

KEYSWEEKLY

KEY COLONY BEACH TAKES A FULL PIVOT, FIRING ADMINISTRATOR & SETTling LAWSUIT

By **Alex Rickert** - December 21, 2023



*Newly-promoted sergeant Jamie Buxton, center, receives her badge from KCB Police Chief Kris DiGiovanni and Mayor Joey Raspe.
ALEX RICKERT/Keys Weekly*

A swing vote provided by new commissioner Thomas DiFrancisco meant wholesale changes in city leadership and the direction of a hotly-debated City Hall rebuild at the Key Colony Beach City Commission's Dec. 14 meeting.

The new voting majority, created with DiFrancisco's unanimous appointment last month, appeared to be on the same page throughout the morning. That meant swift changes during the city's annual organizational meeting, including the immediate termination of City Administrator Dave Turner and installation of commissioners Joey Raspe and Freddie Foster as mayor and vice mayor, respectively – all with 3-2 votes, with commissioners Beth Ramsay-Vickrey and reappointed Secretary/Treasurer Tom Harding dissenting. Unanimous appointments included renewal of Kris DiGiovanni, Lenny Leggett and Silvia Gransee as chief of police, building official and city clerk, respectively.

Raspe said Key Colony will continue to pay the remainder of Turner's contract, renewed in November and set to expire in April 2024. As mayor, Raspe will serve as KCB's interim city administrator, and though a later item in Thursday's agenda involved discussing the necessity of the administrator position itself, no formal action was taken on Thursday.

"I have a vision for KCB moving forward," the new mayor told the gathered audience, who met most of the organizational meeting moves with loud applause. "I think we're off to a good start. We promise more transparency, and this commission will listen to your concerns. We work for you."

City Hall Debate Gets a Reset with Settlement

Key Colony's ongoing legal battle with resident Laurie Swanson over the commission's July vote to award an \$8.375 million contract to Hands On Builders LLC (HOB) for construction of a new City Hall appears headed toward final resolution, according to preliminary settlement details shared by Raspe on Thursday.

After briefly clearing the room for a closed attorney-client session and lunch break in the middle of the commission's meeting, Raspe said that "the city is ready to settle this, now,"

subject to an agreement crafted by Raspe and Swanson in a one-on-one meeting and approved by the commission at its Dec. 20 Planning and Zoning meeting.

“(Laurie) is going to help write it, I’m going to help write it, and it will be done,” said Raspe.

Speaking with the Weekly on Dec. 19, Swanson said her only major condition for settlement was that the city repeal its vote to award the contract to HOB, with each side responsible for its own legal fees.

Although her admitted aim, shared by many in her advocacy group “Concerned in KCB,” was “to get back into the old building,” she said she had not asked for additional considerations concerning the existing City Hall structure in the settlement, acknowledging many outcomes for a repair or rebuild were still on the table.

“All kinds of people have all kinds of ideas,” she said. “We have to see what’s practical for us to actually get done. ... This was so simple, cut and dry, because that’s the way it had to be.”

Earlier in the meeting, Raspe reiterated his intent to examine the existing city hall building with Leggett and reevaluate the feasibility of continued use, or necessary repairs, for each individual portion. He asked the city to pursue bids for repair of the building’s damaged areas, possibly reverting to an overarching plan of repair instead of replacement.

“Several different engineering reports were issued (on City Hall), all saying something different,” said Raspe. “I think there’s so much misinformation on this. ... I’d like to meet with Lenny and walk through (the building), and physically see what it will take to get this building to be able to satisfy the city and satisfy our building department that we can use this. Do we need to have a structural engineer come in and do a safety inspection?”

Ramsay-Vickrey spoke against Raspe’s suggestion in an extensive address to close the meeting, prompting tense exchanges between the pair as Raspe asked her to “summarize” her comments.

Quoting a memo from City Attorney Dirk Smits sent to the commission Dec. 8, Ramsay-Vickrey argued the existing City Hall structures, including its Marble Hall area, must legally be considered as a single building, with one portion ineligible to reopen while another remained condemned. She outlined a 2018 opinion from then-Building Official Ed Borysiewicz that the main City Hall structure was unsafe to occupy, as well as a 2021 opinion from then-Building Official Gerard Roussin stating that he could not support repair of the damaged complex, both of which she said may not be overturned.

A copy of Smits' memo obtained by the Weekly concludes that "there is ample evidence the City Hall Complex has been designated as an unsafe structure without an option to appeal to the commission ... therefore, the unsafe determination cannot be vacated or overturned. However, legal must defer to the Building Department, specifically the Building Official, to determine whether or not the building can be made safe in compliance with the Florida Building Code and the City of Key Colony Beach Code of Ordinances."

Private FEMA Fraud Investigation Nixed

Following a motion by Foster, the city will terminate its independent investigation into alleged FEMA fraud perpetrated by former city staff and commissioners in the wake of Hurricane Irma. The independent probe paralleled a formal investigation initiated by the federal agency in July, the results of which have yet to be released.

"We're spending money on something that is going to get nowhere," Foster said, noting that attorney David Miller, hired to complete the investigation, had difficulty in securing interviews with critical players in the alleged fraud. "In my opinion, with the exception of documents found, it was an action of futility."

Ramsay-Vickrey and Harding asked the city to pay for additional hours of labor so that Miller could send an executive summary of his current findings. Attending the meeting virtually, Miller said that though his investigative work was largely finished, "it would take more than two hours to get anything intelligible to (the commission)" and that he "(wasn't) in a position to reach any useful conclusions."

Following Miller's report, the commission voted unanimously to end the investigation immediately with no further funds spent.



In Other News

- Newly-named sergeant Jamie Buxton will receive a promotion with retroactive pay dating to March 2023, when she completed requisite training for the rank. Miller, additionally hired by KCB earlier this year to advise the city in matters of labor negotiations, told the commission that earlier controversies regarding Buxton's promotion in the midst of union negotiations with KCB's police force could be circumvented if neither the union nor commission objected. "It's been long overdue, but thank you for everything you do for us in the police department," said DiGiovanni. "(Jamie) truly has Key Colony Beach in her heart."
- Though the commission voted to retain Smits and law firm Vernis & Bowling, Foster said he was "disappointed" with legal costs incurred by the city, with Raspe calling the city's \$200,000 annual legal budget "out of control." Among other items, both zeroed in on prior concerns with billing for travel time, required notice for termination of services and an annual cap on compensation without express approval from the commission, many of which Smits said were already addressed in the new contract presented for 2024. The commission unanimously elected to revisit the contract for revision at its Jan. 18 meeting.
- The commission will revisit Resolution 2023-18, which re-establishes designated email addresses for each commissioner, at its January meeting. Discussions on Thursday saw all commissioners give informal approval for emails with each commissioner's name that would re-direct incoming mail to alternate emails assigned to a particular seat on the dais, with access granted for public records purposes to City Clerk Silvia Gransee. Ramsay-Vickrey, a strong proponent of this method, argued that the proposed method would ensure continuity in the case of changing faces on the dais and would prevent permanent data loss subject to records requests should an emergency occur.



- DiFransico offered a litany of policy suggestions for commission meetings as well as the city's volunteer and advisory boards, the majority of which he said would provide an avenue to greater communication and transparency between the commission and its residents. Among the more consequential suggestions were an increased focus on in-person reports from the chairs of volunteer and advisory boards at commission meetings; the responsibility of each advisory board, where applicable, to prepare and present its proposed annual income and expenses; and an addition of a second "workshop" meeting each month to allow more informal discussion of critical issues, similar to the model currently followed in Marathon. Ramsay-Vickrey asked for additional time to consider the suggestions, many of which she said were already allowed for in KCB's current code and policies.
- Foster, in conjunction with the city's department heads, is slated to rewrite the city's employee manual, pending review from the city's legal team and final commission approval.
- Acting in the absence of a city administrator, Raspe will assume responsibility for ongoing union negotiations with KCB's police department.





Subscribe To Our Newsletter

Get Keys Weekly delivered right to your inbox along with a daily dose of Keys News.



Email

SUBSCRIBE!

ALEX RICKERT

Alex Rickert made the perfectly natural career progression from dolphin trainer to newspaper editor in 2021 after freelancing for Keys Weekly while working full time at Dolphin Research Center. A resident of Marathon since 2015, he fell in love with the Florida Keys community by helping multiple organizations and friends rebuild in the wake of Hurricane Irma. An avid runner, actor, and spearfisherman, he spends as much of his time outside of work on or under the sea having civil disagreements with sharks.