance of the forming of a citizens group for a charter review to ensure citizens needs. Commissioner DiFransico quoted KCB resident Fred Swanson on contributing to solve problems. Commissioner DiFransico stated to look for citizens with constructive ideas who will participate in a charter review.

Dave McKeehan, 7th Street, stated to volunteer for the charter review and offered help with City Hall as well.

Mayor Raspe stated that residents have never been shy in stepping up when the City needs help and gave appreciation to all.

8. Discussion on Qualifications and Requirements for a City Administrator

- a. Mayor Raspe
- b. Vice-Mayor Foster
- c. Commissioner Harding
- d. Commissioner Ramsay-Vickrey
- e. Commissioner DiFransico

Mayor Raspe talked about the ongoing efforts to revisit the qualifications for the City Administrator and informed on responsibilities of duties in the past. Mayor Raspe asked for Commissioner input and looking to hire someone before the next budget cycle.

Joe Schmidt, 430 4th Street, stated the need for the City Administrator being a resident and to follow the same rules as anyone else.

Building Assistant Bursa informed on the upcoming Townhall meeting on February 23rd.

Chet Dunn, 101 E. Ocean Drive, thanked the Commission and Police Department for their job and keeping the residents safe.

9. Next Townhall Meeting: Monday, March 18th, 2024 at 9:30 am.

10. Adjournment: The meeting adjourned at 10:46 am.

Respectfully submitted,
Silvia Gransee
City Clerk

MINUTES

KEY COLONY BEACH CITY COMMISSION

PUBLIC HEARING

Thursday, March 21st, 2024 – 9:30 am

Located at 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 9:30 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

Mayor Joey Raspe reminded of the 7-meter Bridge Run at 2:00 pm and thanked the Beautification Committee and Public Works Department for landscaping around the Marble Hall window.

2. **Agenda Additions, Deletions, or Changes:** *None.*
3. **Citizen Comments & Correspondence:** *None.*
4. **Administration of Oath of Witnesses:** *City Clerk Gransee administered the Oath of Witness.*
5. **Disclosure of Ex-Parte Communication:** *None.*
6. **Discussion/Approval of a Unity of Title for the property located at 821 W. Ocean Drive, Parcel 7 & 8**
 - a. **Presentation by the Building Department:** *Interim Building Official Ed Borysiewicz presented the request for Unity of Title to the City Commission per the recommendation of approval from the Planning & Zoning Board.*
 - b. **Statement by Applicant:** *Attorney Patrick Stevens offered to answer any questions by the Board. There were none.*
 - c. **Planning & Zoning Board Recommendation:** *Chair George Lancaster stated no objections from the Planning & Zoning Board to the approval.*
 - i. *Meeting Minutes from February, 21st, 2024*
 - ii. *Letter of Recommendation*
 - d. **Commission Discussions:** *None.*
 - e. **Motion to approve, deny, or approve with conditions:** *Mayor Raspe asked for a motion to approve or deny.*

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

DISCUSSION: *None.*

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

7. **Other Business:** *None.*

8. **Adjourn:** *The meeting adjourned at 9:35 am.*

Respectfully submitted,

Silvia Gransee

City Clerk

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

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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 Board 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 DiFransico 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 DiFransico 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 DiFransico 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 DiFransico 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 DiFransico 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 DiFrancisco 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 NOAA 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



CITY OF MARATHON FIRE RESCUE

8900 Overseas Highway, Marathon, Florida 33050
Phone: (305) 743-5266 Fax: (305) 289-9834

Memorandum

Date: 4/1/2024
To: Honorable Mayor and City Council members
From: John A. Johnson, Fire Chief
Through: George Garrett, City Manager
Subject: March Month End Report

ALARM RESPONSES

	March
Fire Incidents	1
Hazardous Condition	3
Public Service	12
False Alarm Fire	10
Good Intent Call	14
EMS	108
Inter-facility Transfers	62
Total for Month:	210
Total Calls for Calendar 2024:	664

<u>KCB BREAKOUT REPORT</u>	March
Fire Incidents	
Hazardous Condition	2
Public Service	
False Alarm Fire	1
Good Intent Call	1
EMS	5
Total for Month:	9

FIRE PREVENTION

	March
Fire Inspections	14
Fire Safety Plan Review	22
Vacation Rental Inspections	103
Occupational License Inspections	3
Annual Life Safety Inspections	0
Event Inspections	2
Annual State Inspections	0
DHR Follow-Up Inspections	0

VACATION RENTALS

	March
Total Applications Processed	87
Vacation Rental Inspections	103
Total VR Fees Collected	\$91,050.00
Agent/Local Contacts Trained	18
Total VR Licenses Issued	85

OPERATIONS:

• Training:

- **Fire Officer Training:** All Fire Officers maintained daily incident management, continuing education.
- **EMS Training:** This month the Firefighters completed 60 hours of training. This training includes monthly medication exercises, updated protocols, and an EMS equipment refresher. We were also able to have a cadaver lab at the station for advanced training.
- **Fire Training:** All firefighters continue to conduct daily shift drills; they also completed NFPA 1410 hose drills. The department also received their annual airport inspection with annual drill, they passed with flying colors.
- **Tactical Medic Program:** This month three (3) firefighters participated in 8-hours of SWAT Call Out with MCSO. The department has chosen to sponsor two additional swat medics, FF Ornelas and FF Rodriguez, who will be traveling to complete the TEMS course next month.
- **Combined Training:** Vector Solution software for all shifts, a total of 244 courses were taken, which totaled 114.33 hours of training.
- **Instructors on Staff:** We have a total of six instructors with live fire training certifications and seven EMS instructors.

BENEVOLENT FIREFIGHTER SERVICES

The Benevolent had a busy month! They attended the Seafood festival and showed support for the department while holding a raffle to raise money for the department as well. They also have been working with MCSO, our department staff, and the cadets to coordinate a smooth execution for the upcoming 7-mile Bridge run. The bridge run is a notable event that requires a lot of manpower to be a success. As always, we continue to support recruitment of additional personnel coordinated through the Marathon Fire Rescue Benevolent Association.

INFORMATION

The department has hired two new Firefighter/Paramedics with a start date of 4/1/24. They will undergo 4 weeks of FIRE and EMS pre-assignment training before advancing to shift work.

The Marathon High School Program is progressing at a great pace. The students are preparing for their live burn next month. There are 4 students who are of the age 18, so if completed, they will be Fire Fighter 1 certified.

The new fire engine is being built and should be completed in 41 months. We are looking forward to this necessary and beneficial addition to the department's fleet. It will be an excellent aid for the residents and visitors to our city.

Please start thinking and preparing for the upcoming storm season. It is never too soon to ensure your and your family's safety.

PUBLIC OUTREACH IN MARCH:

ACTIVITIES ATTENDED IN MARCH:

Weekly Director Call (4)
City Council Meeting
KCB Meeting
KCB Hot Dogs in the Hut event
KCB Day Parade
Seafood Festival
Truck Day & Career Day at Stanley Switlik
Sparky's Landing Art Event
St. Patrick's Day Parade KCB
First Responder Appreciation Meal at Masonic Lodge

City Administrator Report

Attended

- Beautification Committee meeting
- Participated in 7m bridge run
- Supervised tenting of MH and PO with Hammerhead
- Supervised Building trailer pick up
- Attended sewer bid opening
- Legal meeting
- FLPA Orientation
- Attended Recreation Committee meeting
- Townhall meeting
- Safety Meeting with City Staff
- Building Dept meeting
- Commission meeting
- Utility Board meeting
- Planning and Zoning Board meeting
- KCBFBC meeting

Key Colony Beach Police Department

Commission Meeting Report Outline

March 21, 2024, to April 10, 2024

Since the last Commission meeting, the police department responded to the following:

A. REPORTS

1. 4/03/2024

Report Number KCBP24OFF000010

411 8th St

Criminal Mischief

Result: Ongoing Investigation

B. MEDICAL/ALARM CALLS

Total Calls: 1

C. CALLS FOR SERVICE

Total Calls: 20

D. TOTAL WATCH ORDERS/NON-RESIDENTS

Total: 26

E. PROVIDED BACK-UP/ASSISTANCE TO MCSO, FHP, FWC, COAST GUARD OR U.S. BORDER PATROL

Total: 9

F. CITATIONS/WARNINGS

- 1. Traffic Citations: 1**
- 2. Traffic Warnings: 9**
- 3. Code Citations: 0**
- 4. Code Warnings: 5**

G. ADDITIONAL EVENTS INVOLVING THE POLICE DEPARTMENT

- **March 21, 2024, the police department closed down the Sadowski Causeway for the 7-Meter Bridge Run.**
- **Officer Joe Burden worked extensively with an officer from the Florida Wildlife Conservation Commission (FWC) to address serious marine violations at the marina on Sadowski Causeway. Registration of vessels, illegal dumping in the water, safety equipment requirements are examples of some of the items Officer Burden discovered.**
- **Again, FWC was contacted by Officer Joe Burden when a resident on 2nd Street pointed out an injured turtle. Officer Burden contacted FWC, evaluated the turtle and came to the conclusion that it was well enough to be released back into the wild.**

ADDITIONAL NOTES/UPDATES

The police department is currently advertising for the vacant police officer position in the Keys Weekly Newspaper, the PD's Facebook page and the Florida Police Chief's Association Website.

2 people have expressed interest in the police department and information has been sent to them in reference to the application process.

Sgt. Buxton remains on light duty and is completing physical therapy sessions. Sgt. Buxton remains active with office duties such as report preparation, updating officer files, scheduling shift coverage and training. She also monitors the radios and call screen in the event any notifications need to be made to other officers or agencies. She is also able to attend any meetings that may need her attention. She continues to be as productive as she can while still on light duty.

April 1, 2024, I attended a ZOOM meeting for the College of the Florida Keys reference training courses needed for the officers. Patrol bicycle training was requested.

I have completed the 1st quarterly code/case report of 2024. This report covers the code enforcement rules that the police department enforced. Also, in the report, are the cases the police department received in the first quarter of 2024.

I attended the Sheriff's staff meeting on 04/08/2024. The meeting is in Stock Island at the Monroe County Sheriff's Office. Members of his staff and other agency partners like Key West PD, Florida Highway Patrol, Florida Wildlife Conservation Commission, US Coast Guard, Florida Department of Law Enforcement, and other occasional guest, discuss things that are going on in their respective agencies. Partnership is the message from these meetings.

I will be attending the Florida Mutual Insurance Trust (FMIT)/Law Enforcement Advisory Panel (LEAP) Meeting along with 20 other Chiefs on April 26, 2024. At these meetings, we discuss safety initiatives to lessen workers' compensation claims for our agencies. It is time to also discuss other issues that we are facing and seek suggestions from others who have already dealt with the same issues.

Speed sign batteries have been ordered. Once received and installed, the message on the signs will be changed.

LETTERS RECEIVED

Officer Nicholas Niemiec received a letter commending his actions in a chase involving the Florida Highway Patrol. This letter was sent to the City Commission on March 22, 2024.

PREVIOUSLY SENT TO
CITY COMMISSION



Dave Kerner
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov

March 20, 2024

Re: Pursuit Assist

Officer Niemiec:

This letter is to commend your efforts in assisting my Troopers with a pursuit on Sunday, December 10, 2023. This pursuit was high risk, not only because of the inherent dangers in our line of work, but also because there were several participants of a marathon running alongside the path of the pursuit. It was critical to end this pursuit as soon as possible as the subject evading my Troopers, posed a great danger to the safety and wellbeing of others by driving the wrong way on US1.

Officer Niemiec, your dedication, by attempting to assist with spikes and eventually joining in as a back up officer, greatly assisted my Troopers. Because of your efforts, the subject was subsequently caught and arrested. Your quick response and officer safety skills, allowed for a dangerous suspect to be removed from the roadway and allowed the residents and visitors of Monroe County to once again have a safe community to go about their day.

The City of Key Colony Beach Police Department is fortunate to have you protecting The City of Key Colony Beach and its surrounding areas. It is efforts like these that prove your willingness to protect others, even if it is a danger to yourself.

I am proud to know that we have a great partnership between the Florida Highway Patrol and the City of Key Colony Beach Police Department.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ellery R. Collado".

Major Ellery R. Collado
Florida Highway Patrol/Troop E
Troop Commander

PREVIOUSLY SENT TO
CITY COMMISSION

City of Key Colony Beach Police

P.O. Box 510141, Key Colony Beach, FL 33051-0141 • Phone: 305-289-1212
Fax: 305-289-0247
www.keycolonybeach.net



MEMORANDUM

TO: Major Collado

FROM: Sgt. Buxton

**SUBJECT: Ofc. Niemiec
Pursuit Assist**

Date of Event : 12/10/2023

Events : Ofc. Niemiec was enroute to the Intersection of US1 & Sadowski Cswy to assist with spikes as the pursuit was approaching his location. As Ofc. Niemiec approached the intersection the suspect vehicle and 1 FHP Trooper passed him going northbound. At this point Ofc. Niemiec assisted in the pursuit as vehicle 2 for Officer Safety as well as Radio traffic for other officers until approximately the 80-mile marker where the pursuit ended.

Points of Contact: Chief DiGiovanni- Chief@keycolonybeach.net

Mayor Raspe- Mayor@keycolonybeach.net

PREVIOUSLY SENT TO CIM
COMMISSION

City of Key Colony Beach


P.O. Box 510141, Key Colony Beach, FL 33051-0141 • Phone: 305-289-1212
Fax: 305-289-0247
www.keycolonybeach.net



MEMORANDUM

December 18, 2023

TO: Ofc. Nicholas Niemiec

FROM: Chief Kris DiGiovanni
KCBPD 

RE: Letter of Commendation

On 12/10/2023, you responded to a reckless driver heading northbound in Marathon. You were able to position your patrol unit behind the pursuing vehicle and relay the location, conditions, and other safety concerns to MCSO dispatch. (See emails from Lt. Quintero and Sgt. Slough, MCSO)

The driver was evidentially stopped and was placed under arrest.

I appreciate your response to the reasons that you were involved, which included that you were requested to assist and that you were concerned for the state trooper's safety. As always, you are willing to help when asked by any law enforcement partner.

It is actions such as these that bring credit not only to you but also the entire Key Colony Beach Police Department.

Thank you, Nicholas, from not only myself, but also the City Commissioners and residents of our city for a job well done.

PREVIOUSLY SENT TO
CITY COMMISSION

Chief Kris DiGiovanni

From: Kris DiGiovanni <KDiGiovanni@keysso.net>
Sent: Friday, December 15, 2023 12:11 PM
To: Chief Kris DiGiovanni
Subject: FW: [External] MCSO23OFF009772 FHP Pursuit

From: Lissette Quintero
Sent: Monday, December 11, 2023 9:23 AM
To: Joel Slough <JSlough@keysso.net>; Kris DiGiovanni <KDiGiovanni@keysso.net>; Jamie Hughes Buxton <JHughesBuxton@keysso.net>
Subject: RE: MCSO23OFF009772 FHP Pursuit

Good morning:

I monitored the pursuit this past weekend and agree with Sgt. Slough's feedback on Officer Niemiec's involvement.

Please share the below with Officer Niemiec.

V/R

Lieutenant Lissette Quintero
Station Commander District 4/5
Monroe County Sheriff's Office
3103 Overseas Highway
Marathon, FL 33050
Office (305) 289-2430



From: Joel Slough
Sent: Sunday, December 10, 2023 7:10 PM
To: Kris DiGiovanni <KDiGiovanni@keysso.net>; Jamie Hughes Buxton <JHughesBuxton@keysso.net>
Cc: Lissette Quintero <LQuintero@keysso.net>
Subject: MCSO23OFF009772 FHP Pursuit

PREVIOUSLY SENT TO
CITY COMMISSION

Chief DiGivoanni,

Just wanted to let you know that Officer Niemiec did an outstanding job today assisting us. FHP had a high speed pursuit that came thru Sector 4/5 today. Due to the time delay of dispatching the call all the city units were unable to be in place to deploy spikes.

By the time Officer Niemiec made it up the KCB Causeway to assist, the pursuit was passing the intersection. Officer Niemiec was able to join and call out the pursuit information to dispatch which allowed us to monitor and effectively deploy spikes at the 60 MM and the 72 MM.

Officer Niemiec's communication was crucial to getting this reckless driver off the roadway and preventing a potentially tragic ending.

"We don't rise to the level of our expectations - we fall to the level of our training" - Archilochus, Greek Soldier

Sergeant Joel Slough
Patrol / Special Weapons and Tactics Team (SWAT)
Monroe County Sheriffs Office
3103 Overseas Highway
Marathon, Florida 33050
(305)-289-2430 Office

(305)-289-2497 Fax
JSlough@Keysso.net
www.Keysso.net

SAFETY MEETING AGENDA
Key Colony Beach Police Department
MEETING DETAILS

Date: 04/09/2024

Time: 4PM

Recurring: YES

Location: PD Station

Dial-in Number: 305-481-8597

Meeting URL: NA

Meeting Lead: Chief DiGiovanni

Other Speakers:

ATTENDANCE

Attendees: Sent via email to all KCBPD Officers

ITEMS & DISCUSSION

1ST ITEM: OPENING & ROLL CALL

_1_min DISCUSSION: Fit for Duty

2ND ITEM: ADDRESS SAFETY TOPIC(S)

_10_min DISCUSSION:

It is important that we are physically, mentally, and emotionally prepared for police work. Physically also includes injuries that should be addressed. Mental/Emotional health includes stress, anxiety, or any challenges that we are dealing with, either from work, home, or any area of life.

3RD ITEM: ROUND ROBIN FOR QUESTIONS/CONCERNS

_1_min DISCUSSION:

It is important for our health to eat healthy, get enough sleep and take a break from work to decompress and relax.

4TH ITEM: RESOLUTIONS:

_2_min DISCUSSION: -

Officers can seek out help if needed, through peers, supervisors, friends, family, or any other support system.

Exercise or a hobby can help relieve stress from work.

5TH ITEM: CONCLUSION

_2_min DISCUSSION:

Officers should care for their well-being so when they come to work, they can help those in need.

SAFETY MEETING AGENDA
Key Colony Beach Police Department
MEETING DETAILS

Date: 04/09/2024 *Time:* 4PM *Recurring:* YES
Location: PD Station *Dial-in Number:* 305-481-8597 *Meeting URL:* NA
Meeting Lead: Chief DiGiovanni *Other Speakers:*

ATTENDANCE

Attendees: Sent via email to all KCBPD Officers

ITEMS & DISCUSSION

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Exercise or a hobby can help relieve stress from work.

5TH ITEM: CONCLUSION

_2_min DISCUSSION:

Officers should care for their well-being so when they come to work, they can help those in need.



CONDUCT || Fit for Duty

Volume 2 Issue 174

When an employee is **Fit for Duty**, it means they are fully able, in all regards, to carry out their job tasks safely, competently, and acceptably.

- Fit for Duty, which is an abbreviation of Fitness for Duty, refers to physical, mental, and emotional health as well as being free from the influence of any substances that could impair job performance.
- An employee's skill level and training can also have an effect on whether or not they are fit for duty.



0003264-7

A wide range of factors can affect a worker's ability to be fit for duty throughout the workday.

- **Physical Health:** Conditions like injuries, medical conditions, chronic diseases, or even temporary illnesses can impact your ability to do your job safely.
- **Mental and Emotional Health:** Stress, anxiety, or other mental health challenges can affect your concentration and performance.
- **Fatigue:** Lack of sleep or fatigue caused by other issues can significantly affect your alertness and ability to work safely.
- **Substance Use:** Alcohol, drugs, or misuse of prescription medication can greatly impair your ability to work safely.
- **Training and Skills:** Not having the appropriate skills or required training for a task can put you and others at risk.
- **Environmental Tolerance:** Certain work conditions like extreme temperatures, high altitudes, or high noise levels, may require a higher level of resilience to perform tasks safely and efficiently.
- **PPE Use:** Employees must be able to correctly wear required personal protective equipment (PPE).



Employees must come to work fit for duty and remain fit for duty throughout the workday until the end of their shift. Employees are responsible for:

- Managing their health in a manner that allows for the continued safe performance of their job duties.
- Notifying their supervisor when they believe they may not be fit for duty.
- Reporting the loss or suspension of a valid driver's license if they are required to drive a vehicle or equipment at work.
- Notifying their supervisor when they observe a co-worker acting in a manner that may indicate they are not fit for duty.
- Taking appropriate actions to avoid extreme fatigue or stress while on duty.
- Practicing good personal hygiene when reporting to work and staying home when they are sick.
- Wearing appropriate clothing for the job and using required personal protective equipment (PPE).
- Respecting and following all workplace safety rules and procedures.

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For more information on this weekly safety topic, other topics that are available and the full list of FAQs please visit www.weeklysafety.com or email safety@weeklysafety.com.

Public Works Staff Report

Report for April 18, 2024 – City Commission Meeting

Since last City Commissioner's Meeting Public Works has:

- Replaced rotted deck boards at Waterfront Park
- Power washed Marble Hall.
- Assist with Saint Patrick's Day Parade
- Coordinated & prepared Marble Hall for termite tenting.
- Assisted Police Department with 7-meter Bridge Run.
- Assisted with concert in the park.
- Repaired, painted walls, and shampooed carpet in the Building Department office.
- Moved Building Department out of office trailer, reassembled desks, computers, and communication equipment in new office.
- Disconnected water, sewer and coordinate electrical removal of Building Department trailer.
- Bimonthly irrigation, testing and repairs.
- Sanded sheetrock, assisted painting and prepped mailbox brackets for installation at the Post Office.
- Bimonthly air conditioning unit maintenance.
- Removed palm debris, golf course.
- Replace/repair parking stops at Marble Hall parking lot.
- Repaired tennis court windscreens and pickleball fence.
- Replaced door hinges on Marble Hall restrooms Post Office back door.
- Patched pothole on 8th street.
- Cleaned, repaired parking lot, and installed ADA signage Gazebo Park parking lot.
- Removed damaged baluster at Gazebo Park gazebo.
- Ordered mulch, and assisted Beautification Committee with cleanup after workday.
- Removed tree roots and repaired paver tripping hazards at Gazebo Park.
- Rerouted waterline eliminating a tripping hazard at Gazebo Park.

Thank you,

Mike Guarino

Public Works Department Head

SAFETY MEETING AGENDA FOR City of Key Colony Beach

MEETING DETAILS

Date: 4/11/24 Time: 7:00 AM PM Recurring: Yes No
Location: Shop Dial-In Number (if any): Meeting URL (if any):
Meeting Lead: Mike Guorino Other Speakers: Power Tool Institute

ATTENDANCE

Attendees: Domin, Eskeban, Jesse & Mike

Absentees: N/A

ITEMS & DISCUSSION

1ST ITEM: OPENING & ROLL CALL

min

DISCUSSION: Angle Grinder Safety

2ND ITEM: ADDRESS SAFETY TOPIC(S)

min

DISCUSSION: Watched video

3RD ITEM: ROUND-ROBIN FOR QUESTIONS / CONCERNS

min

DISCUSSION: PPE, gloves, safety glasses & face shield. Know your surroundings, stay away from other people.

4TH ITEM: RESOLUTIONS

min

DISCUSSION: Always place grinder down with wheel side up. Always engage grinder to change wheel.

5TH ITEM: CONCLUSION

min

DISCUSSION: Make sure you have the correct wheel for the job

City Hall Staff Report
Report for April 18th, 2024 – City Commission Meeting

City Clerk Silvia Gransee

- Completed City Commission Public Hearing & Regular Meeting Minutes from March 18th.
- Completed answering questions on DemandStar on the Sewer Bid, attended the Bid Opening on April 8th and completed bid tabulations, provided bids to the Evaluation Committee for review prior to the April 22nd Meeting. The meeting will be held at Marble Hall and the Public is welcome to attend.
- Completed public notice requirements for the Second and Final Reading for Ordinance No. 2024-489: An Amendment to Discretionary Spending.
- Attended the LiDAR meeting on April 4th. The County will have a presentation for the Public and Commission at the April 15th Townhall meeting.
- Completed Recreation Committee Meeting Minutes from March 11th, prepared and attended the Recreation Committee meeting on April 8th, and completed various follow-ups from that meeting.
- Attended the Legal Meeting on April 8th alongside Mayor Raspe.
- Completed Beautification Committee Meeting Minutes from March 12th, prepared and attended the Beautification Committee meeting on April 9th, and completed follow-ups from that meeting.
- Attended Planning & Zoning Meeting on March 20th and completed Board Recommendations and Meeting Minutes.
- Held the Safety Meeting on April 9th and completed safety report.
- Completed enrollments for the new Building Inspector and Building Assistant.
- Completed unenrollment's for past staff.
- Provided information on completion of Ethics Training for Board and Commission members.
- Filed a dispute with AT&T on incorrect billing for Utility and waiting on a resolution by April 19th.
- In the process of adding Special Magistrate's Orders to the website. A new tab has been created by IT.
- Provided welcome letters to new board members and Commissioner Colonell with important information for public officials.
- Completed check deposits for general & utility accounts, and Pickleball donations.
- Answered Citizen correspondence and multiple public records requests.
- Completed payroll reports and ACH transactions, and wire transfers.
- In addition to daily general invoicing and HR tasks.

Administrative Assistant Tammie Anderson

- With Cheryl, completed 2nd Quarter Wastewater billing cycle.
- Issued 35 Certificates of Completion from March Property Management Class.
- Scheduled and confirmed 137 Rental/Business License safety inspections for April.
- Issued 56 Vacation Rental Licenses with Transfer of Property Manager.
- Entered 72 completed Rental/Business License safety inspections into CitizenServe.
- Processed 11 property transfers and collected \$2,000 in transfer fees.
- Processed 14 property inquiries and collected \$420 property inquiry fees.
- Issued 47 Building Permits.
- Processed 15 Contractor Registration forms.
- Supported Building Official Ed Borysiewicz since Brandi's departure on March 6.
- Received payments for and closed violations in the absence of a Code Enforcement Officer.

Administrative Assistant Cheryl Baker

- Updated and simplified the utility board web page to be more user friendly.
- Long term trailer information was added to the web page.
- Temporary trailer parking information also made more user friendly.
- Folded and stuffed envelopes for 1/4ly sewer invoice mailing.

Upcoming

04-22-2024 Evaluation Committee Meeting for the Sewer Bid

04-23-2024 Utility Board Meeting

05-06-2024 Recreation Committee Meeting

05-08-2024 DOAH Hearing ****tentative****

05-13-2024 City Commission Townhall Meeting

05-15-2024 Planning & Zoning Meeting

05-16-2024 City Commission Public Hearing

05-16-2024 City Commission Regular Meeting & Public Hearing



City of Key Colony Beach
Safety Meeting – Code/Building, City Hall

Date: 04-09-2024

Time: 12:30 pm

Present: Mayor Joey Raspe, Silvia Gransee, Cheryl Baker, Tammie Anderson, Willy Dominicak

Absent: Building Official Ed Borysiewicz

1. Review/Follow-up from previous meeting:

Silvia reviewed topics from the previous meeting.

2. New Items for Discussion:

The group discussed dangers of e-bikes not observing the rules of the road and how to enforce rules adopted by ordinance. The group further talked about impact on pedestrian safety in particular on Sadowski Causeway.

Further discussions included the dangers of vehicles running red lights, in particular at the US1 and Cocoplum intersection.

3. To-Do's: Joey asked for ideas for the enforcement of rules for electric devices. Silvia asked for ideas of topics for the next meeting.

The meeting adjourned at 12:50 pm.

Silvia Gransee

City Clerk

Do you reside within the City limits?

Yes No

• If yes, how long have you resided in the City of Key Colony Beach? 12 years

Do you own property in the City of Key Colony Beach?

Yes No

Are you a Registered Voter in the City of Key Colony Beach?

Yes No

Please rank your board preference(s): 1. Planning and zoning
2. _____
3. _____

Have you ever served on a volunteer board or in a volunteer capacity before? Yes No

If yes, please indicate name of board and dates of service. Recreation Committee 2024
KCB Fishing and Boating Director at Large 2022, 2023.

Why would you like to serve on this board? _____
To assist the City and neighbors in making informed and well thought out decisions on code and variance requests.

What special skills would you bring to this position? _____
Former business owner with practical experience in general construction, carpentry and heavy equipment operation.

Please list fields of work experience: _____
Road construction, carpentry, machine operation & maintenance.

List any licenses and/or degrees (optional): CDL

Local References (Please list 3):

1. Mayor Raspe
2. Vice Mayor Foster
3. Building Inspector Ed Borysiewicz, City Maintenance Mike Guarino

Would you have a problem with the meeting dates and times for the board/agency for which you are applying? Yes No

If yes, please explain: _____

Signed:  Date: 4/1/2024

SCHEDULE OF BOARD/COMMITTEE MEETINGS

Beautification Committee	2 nd Tuesday of each month	10:00 am
Planning and Zoning Board*	3 rd Wednesday of each month	9:30 am
Recreation Committee	As needed	TBD
Utility Board	3 rd Tuesday of each month	9:30 am

*These boards are subject to Financial Disclosure.

Submit application to:
 Silvia Gransee
 City Clerk
 City of Key Colony Beach
 PO Box 510141
 Key Colony Beach, FL 33051

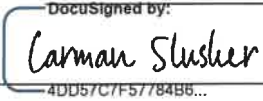
OR

Cityclerk@keycolonybeach.net

CITY OF KEY COLONY BEACH ADVISORY BOARD & VOLUNTEER COMMITTEE MEMBER APPLICATION

Acknowledgments:

1. Accuracy of Information. I certify that the information provided in my Board Application with the City of Key Colony Beach is correct to the best of my knowledge.

Carman Slusher
Printed Name: _____
Signature:  _____
Date: 4/1/2024 _____

GENERAL INFORMATION

SUNSHINE AMENDMENT/CODE OF ETHICS:

All Volunteer Advisory Board/Committee Appointees are governed by and subject to the Florida Sunshine Law, which includes the Public Records Law and Code of Ethics.
[Ref. Sec. 24, Art. I, F.C., Sec 286.011, F.S. Chap. 119, F.S. and Chap. 112 – Part III, F.S. respectively]

FORM 1 – STATEMENT OF FINANCIAL INTERESTS:

Persons required to file FORM 1 include all local officers. A local officer is defined as any appointed member of a board, excluding any member of a solely advisory body. However, a governmental body with land-planning, zoning or natural resources responsibilities shall not be considered an advisory body and therefore would be required to file.

Within 30 days from the date of appointment, and subsequently no later than July 1st of each year thereafter, a local officer shall file a statement of financial interests with the Monroe County Supervisor of Elections. Additionally, within 60 days of leaving the position, unless you take another “reporting position” within that period of time you are required to file a FORM 1F with the Monroe County Supervisor of Elections.
[Ref. Sec. 112.3145, F.S.]

REPORTING REQUIREMENTS AND PROHIBITED RECEIPT OF GIFTS; SOLICITATION AND DISCLOSURE OF GIFTS FROM GOVERNMENTAL ENTITIES, DIRECT SUPPORT ORGANIZATIONS AND HONORARIUM RELATED EXPENSES:

Certain instances require disclosure of gift and honoraria. For a full detail of requirements, please review the **GIFT LAW** as identified in Florida Statutes or contact the City Attorney for specifics.
[Ref. Secs. 112-3148 & 49, F.S.]

NOTE: Forms which may be required to be filed by a local officer are as referenced in Florida Commission on Ethics’ **“GUIDE TO THE SUNSHINE AMENDMENT AND CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES”** booklet, as published annually and on file in the Office of the City Clerk or online at the Florida Commission on Ethics at www.ethics.state.fl.us under the tab entitled Publications and/or Forms.



February 13, 2024

VIA EMAIL

Mr. Bill Fahs, Utility Board Chairman
City of Key Colony Beach
P.O. Box 510141
Key Colony Beach, FL 33051-0141

RE: Engineering Services Agreement
7th and Shelter Bay Drive Drainage Improvements
City of Key Colony Beach, Florida
Mittauer & Associates, Inc. Project No. 0604-20-1

Dear Mr. Fahs:

We are pleased to present the following Engineering Services proposal related to the City's desired drainage improvements along 7th Street and Shelter Bay Drive as defined herein. Mittauer & Associates, Inc., hereinafter referred to as the Engineer, proposes to provide services as described in the Scope of Services to the City of Key Colony Beach, the Client, for the fees stipulated hereafter.

SCOPE OF SERVICES

The Engineer will prepare construction drawings and specifications for drainage improvements that are generally anticipated to include grading modifications, inlets, piping, and other system modifications to enhance drainage along 7th Street from approximately 44 7th Street (south) to Shelter Bay Drive (north). The City's original drainage system in this area was constructed to capture and direct water to roadway features that generally directed runoff to the east where piped outfalls directed stormwater to the canals. The canal connections were disconnected as part of the detention pond and injection well improvements, so these areas are now poorly drained and retain water under heavy rain events.

The following improvements to the City rights-of-way/easements/property will be considered:

- 7th Street: Right-of-way (R/W) improvements along the easterly and westerly limits beginning at 43/44 7th Street north to Shelter Bay Drive.
- 7th Street: Swale enhancements along the westerly and northwesterly alignments to the existing detention pond. Improvements will include grading modifications and expansion of the swale capacity.

- Canal Piping: Reconnection of canal piping along 7th Street area with control gates to allow emergency discharge under large storm events.
- Gravity Injection Wells: Construct additional wells along the 7th Street right-of-way to improve post storm recovery.
- Pond Redesign: Improve the existing pond treatment system and outfall to make it more functional and responsive to the current storm conditions. A pilot salt-marsh vegetation system will be developed for the City's monitoring and evaluation for enhancement.

The general limits are provided within **Figure 1**.

The proposed improvements are anticipated to assist drainage but will be limited based on sea levels and injection well capacities. If allowed by the regulatory agencies, reconnection of the canal outfall piping will be the emergency measure to drain flooded areas under heavy rain events. The City witnessed flooding in 2023 during separate 10-inch (estimated) and 6-inch (estimated) rain events that were also impacted by higher sea levels.

In general, sea-level rise is impacting the existing drainage system, but the proposed improvements will provide a mechanism to improve recovery of the stormwater system during storm events for the low-lying areas that are presently isolated .

Services to complete the aforementioned scope of work are summarized as follows:

ITEM A - ENGINEERING DESIGN SERVICES

Engineer shall provide Construction Drawings and Specifications suitable to permit, bid, and construct roadside and drainage easement improvements (grading, exfiltration trenches, gravity wells, pond redesign, piping, inlets, etc.) to improve storm recovery and minimize storage of stormwater in city rights of way. Conveyance capacity will be dependent on existing topography, tidal conditions and established right-of-way geometries.

If regulatorily feasible, the design will include requirements to reconnect the existing outfall piping with manual gates like other areas in the City. The use of pinch or flip valves may also be considered if backflow is a concern. It is anticipated it will require a new pre-cast inlet to replace the existing structure with associated piping connections.

ITEM B - PERMITTING

A permit determination letter will be sent to the Florida Department of Environmental Protection (FDEP) and/or the South Florida Water Management District (SFWMD) outlining the proposed

improvements for their review and use in defining the required regulatory authorization. Should a modification to the existing permit be required, the Engineer will provide a permit application to the authority having jurisdiction.

ITEM C - TOPOGRAPHIC & BOUNDARY SURVEY [NOT INCLUDED]

The Client has completed some surveying in the area associated with previous recreational improvements. The original surveyor will be contacted to complete the additional work through the project corridor. The Engineer will provide a scope of services to the surveyor defining the topographic and boundary work required as the Client engages them for the work effort.

ITEM D - GEOTECHNICAL INVESTIGATION [NOT INCLUDED]

This project may require the collection of soils data in order to design and permit the improvements. If necessary the Engineer shall provide a scope of services to the Client for the acquisition of this data which may include, but not be limited to, soil borings, soil classification, permeability testing, and gradation analysis.

ITEM E - CONSTRUCTION BIDDING SERVICES

The Engineer shall assist the Client in advertising the project for construction bids, based upon award to a single contractor, by preparing an advertisement for bids; selling bid documents to prospective bidders; maintaining a record of prospective bidders to whom Bidding Documents have been issued; issuing addenda as appropriate to clarify, correct, or change the bid documents; and preparing a tabulation of bids.

Bidding services do not include attending a pre-bid nor bid opening conference. Those services can be provided upon authorization by the City as outlined in Item G.

ITEM F - CONSTRUCTION ADMINISTRATION SERVICES

The Engineer shall provide Engineering Construction Administration Services including:

1. Preparation of construction contract documents;
2. Reviewing the Contractor's material shop drawings;
3. Making one visit to the site to observe the progress of the various aspects of Contractor's work;
4. Review and approval of the Contractor's applications for payment;
5. Processing change orders, if required;
6. Review of the Contractor's completion documents and as-built drawings; and
7. Providing documentation required for regulatory agency clearance.

Additional site visits can be provided as authorized by the City as outlined in Item G.

ITEM G - ADDITIONAL SERVICES

The Engineer shall provide additional services on a time and materials basis. Time shall be compensated at the Engineer's standard hourly rates. Materials, including reimbursable expenses, shall be compensated at the actual cost multiplied by a factor of 1.25.

CONDITIONS AND EXCLUSIONS

The following items are excluded from the Engineer's scope of work:

- Client shall provide copies of all available Client records as may be required for the Engineer to complete these services.
- The Client shall provide all regulatory agency permit application fees and related items required by the agencies, as well as copies of boundary surveys, plat maps, aerial and/or tax maps that may be available to the Client.
- Should land acquisition or easements be required for this project, the Client shall provide services that may be required such as property appraisals, legal surveys, easements, title searches, zoning changes, attorney fees, recording fees, or value engineering.
- Wetland permitting, wetland mitigation, flood plain permitting, flood plain mitigation, or value engineering.
- Geotechnical investigations and subsurface utility engineering.
- Permitting and grant funding applications authorized through separate instrument.
- Advertising costs for project's bidding.
- Resident (part-time or full-time) inspection services.

PURSUANT TO FLORIDA STATUTES, SECTION 558.0035, AN INDIVIDUAL EMPLOYEE OR AGENT MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

SCHEDULE OF FEES

The Engineer shall be paid the following lump sum fees:

For Item A - Engineering Design Services	=	\$40,000
For Item B - Permitting	=	\$15,000
For Item C - Topographic Survey	=	NOT INCLUDED
For Item D - Geotechnical Investigation	=	NOT INCLUDED
For Item E - Construction Bidding Services	=	\$2,500
For Item F - Construction Administration Services	=	<u>\$10,000</u>
TOTAL	=	\$67,500

The Engineer shall make himself available to the Client at the Engineer's standard hourly rates for additional services as requested.

Invoices for services in progress are prepared monthly and are due in accordance with Florida Statute 218, The Local Government Prompt Payment Act. Payments which are not received in accordance herewith are subject to late fees as outlined in the Act as well as collection fees and may cause the Engineer to stop work on the Client's projects. The fees listed above do not include state sales tax, federal sales tax, or value added tax (VAT), should it be required by law.

ACCEPTANCE

Acceptance of this proposal may be indicated by the signature of a duly authorized official of the Client in the space provided below. One signed copy of the proposal returned to the Engineer shall serve as Notice to Proceed. Should this proposal not be accepted within a period of thirty (30) days, it shall become null and void.

Sincerely,
Mittauer & Associates, Inc.

Accepted by:
City of Key Colony Beach, Florida



Joseph A. Mittauer, P.E.
President

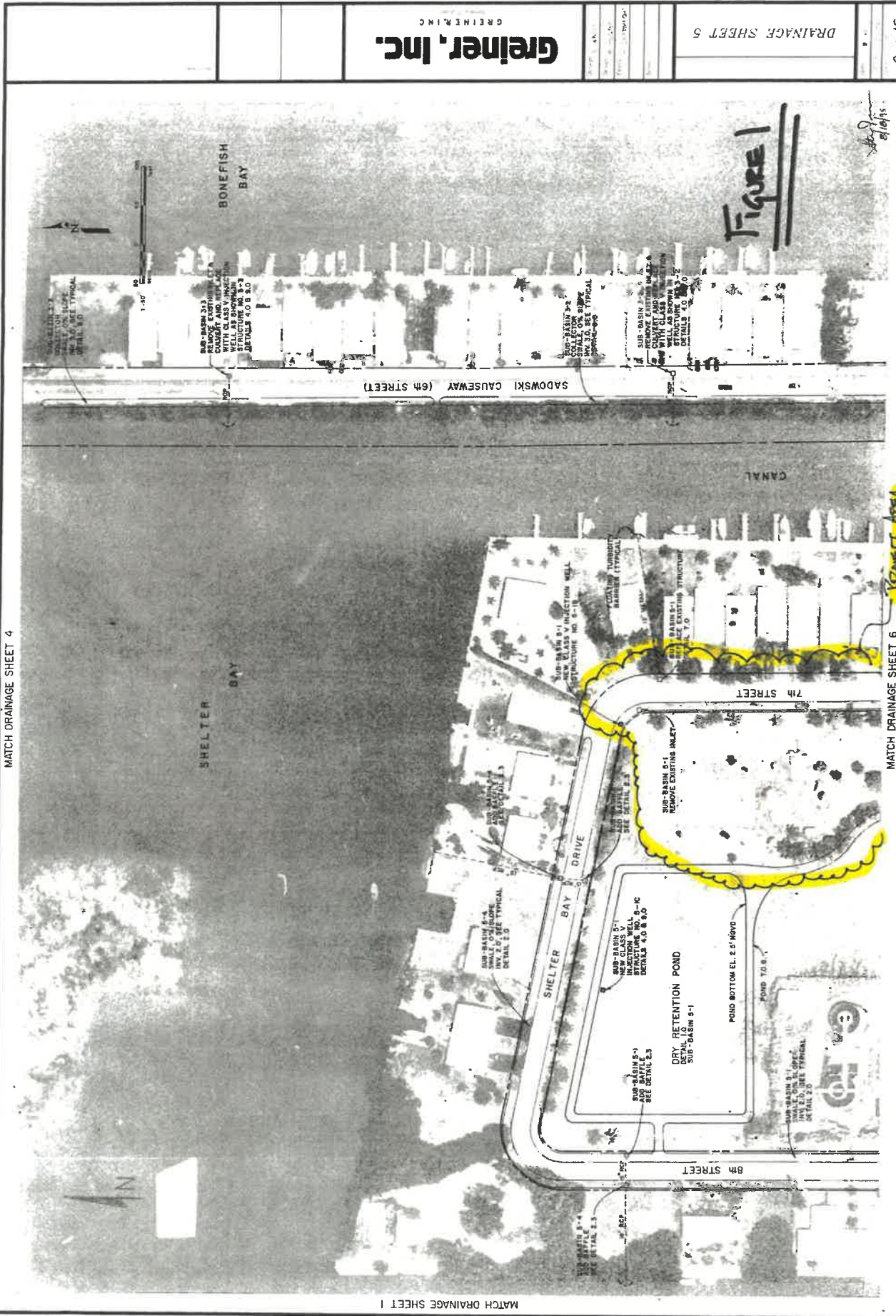
By: _____

Date: _____

JAM/JRS/MPT/pj

MATCH DRAINAGE SHEET 4

MATCH DRAINAGE SHEET 6

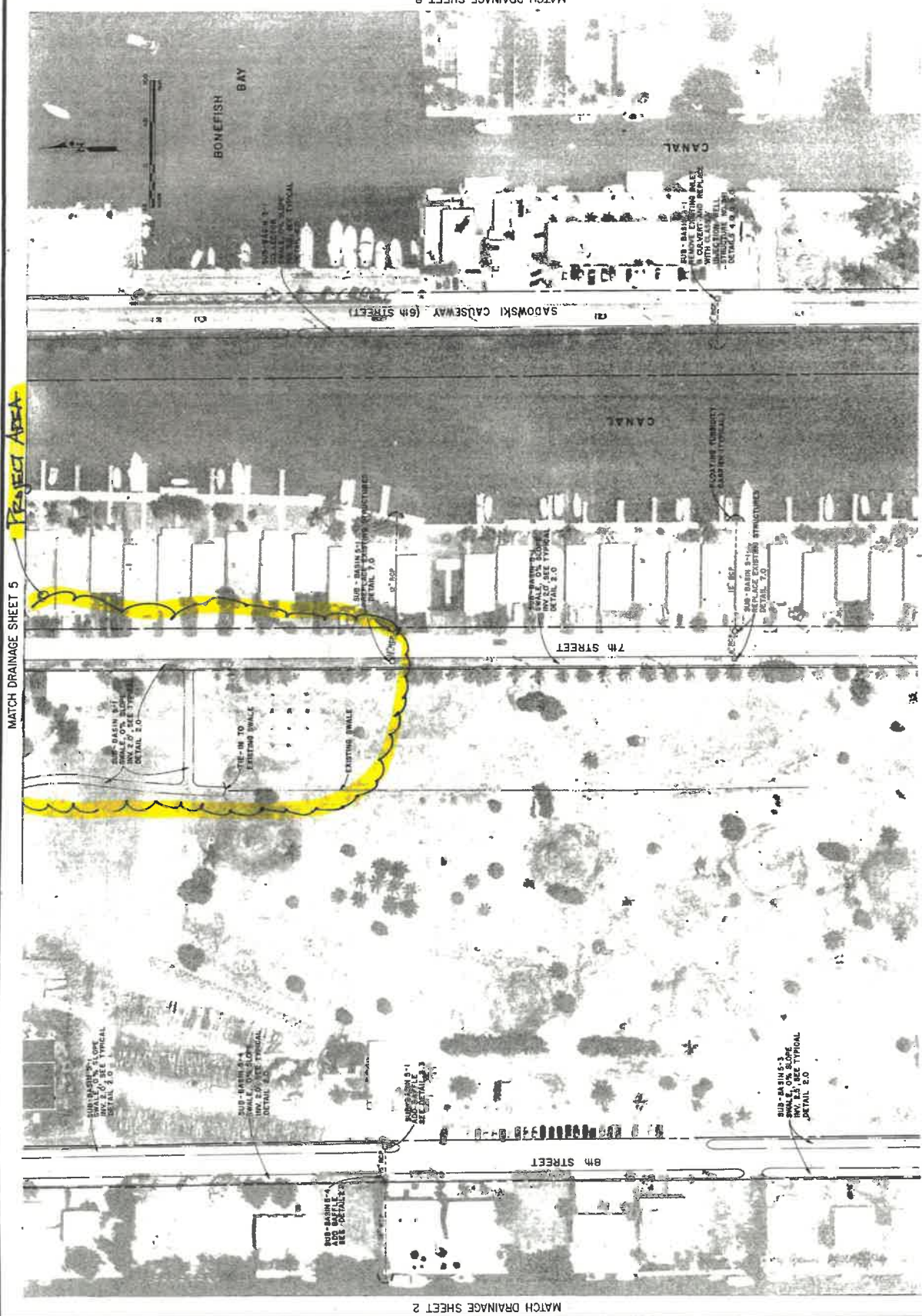


2/12/24

U-7

8/10/95

217



MATCH DRAINAGE SHEET 5

MATCH DRAINAGE SHEET 7

MATCH DRAINAGE SHEET 2

MATCH DRAINAGE SHEET 8



by Advanced Construction Corp.
State Certified: CY-C000002

19401 S.W. 187 Avenue • Miami, FL 33187
Dade (305) 259-0099 • Keys (305) 664-0099 • Ft. Myers (239) 368-9988
www.tikhuts.com

CONTRACT

Date 4/2/2024

Sales Rep. JAVIER HERNANDEZ
305-986-4305

Contract Submitted To:

CITY OF KEY COLONY BEACH
Customer: 600 W Ocean Dr
Address: Key Colony Beach FL 33051
City: 305-289-1212 State: FL Zip: 33051
Tel: _____ Fax: _____

Job Site:

SAME
Customer: _____
Address: _____
City: _____ State: _____ Zip: _____
Tel: _____ Fax: _____

We hereby propose to furnish the materials and perform the labor necessary to do the following work on the property above:

NEW TIKI HUT 22X22 SINGLE ROOF (8 POLE ROUND)

***BUILD GAZEBO BEHIND CITY HALL**

All material are guaranteed to be as specified, and the above work to be performed in accordance with the specifications submitted for, and completed in a substantial workmanlike manner for the sum:

\$14,336.00 (ENGINEER DRAWING INCLUDED)

Payment Arrangement: 50% DEPOSIT = \$7,168.00

New Contract: 50% deposit upon signing contract, 40% day of commencement and final payment due on date of completion.

Rethatch Contract: _____ Deposit for materials, remaining balance due on date of completion.

Acceptance of Contact Proposal:

The above prices, specifications and conditions are satisfactory. I have read the terms and conditions on the reverse side of this contract and are hereby accepted. You are authorized to do the work as specified. Payment will be as specified above. There is a 3% convenience fee for all credit card transactions.

Property owner is responsible for all underground utilities, i.e. water, phone, cable etc. resetting of pavers or decks.

Due to the nature of the thatch roof not all leaves may be green.

Accepted by: _____ **Date:** _____

Print Name: _____

Terms and Conditions

- 1) Any changes, alteration or deviation from the above specifications will only be executed upon written change orders and will be an extra charge over and above estimate. Owner is responsible for all fees, including but not limited to, building permits and zoning or inspection fees. Builder is not responsible for any delays caused by strikes, accidents, acts of nature, or delays caused by things beyond builders control—permits and inspections included. Once the materials have been ordered this contract cannot be cancelled. Customer is responsible for all underground utilities and electrical installed inside or around the Tiki Hut.
- 2) When this is a rethatching contract, builder will change up to three (3) leaf carriers up to 10' long. There will be an additional charge for anything over three (3) pieces.
- 3) Tiki Hut will repair leaks for a period of 3 years from the day the Tiki hut is complete. Our guarantee is limited to our materials and labor. We **DO NOT** guarantee against valleys, hurricanes, windstorms, fire, damages from birds, foreign materials or leaves falling on the structure, or any acts of nature. Should any leak occur within the warranty period due to defect in materials or our workmanship, we will repair same without charge. Notice of leak must be sent to company by fax, along with a copy of invoice, and proof that all amounts due to the company have been paid in full.
- 4) Tiki Hut and any of its directors, officers, employees, or other representatives will **NOT** be liable for loss or damage to any electronics, appliances, fixtures (ceiling fans, TV's, radios, stereo components, lights, existing electrical wiring, sprinklers, water pipes, electrical outlets, or personal items—including glass or clay items, etc.) arising out of, or in connection with, the rethatching, construction, demolition, or repair of any structure. This is a comprehensive limitation of liability that applies to all damages of any kind, including and not limited to, compensatory, direct, indirect or consequential damages or damage to property and claims of a third party. The property owner/renters are solely responsible to take down, remove or store any of the items mentioned above.
- 5) New structure proposal is valid for thirty (30) days from the date on the proposal. Fire retardant is not included in our price unless specified on page 1. If retardant is required by the building department, it will be done with an additional charge to customer. If so required, customer agrees to pay this additional charge.

CONTRACT DEFAULT BY OWNER—The parties herein agree that any delays and/or interruptions of work caused by the owner, whether by intent or neglect shall constitute default and breach of this contract by the owner. Failure to make contract progress payments promptly when due shall constitute default and breach of this contract by the owner. The parties herein agree that in case of default and breach of contract by the owner, the contractor shall stop all work. Work stoppage for this reason shall not be deemed breach by builder. If default continues for a period of three (3) days, the entire unpaid balance of the contract shall then be due and payable. Owner shall then be entitled to have contractor complete all remaining work under this contract, provided all default related expenses which contractor may have incurred are also fully paid by the owner. Owner hereby grants the contractor a lien against the subject real property for all such sums, waiving any homestead protection otherwise available by law. Under no circumstances may the owner complete remaining work under this contract while default continues. Should the contractor incur any cost or expenses in collection, enforcement or litigation, the owner agrees to pay such costs and expenses on pre-trial, trial, and appellate levels including the contractor's reasonable attorney's fees. All sums payable to the contractor shall bear interest at the rate of 1.5% per month from the date that such payments were due to the date payment is received. The pump, filter and all other pool equipment shall remain the property of the contractor and shall be installed and made operational after the total contract amount has fully been paid, which the title to said equipment shall then be passed on the owner. Venue shall be in Miami-Dade County, Florida.

BUYER'S RIGHT TO CANCEL—Buyer acknowledges that he or she has three (3) days to cancel contract. Cancellation must be done in writing, signed by the owner, and sent to our office by mail and facsimile.

SELLER'S RIGHT TO CANCELLATION FEE—Buyer acknowledges that after three (3) day expiration period in which buyer has right to cancel by the following provisions of the paragraph entitled "Buyer's Right to Cancel", seller will incur substantial expenses in preparation to perform under this agreement. These expenses may include, but are not limited to, the preparation of plans and/or drawings for construction of the pool fees for building permits, salesman's commissions, administrative expenses in processing this agreement, ordering materials and supplies, arranging scheduling of construction and other related expenses. In addition, it is understood and agreed that by virtue of accepting this contract, seller has limited ability to accept and/or process other work. Therefore, in consideration, buyer agrees that in the event buyer fails to perform its obligations under this agreement, fails to allow seller to perform or terminate this agreement for any reason after the three (3) day cancellation period, buyer shall then pay the seller as a cancellation fee amount of equal to 20% of the total contract price which sum shall represent agreed liquidated damages. Seller should credit sums previously paid as a deposit under this contract, towards payment of the cancellation fee. In the subjects' real property in the amount of such deficit and buyer shall waive all rights to homestead protection otherwise available by law. Seller is entitled to interest at the rate of 1.5% per month, thereafter along with all court costs and reasonable attorney's fees of not less than 25% of the monies due. This cancellation fee shall not in any way affect or limit seller's right to recover any other funds that may be due for work performed under this agreement.

NOTICE TO OWNER—DO NOT SIGN THIS HOME IMPROVEMENT CONTRACT IN BLANK. MAKE CERTAIN ALL WORK WHICH YOU HAVE CONTRACTED FOR IS INCLUDED IN WRITING HEREIN THAT YOU ARE ENTITLED TO.

CREDIT CARD PAYMENT FEE – All credit card transactions are subject to a 3% surcharge. This is not included in the sale tax amount, if job completed has sale tax added to the total balance.



by Advanced Construction Corp.
State Certified: CY-C000002

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CONTRACT

Date 4/2/2024

Sales Rep. JAVIER HERNANDEZ
305-986-4305

Contract Submitted To:

CITY OF KEY COLONY BEACH
Customer:
600 W Ocean Dr
Address:
Key Colony Beach FL 33051
City: 305-289-1212 State: FL Zip: 33051
Tel: 305-289-1212 Fax:

Job Site:

SAME
Customer:

Address:

City: State: Zip:
Tel: Fax:

We hereby propose to furnish the materials and perform the labor necessary to do the following work on the property above:

FIRE RETARDANT FOR TIKI HUT 22X22 SINGLE ROOF (8 POLE ROUND)

All material are guaranteed to be as specified, and the above work to be performed in accordance with the specifications submitted for, and completed in a substantial workmanlike manner for the sum:

\$1,936.00

Payment Arrangement: 50% DEPOSIT = \$968.00

New Contract: 50% deposit upon signing contract, 40% day of commencement and final payment due on date of completion.

Retratch Contract: 50% Deposit for materials, remaining balance due on date of completion.

Acceptance of Contact Proposal:

The above prices, specifications and conditions are satisfactory. I have read the terms and conditions on the reverse side of this contract and are hereby accepted. You are authorized to do the work as specified. Payment will be as specified above. There is a 3% convenience fee for all credit card transactions.

Property owner is responsible for all underground utilities, i.e. water, phone, cable etc. resetting of pavers or decks.

Due to the nature of the thatch roof not all leaves may be green.

Accepted by: _____ **Date:** _____

Print Name: _____

Terms and Conditions

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- 3) Tiki Hut will repair leaks for a period of 3 years from the day the Tiki hut is complete. Our guarantee is limited to our materials and labor. We **DO NOT** guarantee against valleys, hurricanes, windstorms, fire, damages from birds, foreign materials or leaves falling on the structure, or any acts of nature. Should any leak occur within the warranty period due to defect in materials or our workmanship, we will repair same without charge. Notice of leak must be sent to company by fax, along with a copy of invoice, and proof that all amounts due to the company have been paid in full.
- 4) Tiki Hut and any of its directors, officers, employees, or other representatives will **NOT** be liable for loss or damage to any electronics, appliances, fixtures (ceiling fans, TV's, radios, stereo components, lights, existing electrical wiring, sprinklers, water pipes, electrical outlets, or personal items—including glass or clay items, etc.) arising out of, or in connection with, the rethatching, construction, demolition, or repair of any structure. This is a comprehensive limitation of liability that applies to all damages of any kind, including and not limited to, compensatory, direct, indirect or consequential damages or damage to property and claims of a third party. The property owner/renters are solely responsible to take down, remove or store any of the items mentioned above.
- 5) New structure proposal is valid for thirty (30) days from the date on the proposal. Fire retardant is not included in our price unless specified on page 1. If retardant is required by the building department, it will be done with an additional charge to customer. If so required, customer agrees to pay this additional charge.

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SELLER'S RIGHT TO CANCELLATION FEE—Buyer acknowledges that after three (3) day expiration period in which buyer has right to cancel by the following provisions of the paragraph entitled "Buyer's Right to Cancel", seller will incur substantial expenses in preparation to perform under this agreement. These expenses may include, but are not limited to, the preparation of plans and/or drawings for construction of the pool fees for building permits, salesman's commissions, administrative expenses in processing this agreement, ordering materials and supplies, arranging scheduling of construction and other related expenses. In addition, it is understood and agreed that by virtue of accepting this contract, seller has limited ability to accept and/or process other work. Therefore, in consideration, buyer agrees that in the event buyer fails to perform its obligations under this agreement, fails to allow seller to perform or terminate this agreement for any reason after the three (3) day cancellation period, buyer shall then pay the seller as a cancellation fee amount of equal to 20% of the total contract price which sum shall represent agreed liquidated damages. Seller should credit sums previously paid as a deposit under this contract, towards payment of the cancellation fee. In the subjects' real property in the amount of such deficit and buyer shall waive all rights to homestead protection otherwise available by law. Seller is entitled to interest at the rate of 1.5% per month, thereafter along with all court costs and reasonable attorney's fees of not less than 25% of the monies due. This cancellation fee shall not in any way affect or limit seller's right to recover any other funds that may be due for work performed under this agreement.

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CREDIT CARD PAYMENT FEE – All credit card transactions are subject to a 3% surcharge. This is not included in the sale tax amount, if job completed has sale tax added to the total balance.

RE: Rec Committee Meeting April 8th @ 10:30 Marble Hall/Zoom:

10. BOARD MEMBER ITEMS FOR DISCUSSION/APPROVAL

- a. Discussion/Approval of a new RFP or ITB for the construction of two Tennis Courts
-

As discussed at the last rec committee meeting, the bids for the tennis courts that were reviewed on February 28th were formally rejected by the city commissioners at the March 21st commission meeting.

Two bids came in for the tennis complex which were \$349,000 and \$400,000. These bids were 2 - 2.5 times higher than the anticipated pricing budget for the tennis portion of the project which was estimated at \$150,000.

The bids were thoroughly reviewed by the city's appointed bid review committee. The review committee found that the bid package that went out did not accurately explain the scope of work and included several unnecessary and incorrect items. The bid request also neglected to include the pickleball court work needed to convert the 8th street tennis courts into 6 dedicated pickleball courts, a key component to the project and budget planning.

The KCB Pickleball Club has now hired Campbell Engineering to put together a formal, detailed, and professional project scope and plan to ensure the bid package is accurate, easy to follow for all potential bidders and solid in terms of any engineering work and considerations for the city.

With the project being fully vetted by Campbell Engineering, we are expecting the bid process to be on point this time around, avoiding any further delays so that we can attempt to stay on target with the planned and hopeful early fall 2024 construction timeline.

The new bid package will include a request for proposals for both the two new tennis courts on 7th street and the pickleball court conversion of the old tennis courts on 8th street. This will provide us with a comprehensive pricing proposal so we can understand the full cost to complete all phases of the approved expansion.

The bid package will also include two alternative bid requests for concessions on both the tennis and pickleball aspects of the project so that if prices come in higher than anticipated again, we will have various options to consider.

The alternate request for the tennis portion of the project will be pricing for just one court. The alternate request for the pickleball court portion is eliminating the 8 feet of extended solid surface needed to accommodate a centralized walkway to each of the new courts. This walkway is needed to mitigate safety issues and minimize disruption of play. These are not favorable options for either the tennis or pickleball players but given the fixed budget and to eliminate any further delays with additional bid processes potentially needed, we feel it's the right way to proceed.

To be clear, our intention is to go forward with two tennis courts, if they come in at an affordable price, which we are hopeful they will with the new specs package being carefully detailed and professionally engineered in advance.

The KCB Pickleball Club had planned a \$250,000 budget and believe we are not far off on our estimates providing the proper information is presented to potential bidders. The Club has raised \$202,600 of the needed funds in just 4 months' time. As part of the funding effort, the city has applied for a \$50,000 grant that we expect to hear back on in May giving us the total budgeted funds of \$250,000 to complete both phases of the project.

It is also noteworthy that the donations are primarily from individual donors who live and own homes in KCB. This is an incredible amount of money in a very short time and speaks to the demand for more pickleball courts to support the growing number of players in KCB. The sport was deemed the fastest growing sport in America and is now projected to soon be the most popular sport in the world!

KCB Pickleball Club
kcbpickleballclub@gmail.com
kcbpickleball.com

Bid Package for KCB Tennis and Pickleball Court Expansion

Request for Proposal Package

includes:

RFP-1A	Two Tennis Courts on 7th Street
RFP-1B	One Tennis Court on 7th Street
RFP-2A	Conversion of Tennis Courts to Pickleball Courts Plus 8' Expansion
RFP-2B	Conversion of Tennis Courts to Pickleball Courts

Reference materials include:

Current Site Pictures
Surface Finish Requirements
Attachments - Layout Drawings and additional specs

Requested Bid Schedule

Date	Time	Action
4/19/2024	11:00 a.m.	Release of Solicitation
4/25/2024	1:00 p.m.	Onsite Review of Project for potential bidders
4/26/2024	11:00 a.m.	Onsite Review of Project for potential bidders
5/10/2024	4:00 p.m.	Last day for submission of written questions to the City
6/10/2024	4:00 p.m.	Deadline for Bid Submittals
6/13/2024	9:35 a.m.	Bid Opening
6/18/2024	11:00 a.m.	Recommendation to Award by Committee
6/20/2024	9:30 a.m.	City Commission Meeting



Current 8th Street Site



Current 7th Street Site



Bid 1A - Two Tennis Courts

Location: 7th Street, Key Colony Beach, FL

Project Description: Construction of 2 Recreational / Club Size Tennis Courts (98' x 92' +/-) with Fencing

Client
Key Colony Beach Pickleball Club

RFP# 1A

Date: 3/24/2024

CONTACTS:

Carman Slusher (330) 502-6830
Craig Greene (802) 233-0125

E-MAIL

kcbpickleballclub@gmail.com

ADDRESS:

P.O. Box 510737
KCB, FL 33051

PREPARED BY:

Craig Greene

Specification

DESCRIPTION

- | | |
|----|--|
| 1 | Utilize the existing asphalt at site. Some saw cutting may be necessary to square to new area. |
| 2 | Shim existing area to flatten surface & repair cracks if necessary. Fill Basketball Post holes (2) |
| 3 | Add 98'x31' (approx. 3038 sq ft) to the existing surface court (98'x61') to bring the overall size to 98'x92' |
| 4 | Fill (new) extended area with a minimum of 6" of approved base material and compact to grade to accommodate resurfacing. |
| 5 | Resurface entire area with 1-1/2" of virgin asphalt. (SP12 or better) |
| 6 | Install (black) chain link fencing around entire area with one door entry centered on south end. (Approximately 380 lineal ft) *See Note Below* |
| 7 | Reuse existing tennis posts and nets from 8th Street Courts. Will require new sleeves. Supply Center net strap points. Additionally use existing mesh court divider from 8th St Courts. |
| 8 | Paint and line for Doubles play (36'x78') x 2. See Tennis Surface Finish Requirements. |
| 9 | Layout in accordance with supplied area. |
| 10 | |

Notes:

KCB Public Works will remove trees and remove/replace existing Basketball Equipment
KCB Public Works will remove any water or power lines and supply access to site.
Fencing : Bidder must provide cost alternatives for (1) a full 4ft perimeter, (2) full 10 ft perimeter and (3) Combined 4ft on sides 10ft on ends (with 10' returns)



Bid 1B - One Tennis Court

Location: 7th Street, Key Colony Beach, FL

Project Description: Construction of 1 Recreational / Club Size Tennis Court (98' x 61' +/-) with Fencing

CUSTOMER

Key Colony Beach Pickleball Club

RFP# 1B

Date: 3/24/2024

Specification

DESCRIPTION

- 1 Utilize the existing asphalt from site
- 2 Shim existing area to flatten surface & repair cracks if necessary. Fill basketballpost holes (2)
- 3 Resurface with 1-1/2" of virgin asphalt (SP12 or better)
- 4 Install (black) chain link fencing around entire area with one door entry centered on south end. (Approximately 318 lineal ft) *See Note Below*
- 5 Reuse existing tennis posts and nets at 8th Street Courts. Will require new sleeves. Supply Center net strap points.
- 6 Paint and line for Doubles play (36'x78') See Tennis Surface finish requirements.
- 7 Layout in accordance with supplied area.

CONTACTS:

Carman Slusher (330)502-6830

Craig Greene (802) 233-0125

E-MAIL

kcbpickleballclub@gmail.com

ADDRESS:

P.O. Box 510737
KCB, FL 33051

Notes:

KCB Public Works will remove trees and remove/replace existing Basketball Equipment

KCB Public Works will remove any water or power lines and supply access to site.

Fencing : Bidder must provide cost alternatives for 1) a full 4ft perimeter, (2) full 10 ft perimeter and (3) Combined 4ft on sides 10ft on ends (with 10' returns)

PREPARED BY:

Craig Greene



Bid 2A- Pickleball Court Expansion

Location: 8th Street, Key Colony Beach, FL

Project Description: Convert existing Tennis facility to 6-Pickleball Courts w/ addition of 8'x108' playing surface

CUSTOMER

Key Colony Beach Pickleball Club

RFP# 2A

Date: 3/24/2024

CONTACTS:

Carman Slusher (330) 502-6830

Craig Greene (802) 233-0125

E-MAIL

kcbpickleballclub@gmail.com

ADDRESS:

P.O. Box 510737
KCB, FL 33051

PREPARED BY:

Craig Greene

Specification

DESCRIPTION

- 1 **Remove the existing chain-link fence at the south end of the tennis courts. Extend the surface area to the south 8' x 108' (This will keep the existing and new pickleball courts in a straight line and even.)**
- 2 **Dig out area (864 sq ft.) and supply 6" of approved base material and compact to grade to accommodate resurfacing.**
- 3 **Resurface with 1-1/2" of virgin asphalt (SP12 or better). Paint & line (See Tennis Surface finish requirements)**
- 4 **Re use existing chain-link fencing and supply new poles as needed. 8-10 of new 10' fencing will also be needed (for extension)**
- 5 **Add new door to the east at the existing walkway.**
- 6 **Remove existing posts and fill four (4) tennis sleeves and two (2) center strap points.**
- 7 **Repair all cracks in existing surface**
- 8 **Layout six (6) regulation size Pickleball courts. See supplied layout drawing.**
- 9 **Supply twelve galvanized steel (12) pickleball green posts and six (6) center strap attachment points (See post base detail attached). The posts shall be equipped with a screw-type, worm gear winding mechanism to tighten the nets.**
- 10 **Repaint area to cover existing tennis lines to accommodate six (6) regulation pickleball courts. Contractor to assess the condition of existing surface. Match color scheme on nearby existing pickleball courts. See Pickleball Surface Finish Requirements.**
- 11 **Supply and install six (6) new pickleball nets (30" nets) (please specify net detail in bid)**
- 12 **Supply approximately 176' of (green) 4' high chain link fencing between ends of courts creating a walkway. Two 4' openings offset at center of middle court and approximately 4' past the ends of outside courts. See supplied drawing.**

Note:

KCB Public Works will remove any trees, concrete pads, water or power lines and supply access to site.



Bid 2B- Pickleball Court Expansion

Location: 8th Street, Key Colony Beach, FL

Project Description: Convert existing Tennis facility to 6-Pickleball Courts

CUSTOMER

Key Colony Beach Pickleball Club

RFP# 2B

Date: 3/24/2024

Specification

DESCRIPTION

- | | |
|----|--|
| 1 | Remove existing posts and fill four (4) tennis sleeves and two (2) center strap points. |
| 2 | Repair all cracks in existing surface |
| 3 | Layout six (6) regulation size Pickleball courts. See supplied layout drawing. |
| 4 | Supply twelve galvanized steel (12) pickleball green posts and six (6) center strap attachment points (See post base detail attached). The posts shall be equipped with a screw-type, worm gear winding mechanism to tighten the nets. |
| 5 | Repaint area to cover existing tennis lines to accommodate six (6) regulation pickleball courts. Contractor to assess the condition of existing surface. Match color scheme on nearby existing pickleball courts. See Pickleball Surface Finish Requirements. |
| 6 | Supply and install six (6) new pickleball nets (30" nets) (please specify net detail in bid) |
| 7 | Supply approximately 88' of (green) 4' high chain link fencing between ends of courts. One 4' opening at center of middle court and approximately 4' past the ends of outside courts. See supplied drawing. |
| 8 | CONTACTS: |
| 9 | Carman Slusher (330) 502-6830 |
| 10 | Craig Greene (802) 233-0125 |

E-MAIL

kcbpickleballclub@gmail.com

ADDRESS:

P.O. Box 510737
KCB, FL 33051

PREPARED BY:

Craig Greene

Tennis Surface Finish

All projects will prepare playing surfaces in accordance with these Specifications:

1. Color System

- a. The color finish shall be ELITE SPORT COATING SYSTEM, SPORTMASTER or approved equivalent. This system includes the following:
 - i. Two (2) coats of textured resurface shall be applied to the entire court area to provide a uniform and even surface. Note: Contractor shall strictly adhere to manufacturers recommended mix and dilution rates.
 - ii. Two (2) coats of sand filled with acrylic color shall be applied to the entire court surface. The second coat shall be applied upon thorough drying of the first coat. Color combination will be decided by the Client prior to the start of the repair. Note: Contractor shall strictly adhere to manufacturers recommended mix and dilution rates.
- b. Lines shall be taped to assure razor sharp edges to painting. Two (2) coats of acrylic line paint shall be applied accurately and in accordance with the ASBA guidelines. Baseline should be 3 inches wide. Color combination will be decided by the Client prior to the start of the repair.

Pickleball Surface Finish

All projects will prepare playing surfaces in accordance with these Specifications:

1. Color System

- a. The color finish shall be ELITE SPORT COATING SYSTEM, SPORTMASTER or approved equivalent. This system includes the following:
 - i. One (1) coat of textured resurface shall be applied to the entire court area to provide a uniform and even surface. Note: Contractor shall strictly adhere to manufacturers recommended mix and dilution rates.

- b. Lines shall be taped to assure razor sharp edges to painting. Two (2) coats of acrylic line paint shall be applied accurately and in accordance with the ASBA guidelines. Baseline should be 2 inches wide. Color combination will be decided by the Client prior to the start of the repair.

**INVITATION TO BID
ITB 2024-02**

Tennis Courts, Pickleball Courts, and Playing
Surface

7TH STREET PARK

DRAFT

INVITATION TO BID
Tennis Courts

Bids to construct tennis courts, six pickleball courts, and additional playing surface at **the 7th Street Park** to be submitted by _____ at **12:00 PM** all bids must be submitted electronically through DemandStar.

Bid packets are available online at DemandStar. Bids will be deemed to be valid for a period of sixty (60) days after the submittal date.

Successful vendors must provide proper insurance, and each contractor is to submit their bid as indicated in the specifications.

The City reserves the right to reject any or all bids and to waive any informality in bidding. The City reserves the right to accept the bid in its entirety or in parts. Award of Contract: The City Commission will make the final award of the bid or contract.

Any questions from any bidders should be directed to City Clerk Silvia Gransee by email to cityclerk@keycolonybeach.net. Answers will be posted electronically by the City on DemandStar.

DRAFT

SPECIFICATIONS

CITY OF KEY COLONY BEACH, FLORIDA to Construct two (2) Tennis Courts and six (6) Pickleball Courts plus an additional Playing Surface @ 7th Street Park

DEFINITIONS:

The Term "City" whenever used in the contract documents shall be construed to mean the City of Key Colony Beach, Florida.

I. Introduction

The City of Key Colony Beach, Florida, hereinafter referred to as the "City" will accept sealed bids from any responsive and responsible bidder as specified herein. Following is a tentative calendar:

CALENDAR OF EVENTS ITB 2024-02		
DATE:	TIME (ET):	Action:
April 19, 2024	11:00 AM	Release Solicitation
April 25, 2024 April 26, 2024	1:00 PM 11:00AM	Pre-Submittal Meeting and Mandatory Site Visit <i>(Open to Public – 7th Street Park, Key Colony Beach, FL 33051-0141)</i>
May 10, 2024	4:00 PM	Last day for submission of written questions to the City
		Last day for the City to post answers to questions
June 10, 2024	4:00 PM	Bid Due
June 13, 2024	9:35 AM	Bid Opening <i>(Open to Public – 600 W. Ocean Dr., Key Colony Beach, FL 33051-0141)</i>
June 18, 2024	11:00 AM	Recommendation to Award* *Can be posted on or before date
June 20, 2024	9:30 AM	City Commission Meeting <i>(Open to Public – 600 W. Ocean Dr., Key Colony Beach, FL 33051-0141)</i>

II. Conditions

The Contractor is responsible for being familiar with all conditions, instructions, and documents governing this contract. Failure to make such preparations shall not excuse the Contractor from performance of the duties and obligations imposed under the terms of this contract. Contractors are encouraged to bid each phase of the project separately and provide options reducing the cost of the phase or total project. The contractor shall be required to attend a mandatory site visit/meeting, which shall be open to the public, prior to submitting its bid. The contractor shall complete a debarment certification and agrees to full comply with Florida Public Records Laws as part of any agreement under the Invitation to Bid.

III. Insurance Requirements:

The Contractor will be required to meet the City insurance requirements. Unless otherwise specified the Contractor shall, before commencing, add the City as an additionally named insured in the following minimum amounts with specific coverage which includes underground, explosion, and collapse.

Property Damage	\$1,000,000 (each accident)
Bodily Injury	\$500,000 (each person)
	\$1,000,000 (each accident)
Workmen's Compensation Insurance:	All Liability imposed Workmen's Compensation statute
Employer's Liability Insurance	\$100,000
Contractual Liability Insurance	\$500,00
Completed Operations Insurance	\$500,000 Owned, Hired, and Non-Ownership
Vehicle Bodily Injury and Property Damaged to the following Limits	

IV. Scope of Work:

The Contractor will complete the project or projects based on specifications listed under Bid Specifications and all manufacturing instructions related to the use of the products selected. All work will be completed by **MONTH DAY 2024**.

V. Site Restoration:

The Contractor will be responsible for the repairs or other damages to the project site and work areas that might be caused during the execution of this Contract.

The Contractor shall ensure that all disturbed areas will be re-seeded with the same grass seed and blanket. Site cleanup shall take place at the completion of the project with all materials and debris generated during the job, be removed from the work areas. This includes the parking lots, sidewalks, driveways and any other areas affected by the work. If site cleanup is to be delayed for any particular reason, barricades, cones and/or caution tape must be used until the site is clean as designated by the City's Representative. Upon completion of the entire project, the sites outside the scope of the project should be returned to the same condition that existed prior to work being done.

VI. Guarantees:

The Contractor shall guarantee all work against defective workmanship for a period of two (2) years, commencing at the time of City acceptance of the completed project. Ordinary wear and tear will not be subject to warranty claims.

VII. Quotes:

All proposed work will be included in the quote.

VIII. Billing/invoicing:

Each phase is subject to budget and appropriation. All billing and invoicing will be done at the completion of the project.

IX. Rejection of Bids:

A. The City reserves the right to cancel requests for bids without penalty when it is in the best interest of the City. Notice of cancellation shall be sent to all individuals or entities solicited.

B. The City reserves the right:

- i. to reject any or all bids,
- ii. to accept the bid in its entirety or in parts or phases,
- iii. to waive any informality or irregularity in any bid,
- iv. to negotiate changes and/or modifications with the lowest responsible vendor, and
- v. to make award to the response deemed to be the most advantageous to the City.

Vendors shall be required to comply with all applicable federal, state and local laws, including those relating to employment of labor without discrimination on the basis of age, race, color handicap, sex, national origin or religious creed.

C. Any bid not conforming with the specifications or requirements set forth by the City in the request may be rejected.

D. Bids may also be rejected if they are made by a vendor that is deemed un-responsible due to a lack of qualifications, capacity, skill, character, experience, reliability, financial stability or quality of services, supplies, materials, equipment or labor.

X. Successful Bid:

A. Submission shall be tabulated, and a recommendation shall be prepared by the City staff. If an award is to be made to other than the lowest vendor, or if the purchase was not included in the fiscal year budget, justification must be made in writing.

B. City staff shall send a recommendation and tabulation of all bids received for purchases meeting the requirements to the City Commission for consideration of awarding.

C. All awards made in accordance with the provisions of this Invitation to Bid are final determinations.

XI. Change Orders:

- A. After a contract is awarded pursuant to the procedures specified herein, additional purchases or modifications may be made under the contract, or the terms of the contract may be extended, without rebidding the materials, supplies, services or equipment involved, provided that the change order:
- i. Is not of such a size or nature as to undermine the integrity of the original process; and
 - ii. Is germane to the original contract; and
 - iii. Does not exceed twenty percent (20%) of the contractor amount; and
 - iv. The change order is approved by the City Commission. However, the Mayor or City Administrator, may approve change orders for amounts that are not greater than five thousand dollars (\$5,000.00) as authorized by the City Commission.
 - v. Change orders for contracts for public improvements shall be as provided by state law.

XII. Construction Contracts:

- A. The vendor must comply with all applicable laws prerequisite to doing business in the state.
- B. The vendor must have a valid Federal Employer Tax Identification Number or Tax Identification Number (for individuals).
- C. The vendor must provide a Statement of Compliance with provisions of the State and Federal Equal Opportunity Employer requirements.
- D. The vendor must provide evidence of any professional or trade license required by law or local ordinance for any trade or specialty area in which the Contractor is seeking a contract award. Additionally, the Contractor must disclose any suspension or revocation of such license held by the company, or of any director, officer or manager of the company. Any material changes to the Contractor's status, at any time, must be reported in writing to the City within 14 days of its occurrence. Failure to comply with this requirement is grounds for the Contractor to be deemed non-responsible.
- E. The vendor must provide the name and addresses of all known Subcontractors, the general type of work to be performed by these Subcontractors and the expected amount of money that each will receive under the contract. If at any time during the term of the contract a Contractor adds or changes any Subcontractors, he or she shall promptly notify, in writing, the City or their designee of the names and addresses of each new or replaced Subcontractor and the general type of work to be performed.
- F. The vendor must provide an affidavit indicating all incomplete work under Contractor and all pending Contractors, along with a schedule of the expected completion of each such contract.

XIII. Additional Items

CONTRACT REQUIREMENTS

The successful vendor will be required to enter a contract with the City consistent with the terms of this Invitation to Bid which should contain the following terms:

Indemnification

To the fullest extent permitted by law, Contractor shall indemnify, defend, save and hold the City, its trustees, officers, employees, agents, attorneys and lenders (collectively the "Indemnitees") harmless from and against all loss and expense (including, but not limited to, reasonable attorney's fees and other costs and expenses) by reason of the liability imposed by law upon the Indemnitees, or any of them, for damages because of bodily injury, occupational sickness or disease, including death, resulting therefrom, sustained by any employees of Contractor or subcontractors, while performing the work or while at the site where work under the Contract is being conducted or elsewhere, while engaged in the performance of Work under the Contractor, or sustained by any person or persons other than employees of Contractor, however such injuries may be caused, whether attributable to a breach of statutory duty or administrative regulation or otherwise, and such injuries for which liability is imputed to the Indemnitees, or any of them, or claims for property damage because of injury to or destruction of tangible property, directly or indirectly arising or alleged to arise out of the performance of or the failure to perform the work or the failure to protect the work or the site, or the condition of the work, the site, adjoining land or driveways, or streets or alleys used in connection with the performance of the work. Without limiting the generality of the foregoing, the defense and indemnity set forth in this section includes subject only to the limitations contained in this section, all liabilities, damages, losses, claims, demands and actions on account of bodily injury, death or property loss to an Indemnitee or to any other person or entities, whether based upon, or claimed to be based upon, statutory, contractual, tort or other liability of any Indemnitee. In addition, such defense and indemnity shall include all liabilities, damages, losses, claims, demands and actions for defamation, false arrest, malicious prosecution or any other infringement or similar rights. The provisions of the indemnity provided for herein shall not be construed to indemnify any Indemnitee for its own negligence. If any, to the extent not permitted by law or to eliminate or reduce any other indemnification, right or remedy which the City is otherwise entitled to assert. If any claim indemnified hereunder has not been settled or discharged when the work is completed, final payment of the Contract Sum shall not be due, unless and until Contractor provides a bond or other security equal to 150% of the amount of such claim in a form and substance satisfactory to the City. In any and all claims against any Indemnitee or any of its agents or employees by any employee of Contractor, anyone directly or indirectly employed by him or anyone for whose acts he may be liable, the indemnification obligation under this Section shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for Contractor under Worker's Compensation acts or other employees benefit acts.

DRUG FREE WORKPLACE CERTIFICATION

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that:

(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in section (1).
4. In the statement specified in section (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 (Florida Statutes) or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, or any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Applicant's Signature

Date

CONTRACTOR AGREEMENT

TO: City of Key Colony Beach, Florida
600 W. Ocean Dr.
Key Colony Beach, FL 33051

The undersigned, in compliance with your advertisement for bids for work as specified, and related documents prepared by or at the direction of the City, Owner, and being familiar with all conditions surrounding the work, including availability of labor and material, does hereby propose to furnish materials, labor, equipment and services and pay for same and shall perform all work required for the completion of the Project, in accordance with the Contract documents and at the price provided.

Contractor certifies this bid to be for the project described in the bid document and to be in accordance with plans, specifications and Contract documents.

In no event shall any delays or extensions of time be construed as cause or justification for payment of extra compensation to the Contractor. Any claims for an increase of the Contract time shall be made in writing to the City within seven (7) days of the cause.

Signed: _____

Print Name: _____

Title: _____

Company Name: _____

Date: _____

CITY
Tennis Courts
VENDOR COST BID

To Construct Two Tennis Courts and Six Pickleball Courts plus an additional
Playing Surface

Complete Cost to Construct (Two Tennis Courts) \$ _____

Complete Cost to Construct (Six Pickleball Courts) \$ _____

Complete Cost to Construct (Playing Surface) \$ _____

Total price written in words.

The bid must be submitted on this form with all prices filled in. The total price shall be shown both numerically and in words as provided on this Bid form. In case of discrepancy the amount written in words shall govern.

AUTHORIZED SIGNATURE: _____

DATE: _____

**Bid Specifications
Tennis Courts, Pickleball Courts, and Playing Surface
7th Street Park
City of Key Colony Beach FL 33051**

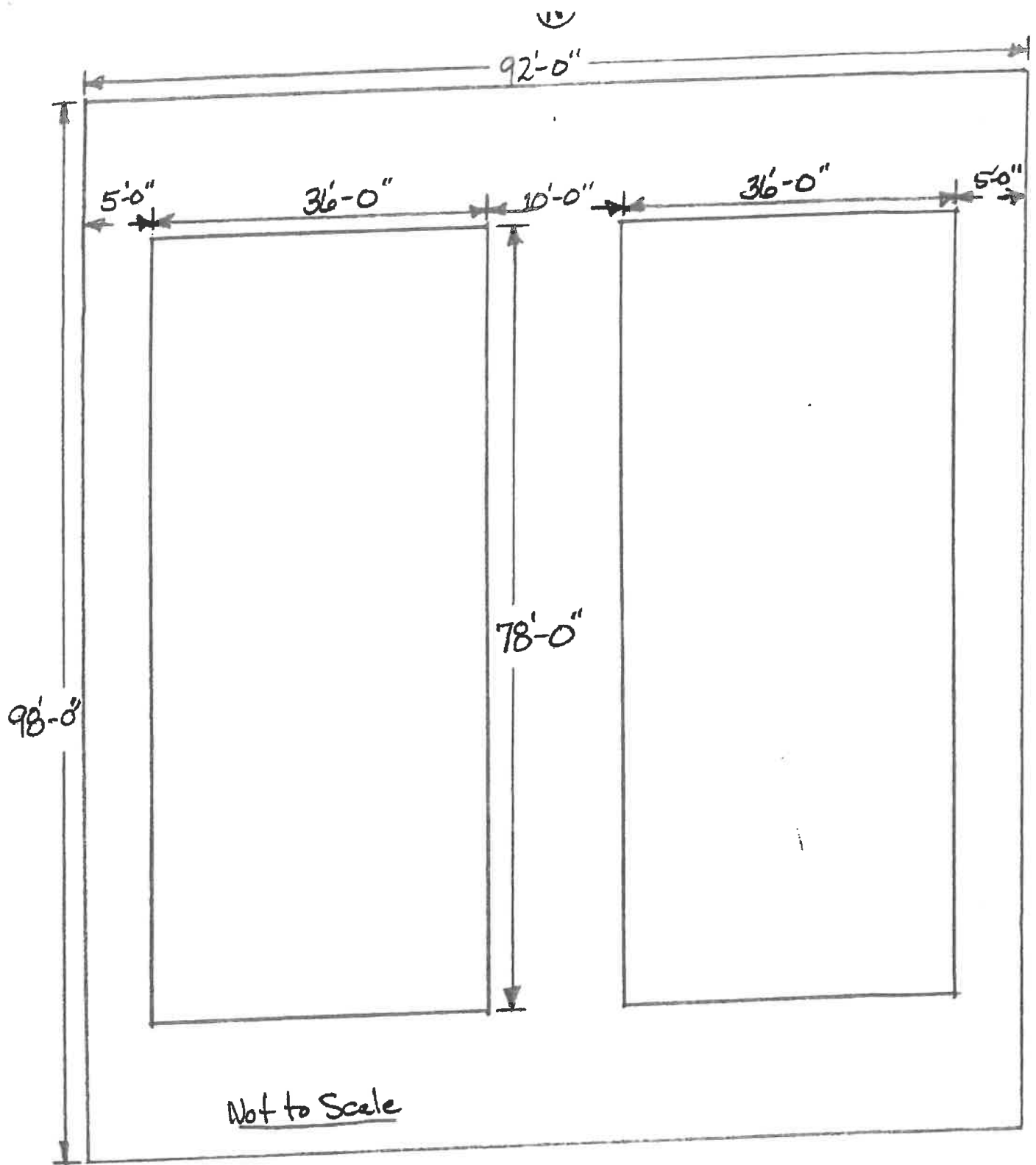
Location:

The two tennis courts, six pickleball courts, and additional playing surface shall be constructed at the 7th Street Park, which is in the City of Key Colony Beach Monroe County FL 33051.

Courts and Playing Surface Dimensions: See attached Exhibit A.

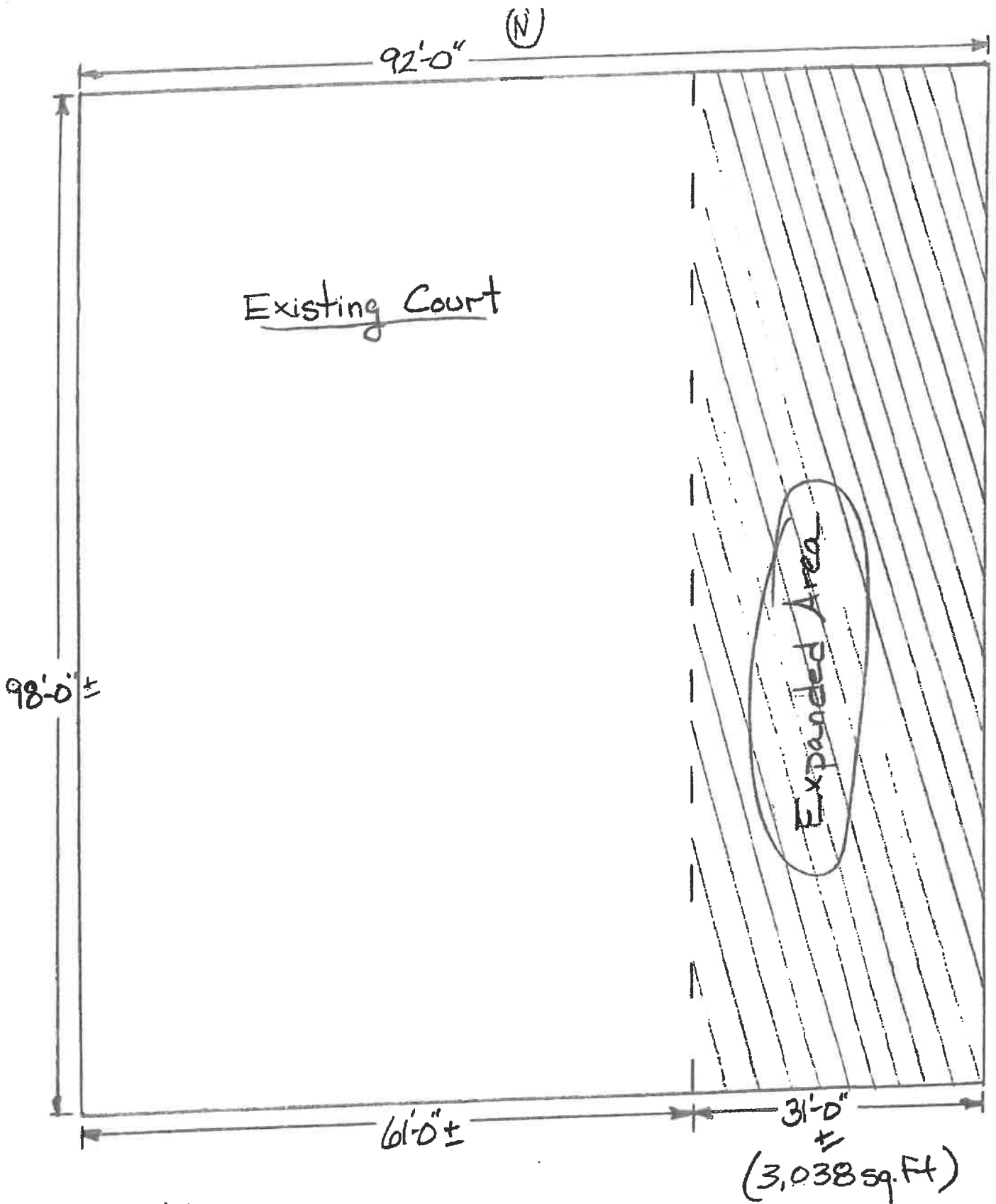
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EXHIBIT A



7th St. New Tennis Courts

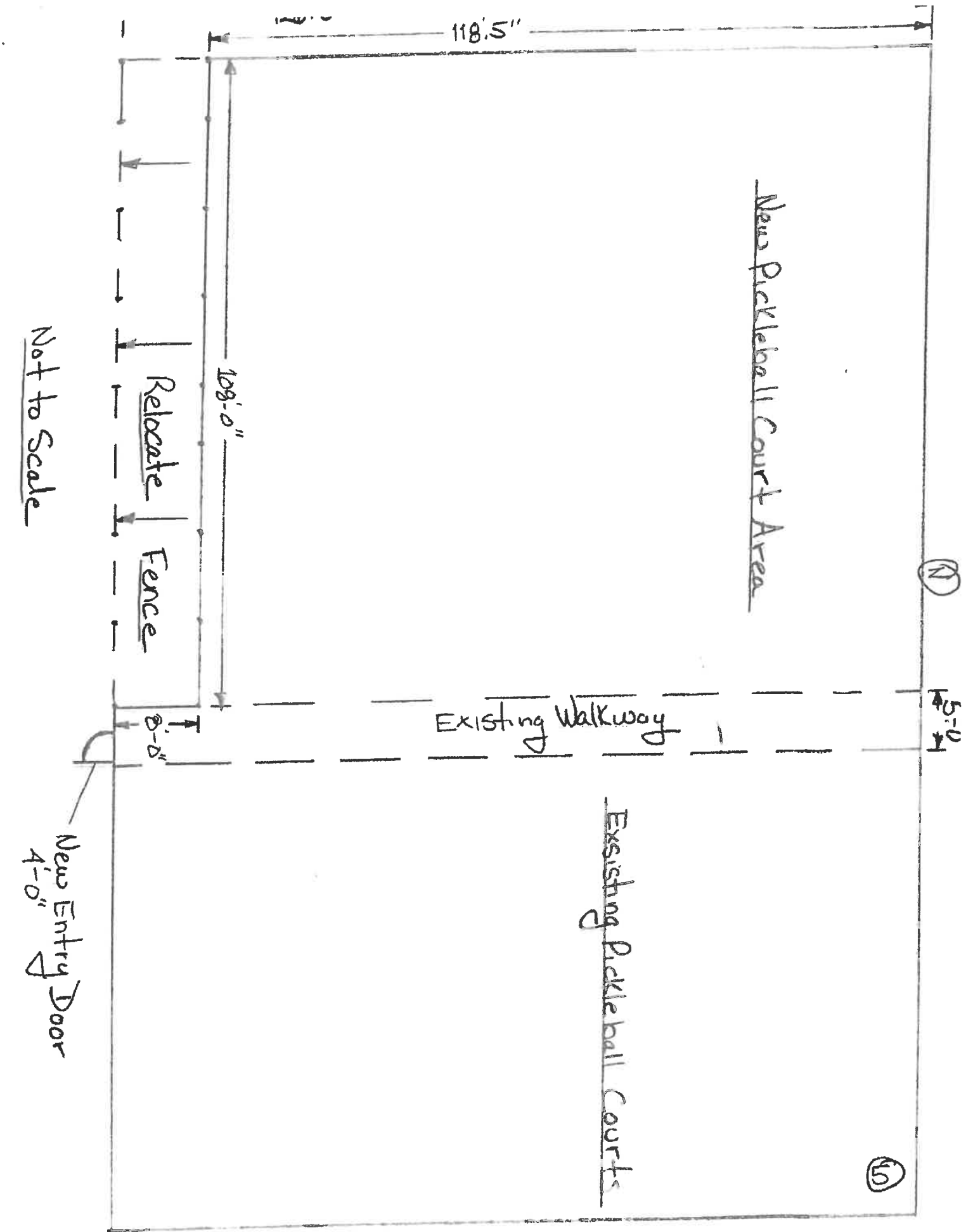
Ref: 1A



Not to Scale

Ref: 1B

①

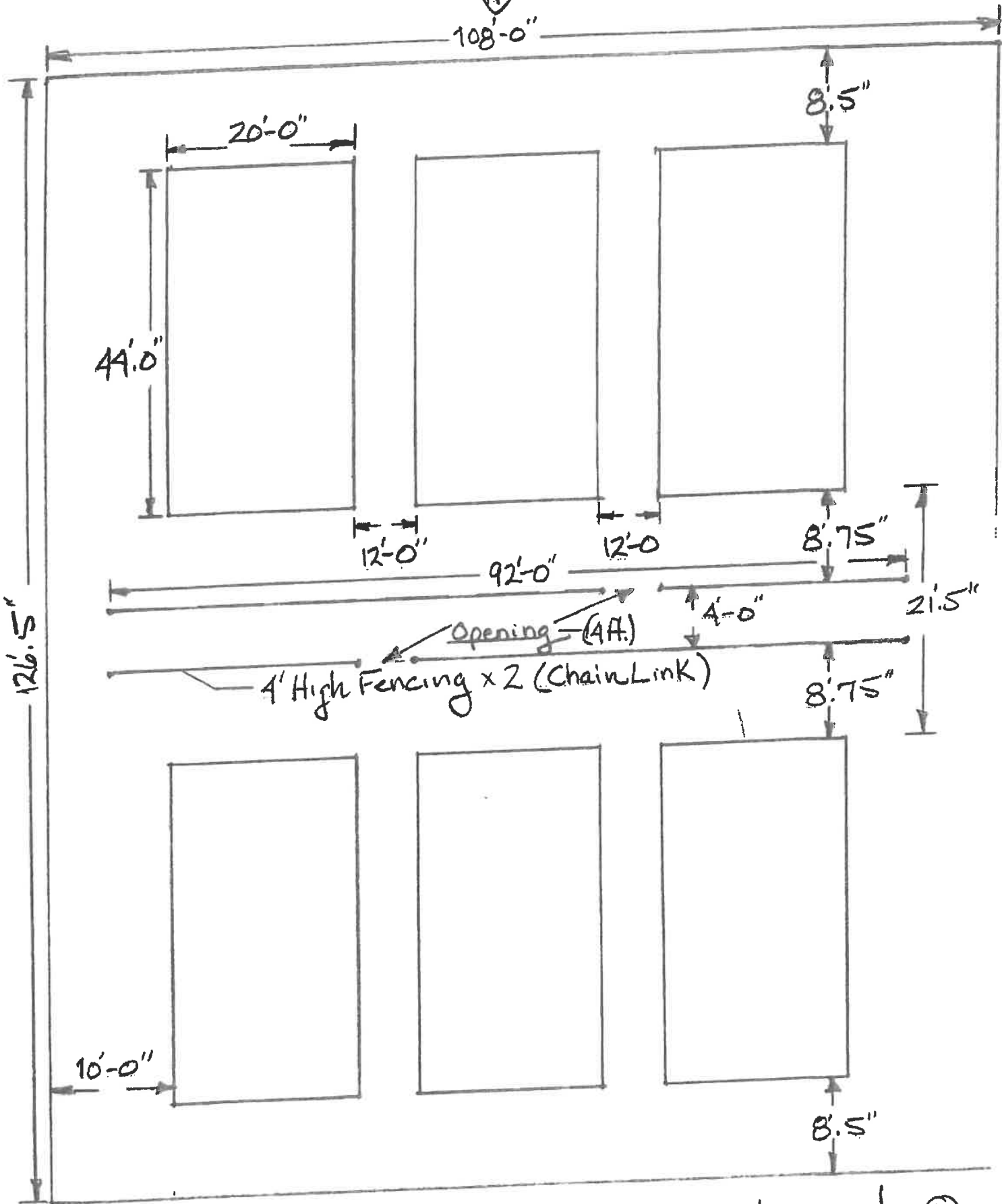


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Ref 2 A

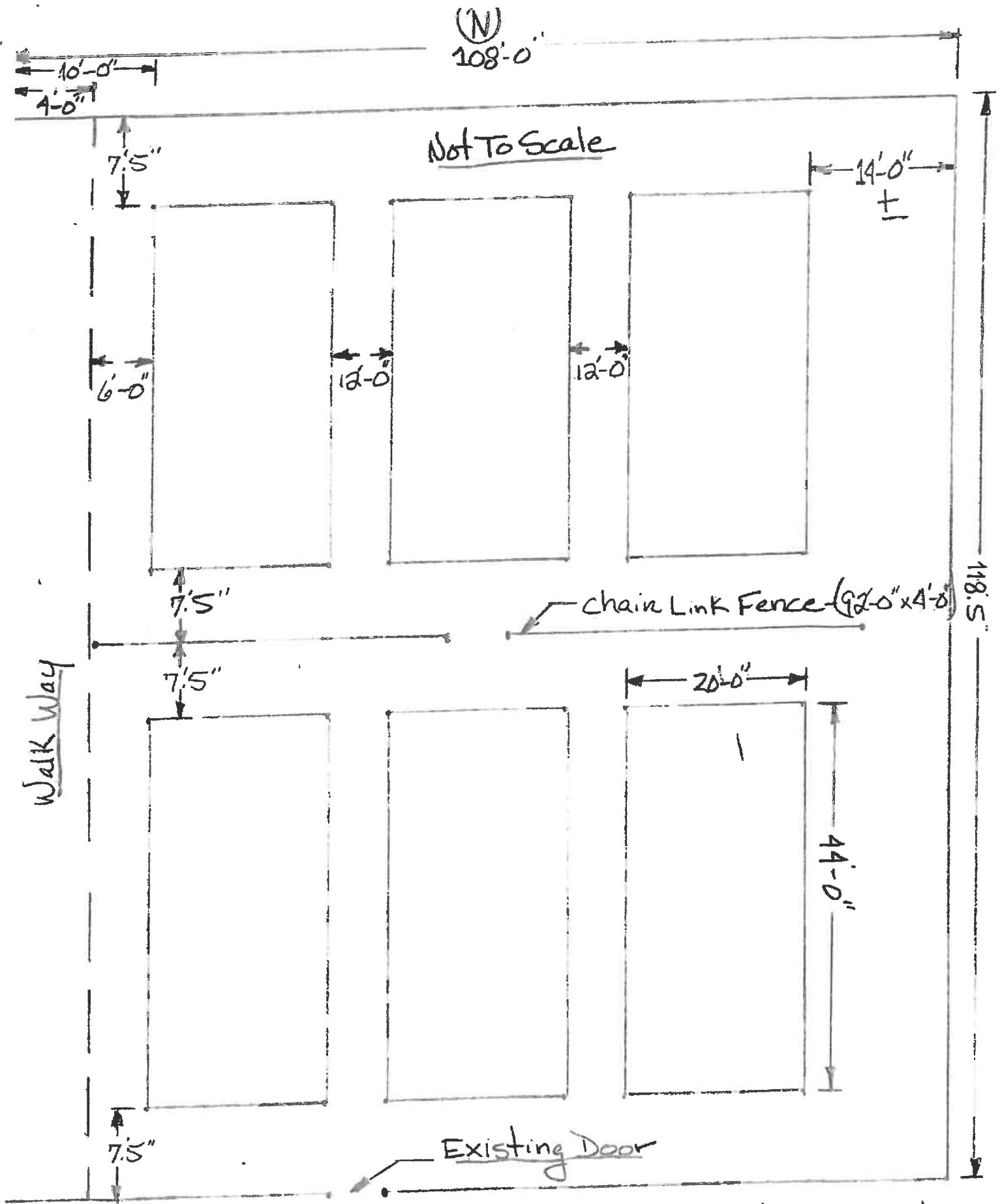


Not to Scale



Ref 2A

Revised 8th Street New Pickleball Court Layout. (6)
(if fencing is moved back 8 feet)

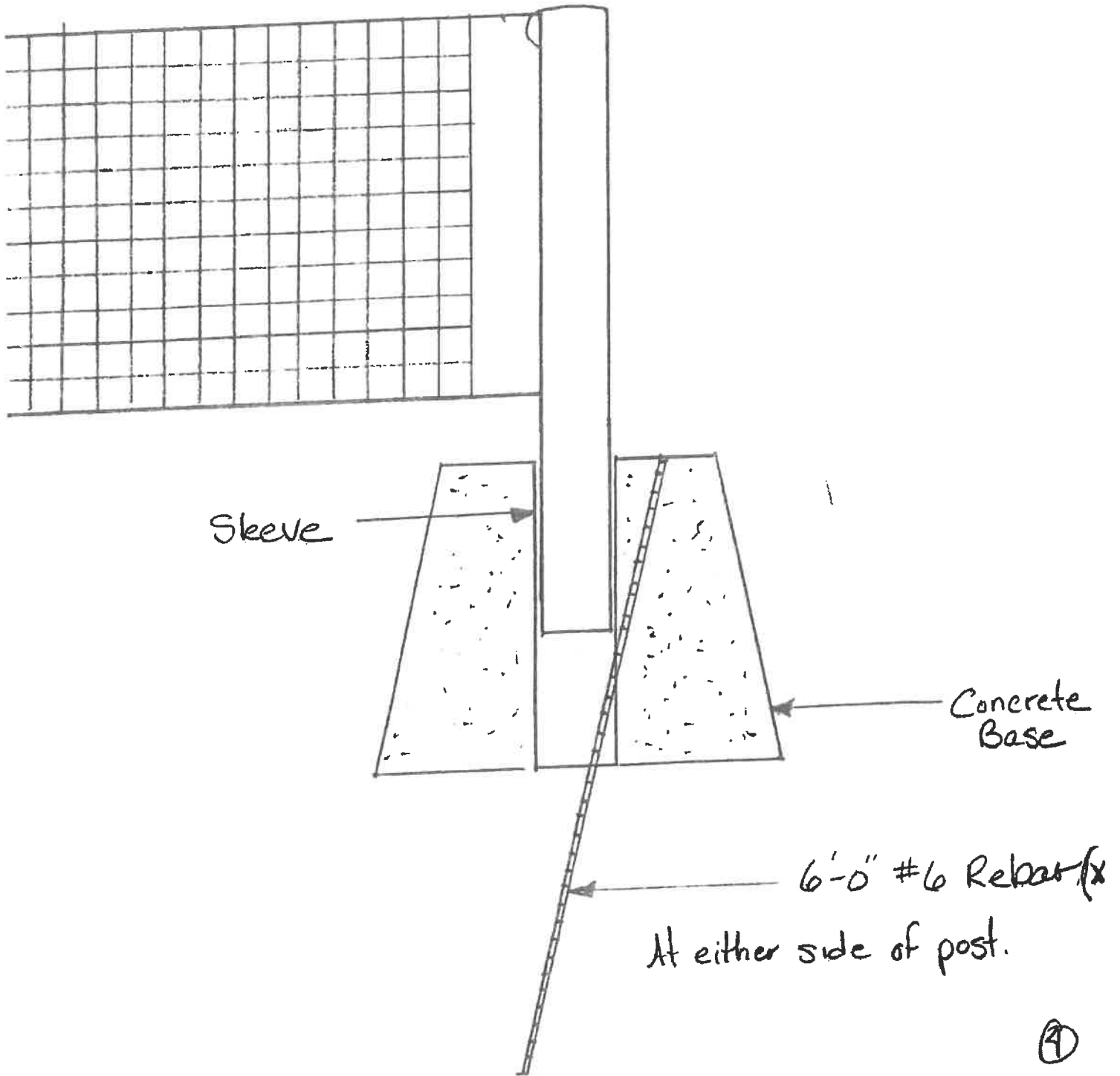


8th Street New Pickleball Courts Layout. (3)

Ref 2B

8th Street (6) Court Pickleball Expansion

* This detail will hopefully eliminate the dreaded post lean.



Primary Reasons for Recreation Committee Rejection of Bid Proposal

Pickleball Expansion Timeline
8/14/2023 Recreation Committee

In response to a report presented by Mike Yunker for the pickleball community, the Committee recommended that the Commission pursue Option 4 of his report.

8/17/2023 City Commission

Mike Yunker and Ted Fischer presented the report. Commissioners agreed with the recommendation and directed City Administrator and City Attorney to work with the Pickleball Club on a management agreement. Also to schedule a Town Hall Meeting to receive input regarding Option 4 of his report.

9/20/2023 Town Hall Meeting

Option 4 was the sole subject of the meeting and the majority of the responses were positive.

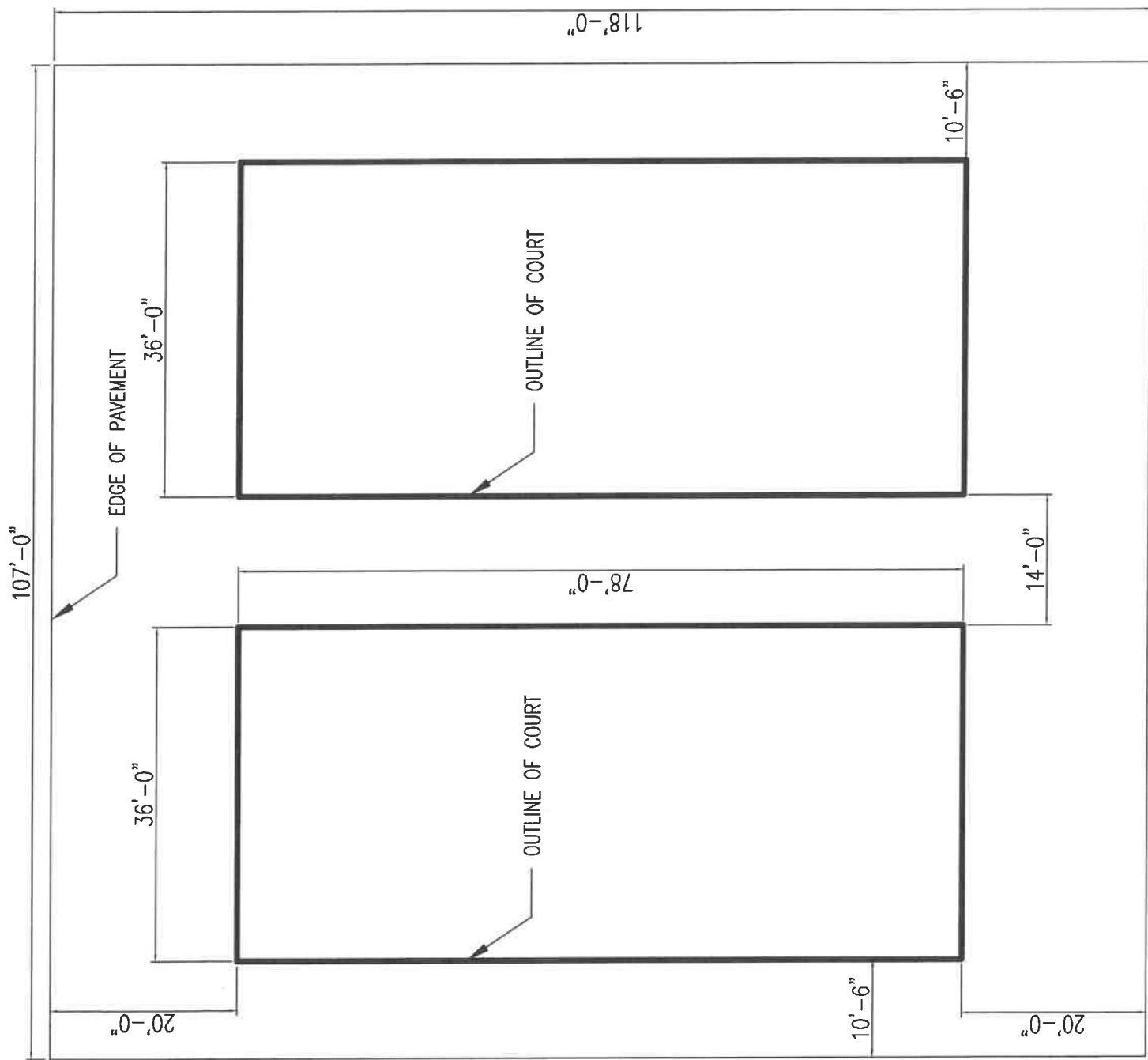
9/21/2023 City Commission

Commissioners gave unanimous approval to execute an agreement with the Club and relocate tennis courts to 7th Street.

Option 4:

"We would build a brand new double tennis court complex near 7th Street and Shelter Bay Drive. The new courts would be laid out over where the current basketball court is "new asphalt though". These new courts would be identical to the existing courts in size except they would be: all new surfaces, raised and sloped for drainage; dedicated to tennis only (no pickleball lines); new painted surface and lines; new fencing; new windcreens and shrubbery; new nets; new drinking fountain; new tiki hut and benches; electrical outlets; AED and first aid kit..."

Excerpts from Pickleball Club RFP	RFP Specifications	Existing Court Dimensions	Issue	Notes:
Bid 1A Two Tennis Courts	98'x92' +/-	118'x107'	<p>Areas behind court lines to fence are reduced from standard size (120 feet - 98 feet = 22 foot reduction)</p> <p>Area between courts are reduced from standard size (12-14 ft) to 10 feet</p> <p>Area to each side of courts to fence are reduced from standard size of 12 ft to 7 ft.</p>	<p>Current fenced dimensions are 118 ft x 107 ft (within 1-2 feet of standard)</p> <p>Safety issues</p> <p>Safety issues</p>
B1 One Tennis Court	98'x61' +/-		<p>Option to put a full 4' perimeter fence</p> <p>Not approved by Rec committee, Town hall meeting, or city commission</p>	<p>No fence would be better - balls will go over fence and players will have to go to entrance to retrieve balls</p>
Bid 2a Pickleball Court Expansion	6 permanent pickleball courts plus expand the fenced area. No provision for basketball		<p>Option 4 provided for 4 permanent pickleball courts and 2 temporary courts. Basketball goal posts and basketball lines included inside the fenced area closest to 8th Street</p>	<p>This expansion has not been approved by the Rec committee or Commission</p>



KCB EXISTING TENNIS COURTS

April 11, 2024

City of Key Colony Beach
600 W. Ocean Drive
Key Colony Beach, FL 33051-0141

Attn: City Commissioners

Ref: Comments to address the April 18th Agenda item – RFP / ITB for Tennis Court and Pickleball Court Expansion

Dear Commissioners,

We would like to provide some information to both clarify the bid package contents as well as to address some statements made at the recent Rec Committee meeting on April 8th that were not accurate. The format of the meeting didn't allow for full discussion and explanation of the bid package.

First, we want the community to be aware that the bid package did, in fact, contain an RFP for two (2) tennis courts. It was repeatedly implied or insinuated that a 2-court w/ 10-foot fencing bid was not included. To explain the rationale behind the bidding package, we intentionally bid both the tennis court and pickleball court work with different options and multiple fencing alternatives to give insight to the pricing and to give the city options to review based on both the financial impact as well as the amount of square footage you would be devoting to the project and impacting the park.

Our research provided us with an insight into recreational size courts that provide reduced overall square footage, while giving the full double play courts. The impact is sizeable. To quote 2 courts at 120' x 60' each will cover approximately 14,400 square feet (1/3 acre) with a playable surface of 5,616 sq ft. Two (2) recreational size courts of 96' x 46' would cover approximately 9,000 sq ft for the same playable surface. It should also be noted that the run-off space to the sides and back is large for several reasons, including accommodating umpires, benches, and ball people, which won't apply in our situation. We also took into consideration the current number of tennis players. As was quoted at the Rec committee, they have on average 6-8 players that play approximately 6-1/2 hours a week. We recognize that some visitors may also be utilizing the courts occasionally without being included in this number.

Second, the rec committee wanted to refer or “go back” to Option 4. Option 4 was primarily focused on the location – as compared to 3 alternate locations that were being vetted last summer.

Per the August 14, 2023, correspondence from Mike Yunker, Chair of the Club to the Rec Committee, Option 4 included the following:

- *These new courts would be identical to the existing courts in size except they would be:*
 - *All new surfaces, raised and sloped for drainage.*
 - *Dedicated to tennis only (no pickleball lines)*
 - *New painted surface and lines*
 - *New fencing*
 - *New Windscreens and shrubbery*
 - *New nets*
 - *New drinking fountain*
 - *New Tiki Hut and benches*
 - *Electrical outlets*
 - *AED and first aid kit*
 - *No distracting noise from the pickleball players*
 - *Parking along Shelter Bay and 7th St, as well as park parking lot.*
 - *Bathrooms maintained by public works between the Bocce and new Tennis Complex.*
 -

After the initial bids were rejected last month, and in consideration of available funds and the practicality of the size, we did not feel there was enough justification to provide the identical size of the existing courts or to essentially oversize the new tennis facility. An additional change was made to Option 4, based on Commissioner Harding’s statement at the September 21, 2023, regular meeting, to move the basketball courts to the 7th Street complex allowing for more permanent pickleball courts. All other aspects of Option 4 will be met. For clarity, the RFP in question would not contain many of the above bulleted items because the contractors in this bid are not appropriate to provide those services. Some of these items would be provided by the city, some by other vendors or purchased outright.

We also want to provide some context into the project based on the number of “users.” Since the inception of our club and effective with the Management Agreement we have with the City, we have 286 club members. We have sold 358 day passes which allow visitors to play during club hours and have had hundreds of other visitors utilize the pickleball courts during afternoon and early evening hours. We are participating in costs to maintain the facility, provide needed supplies and safety equipment. We have arranged for training for members and non-members, encouraging the use of the space and the enjoyment of the game.

We acknowledge that Tennis has been here for years, and we hope it continues to be a sport that can be played in KCB for years to come. With that said, the reality of communities everywhere is that Pickleball is now and will be in the foreseeable future the fastest growing sport for all age groups. We also recognize that KCB currently has a large, active Pickleball base. With the spread and popularity of the sport, it's important to the community today and far more in years to come, to prepare for the racquet sports facility in a way that accommodates the demand. This large population of Pickleball Players that we have are active in their support of this needed change and have shown that support through donations, club memberships and fundraising activities. There is an expectation that we will continue to move this project forward in a timely manner.

We were disappointed that the Bid Package was rejected by the Rec Committee without a clear explanation or an opportunity at the meeting to try to resolve their concerns. Our intent was not to "short" Tennis on the size or quantity of the courts, but to find an economical solution and provide insight through bidding options providing a variety of options and allowing carve-outs that save money. It is important that we make every effort to move into construction phase during the off-peak period this summer and fall. We recognize the city will have the final say after the bid review and will be able to make their decision better informed and with a variety of options. The bids will be itemized to make carve outs as needed.

Summary:

The issues appear to be the overall dimensions, fencing height and that we included an option for 1-court. The Commissioners can make modifications to eliminate the 1-court option if they feel that is warranted prior to the RFP release and they can require a different overall size and eliminate any references to 4' fencing for tennis. Our request is that these decisions be made at the April 18th meeting so we can move forward without further delay and maintain the bid schedule.

We appreciate your consideration and will certainly be available to provide any needed information to keep all parties informed and the project on schedule.

Sincerely,

Diane Slusher, Chair
KCB Pickleball Club, Inc.
411 12th Street

Dave Nussdorfer, Vice Chair
KCB Pickleball Club, Inc.
320 11th Street

Monica Greene, Treasurer
751 12th St
KCB Pickleball Club, Inc.

Dania Fernandez, Secretary
KCB Pickleball Club, Inc.
145 4th ST

Craig Greene, Construction Committee
KCB Pickleball Club, Inc.
751 12th St

Mary Conditt, Fundraising Chair//Construction Committee
KCB Pickleball Club, Inc.
121 Coco Plum Drive

Carman Slusher, Construction Committee
KCB Pickleball Club, Inc.
411 12th Street

TENNIS COURT PLAY AREA:

Playing surface – 78' x 36' (Doubles) on any court, recreational or tournament the play area is the same.

CURRENT KCB TENNIS COURT DIMENSIONS: (2 Courts)

Overall, 118.5' x 108' (Assuming it's centered – 15 ft from baseline).

This includes space for benches behind baseline.

West side has 11'5" overrun, East side has 6'9" overrun.

RECREATIONAL SIZE: (1 Court)

Overall, 96' x 46' (9 ft from baseline and 5 ft on sides)

NOTE: Benches would not be on the court surface, they would be under the Tiki Hut placed outside the doorway.

TOURNAMENT SIZE: (1 Court)

Overall, 120' x 60' (21 ft from baseline and 12 ft on sides)

SUPPORTING INFORMATION:

<https://pitchbooking.com/blog/tennis-court-dimensions-markings>

Tennis Court Dimensions and Layout - A Comprehensive Guide**Space Requirements**

The space needed to build a court considers all of the required components of a complete court, including run-off and fencing. For international competition, the overall court length, width, and surface area should be 99 ft, 48 ft, and 4,752 sq ft, respectively. For recreational or club use, these dimensions should be 96 ft, 46 ft, and 4,416 sq ft, respectively.

Grand Slam Court Sizes

Each of the four Grand Slam tournaments — the Australian Open, French Open, Wimbledon, and the US Open — are played on courts that conform to the standard size of 78 ft in length x 36 ft in width. However, the run-off or space to the sides and back is significantly larger for several reasons, including accommodating umpires, benches, and ball people.

<https://tenniscompanion.org/a-diagram-of-tennis-court-dimensions-layout/#tennis-court-dimensions>

International Competition Run-Off

Courts for international competition have larger minimum run-offs to accommodate benches, umpires, and ball people.

- **Behind Baseline:** 21 ft (6.40 m)
- **To the Side of the Court:** 12 ft (3.66 m)
- **Overall Court Length:** 99 ft (30.18 m)
- **Overall Court Width:** 48 ft (14.63 m)
- **Overall Court Surface Area:** 4,752 sq ft (441.48 sq m)

Recreational or Club Play Run-Off

Courts for recreational or club play require less run-off but still provide plenty of space for players to move around the court without running into the surrounding fence or backstop.

- **Behind Baseline:** 18 ft (5.48 m)
- **To the Side of the Court:** 10 ft (3.05 m)
- **Overall Court Length:** 96 ft (29.26 m)
- **Overall Court Width:** 46 ft (14.02 m)
- **Overall Court Surface Area:** 4,416 sq ft (410.26 sq m)

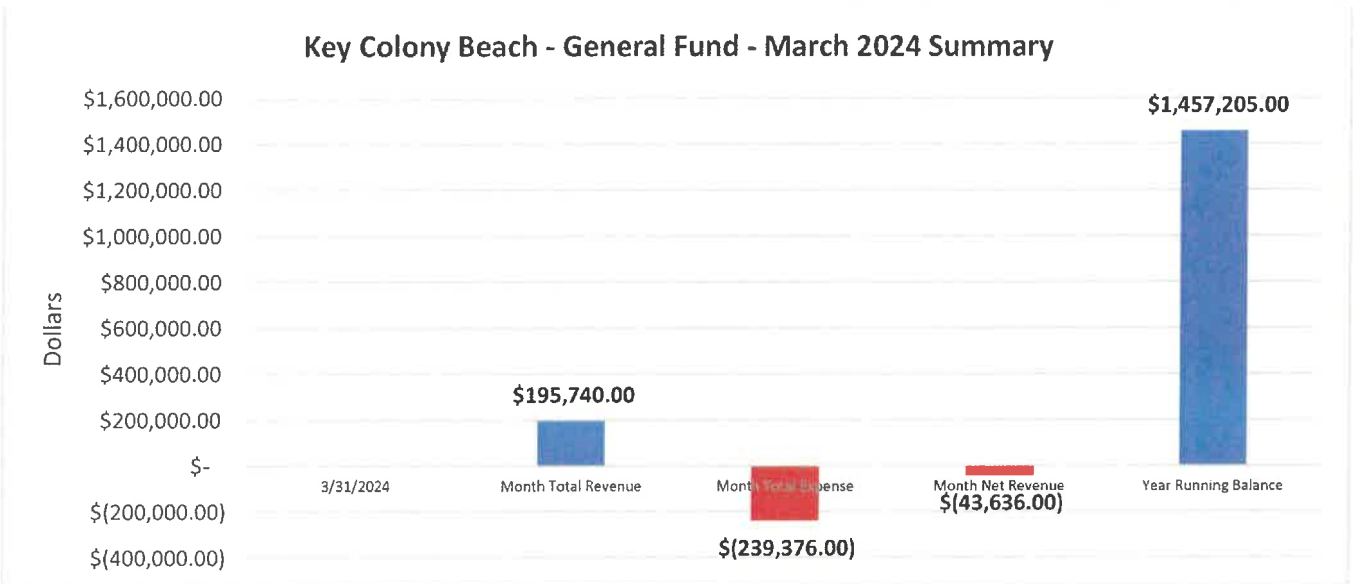
Considering these are minimums, the amount of run-off varies widely from one court to the next. For example, the run-off on show courts at the Grand Slam tournaments is considerably larger.

City of Key Colony Beach

Treasurer's Report – April 18, 2024

March 2024 financial summary – General Fund

- 6th month of 2024 fiscal year budget-
 - YTD revenue above budget target, in good shape with Ad Valorem Tax Revenue, at 92% of the full year budgeted amount.
 - Pickle ball expansion contributions currently at \$189,009.00
 - Boat trailer revenue tracking above YTD budgeted amount
 - YTD expenses below budget target, in good shape for YTD. 9% below targeted budget amount for YTD.
 - Infrastructure funds were reduced for payment of Stormwater invoices, due to cash flow with the Stormwater account.
 - Current due from Stormwater is \$362,148.00
 - Monthly legal fee expenses discussion planned for 16Ap24.
 - No legal fees or Special Master fees for this month
 - Monthly Plot below:

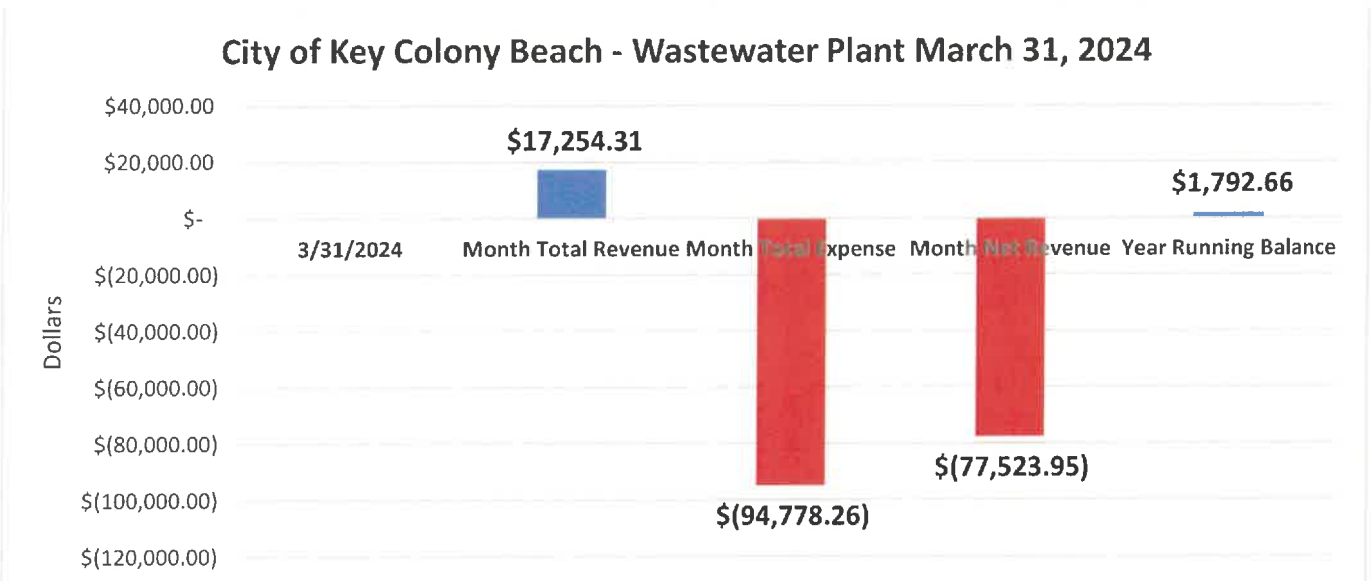


City of Key Colony Beach Treasurer's Report – April 18, 2024

March 2024 financial summary – Wastewater/Stormwater

Wastewater

- Overall revenue below budgeted target value for YTD, 12% below targeted budget value
 - Residential service tracking 8% below budgeted amount for YTD.
- Overall expenses below budgeted target value for the month, YTD expenses below budgeted target value
 - Two months of electric bills expensed this month.
 - Will need to closely monitor Capital expenses and System Maintenance for the remainder of the year, over YTD budget target value.
- Plot below for Monthly Summary:



Stormwater:

- Revenue fees collected to date are 92% of the yearly total, in good shape.
- Due to cash flow awaiting reimbursement funding, stormwater invoices paid from General Infrastructure funds.

City of Key Colony Beach

Treasurer's Report – April 18, 2024

Grant Activity:

1. FEMA shared funding - Dry Proofing of the Maintenance Building Project:
 - a. Quarterly update provided to State of Florida, Division of Emergency Management
 - b. Plan to complete RFQ document to send out for competitive engineering bids.
 - c. Plan to complete FEMA Proposed Budget Increase FEMA document requesting additional funds.
 - d. Additional one day training class required, sign up for May class.
2. FDOT 2022 Transportation Alternative Grant
 - a. Final draft contract documents being updated and reviewed with FDOT.
 - b. Funding approval expected after July 01, 2024.
3. FDOT 2024 Transportation Alternative Grant Application
 - a. No expected updates until May 2024 on acceptance, FDOT completing internal reviews of our application and presentation material.
4. FDEP New City Hall grant
 - a. Quarterly updated provided to State of Florida, FDEP.
 - i. Modification to an estimated 5,000 square foot, stand-alone building. Elevated, and roof capable of high wind resistance. Adherence to current State and Local Building standards. Estimated project cost range: \$3.5M to \$4.0M. House EOC/Police/Adm offices.
 1. Estimated start date: 04/01/2025.
 2. Estimated construction end date: 09/30/2026.
 - ii. Awaiting feedback from review. Expect State funding value may change.

CITY OF KEY COLONY BEACH

Warrant Number	0324
Items paid from to	March 1, 2024 March 31, 2024
First Horizon Checking Account - 6871	\$284,621.58
(includes all vendor payments for general, road, building and infrastructure)	
Escrow Account - 5537	-
Payroll Account - 2942	\$72,675.35
Infrastructure Reserve Account - 8644	\$362,147.50
Road Reserve Account - 8677	-
Impact Fees Reserve Account - 8669	-
First State Bank Reserve Account - 3703	-
Sewer Money Mkt - 0301	-
Stormwater Checking Account - 0128	-
Sewer Account - 6006	<u>\$84,481.05</u>
 TOTAL DISBURSEMENTS	 <u><u>\$803,925.48</u></u>

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

WHEREAS, the City of Key Colony Beach is charged with the administration of a wide variety of municipal issues, such as maintaining the City’s fiscal budget and the purchase of commodities and contractual services for the benefit and general welfare of the residents of the City, and

WHEREAS, the City of Key Colony Beach Commission wishes to amend and increase the discretionary spending threshold of the mayor and/or the city administrator to make purchases of equipment, materials, supplies, or services without specific prior approval therefore by the City Commission;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

This Ordinance shall become effective upon approval by the City Commission.

Section 3: Amendment

Section 2-75 of Article VI, “Finance” of the Administration of the City of Key Colony Beach, Florida Code of Ordinances shall be amended to read as follows:

- (a) No purchase or contract for purchase of equipment, material, supplies or services, other than professional services exempt under Florida Statute, may be made by the city commission when the purchase price thereof is in excess of twenty-five thousand dollars (\$25,000.00) unless made after open competitive bidding. The city commission shall have the right to accept or refuse any or all bids. This requirement applies to a single and not a cumulative project. This requirement shall not apply to purchases of commodities and contractual services from purchasing agreements established by and maintained by the State of Florida. It further does not apply to purchases of commodities, equipment, or material exempted from bidding by Florida Statutes where available only from a single source. This section shall not be construed to limit or prevent any exemptions from bidding requirements provided by Florida Statutes.

- (b) The mayor or the city administrator shall be authorized to make purchases of equipment, material, supplies or services up to the value of ~~five thousand dollars (\$5,000.00)~~ seven thousand five hundred dollars (\$7,500.00) without specific prior approval therefore by the city commission.

- (c) Should the city commission declare, by majority vote, an emergency by reason of major disaster, public health or public safety, then the requirement for competitive bidding may be waived with respect to goods or services necessary because of the emergency. This section shall not be construed to limit other emergency actions permitted under Florida Statutes.

Section 4: Severability and Conflict

If any portion of this ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: Inclusion in the Code of Ordinances

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Key Colony Beach, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code:

Section 6: Effective Date

This ordinance shall become effective upon its adoption by the City of Key Colony Beach Commission.

FIRST READING by the City of Key Colony Beach City Commission this 21st day of March, 2024.

Mayor Joey Raspe	NO _____	YES <u> x </u>
Vice-Mayor Freddie Foster	NO _____	YES <u> x </u>
Commissioner Tom Harding	NO _____	YES <u> x </u>
Commissioner Tom DiFransico	NO _____	YES <u> x </u>
Commissioner Doug Colonell	NO _____	YES <u> x </u>

-[Remainder of Page Left Intentionally Blank]-

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 18th day of April, 2024.

Mayor Joey Raspe	NO _____	YES _____
Vice-Mayor Freddie Foster	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Doug Colonell	NO _____	YES _____

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 18th day of April, 2024.

Joey Raspe, Mayor

Silvia Gransee, City Clerk

(Seal)

Approved as to form and legal sufficiency:

Dirk M. Smits, Esq. B.C.S., City Attorney



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Key Colony Beach, Florida's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **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.**

The City of Key Colony Beach, Florida (hereinafter "City") is of the view that the following exception(s) to the Business Impact Estimate requirement apply that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

- b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
- c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
- d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

**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**

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

None.

3. Estimate of direct compliance costs that businesses may reasonably incur:

None.

4. Any new charge or fee imposed by the proposed ordinance:

None.

5. Estimate of the City’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

None.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

7. Additional information (if any but may wish to include the methodology used to derive information for #1 and #2, above. For example: the City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on the City's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

None.



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

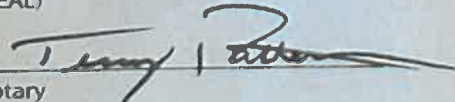
STATE OF FLORIDA
COUNTY OF MONROE

Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

April 4, 2024

Affiant further says that the said **WEEKLY NEWSPAPERS** is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this 4 day of APR 2024.
(SEAL)


Notary



CITY OF KEY COLONY BEACH
NOTICE OF CODE
AMENDMENT HEARING
SECOND FINAL READING OF
ORDINANCE NO. 2024-489
NOTICE IS HEREBY GIVEN that
the City Commission of the
City of Key Colony Beach,
Florida, will hold the following
Public Hearing to hear
amendments to the City's
Code of Ordinances.
DATE/TIME: Thursday, April
18th, 2024, 9:35 am OR at
the conclusion of the Public
Hearing
LOCATION: City of Key Colony

Beach, Marble Hall, 600 W.
Ocean Dr., Key Colony Beach.
The proposed Ordinance
to be heard by the City
Commission is (ORDINANCE
NO. 2024-489), entitled: "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."

The Business Impact
Statement is available for
review on the City of Key
Colony Beach's website at
www.keycolonybeach.net and
at City Hall at 600 W. Ocean
Drive, Key Colony Beach.
Interested parties may appear
at the meeting and be heard
with respect to the proposed
ordinance. Copies of the
proposed Ordinance are
available for inspection at the
City Hall of Key Colony Beach.
If any person decides to
appeal any decision made
by the Key Colony Beach City
Commission with respect to
any matter considered at the
Code Amendment Hearing,
that person will need a record
of the proceeding and for
such purpose may need to
ensure that a verbatim record
of the proceedings is made,
which record includes the
testimony and evidence upon
which the appeal is to be
based.

If you are unable to attend the
Public Hearing on Thursday,
April 18th, 2024, but wish
to comment, please direct
correspondence to: City
Commission, P.O. Box 510141,
Key Colony Beach, FL 33051,
and your comments will be
entered into the record.
To be published: On or before
April 8th, 2024
City Clerk
City of Key Colony Beach,
Florida
Publish:
April 4, 2024
The Weekly Newspapers

RESOLUTION NO. 2024-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, APPROVING FLORIDA DEPARTMENT OF TRANSPORTATION 2022 TRANSPORTATION ALTERNATIVE FM451639-1-58-01 ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the "City") approves Florida Department of Transportation District VI 2022 Transportation Alternative for Pedestrian and Bicycle Safety Improvements FM451639-1-58-01 Local Agency Program Agreement; and

WHEREAS, the City Commission of the City of Key Colony Beach, Florida ("City Commission") has determined that it is in the best interest of the citizens and residents of the City to support this Pedestrian and Bicycle Safety Improvement Local Agreement with the Florida Department of Transportation District to improve pedestrian and bicycling safety for the residents and guest within the City of Key Colony Beach; and

WHEREAS, the City will support this agreement with local funding in the amount of \$6,460.00, along with Federal funds of \$26,840.00 which will be managed by Florida Department of Transportation. Additional local funds will be required for an engineering design layout to meet the Federal Guidelines for this project, estimated to be approximately \$3,000.00; and

WHEREAS, the City Commission approved this work project on January 27, 2022 at the City Commission Meeting, minutes attached hereto as Exhibit "B."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA AS FOLLOWS:

Section 1: That the foregoing recitals are hereby incorporated by reference.

Section 2. That the City Commission of the City of Key Colony Beach, Florida, hereby approves Resolution 2024-06.

Section 3. That the City Administrator is hereby authorized to take all necessary action to effectuate the intent of this Resolution.

Section 4. That this Resolution shall go into effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its regular meeting of the City held on April 18, 2024.

**FINAL VOTE AT ADOPTION
CITY COMMISSION OF KEY COLONY BEACH**

Mayor Joey Raspe	NO _____	YES _____
Vice Mayor Freddie Foster	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Doug Colonell	NO _____	YES _____

Joey Raspe, Mayor

ATTEST:

Silvia Gransee, City Clerk

(City Seal)

Approved as to form and legal sufficiency:

Dirk Smits, City Attorney

EXHIBIT A

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LOCAL AGENCY PROGRAM AGREEMENT

EXHIBIT A

PROJECT DESCRIPTION AND RESPONSIBILITIES

FPN: 451639-1-58-01

This exhibit forms an integral part of the Agreement between the State of Florida, Department of Transportation and City of Key Colony Beach (the Recipient)

PROJECT LOCATION:

- The project is on the National Highway System.
- The project is on the State Highway System.

PROJECT LENGTH AND MILE POST LIMITS: Project length is within 2 miles of the city streets within the City of Key Colony Beach. Project streets include West Ocean Drive, Sadowski Causeway, East Ocean Drive, Shelter Bay Drive, 1st Street, 7th street. Key Colony Beach entrance is at mile marker 53.5 on US1.

PROJECT DESCRIPTION: Add the following improvements to enhance safety for pedestrians and bicycle usage:

1. Add advanced crosswalk signage, 3 total.
2. Add pedestrian level lighting at one intersection to meet FDOT lighting requirements.
3. Add additional flexible delineators in two locations.
4. Add bicycle racks at two city owned parks.
5. Repave existing pedestrian and bicycle path in one location.
6. Add enhanced flashing red stop sign in one location.

Scope of the project to improve safety for residents and guests on the city paths and roadways. Listening session completed with FDOT team for their suggestions were included in the scope of the work project. Staff support from Chief of Police and Public Works Manager included. Public input obtained from public commission meeting and email communications.

SPECIAL CONSIDERATIONS BY RECIPIENT:

The Recipient is required to provide a copy of the design plans for the Department's review and approval to coordinate permitting with the Department, and notify the Department prior to commencement of any right-of-way activities.

The Recipient shall commence the project's activities subsequent to the execution of this Agreement and shall perform in accordance with the following schedule:

- a) Study to be completed by 15Au24 .
- b) Design to be completed by 15Oc24.
- c) Right-of-Way requirements identified and provided to the Department by 15No24 .
- d) Right-of-Way to be certified by 15De24 .
- e) Construction contract to be let by 15Mr25.
- f) Construction to be completed by 15My25 with allowance of closing by 15Oc25

If this schedule cannot be met, the Recipient will notify the Department in writing with a revised schedule or the project is

EXHIBIT B

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING

January 27, 2022 - 9:38 a.m.

Marble Hall & Virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: *The Regular Commission Meeting of the City of Key Colony Beach was called to order by Mayor Trefry at 9:38 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry, Vice Mayor Harding, Commissioner Sutton, Commissioner DeNeale, Secretary-Treasurer McCullough. Also Present: City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits, Public Works Supervisor Mike Guarino, Building Official Gerard Roussin, Building Inspector Lenny Leggett, Police Chief Kris DiGiovanni, Code Enforcement Officer Stacy Stahl, and Fire Marshall Mike Card.*

Public: *10 Marble Hall, 15 Virtual*

2. Approval of Minutes: *The City Commission Regular Minutes January 13, 2022, were accepted as written.*

3. Agenda Additions, Changes, Deletions:

A. *Mayor Trefry requested that Item 11. Citizen Comments and Correspondence to be moved back to the beginning of the agenda.*

B. *Furthermore, Mayor Trefry requested that City Administrator Dave Turner's report to be moved up to the beginning of the Staff Report for he had a meeting to attend.*

C. *Mayor Trefry requested to add to Item 9: Discussion on City Administrator's Performance Review.*

D. *Commissioner Sutton will have a discussion on the 2022 Key Colony Beach Bridge Run added under Item 6.*

4. Citizen Comments and Correspondence: *City Clerk Silvia Gransee stated that no citizen comments were received.*

5. Special Requests: *None.*

6. Committee and Staff Reports:

A. *City Administrator Dave Turner reported on attending the Utility Board Meeting as well as the SWAG Grant Meeting.*

The City Administrator stated that with the obligated funding in the amount of \$212,000.00, and the Stewardship Funds in the amount of \$400,00.00, the injection wells and repairs on 10th Street can be completed. City Administrator Turner stated that he will work with Commissioner Sutton on this project. City Administrator Dave Turner also met with the Post Office Architect on the logistics on moving the Post Office. In Addition, the City Administrator met with the Florida Friendly Landscape Architects. Key Colony Beach will be the first city in the State to be designed by Florida Friendly Landscaping, and they would like to use the City and City Hall as a model. City Administrator Turner also attended the Transportation Meeting. The City Administrator further reported on the Lidar Contract and the possibilities that come with it. Power washing of the Pro-Shop will start this weekend with painting scheduled for the beginning of the week, depending on weather conditions. The Hardscaping on Coral Lane has been completed and Public Works is working on the Welcome Sign for the second entrance. The road striping and no-parking signs, as well as a no-truck sign are still being worked on. City Administrator Dave Turner reported that he received a quote in the amount of \$6,300.00 for the radar screens which would need approval for purchase by the Commission. Chief DiGiovanni reported that the vendor has promised better customer service and that he is in support of purchasing additional radar screens. The Commission further discussed on possible grant monies being available for the purchase. Vice-Mayor Harding recommended on going ahead with the purchase now and to look for grants in the upcoming budget cycle. The Commission agreed.

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner DeNeale, to approve the purchase of additional radar screens in the amount of \$6,299.00.

ON THE MOTION: Roll call vote. Unanimous approval.

City Administrator Dave Turner further reported on meeting the Civil Engineer for the new City Hall Building. The Civil Engineer will try to identify the new flood lines and map out the exact location of the line. Once the lines are identified, adjustments can be made on the new City Hall drawings. City Administrator Turner further reported on the logistics of moving the Police Trailer, Building Department, and Post Office, as well as the start of the Asbestos removal of the old building. City Administrator Turner estimated two weeks on receiving a report from the Civil Engineer.

City Administrator Dave Turner reported on the requested Cost-of-Living Report by Commissioner McCullough. The City Administrator stated that the numbers in the report are in line and above with what the city has done. Commissioner McCullough questioned the issue of performance reviews and asked the City Administrator to put forth a performance evaluation schedule. Commissioner McCullough proposed a 3% performance increase.

MOTION: Motion made by Commissioner McCullough to give a 3% performance increase for all employees. No second.

ON THE MOTION: Motion failed.

Commissioner McCullough explained the uniqueness of the City of Key Colony Beach and its employees.

MOTION: Motion made by Commissioner McCullough to adjust the performance increase to 2.5 % for all employees. No second.

ON THE MOTION: Motion failed.

Commissioner DeNeale confirmed to Commissioner McCullough the data of the report and that it shows that the City is well above average in percent increases. Commissioner DeNeale also agreed with Commissioner McCullough on the need for performance evaluation reviews. Mayor Trefry stated to the fact the City pays 100% of Health Insurance to all employees. Commissioner McCullough expressed her wish for all City employees to live modestly comfortably. Commissioner Sutton recommended to Commissioner McCullough to entertain the thought for performance increase for the next budget cycle in conjunction with an implementation on performance reviews. Vice-Mayor Harding agreed with the analysis that City Administrator Turner had submitted.

B. Marathon Fire/EMS – Fire Marshal Mike Card reported for Fire Chief Johnson. The Fire Marshal reported 1 fire, 3 medical calls, and 1 personal assist. Fire Marshall Card advised the public to be careful and aware of Covid-19 and to use common sense regardless of location, in addition to using masks if desired.

C. Recreation Committee – No Report.

D. Beautification Committee - No Report.

E. Disaster Preparedness Committee – No Report.

F. Planning & Zoning Board - No Report.

G. Code Enforcement Board – No Report

H. Utility Board – Utility Board Chair Freddie Foster reported on the available funding for 10th Street to complete the Storm Water Project. Chairman Foster also reported on working with City Administrator Turner

on finding grant monies for the Wastewater Plant System. The bid on the sewer piping was approved during the Utility Board Meeting, in addition to the monthly Utility Board Warrant.

I. Police Department – Chief Kris DiGiovanni reported 1 report, 2 alarm calls, 12 calls for service, backup to MCSO 11 times, along with the Boat & Road Patrol, and the Vacation Watch Program. Retired Police Officer Lindsey Berklund completed his training and will return as a Reserve Officer to assist with Boat Patrol. The Chief is also working on a lesson plan for an in-house boating course, so all officers can be on the water when needed. Corporal Buxton is working on Lexipol updating policies.

J. Building Department - Building Official Roussin reported that Canal Wall Inspections will start tomorrow. Owners will be contacted if repairs are needed. The Building Department will give a better picture of what is needed regarding seawalls by next meeting. Building Official Roussin reported on receiving complaints regarding the property located on 1000 W. Ocean Drive. The Building Official stated that the property has 5 active building permits and is being worked on. On the question of blight on the property, the Building Official reported that in his opinion there is none. Building Official Roussin reported on currently performing an audit on building permits issued in previous years. In addition, the Building Official reported on the CRS report being due next Tuesday. Commissioner McCullough asked on the status on Key Colony Beach Club. Building Official Roussin reported that the delay in construction is a supply issue.

K. Public Works – Public Works Supervisor Mike Guarino reported that the in-house repairs on the Causeway Bridge were completed. A new flagpole was installed at Sunset Park and the Stormwater drain maintenance is being continued. Public Works Supervisor Guarino further reported that the road striping and signage at Coral Lane will be worked on next week.

L. City Secretary-Treasurer – City Secretary/Treasurer Kathryn McCullough reported on the financial status of the city. The Secretary-Treasurer reported that income, expenses, and profit and loss are in line with the budget.

M. City Clerk – City Clerk Silvia Gransee reported that the last few weeks consisted mostly of regular housekeeping items including bill pays, payroll, completing minutes, and preparing for meetings. In addition, a Certificate of Occupancy was issued to the Building Department, new name plates were ordered, and a new phone list was issued. The City Clerk further reported that the Planning & Zoning, and the Code Enforcement Hearing are cancelled for February. City Clerk Gransee closed by reporting on training on election laws and meeting the Supervisor of Elections next week.

N. Code Enforcement Officer – Code Enforcement Officer Stacy Stahl reported on 6 trailer lot calls in the last two weeks. In addition, solar lights will be installed at the temporary lot to help with lighting issues. Code Enforcement Officer Stahl reported that several code cases were resolved including trash, renting without a license, landscaping issues, parking, and boat trailer/RV parking issues. Code Officer Stahl reported that in October 2021 666 open tasks were in CitizenServe with about 60 cases left to be resolved. Property owners and managers have been contacted for outstanding balances. Incorrect transfers in Citizen Serve have been fixed, and the application process has been worked on to make it easier to apply for licenses. A trash calendar has been added to Citizen Serve also. Twenty commercial applications are awaiting approval and Code Enforcement Officer Stahl will get with Building Official Roussin to schedule and/or complete inspections for those properties. Furthermore, 24 citations were written in the last two weeks for trash, yard waste and an illegal floating dock. The corner of Clara has been cleaned up by the property owner.

7. Commissioner Items for Discussion/Approval

A. Mayor Trefry reported on the upcoming Commission Meeting scheduled for February 10, 2022. City Administrator Turner and Mayor Trefry will be attending the Legislative Days in Tallahassee; Commissioner McCullough has been excused from the February 10th meeting as well. The Commission agreed upon the cancellation of the first Commission Meeting in February.

B. Rentalscape Contract – City Administrator Turner asked the Commission to purchase the Vacation Rental Tracking Software ‘Rentalscape’. The City Administrator explained that the purchase of the software will help Code Enforcement, the Building Department, and the City Administration to bring the vacation rentals in-line.

The incorrect start date of October of 2019 will be corrected.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Sutton, to purchase the Vacation Rental Tracking Software 'Rentalscape' not to exceed the amount of \$19,500.00.

ON THE MOTION: Roll call vote. Unanimous approval.

City Administrator Dave Turner was excused by Mayor Trefry from the meeting.

C. Mayor Trefry reported on the Performance Review that is due in February for City Administrator Dave Turner. The Mayor requested that all performance reviews will be submitted by Friday prior to the Commission meeting on February 24th, 2022. All sit-downs with the City Administrator should be completed by that date as well. All Performance Reviews have to be turned into Silvia, with the Mayor signing off on them once all have been turned in. The Mayor explained that the performance review will be part of the public record once they have been submitted.

D. Commissioner Sutton reported on the 2022 Key Colony Beach Bridge Run. The Bridge Run has been tentatively scheduled for February 24, 2022. The Chief confirmed that the regular Bridge Run is usually at 2pm.

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner McCullough, to approve February 24, 2022, at 2 p.m. for the 2022 Key Colony Beach Bridge Run.

ON THE MOTION: Roll call vote. Unanimous approval.

Chief Kris DiGiovanni asked Commissioner Sutton if he would like Fire Rescue to be available for the event, which Commissioner Sutton agreed upon. Fire Marshal Card acknowledged that Marathon Fire will be available.

8. Approval of Warrant No. 1221 in the amount of \$519,157.55.

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner McCullough, to approve Warrant No. 1221 in the amount of \$519,157.55.

ON THE MOTION: Roll call vote. Unanimous approval.

9. Ordinances and Resolutions: None.

10. Commissioner Reports or Comments:

A. Vice-Mayor Harding reported that the Florida Keys Transportation Coordination Committee met on Monday, and they requested for Vice-Mayor Harding to be a voting member on that committee. The Commission agreed upon Vice-Mayor Harding to be a voting member. In addition, the Vice-Mayor reported that the primary and secondary lists have been send to FDOT and explained the process that follows submittal.

B. Vice-Mayor Harding further reported on the yearly budget cycle for alternative transportation within the city. The Vice-Mayor presented a spreadsheet detailing projected costs for improvements and explained how much the city is expected to carry on that. Vice-Mayor Harding explained that he needs official agreement on the commitment of \$7,000.00 to the alternative transportation grant.

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner Sutton, to approve the commitment to the alternative transportation grant in the amount of \$7,000.00.

ON THE MOTION: Roll call vote. Unanimous approval.

C. Commissioner McCullough asked the public to wear their masks, wash their hands, and practice social distancing.

11. City Attorney Dirk Smits:

A. City Attorney Smits reported on working on a solution on the issue of solar permit fees with Building Official Roussin, and that he will present a resolution to the Commission soon.

B. City Attorney Smits reported on the alternative meeting space for City Commission Meeting at the Key Colony Inn. Attorney Smits explained that there should be no problems with using the outside part of the restaurant as a public meeting space.

C. City Attorney Smits further reported on the item of moving citizen comments and correspondence to the end of the agenda. Attorney Smits explained that by law comments must be at the beginning of the agenda. Commissioner DeNeale stated that he believes that the city has been very good in handling citizen comments. City Attorney Smits explained the different options available on hearing public comments. The Commission agreed upon continuing having public comments and correspondence at the beginning of the agenda, and to reserve the option to have additional comments under 'Special Requests'.

12. The meeting adjourned at 10:45 a.m.

Respectfully Submitted,

Silvia Gransee

City Clerk

*****Adopted: February 24, 2022***

Silvia Gransee

City Clerk