

AGENDA

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, August 25, 2022 – 9:35 A.M or At the Conclusion of the Public Hearing
Temporary City Hall & Virtually via Zoom Conferencing
Zoom Meeting ID: 879 9894 7413 – Passcode: 965918

- 1. Call to Order, Pledge of Allegiance, Prayer, Roll Call**
- 2. Citizen Comments and Correspondence**
- 3. Approval of Minutes**
 - a. 07-14-2022 Regular & Public Meeting Minutes – **Pgs. 1-12**
 - b. 07-25-2022 Budget Workshop Minutes – **Pgs. 13-18**
 - c. 07-28-2022 Regular & Public Meeting Minutes - **Pgs. 19-27**
- 4. Agenda Additions, Changes, Deletions**
- 5. Special Requests**
 - a. Presentation on Restoration Blueprint by Sarah Fangman – Florida Keys National Marine Sanctuary
- 6. Committee and Staff Reports:**
 - A. Marathon Fire/EMS – Marathon Fire Chief.
 - B. Recreation Committee – No report.
 - C. Beautification Committee – No report.
 - D. Disaster Preparedness Committee – No report.
 - E. Planning & Zoning Board - No report.
 - F. Code Enforcement Board – No report.
 - G. Utility Board – No report.
 - H. Police Department – Report submitted.
 - I. Building Department – Report submitted
 - a) Permit Request to install 50,000 lb. Boat Lift at 1245 Coury Drive, Key Colony Beach – **Pgs. 28-50**
 - J. Public Works – Report submitted.
 - K. City Secretary/Treasurer – Jen Johnson from Bishop Rosasco & Co.
 - L. City Clerk – Report submitted.
 - M. Code Enforcement Officer – Report submitted.
 - N. City Administrator – Report submitted.
 - a) City Hall Update
 - b) Approval for McCourt, Construction Inc. Proposal for the West Tennis Court Resurfacing in the amount of \$9,800.00 – **Pg. 51-52**
 - c) Approval of LIVS Associates Invoice No. 12-201913 in the amount of \$84,006.95 for new City Hall Services – **Pgs. 53-64**
 - d) Approval of 3rd Generation Plumbing Invoice No. 12144054 in the amount of \$8,827.14 for work performed on the Post Office Trailer – **Pgs. 65-67**
 - e) Approval of Arlington Electric South Estimate in the amount of \$10,252.44 for work on the W. Ocean Gazebo and Park Lights – **Pg. 68**
 - f) Approval of Willscot Invoice No. 9014849873 in the amount of \$16,194.21 for new Police Trailer - **69-70**
 - g) Approval of Atlantic Pipe Services Invoice No. 22-0674-1 in the amount of \$14,563.00 for Catch Basin and Storm Pipe Cleaning – **Pg. 71**
- 7. Commissioner Items for Discussion/Approval:**
 - a. 2022/20223 Budget Workshop Discussion on Expenditures
(Tentative Budget Hearing 09-08-2022 & Final Budget Hearing 09-22-2022)
- 8. Approval of Warrants** – Warrant No. 0722 in the amount of \$324,794.22 - **Pg. 72**

“Members of the public may speak for three minutes and may only speak once unless waived by a majority vote of the commission.”

Letters submitted to the city clerk to be read at the Commission Meeting will be made part of the record but not read into record. Persons who need accommodations in order to attend or participate in this meeting should contact the city clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, that person will need a record of the proceedings 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.

9. ORDINANCES & RESOLUTIONS

A. Ordinances - First Reading

a) **Ordinance No. 2022-478 Smoking Ordinance:** An Ordinance Of The City Of Key Colony Beach, Florida, Relating To The Establishment Of Designated Smoking Areas Within Municipal Parks And Beaches; Amending Article II, Chapter 12 Of The Code Of Ordinances Adding A New Section 12-10 Prohibiting Smoking, As Authorized By Florida Law Except Within Designated Smoking Areas Of A Municipal Park Or Municipally Controlled Beach And Beach Park; Providing Severability, Repeal, Codification And An Effective Date - **Pgs. 73-77**

B. Ordinances – Second Reading – None.

C. Resolutions

a) **Re-Adaptation of Resolution No. 2022-05: 2022/2023 Annual Stormwater Utility Special Assessment: A Resolution of the City of Key Colony Beach, Florida, Imposing the Annual Stormwater Utility Special Assessments for Fiscal Year Commencing October 1, 2022; Approving the Assessment Roll; Providing for Collection of the Assessments; and Providing for an Effective Date; - Pgs. 78-81**

10. Commissioner’s Reports or Comments

a) *South Florida Regional Planning Council Convenes Regional Solid Waste Management Conversation – Vice-Mayor Tom Harding – Pg. 82*

11. City Attorney Dirk Smits

a) **Review/Discussion of Ordinance No. 2022-479 Chapter 2 Amendment:** An Ordinance Of City Of Key Colony Beach, Florida, Amending Chapter 2, Article VII, Sections 2-86, 2-88, And 2-93 Of The Code Of Ordinances Of The City Of Key Colony Beach Related To Meetings Of The City Commission; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability, Repeal, And Codification; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date. – **Pgs. 83-86**

b) **Review/Discussion of Ordinance No. 2022-480 Noise Ordinance:** An Ordinance Of The City Of Key Colony Beach, Florida Amending Part II, Chapter 10 Of The Code Of Ordinances Of The City Of Key Colony Beach, Florida, Establishing Regulations For The Control Of Noise Within The City Limits In Order To Provide For The Abatement, Prevention, And Prohibition Of Excessive And Unnecessary Noise So As To Protect The Health, Safety, And General Welfare Of The Residents Of The City Of Key Colony Beach, Florida; Providing For Exemptions; Providing For Temporary Noise Permits; Providing For Enforcement, Infractions, Violations, And Penalties; Providing For Severability, Repeal, Codification, And An Effective Date. **Pgs. 87-98**

c) **Review/Discussion of Ordinance No. 2022-473 Building Recertification:** An Ordinance Of City Of Key Colony Beach, Florida, Relating To The Establishment Of A Certification And Recertification Process For Existing And Future Multistory Structures By Adding Section 6-37, As Authorized By Florida Law; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances; Providing For Severability, Repeal, Codification, And An Effective Date. **Pgs. 99-101**

12. Adjourn

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MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, July 14, 2022 – 9:35 a.m.

City Hall Auditorium & 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 9:35 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry, Vice-Mayor Harding, Commissioner DeNeale, Commissioner Sutton, Commissioner Ramsay-Vickrey.*

Also Present: *City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits, City Attorney Ryan Benninger, Public Works Department Head Mike Guarino, Building Official Gerard Roussin, Building Inspector Gerald Leggett, Interim Fire Chief Steven Hudson, Chief Kris DiGiovanni, Corporal Jamie Buxton, Officer John Buckwalter, Administrative Assistant Christine McLeod.*

Public: *3 Marble Hall, 20 Virtual*

2. Citizen Comments and Correspondence: *Laura Salisbury, a Condominium Manager in the City of Key Colony Beach, stated her concerns on the Recertification. Mrs. Salisbury stated that if the City needs its own ordinance, it should be amended to align with state statues so no extra expenditures would occur with inspections or timelines. Mrs. Salisbury further asked that the terminology and definitions match the new state law, and to consider the state law for city policy. Mrs. Salisbury stated that the Condominium Associations do not want additional fees and different terminologies from the state and asked for the proposed ordinance to be send back to the Planning & Zoning Board for consideration. The Commission thanked Mrs. Salisbury for her comments.*

City Clerk Silvia Gransee reported receiving correspondence from Mrs. Judi Virost regarding the next Townhall meeting for building heights. City Clerk Gransee stated that she had let Mrs. Virost know that a Townhall meeting will be planned later in August. City Clerk Gransee further stated that she shared the recording of the previous Townhall meeting and that it is available to anyone that was not able to attend.

City Clerk Gransee further reported on having received correspondence from Mike Yunker regarding the proposed Recertification Ordinance.

City Administrator Dave Turner stated that in regard to the height changes, the city has to wait for the Comprehensive Plan to be approved, and that he is hoping to have the next Townhall Meeting closer to when residents are returning, so most of their input can be received.

3. Approval of Minutes: *The City Commission Regular Meeting Minutes from June 23rd, 2022, were accepted as written.*

4. Agenda Additions, Changes, Deletions: Mayor Trefry asked the Commission to delete the Second Reading of proposed Ordinance 2022-473 and stated that the item will go under discussion for Vice-Mayor Harding and the City Attorney.

5. Special Requests – None.

6. Committee and Staff Reports:

A. Marathon Fire/EMS – Interim Fire Chief Steven Hudson reported for Chief Johnson. Interim Fire Chief Hudson reported he will be attending the Commission Meetings as Interim Fire Chief ahead of Chief Johnson going into retirement. The Interim Fire Chief reported 12 calls for service in total, with 9 medical calls, 1 motor vehicle accident, and 2 false alarms. Interim Fire Chief Hudson recommended to continue to be prepared for Hurricane season. The Interim Chief stated that this weekend will be the Brew-BQ at the City Park and for everyone to stay hydrated with expected temperatures and open cooking. Interim Chief Hudson further reported that the Mini-Lobster season is approaching fast and the Fire Department is educating the public and getting the residents getting ready for the influx of tourists.

B. Recreation Committee – No report.

C. Beautification Committee - No report.

D. Disaster Preparedness Committee – No report.

E. Planning & Zoning Board - No report.

F. Code Enforcement Board – No report.

G. Utility Board – No report.

H. Police Department – Chief DiGiovanni swore in John Buckwalter as a new Police Officer for the City of Key Colony Beach. The Commission welcomed new Police Officer Buckwalter to the city. Chief DiGiovanni reported on having received 4 reports, two medical calls, 47 calls for service, and provided backup to the MCSO 17 times, along with Road and Boat Patrol, and the Vacation Watch Program. Chief DiGiovanni reported that the KCB Police Department will be assisting the City of Marathon at the Quay boat ramp and is preparing for the mini-lobster season. Commissioner DeNeale thanked Chief DiGiovanni for stepping it up with former Code Enforcement Officer Stacy Stahl being gone.

I. Building Department – Building Official Roussin reported on a request from the Key Colony Beach Club for a temporary certificate of occupancy. Building Official Roussin further reported on having talked with Fire Chief Johnson on the issue and explained why the Building Department is not comfortable issuing the TCO. Building Official Roussin further reported that Fire Chief Johnson does not favor issuing the TCO due to life-safety inspections having to be completed first. Building Official Roussin stated that a member from the Key Colony Beach Club is present if the Commission would like to hear a statement, but that the Building Department is not comfortable issuing a TCO at this time. Mayor Trefry stated to the Commission that previous correspondence has been received, and that the Building Official and Fire Chief Johnson do not agree with issuing the TCO. Vice-Mayor Harding asked Building Official Roussin on the status of the inspections which Building Official Roussin stated are not complete.

Building Official Roussin updated on 1000 W. Ocean Drive and reported that currently the electric is being changed over, and once completed the demolition can begin. The Building Official

continued saying that the demolition is supposed to be completed tomorrow, July 15th, 2022. Commissioner Sutton stated that he is happy to see that work is being done and asked the Building Official if anyone had stopped by officially. Building Official Roussin stated that he had stopped by the property and explained to the Commission the change in the trench that was dug, as well as the safety issue that was brought to his attention. Commissioner Sutton asked if the City will be notified once the electricity has been switched which Building Official Roussin confirmed, and further explained the process of inspection and informing the FKEC of completion. Commissioner Sutton stated that most likely the building will not be demolished tomorrow which the Building Official agreed upon. Building Official Roussin stated that the Building Department will monitor the situation to ensure that work will continue as planned and prefers for the contractors to complete the job instead of the City having to take over. Commissioner Sutton asked Building Official Roussin to convey to the contractors to complete the project in a timely manner, otherwise the City will take over. Building Official Roussin confirmed that a local contractor has been hired for the demolition. Commissioner DeNeale asked Building Official Roussin to remind the contractor not to park in the street behind the stop sign as it presents a safety hazard.

J. Public Works – Public Works Department Head Michael Guarino reported that railing repairs at Sunset Park have been completed; having assisted the Building Department to the new office trailer; paperwork and documents have been removed from Marble Hall into storage, and Public Works is currently hedging the Causeway.

K. City Secretary/Treasurer – No report.

L. City Clerk – City Clerk Silvia Gransee reported attending the Code Enforcement Hearing and Beautification Meeting; completing the P&Z, Code, and Commission meeting minutes, and preparing for the upcoming Variance Hearing. City Clerk Gransee further reported that the Stipulated Agreement tab has been added to the website; Christine McLeod is continuing establishing processes for administrative tasks and working with Citizenserve on Vacation Rental tasks. City Clerk Silvia Gransee further reported issuing the Certificate of Occupancy for 330 13th Street for the Building Department; completing enrollment for the new Police Officer and submitting the July Labor Report. City Clerk Gransee further reported having submitted the reimbursement packet for the TDC Sunset Park Railings Project in the amount \$8,779.00, as well completing the safety grant from FMIT where up to date a total of \$1,538.00 have been received. City Clerk Gransee further thanked Pat Hyland and Christine McLeod for their help during her unexpected absence.

M. Code Enforcement Officer – No Report

N. City Administrator – City Administrator Dave Turner updated on the 10th Street Stormwater Project and meeting with residents alongside Commissioner Sutton. City Administrator Turner reported that the drawings are online and a letter will be going out to all effected residents with a price breakdown. City Administrator Turner further reported on having had a staff meeting with all department heads and is confident in the departments going forward. City Administrator Turner further updated on working on an additional \$50,000.00 grand for playgrounds. City Administrator Turner further updated on holding interviews for Building Inspector and Code Enforcement Officer, and reporting that the new Post Office trailer has been delivered. City Administrator Turner continued saying that the Architect for the Post Office was on site and that the drawings only needed minor adjustments, furthermore, he received word that the funding packet was

submitted and the City should have word within the month. City Administrator Turner stated that the City is considering using the Post Office trailer as a meeting place for a month until the Post Office is ready to move.

a) City Hall Update: *City Administrator Turner reported that the drawings should be ready soon, at which point they will go to the Building Department for review, and then to the State at which time the project can be put out to bid.*

b) Discussion/Approval to hire Gerald (Lenny) Leggett as the new Building Official: *City Administrator Turner stated that he recommends hiring Lenny Leggett to replace Building Official Gerard Roussin after his departure. City Administrator Turner continued saying that the timeline will be fluid on the current Building Officials departure and further explained the State requirements for Lenny Leggett's eligibility to take the test. City Administrator Dave Turner asked the Commission to approve Lenny Leggett's promotion to Building Official, and with that he can go forward with hiring a Building Inspector. Commissioner DeNeale stated that the State had given approval for then Building Inspector Gerard Roussin to be a temporary Building Official which City Administrator Turner stated is the same process for Building Inspector Lenny Leggett. City Administrator Turner further explained that the timeframe to complete all testing is two years.*

MOTION: *Motion made by Commissioner DeNeale, seconded by Commissioner Sutton, to promote Building Inspector Lenny Leggett to the position of Building Official.*

DISCUSSION: *None.*

ON THE MOTION: *Roll call vote. Unanimous approval.*

Commissioner Sutton asked if the salary could be approved as \$105,000.00 per year plus an additional \$2,000.00 per year after completing the Fire Inspections License. City Attorney Dirk Smits stated that he has no problem with the request. Mayor Trefry asked for a motion to approve the salary.

MOTION: *Motion made by Commissioner Sutton, seconded by Commissioner DeNeale, to approve the yearly salary of \$105,000.00 plus an additional \$2,000.00 per year after passing the Fire Inspection license for Building Official Gerald Leggett.*

DISCUSSION: *None.*

ON THE MOTION: *Roll call vote. Unanimous approval.*

Vice-Mayor Tom Harding had an additional question to the City Hall bidding process which City Administrator Dave Turner confirmed that the bidding will be a package of demolition, site work, and development. City Administrator Turner further confirmed that the Asbestos removal will be a separate process, and that the current Building Official Gerard Roussin has completed the bid for.

c) Discussion/Approval of Storm Drain Cleaning Service Contract with Atlantic Pipe Services

City Administrator Dave Turner reported that the legal team had provided a bid for the Storm Drain Cleaning Service which was put out on DemandStar. City Administrator Turner further reported that two bids were received and after bid review, Atlantic Pipe Services was awarded the bid. City Administrator Turner reviewed the bid that was received and explained what services will be provided under the contract. Vice-Mayor Harding asked if a condition of the drains could be provided for CRS purposes, which City Administrator Turner explained will be provided via a spreadsheet for documentation and follow-up by the Utility Board if needed. City Administrator further clarified that the money for the expenditure will be coming out of Stormwater Reserves.

MOTION: *Motion made by Vice-Mayor Harding, seconded by Commissioner Sutton, to approve the Atlantic Pipe Services contract not to exceed \$30,500.00.*

DISCUSSION: *None.*

ON THE MOTION: *Roll call vote. Unanimous approval.*

Commissioner Items for Discussion/Approval:

A. Discussion/Approval for moving to hold one Commission Meeting per month: *Mayor Trefry spoke on the subject of moving to hold one Commission Meeting per month and explained the positives effects she observes with what staff can accomplish with only one meeting per month. Mayor Trefry further explained the strain of timelines on staff associated with bi-weekly meetings. City Attorney Dirk Smits clarified to Mayor Trefry that Section 2-93 in the City's Code does state the second and fourth Thursday of each month for meetings, that however can be modified. Mayor Trefry continued saying that she would like to try to change the meetings to just once a month to help with staff shortages and give more time to the Commissioners to work on draft ordinances. City Clerk Silvia Gransee explained that monthly meetings would present a more streamlined process and would cut advertising costs. Mayor Trefry continued saying that with the City Hall Project going forward, monthly meetings might be a smarter way going forward. Mayor Trefry asked for input from the other Commissioners.*

Commissioner Ron Sutton stated that he disagrees with the concept and believes that residents would not like the meetings only being once a month. Commissioner Sutton stated that citizens want to her updates on the different City projects and further said that he is content with bi-weekly meetings.

Commissioner Beth Ramsay-Vickrey stated that the City of Marathon has switched to monthly meetings and believes it goes well for them. Commissioner Ramsay-Vickrey stated that the amount of preparation for each meeting represents one quarter of their worktime, and monthly meetings would free up a large amount of time instead of just prepping for meetings. Commissioner Beth Ramsay-Vickrey continued saying that if the change would pass, in addition to her agenda item with posting agenda materials online, the City is being more transparent to the public. The Commissioner further suggested that monthly Department Head Reports could be submitted in writing and possibly be posted online for the public for more transparency and community engagement.

Commissioner DeNeale stated his uncertainty on the matter, however, with the knowledge of upcoming meeting logistics, he likes Commissioner Ramsay-Vickrey's suggestion and believes it would help himself and the other Commissioners in preparation and review for meetings.

Commissioner DeNeale asked City Attorney Smits for confirmation if the change in meetings could be accomplished by a vote without the actual change of ordinance. City Attorney Smits explained that an ordinance change would have to be made, however, it could have a 'Sunset Clause' which could be extended. City Attorney Smits stated that he will be working with City Administrator Turner further on the issue and he will verify with the Commission on what type of amendments the Commission would like to make. Commissioner DeNeale continued saying that he would like to give the change a go and it would help the Commission and City with giving more information out. Commissioner DeNeale further stated that he would like to have PowerPoint Presentations included to be posted for the public. The Commission and City Administrator agreed with Commissioner DeNeale on the subject. Commissioner DeNeale stated that he would like to try the change for six months until January, which would also enable winter residents to experience the change.

Vice-Mayor Tom Harding stated that he is willing to give the idea a try but conceded that Commissioner Sutton has a good point in his argument. Vice-Mayor Harding stated that there is work to do every week and he would be worried about delays on decisions but is willing to give it a six month try. Vice-Mayor Harding stated that he supports Commissioner Sutton's point of constant workload that needs to be approved.

Commissioner DeNeale asked how many persons were attending the meeting via Zoom which Administrative Assistant Christine McLeod answered were 20. The Commission briefly discussed the reason behind the virtual attendance numbers. Mayor Trefry asked what the average virtual attendance of the Zoom meetings is which City Administrator stated is between 8-15 depending on the topic. Commissioner Sutton stated that the minutes of the meetings are also available to the residents.

City Administrator Dave Turner stated that he would like to try monthly meetings with the upcoming projects and anticipated increase in workload on staff. City Administrator Turner further stated that during yesterday's staff meeting he had asked for department heads and staff to step up. City Administrator Turner continued saying that this change would free up a lot of hours and possibly avoid hiring another employee. The City Administrator further explained that the Vacation Rentals in the City have increased substantially and are close to 68%, which presents a lot of workload pressure on all the departments. City Administrator Dave Turner continued saying that he would like to have all available materials online for the public for transparency and information. The City Administrator explained that the Commissioners will have laptops during the meetings, and monthly meetings would be a benefit and cost saving for the city.

Mayor Trefry elaborated on the staff meeting that was held the day prior. Mayor Trefry stated that it was very productive and helped with the understanding on staff shortages and the positive effect on moving to one monthly meeting at least on a temporary basis.

Vice-Mayor Tom Harding agreed with City Administrator Turner on the possible tradeoff on having to possibly hire another staff person to help with bi-weekly meetings. City Administrator Dave Turner explained his responsibility on spending and being cost efficient. Vice-Mayor Harding continued saying that he supports trying the concept for six months and if projects are falling behind, perhaps more staff has to be hired to help with the workload.

City Attorney Dirk Smits suggested to amend Section 2-93 to a minimum of one meeting per month instead of the second and fourth Thursday, and further asked on a time specification. The

Commission discussed weekdays and what the busier Commission meeting is. City Administrator Turner explained that the busier Commission Meeting is the second one due to financials. The Commission and City Administrator discussed the Commission Meetings during the Holidays. City Attorney Dirk Smits suggested "the fourth Thursday of the month unless it lands on a legal holiday in which case it would be the previous Thursday or third Thursday". Mayor Trefry brought up the logistics of the Organizational Meeting in December, to which Commissioner DeNeale added the meeting dates of the Advisory Boards to the City. The Commission agreed that a later date in the month would be most beneficial. The Commission agreed with Mayor Trefry that practice has been to have the first meeting in December and then not to meet again until January, and also that the Commission Meeting that falls on Thanksgiving has been moved the Tuesday prior.

Planning & Zoning Chair Joey Raspe asked the Commission on timelines for Planning & Zoning Recommendations to the City Commission and his concern on holding up contractors in their work. City Administrator Turner explained that the Commission Variance Hearings are separate from the Regular Commission Meetings and would not be affected.

City Attorney Dirk Smits confirmed with the Commission the language of meeting dates as the fourth Thursday, unless it falls on a holiday, in which case it will be the third Thursday. City Attorney Smits further stated that he can put exceptional circumstances in the language in which case the Mayor can move it with a 3-day notice. City Attorney Dirk Smits further confirmed the meeting time as "9:30 A.M." and as meeting place "City Hall or such other appropriate designated place". The Commission further agreed upon a "6-month Sunset". City Attorney Smits explained that the Commission can always hold a special meeting even with the proposed amendment. Commissioner DeNeale stated that previous meetings that fell on a holiday were moved to the Tuesday before of the same week. Mayor Trefry asked if the Commission can modify the meeting day, even if the designated day is the fourth Thursday. City Attorney Dirk Smits confirmed that the meeting can be moved and added the language of 'Vote of Commission or Mayor'. City Attorney Dirk Smits further stated that the Code 2-88 has citizen comments still listed at the end of the agenda, however, Florida Law requires citizen comments to be listed before action items on the agenda and he would like to move the item before the minutes to which the Commission agreed upon. City Attorney Dirk Smits further stated that in Section 5 of 2-88 he would like to change the format to a consent agenda for non-controversial items to be approved via bulk vote. The City Attorney further explained that items can be pulled from the bulk to be approved separately under 'Items for Discussion/Approval'. City Attorney Smits further clarified the agenda items as "5a) Consent and 5b) Action". City Attorney Dirk Smits continued saying that, in collaboration by Commissioner Ramsay-Vickrey's proposal, Agenda Section 2-86 talks about the agenda being available one business day before the meeting. City Attorney Smits stated that this is a tight timeline and that according to Commissioner Ramsay-Vickrey's suggestion, the agenda should be made available to the Commission the Friday before the Regular Commission Meeting, or four days before any Special or Emergency Meeting time permitting. City Attorney Smits stated that he believes the language should include the word 'support/backup'. Vice-Mayor Harding suggested striking the language of 'Emergency Meeting' which City Attorney Smits stated it says, 'Emergency Meeting time permitting'. Vice-Mayor Tom Harding asked City Attorney Dirk Smits if would like to move the City Attorney Report to a different agenda spot which the City Attorney stated he would like to go after the City Administrator. The Commission agreed. City Attorney

Smits stated that he will draft a first reading and encouraged the Commission for comments. The Commission further discussed when the first draft would be available and whether a Special Meeting for the First Reading should be held. The Commission agreed upon having the First Reading in August and Second Reading September 8th. City Administrator Dave Turner stated that this schedule will work due to upcoming Budget Workshops. City Attorney Smits stated that his has what he needs and no vote is necessary.

B. Discussion/Approval for moving City Commission Meetings to the Key Colony Inn: *City Administrator Dave Turner updated the Commission on using the backroom of the Key Colony Inn as a possible meeting place for Commission Meetings. The City Administrator reported that the room is ADA compliant and the restaurant will not be open during Commission meeting hours. City Administrator Turner further explained that the Post Office trailer can be used temporarily as well until the Post Office is ready to move. City Administrator Turner further explained that money is available for temporary space in the budget and confirmed that Zoom will be available in the trailer. Commissioner Sutton asked what the fee will be for the use of the room at the Key Colony Inn. City Administrator Turner reported the fee as \$1,000.00 per month which includes all City Commission meetings including Advisory Board and Committee meetings. City Attorney Smits stated that legal notice is sufficient, however, encouraged a vote by the Commission for the record to reflect the change in meeting venue.*

MOTION: *Motion made by Commissioner DeNeale, seconded by Commissioner Sutton, to approve the Key Colony Inn at a rent of \$1,000.00 per month, or the Temporary Post Office Trailer, as meeting venue.*

DISCUSSION: *None*

ON THE MOTION: *Roll call vote. Unanimous approval.*

C. Discussion/Approval to direct staff to post Commission agenda package of backup materials online for public viewing prior to commission meetings. Such shall be posted at approx. 3:00 pm the Tuesday before the Regular Thursday Commission meeting: *Commissioner Beth Ramsay-Vickrey explained to the Commission her belief that the public will be more comfortable with understanding how and why City decisions are made. Commissioner Ramsay-Vickrey stated that this might result in more public comment that is positive for transparent and open local government and will serve the City's constituents better. Commissioner Ramsay-Vickrey continued saying that this should be an independent change separate from the meeting frequencies and she would like to hear what residents have to say on issues that come before the Commission. Mayor Trefry recalled reading an article of the consequences of residents of a small town in Ohio not attending a local Commission Meeting and the events that followed thereafter. Mayor Trefry stated the lessons of that event and the importance of community involvement and transparency. The Mayor thanked Commissioner Ramsay-Vickrey.*

Vice-Mayor Harding commented that materials that are posted online have to be accessible via hard copy by state statues. Vice-Mayor Harding asked City Clerk Gransee if materials can be provided via charge which was confirmed. City Clerk Gransee asked for confirmation that the agenda packets can be made available to the public for the next Commission Meeting which Vice-

Mayor Harding confirmed but cautioned against confidential or exempt information to be made public. City Attorney Dirk Smits clarified that the city can receive documents labeled confidential but that it is up to staff and attorneys to make the decision on that. City Attorney Smits confirmed that bids are considered confidential and that the Commission is under a Code of Silence, and furthermore will inform the City Clerk on the definition of confidentiality. The City Attorney further clarified typical confidential information that do not fall under the anonymous complaint law. Commissioner Ramsay-Vickrey stated that citizens currently have to make a public records request to obtain the agenda materials. City Administrator Dave Turner explained that all confidential bid packages come through him and legal, and once the bid is complete it becomes public information. City Attorney Dirk Smits continued saying that if a case of confidentiality arises, he will place a blank page in the agenda packet. City Administrator Turner asked if Department Head reports should be included in the agenda packet going forward. Vice-Mayor Harding asked to be cautious with Department Head reports to not add additional workload to staff. Commissioner Ramsay-Vickrey explained that the goal is an outline for the Commission to be able to follow up on. The Commission and City Attorney further discussed how to go forward with Department Head Reports.

E. Update on Flood Panel Grant request for the City Maintenance Building, HMGP - DR-4486: *Vice-Mayor Harding updated on the progress of the grant request. The Vice-Mayor reported that in the final review stage with the State of Florida, a scope-of-work change has been requested for concern that FEMA will not approve the request. Vice-Mayor Harding further explained FEMA requirements and anticipated cost increases. Vice-Mayor Harding continued saying that he asked the proposed contractor for an updated quote, that will be submitted to the State by the beginning of the following week. The Vice-Mayor stated that the State has been very helpful in the process and will give an update at the next meeting. Vice-Mayor Harding informed that the State appreciates the level of engineering for the flood panels.*

F. Comparison between proposed Building Recertification Ordinance #2022-473 and the Surfside Legislation SB 4D: *Vice-Mayor Harding reported on the new state law and its requirements for Condo associations and local Building Officials. Vice-Mayor Harding explained that the State is clear on licensed architects or engineers, and the requirements for inspections and reports. Vice-Mayor Harding stated that he expects some changes in timeline requirements and explained that the decision on penalties for non-compliance falls to the local Building Official. Vice-Mayor Harding described further details of the State law and the changes it represents to residents. The Vice-Mayor stated that the new State law is very comprehensive and thorough and suggested following the new law. Building Official Roussin suggested for the City to include 2-story condominiums. Vice-Mayor Harding confirmed that the law is not clear on the requirement, and the expectation is that the Senate Bill will be edited within next two years. City Attorney Dirk Smits explained the requirements on following state law and suggested to follow it. The Commission further discussed the law and directed City Attorney Dirk Smits to draft an ordinance that follows the state law. Commissioner Sutton asked Building Official Roussin if he feels the ordinance should include 2-story buildings, which the Building Official confirmed and added that the wording should*

include all condos. City Attorney Smits suggested for the Commission to hold a workshop on the topic and stated he will provide a draft under his legal report.

8. *Approval of Warrants – None.*

9. **ORDINANCES & RESOLUTIONS**

A. *Ordinances - First Reading – None.*

B. *Ordinances – Second Reading*

~~a) Ordinance No. 2022-473 Recertification Ordinance: An Ordinance Of City Of Key Colony Beach, Florida, Amending Chapter 6, Article II (“Dangerous Structures”) Of The Code Of Ordinances Of The City Of Key Colony Beach By Amending Section 6-31 Definitions And Further Adopting Section 6-37 Existing Buildings, Which Shall Provide For A Certification And Recertification Process For Existing And Future Multistory Structures; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.~~
~~**Second Reading deleted**~~

b) *Ordinance No. 2022-475 Legal Notice between P&Z and Commission Meetings: An Ordinance Of The City Of Key Colony Beach Florida, Amending Land Development Regulation Article XII – Other Development Review Procedure, Section 101-173(3) Requiring Mailed Notice Of City Commission Public Hearings In Circumstances Of Appeals And Variance Applications Submitted To – And On Behalf Of The City And Further Requiring That Such Notice Shall Be Mailed To The Last Known Address Of Property Owners By Reference To The Latest Ad Valorem Tax Records, At Least Ten (10) Days Prior To The Hearing; Repealing Conflicting Ordinances; Providing For Severability; Providing For Inclusion In The Code Of Ordinance And Land Development Regulations; And Providing For An Effective Date.*

Mayor Trefry read the proposed Ordinance and asked for a Motion to approve the Second Reading for Ordinance No. 2022-475.

MOTION: *Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner Sutton, to approve the Second Reading of Ordinance No. 2022-475.*

DISCUSSION: *None.*

ON THE MOTION: *Roll call vote. Unanimous approval.*

c) *Ordinance No. 2022-476 Utility Board Ordinance: An Ordinance Of City Of Key Colony Beach, Florida, Amending Chapter 14 Of The Code Of Ordinances Of The City Of Key Colony Beach Article III, Section 14-50; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.*

Mayor Trefry read the proposed Ordinance and asked for a Motion to approve the Second Reading for Ordinance No. 2022-476.

MOTION: *Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner DeNeale, to approve the Second Reading of Ordinance No. 2022-476.*

DISCUSSION: *None.*

ON THE MOTION: *Roll call vote. Unanimous approval.*

C. Resolutions – None.

10. Commissioner's Reports or Comments

Commissioner DeNeale reported on the difficulties scheduling sewer inspections for properties. Commissioner DeNeale further reported on the problems with the local Post Offices due to closures and having to go to Layton for postal service. The Commissioner reported that the local Post Offices are having serious staffing difficulties. Mayor Trefry reported similar difficulties and stated that she contacted the local Attorney General for the Post Office and was able to talk to the Marathon Postmaster as well. The Commission and City Administrator talked about possible solutions to address the problem as well as the logistics for the Key Colony Beach Post Office. The Commission further discussed possibilities of sending a joint letter to the Postmaster in conjunction with the City of Marathon, UPS services for the City, and difficulties in having no postal services. Commissioner Sutton updated on the Stormwater Project Meeting on 10th Street. Commissioner Sutton explained that the meeting was well attended with many questions asked by residents. Commissioner Sutton stated that there was considerable misunderstanding by residents on the project that himself, the City Administrator, and Building Official explained to the residents. Commissioner Sutton stated that they will continue educating residents on the project and will get the project done. City Administrator Turner explained that the drawings have been put online and for residents to reach out with any questions.

Vice-Mayor Harding updated on the local Mitigation Group meeting for Monroe County whose major topic was FEMA authorizing money for Irma repairs and corresponding deadlines.

Commissioner Ramsay-Vickrey reported on having conversations with the Monroe County Emergency Director regarding protocols in the aftermath of a hurricane strike; attending US1 Radio in celebration of the one-year anniversary of the new library; meeting Congressman Carlos Jimenez and City Administrator Turner and having a conversation on the Post Office; having attended the Florida National Marine Sanctuary Special Staff meeting and the release of the updated Restoration Blueprint. Commissioner Ramsay-Vickrey encouraged the public to look up the documents online and to attend the upcoming meetings. The Commissioner continued explaining boundaries on the shoreline and reef and proposed changes on vessel use. City Administrator Turner stated that the link will be posted on the City website. Mayor Trefry added that Sarah Fangman will be attending the Commission meeting on August 25th.

Mayor Trefry updated on the Department Head Meeting and stated that she will be bringing a more detailed report to the Commission after City Administrator Dave Turner has implemented the changes. Mayor Trefry thanked Vice-Mayor Harding for handling City affairs during her absence.

11. City Attorney Dirk Smits: *City Attorney Dirk Smits updated on the proposed Anti-Smoking Ordinance and suggested a language change regarding designated areas to prohibit and allow smoking to allow for more flexibility. The Commission agreed to the proposed change and had no further questions or comments.*

City Administrator Turner gave a brief update on the FEMA status and reported that the project is moving forward but has no further details.

Mayor Trefry added that the City's lobbyist is trying to setup a meeting for the check presentation for the recent budget allocation but has no confirmation on a set date.

12. Adjourn: *The meeting adjourned at 11:33 A.M.*

*Respectfully Submitted,
Silvia Gransee
City Clerk*

MINUTES

KEY COLONY BEACH CITY COMMISSION BUDGET WORKSHOP

Monday, July 25, 2022 - 9:30 A.M.

City Hall & Virtually via Zoom Conferencing

1. Call to Order, Roll Call: The Budget Workshop of the City of Key Colony Beach was called to order by Mayor Trefry at 9:30 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.

Present: Mayor Trefry, Vice-Mayor Harding, Commissioner DeNeale, Commissioner Sutton, Commissioner Ramsay-Vickrey.

Also Present: City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits (virtual), Public Works Department Head Mike Guarino, Chief Kris DiGiovanni, Administrative Assistant Barbie Morales.

Public: 0 Marble Hall, 14 Virtual

2. Guideline for Budget

A. 2022/2023 Estimated Taxable Value:

B. Estimated End of Year Cash Reserves

C. General Fund YTD Revenue and Expenditures

City Administrator Dave Turner reported on the current taxable value, proposed millage, and rollback numbers. The City Administrator explained ad valorem calculations taking into account the 289 homesteaded properties in Key Colony Beach. City Administrator Turner continued explaining revenues in communication, sales, and service tax, compared to last year, as well as occupational license calculations. City Administrator Turner continued explaining that the Building Department is considered a subsidiary of the main business that does not use any taxable dollars but is fee-based through building permits. The City Administrator further explained the police grant Chief DiGiovanni has been working on which consists of monies for police officer salaries for three years. City Administrator Turner explained that the last open Police Officer position might not be available and other arrangements have to be found if the grant does not come through. City Administrator Turner further reported on shared state revenues, Parks and Recreation, Boat Trailer Parking, Code Violations, interest in income, miscellaneous revenues, and internal transfers. The Administrator explained the internal transfers as monies from the Building Department and the balance from the Utility Department.

City Administrator Dave Turner continued explaining expenses, including legislative and Commission expenses, including lobbyist, mandatory meetings in Tallahassee, increases in financial and administrative expenses due to changes in salaries, and changes in Building Department allocations. The City Administrator further reported on anticipated legal council expenses, comprehensive planning, City Hall trailer rentals, Law enforcement

expenses, Fire and EMS expenses, which will remain the same for this budget year but will change substantially next year. City Administrator Turner continued saying that Public Works expenses are up due to maintenance, Parks and Recreations expenses are up with the biggest expense due to water usage, and Beautification remains the same as last year but has a pending request for monies for an additional entrance garden. City Administrator Turner stated his uncertainty on granting the budget request for Beautification with the new City Hall project coming up but asked the Commission to take a note on the request. The City Administrator continued explaining reserves which are reserved mostly for equipment, additional monies for contingencies, and additions to reserve. City Administrator Dave Turner updated that no estimate on workman's comp, health insurance, and liability insurance have come in yet but should be covered by contingencies. The City Administrator continued explaining the comparison chart to the prior year and the 12-month estimate and explained the big change in monies is due to the move to reserves.

City Administrator Turner continued explaining breakdowns on expenses, including trailer rental fees, bathroom trailer rentals, Fire and EMS, Law Enforcement, Park and Recreations, and Reserves for equipment. City Administrator explained that next year's budget has an increase in contingency planning and movement of monies into the reserves. The City Administrator continued explaining the proposed millage rate which is the same as the previous year and the rollback number. City Administrator Dave Turner explained that even though the proposed millage rate remains the same, there will be a slight increase in taxes due to property values having increased substantially. The City Administrator further explained that if the Commission decides to go to the rollback rate, significant cuts have to be made to the budget. City Administrator Turner explained that the City is 12.93 percent above rollback and continued explaining homesteaded versus non-homesteaded tax. The City Administrator explained that the City has 289 homesteaded properties out of 1547 total properties and how tax calculations are derived. City Administrator Turner explained that homesteaded properties will have an increase in \$149.05 per \$600,000.00 versus a non-homesteaded property that will have an increase of \$292.68 per \$600,000.00 in property taxes.

City Administrator Turner stated that this concludes his proposed budget with all Department Head requests included. The City Administrator continued saying that this will be a tight budget and is looking to end this year within budget. City Administrator Dave Turner further stated that this budget does include salary increases as well as a 5 % COLA increase which he was asked to do in the previous year and also will help with employee retention. City Administrator Turner stated he is open to Commission suggestions and can adjust line items if so desired.

Commissioner Sutton thanked City Administrator Turner for his work on the budget proposal. Commissioner Sutton continued saying that he appreciates the increase in salaries which should help with employee retention especially considering how hard it is to find employees in Monroe County. Commissioner Sutton further compared the millage rate and

employee salary increases to the City of Marathon and concluded by agreeing with the City Administrators proposal.

Secretary/Treasurer DeNeale stated that he has been in the budget process for several years now and would like to see where the city is standing financially and to inform the residents on reasons for cash reserves and uses of it. Secretary/Treasurer DeNeale continued saying that he walked through the cash reserves with Accountant Jen Johnson and would like to report the Commission on it. Secretary/Treasurer DeNeale explained the details of his submitted 'End FY Projected General and Infrastructure Fund Balance' sheet to the Commission. (Please contact the City Clerk at cityclerk@keycolonybeach.net for a copy). Secretary/Treasurer DeNeale concluded his presentation on usage of cash reserves with the direction for staff to move the \$1,000,000.00 reserves into a capitol infrastructure account with an additional \$500,000.00 in October. City Administrator Turner stated to the Commission that these changes will show in the next budget packet to the Commission. Commissioner Sutton asked if another hard copy would be available which City Administrator Turner confirmed.

Secretary/Treasurer DeNeale stated that Accountant Jen Johnson explained that the City of Marathon hires a contractor for storm cleanup and corresponding work packets which is paid for by the county. Mayor Trefry asked on the storm removal procedure and if it has to change for the future. City Administrator Turner followed up with Commissioner DeNeale and stated that FEMA will be covering the costs with proper paperwork submitted with no cost to the taxpayer. The Commission and City Administrator continued discussing storm cleanup procedures and FEMA requirements for reimbursements. City Administrator Turner explained that City Clerk Gransee will be the liaison for WebEOC and himself the head of operations for the city. City Administrator Turner continued saying to Secretary/Treasurer DeNeale that he likes to be part of his suggestion and that the paperwork alone is a full-time job. The City Administrator further stated that a decision is not needed at this moment but he will get together with Jen Johnson on the process.

3. Commission Direction/Discussion

Mayor Trefry stated that she is happy with the proposed budget and suggested cutting he proposed additional \$10,000.00 for the Beautification Committee. Commissioner Sutton agreed with Mayor Trefry on holding off on the additional monies. Mayor Trefry further stated that utilities will be increasing and there is better use of funding for this year.

Vice-Mayor Harding thanked City Administrator Dave Turner for his work and stated that he is seeing some consistencies in the second year. Vice-Mayor Harding reminded everyone of significant process in the securing of grants and funding, and that the American Rescue Act was great help in helping the city this year. Vice-Mayor Harding further recalled new facilities and services for residents which reflected in the budget. Vice-Mayor Harding continued saying that he believes the City Administrator is showing great leadership and having done a great job on how where the City is going. Vice-Mayor Harding recalled that the previous year's budget meeting evolved around City Hall and he

believes this year the focus should shift to employee retention and ideas on how to implement it. The Vice-Mayor continued talking about challenges of increased inflation and interest rates, finding candidates, and a new state law regarding cyber security and associated training requirements. Vice-Mayor Harding stated his observance from previous year's budget to these years and asked on funding for bridge repairs. City Administrator Turner stated that American Rescue Money has been allocated for Sadowski Causeway, and that additional monies are coming in which do not affect millage and is not in this presentation. City Administrator Turner further stated that once the contract by the new engineering services firm is signed, a review will be made, and send out to bid again. City Administrator Turner reported that the previous bid was not completed due to not having enough information and was closed. City Administrator Turner further reported that the Gazebo behind the City Hall trailer is in bad shape and will be inspected as well and remaining American Rescue monies can be used for repairs. City Administrator Turner further explained that a lot of capitol improvements in the City are covered by grants which will be listed in the Infrastructure in the next budget. Vice-Mayor Harding asked if reserve money should be put away for future maintenance of the bridge which City Administrator Turner confirmed. City Administrator Turner further said that road funds can be used as well but that funding was reduced significantly this year. and clarified further details on this years and upcoming budget cycle. Vice-Mayor Harding asked City Administrator Turner to revisit short-term rental license fees and stated that Key Colony is not competitive with other cities in the Keys. The Vice-Mayor further asked about boat trailer parking and a lower budget number than anticipated. City Administrator Turner stated that he wanted to be conservative with the number due to the trailer lot not being rented out consistently. Vice-Mayor Harding further asked about election expenses being included in the budget. City Administrator Tuner explained that this is out of caution in case the Election Office is not able to continue with Key Colony Beach elections due to staff shortages. Vice-Mayor Harding further asked on Wastewater and Stormwater budget numbers to which the City Administrator explained he has most numbers but is working with the Utility Clerk on finalization. Vice-Mayor Harding further suggested an increase in salary for the city clerk and police sergeant with consideration to job and supervisor responsibilities. City Administrator Turner stated that he can make the requested adjustments and give the Commission a comparison of prior salaries. Vice-Mayor Harding further reported on his submitted sheet on employee retention ideas. The Vice-Mayor recalled on having significant employee turnover in his previous employment and lessons learned from it. Vice-Mayor Harding continued reporting the cost and time of retraining of new employees and loss of efficiency associated with it. The Vice-Mayor continued giving examples on additional procedures on how to improve employee retention and anticipated time for implementation. Vice-Mayor Harding suggested implementing some of these ideas due to the turnover the city is experiencing. The Vice-Mayor further suggested an outside source

for an exit interview as a beneficent tool to gain honest feedback from an employee. Mayor Trefry asked City Administrator Turner on how the city compares to the county in health insurance benefits. City Administrator Turner stated that he would like to answer all of the Vice-Mayor's points on submitted ideas. City Administrator Turner answered that employee salaries are being adjusted, funds for bonuses will be reviewed, and a budget for exit interviews and procedures with an outside source will be reviewed. Vice-Mayor Harding stated that the City Attorney's law firm offers this service with different lawyers available. City Administrator Turner continued saying that he offers every employee flexibility in their schedule and does not micro-manage the staff. The Commission and City Administrator further talked about the flexibility that is already available. City Administrator Turner further commented that the city's benefits package is the only one in the county with no deductions taken out of employee's salary. The City Administrator further reported that Monroe County's benefits are less than the city with money taken out of the salary and that spouses are covered by the county but at a significant cost. The City Administrator further explained the city's benefits to the Commission. Vice-Mayor Harding stated that one on one meetings with employees are beneficial even though it might take a while to see true feedback.

Secretary/Treasurer DeNeale thanked City Administrator Turner and staff and stated that he wants to make sure the millage is set right and that employees are taken care of as well as flexibility in reserves. Secretary/Treasurer DeNeale continued saying that the vacation rental impact has to be thought of, as well as rising sea levels and associated costs. Secretary/Treasurer DeNeale recommended an at least 10% raise in vacation rental fees, and to keep the long-term vacation rentals as low as possible with possible additional incentives. Secretary/Treasurer DeNeale further stated he is happy with City Administrator Turner's performance and that the city has the flexibility to raise salaries in December if need be. Secretary/Treasurer DeNeale thanked the Commission.

City Administrator Turner updated the Commission on the upcoming LiDAR work which should start in the first week of August. The City Administrator explained that this will give a data base on where the city stands regarding the condition of the roads. City Administrator Turner continued saying that this will give an indication on how much the city has to reserve for road repairs.

Commissioner Sutton thanked everyone for their hard work and stated this was a very productive meeting.

Commissioner Ramsay-Vickrey thanked everyone for a great budget meeting and thanked City Administrator Turner for a well-prepared budget. Commissioner Ramsay-Vickrey agreed with the omittance of the Beautification Committee budget request and further stated to hope to see the use of solar lights in the future. The Commissioner suggested that possibly her unused stipend from this year can be used for the gazebo and agreed on mitigating any possible negative vacation rental impact to ensure the best

possible life for residents and visitors. Commissioner Ramsay-Vickrey closed by stating her appreciation of the staff and the salary increases. Commissioner Ramsay-Vickrey further cautioned to support the chain of command and not to interfere to cause confusion or possible undermining. Commissioner Ramsay-Vickrey thanked the Commission for a great budget meeting. Commissioner Ramsay-Vickrey confirmed to Commissioner Sutton that she is not taking a Commissioner stipend this year. The Commission had brief discussion on the legality of not taking a stipend and City Attorney Dirk Smits stated he will provide the Commission with legal backup on the issue. Commissioner Ramsay-Vickrey clarified that she will start accepting the stipend next year.

City Administrator Turner recapped that with keeping the millage the same and the Commission's input he is confident in the budget and insurance costs. Mayor Trefry asked if another workshop is needed which City Administrator Turner answered is the Commission's decision. The Commission decided to add an additional budget workshop discussion to the Commission meeting on August 25th.

4. Department Requests: City Administrator Dave Turner stated that all requests have been received and were included in the budget. The Department Heads had no additional comments.

5. Questions/Comments – None.

6. Adjournment: The meeting adjourned at 10:33 A.M.

Respectfully submitted,

Silvia Gransee

City Clerk

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, July 28, 2022 – 9:30 a.m.

City Hall Auditorium & 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 9:30 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry, Vice-Mayor Harding, Commissioner DeNeale, Commissioner Sutton, Commissioner Ramsay-Vickrey.*

Also Present: *City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Gaelan Jones, Public Works Department Head Mike Guarino, Building Official Gerald Leggett, Interim Fire Chief Steven Hudson, Chief Kris DiGiovanni, Administrative Assistant Barbie Morales.*

Public: *4 Marble Hall*

2. Citizen Comments and Correspondence: *City Clerk Silvia Gransee reported on the following citizen correspondence: Mr. David Fischer emailed the City Clerk with a question regarding the Tipline, to which City Clerk Gransee informed the resident that the topic was up for discussion today. Mr. Lenny Geronemus emailed the City Clerk regarding the Townhall Meeting email that went out to residents. Former Building Official Gerard Roussin contacted City Clerk Silvia Gransee with a request on donations on his payout on sick time. (Please email the City Clerk at cityclerk@keycolonybeach.net for a copy of all citizen correspondence).*

There was no public comment online or in the audience.

3. Approval of Minutes – none.

4. Agenda Additions, Changes, Deletions:

Commissioner Beth Ramsay-Vickrey asked for Item 7C. to be added to the Agenda: Discussion/Approval of Turtle Beach Lighting.

City Administrator Dave Turner asked for Resolution 2022-08: Millage Approval to be added to the Agenda.

Both items were added to the Agenda.

5. Special Requests – None.

6. Committee and Staff Reports: *Mayor Trefry stated that reports from all Department Heads were received and the Commission had no additional questions.*

A. Marathon Fire/EMS – No Report.

B. Recreation Committee – No report.

C. Beautification Committee - No report.

D. Disaster Preparedness Committee – No report.

E. Planning & Zoning Board - No report.

F. Code Enforcement Board – No report.

G. Utility Board – No report.

H. Police Department – No additional report.

*I. **Building Department** – Building Official Gerald Leggett updated on 1000 W. Ocean in addition to his Department Head report. Building Official Leggett reported that the completed electrical work on the property has to wait for the FKEC inspection due to the company being backlogged on work orders. Vice-Mayor Tom Harding asked if a contractor has been approved for the demolition on the property which Building Official Leggett confirmed.*

J. Public Works – No additional report.

*K. **City Secretary/Treasurer** – Secretary/Treasurer DeNeale yielded the floor to Jen Johnson from Bishop Rosasco & Co. Mrs. Johnson gave a brief overview of the City's 9-month financial report with details on revenues, expenditures, road funds, impact fees, building department revenues and expenditures, wastewater revenues and expenditures, and stormwater revenue and expenditures. The Commission had no questions for Jen Johnson.*

L. City Clerk – No additional report.

M. Code Enforcement Officer – No Report

*N. **City Administrator** – City Administrator Dave Turner updated in addition to his submitted report.*

*a) **City Hall Update:** City Administrator Dave Turner reported that the new drawings are at 100%, were shared with the Commission, and are up for review with the Building Department. City Administrator Turner further updated on correspondence received from FEMA. The City Administrator reported that FEMA indicated disputes over the flood insurance payout from Wright Flood Insurance in 2017.*

*b) **Approval of Wilscot Invoice# 9014590844 in the amount of \$28,204.10:** City Administrator Dave Turner informed the Commission the invoice pertains to the new City Hall Annex/Temporary Post Office trailer and explained the services included in the cost. City Administrator Dave Turner further explained that the Electric Company will energize the trailer and he will check with 3rd Generation Plumbing on their work. The City Administrator described that the trailer will be used as temporary City Hall until the Post Office is ready to move and confirmed to Vice-Mayor Harding that tables and chairs will be moved from Marble Hall to the trailer. City Administrator Dave Turner updated that he will confer with Building Official Leggett on the standing estimate for the Asbestos removal process.*

Commissioner John DeNeale had a question regarding the FEMA update. Commissioner DeNeale recalled the impression that was given when he was Mayor, that this was a 2-part process which consisted of insurance and FEMA. Commissioner DeNeale recalled that the City's consultant thought the same way and that it was brought that way to the City. Commissioner DeNeale asked if there was a recourse to take and what the City can do since this is not the way the issue was presented. City Administrator Turner explained that it was described to him that the City did not reach the total payout on flood insurance of \$500,000.00, and a check was accepted that was well below that limit. The City Administrator further stated that the insurance company was given

information on prior damage on the building which was taken into heavy consideration as well. City Administrator Dave Turner further explained that the Commission can proceed in whichever way they like, however, if demolition starts on the building the claim would be closed. City Administrator Turner continued saying that the Commission can start a new claim if so desired. Commissioner DeNeale asked if a new person could be hired to work with FEMA to which City Administrator Turner explained that the question is whether or not to go after the insurance company at that time. City Administrator Turner further explained that FEMA is stating the acceptance of the check from the Flood Insurance as a deciding factor and no additional adjuster was requested to proof significant more damage on the building. Commissioner DeNeale stated that those facts were never presented to them that way and it was always explained as a 2-part process. Commissioner DeNeale further stated that the hired FEMA consultant, himself as the Mayor, and the Commission at that time, did not understand it that way and suggested hiring a knowledgeable person to find out what is going on. City Administrator Dave Turner stated he can reach out, but that FEMA had indicated that information was received on prior damage to the building which was taken under consideration. Mayor Trefry explained that the understanding by the Commission at that time was, that it was not Hurricane Damage FEMA money but fell under a different category. Commissioner DeNeale explained his recollection that there were insurance funds and disaster funds, and explanations were given of two pockets consisting of insurance settlement and then the disaster monies would kick in. Commissioner DeNeale stated that he is not willing to accept this without trying to find out more information with outside assistance. Mayor Trefry asked Commissioner DeNeale to meet with City Administrator Dave Turner to talk about the matter, as he himself as the Mayor, and Ron Sutton as Vice-Mayor at that time, have more information and details on what happened. Mayor Trefry continued saying that City Administrator Turner can give a recommendation on how to proceed after. Vice-Mayor Harding asked City Administrator Dave Turner if there are records on what was submitted to the Insurance Company for the money that was received. City Administrator Turner stated that he looked through various files, letters, and statements, and explained that the flood money was not exhausted for the disaster money to kick in. Vice-Mayor Harding asked that he was inquiring about a document that would show that the insurance company was asked for more than \$134,000.00, but the money received was all the insurance company paid out. City Administrator Turner stated that he has not located a document of that nature, but that there are many boxes in storage that he can continue to look through. Commissioner DeNeale questioned why FEMA came months later and gave an estimate of \$3,200,000.00 which carried over the next several years. City Administrator Turner agreed with Commissioner DeNeale. Commissioner DeNeale asked City Attorney Gaelan Jones if his firm has an attorney that deals with FEMA issues which Mr. Jones explained he will check with Lead City Attorney Dirk Smits on. Mayor Trefry asked City Administrator Turner if he has been in contact with the City's Lobbyist Company to which the City Administrator said he had not but stated he will reach out. City Attorney Jones further said that he can look into an outside FEMA consultant. The Commission had no further discussion on the topic.

Mayor Trefry asked for a Motion for the approval of the Willscot invoice in the amount of \$28,204.10.

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey to approve the Willscot invoice in the amount of \$28,204.10.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

c) Update on Temporary Building Official Coverage: City Administrator Dave Turner updated that Building Inspector/Official Leggett received approval for his tests and is waiting on the approval letter which should arrive by August 18th. City Administrator Turner further explained that until that time Mr. Terrence Justice will fill in as the temporary Building Official. The City Administrator further explained the hours and pay the temporary Building Official will receive and asked for approval of payment with a limit of \$10,000.00 for the temporary Building Official coverage. City Administrator Dave Turner further explained that with the approval he will ask the legal team to draw up a contract and proceed. Commissioner Sutton stated the importance of the temporary Building Official coverage and made a motion to approve the temporary coverage.

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve the temporary Building Official coverage in the amount of up to \$10,000.00.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

7. Commissioner Items for Discussion/Approval:

A. Discussion/Approval of Mittauer Service Agreement for 9th Street, 10th Street Phase 2B, 11th Street, and 12th Street Stormwater Improvements – City Administrator

City Administrator Dave Turner explained the details of the agreement and stated it was recommended to be approved by the Commission from the Utility Board. City Administrator Turner continued saying that the costs are covered by grant money and asked for approval by the Commission. Mayor Trefry asked for a Motion to approve the agreement in the amount of \$152,500.00.

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner DeNeale, to approve the Mittauer Service Agreement in the amount of \$152,500.00.

DISCUSSION: Vice-Mayor Tom Harding cautioned that the actual construction cost might be understated and the City should expect the bill to be higher. Commissioner Sutton asked what Vice-Mayor Harding is anticipating for increase in costs, which the Vice-Mayor estimated to be between six to seven million dollars from the original estimate with the current inflation and increase on material costs.

ON THE MOTION: Rollcall vote. Unanimous approval.

B. Discussion/Approval for Building Official Final Pay: Mayor Trefry stated that all Commissioners have received City Administrator Turner's final pay calculations which are based

on the City of Key Colony handbook. Mayor Trefry explained the calculations and asked for a Motion pertaining to payout of the \$23,064.60.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Sutton, to approve the payout in the amount of \$23,064.60 for sick and vacation time.

DISCUSSION: Mayor Trefry addressed the former Building Official Roussin's request to donate 75% of his sick time. Mayor Trefry stated that the former Building Official is only eligible to receive 25% of his sick time and asked the Commission for input on the request. The Commission discussed the request and asked for a rollcall vote on the Motion.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Trefry further addressed the question on comp time for the former Building Official. Mayor Trefry explained that Department Heads are not eligible for comp time and asked the Commission if there should be a Motion. Vice-Mayor Harding asked if the former Building Official was a Supervisor during the period in question or just a portion of it. City Administrator Turner explained that the comp time listed on the request is for the time period when the City started using QuickBooks during which time Gerard Roussin was the Building Official. City Administrator Turner further stated that he could not find any records prior to that time. Commissioner Sutton stated that he understands that Department Heads do not receive any kind of comp time, however, the last three department heads did receive comp time as part of their payout and stated his support for former Building Official Roussin's comp time payout. Mayor Trefry asked Commissioner Sutton if that is his Motion.

MOTION: Motion made by Commissioner Sutton to pay former Building Official Roussin \$6,432.00 in comp time.

DISCUSSION: None.

ON THE MOTION: No second. Motion failed.

Commissioner DeNeale stated that he understands what Commissioner Sutton is saying, however, it was made clear to Department Heads after the previous ones had left, that they are salaried employees and they are to manage their time. Commissioner DeNeale further stated he knows that the former Building Official was there when the topic was discussed. Commissioner DeNeale continued saying that mistakes were made in the past, but he is certain that it was made clear to the Department Heads that they are salaried employees which represents a bigger paycheck. Mayor Trefry asked the City Administrator if there are additional employees in the same position and how he is managing it. City Administrator Dave Turner explained that he started working for the City in April 2021 and on April 17th he sent out an email to all the Department Heads in reference to comp time and explained the ineligibility and required explanations to ask for it. The City Administrator further explained that there are a few employees that currently fall under the same situation but it is being managed. City Administrator Dave Turner continued saying that the new handbook will not have comp time included in it and further explained the difficulties managing comp time. City Attorney Gaelan Jones explained the Fair Labor Laws on federal exemptions on overtime and explained that this does not have to be included in a handbook to be the law. The City Attorney

further explained to the Commission the details on the law and who qualifies under it. Mayor Trefry asked the Commission if there was any further discussion or Motions regarding the former Building Official's payout which there was none.

C. Discussion/Approval on Turtle Beach Lighting: Commissioner Ramsay-Vickrey explained the background on the agenda item and event that occurred in the City of turtle hatchlings being lost. Commissioner Beth Ramsay-Vickrey explained that Key Colony Beach falls under county-wide standards regarding artificial lighting and proposed adding an informational page on the city website on how residents can help. The Commissioner further explained that sea turtles fall under the Endangered Species Act and to contact the Key Colony Police Department to report any violations who will in turn contact the FWC. Mayor Trefry stated that she believes this to be a wonderful idea and asked if there was a Motion to add the informational page to the City's website.

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Sutton, to add the informational page on Turtle Beach Lighting to the City's website.

DISCUSSION: Commissioner DeNeale voiced his support for Commissioner Ramsay-Vickrey's proposal.

ON THE MOTION: Rollcall vote. Unanimous approval.

8. Approval of Warrants – Warrant No. 0622 in the amount of \$322,606.30

MOTION: Motion made by Commissioner DeNeale, seconded by Commissioner Ramsay-Vickrey, to approve Warrant No. 0622 in the amount of \$322,606.30.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. ORDINANCES & RESOLUTIONS

A. Ordinances – None.

B. Resolutions:

RESOLUTION 2022-08: A Resolution Of The City Commission Of The City Of Key Colony Beach, Florida; Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date.

MOTION: Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner Sutton, to approve the tentative millage rate at 2.8726 mills per \$1,000.00 of assessed property within the City of Key Colony Beach, Florida.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. Commissioner's Reports or Comments

A. Commissioner DeNeale: Discussion on 'Tipline' phone. Commissioner DeNeale presented a PowerPoint Presentation and gave a brief overview on the history of the 'Tipline' phone and how it became established in the City. Commissioner DeNeale recalled that it worked well over the years with some exceptions of calls that should have gone to the 911 line or dispatch. Commissioner DeNeale stated that staff cannot take down the 'Tipline' without Commission approval since the Commission established it and that residents need a way to be educated and able to call in code violations. Commissioner DeNeale continued with the presentation of the slideshow to the Commission and his report. The Commissioner explained the need for residents to be able to report violations and to establish a code information line. Mayor Trefry asked Chief DiGiovanni on how many calls the Police Department received on code violations. Chief DiGiovanni explained that he does not have an exact number, but calls have been previously received on the tipline that should have been 911-calls. Mayor Trefry further asked on how the call volume changed since the law changed on anonymous complaints. Chief DiGiovanni explained that reports were still made anonymously but that call numbers did go down after the law passed. Mayor Trefry addressed the question on CitizenServe and the problems that it has presented. City Administrator Dave Turner stated that with the current staff changes he recommends staying with CitizenServe for the moment. The City Administrator further stated that residents need to understand what number to call for the proper response and have the understanding that calls cannot be made unanimously. The Commission further discussed the proper use of the code information line and the involvement of dispatch in code calls. City Administrator Dave Turner updated that a new Code Officer was hired and an additional Code Support member will be interviewed for hire as well. The City Administrator explained that a new phone line will be established in the office and that the new Code Officer understands that working hours will be fluid. City Administrator Turner continued saying that he wants the Police continuing taking code complaints when the Code Officer is not working so the City has 24/7 coverage. Vice-Mayor Harding asked if the old tipline has to be taken down which was confirmed as already having been done. Commissioner DeNeale stated that he believes that a Motion is needed to legally take down the tipline and then staff can be directed to establish a new code information line. City Administrator Turner stated that there will be no problem following the Commission's directive but asked for City Attorney Gaelan Jones to read the perimeters on leaving complaints. City Attorney Jones stated that the law went into effect July 2021 and further stated that the information needed for the Code Officer to start an investigation is the complainants name and address. City Attorney Jones continued explaining that Code or Police Officers can initiate a complaint on their own by observing a violation from a public area, however, they cannot follow up on an anonymous complaint. City Attorney Jones confirmed that a Commissioner can leave a private code complaint as long as they leave their name and address. City Attorney Gaelan Jones clarified that the bill that was passed, prohibits a Code Officer to follow up on a complaint that does not have a name or address attached to it, but Code Officers can observe code violations on their own. Mayor Trefry stated for clarification that anyone on city staff can be a code compliance officer and that the city needs observance day and night. Mayor Trefry further reported that the prior Code Officer used to have many requests on Mondays from other departments to investigate events from the weekend. The Mayor continued saying she believes that

this contributed to the former Code Officers burnout. Mayor Trefry further hopes that the new Code Officer will be working on weekends since it represents the time most violations occur and hopes that other departments will take responsibility depending on the working shift.

MOTION: *Motion made by Commissioner DeNeale, seconded by Commissioner Ramsay-Vickrey, to approve the discontinuance of the 'Tipline' phone and direct staff to establish a code enforcement information line.*

DISCUSSION: *None.*

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

Commissioner Sutton had no further report.

Vice-Mayor Harding asked if there is a potential of having additional property manager classes before the end of September which City Administrator Turner declined. The City Administrator explained that the classes are set ahead of time and that some property managers are not following their expiration of their licenses. City Clerk Gransee confirmed that the current classes have been set up since the beginning of the year. Vice-Mayor Harding further updated on having completed the FPLT resiliency survey and having worked with the State on the flood panels for the maintenance building. Vice-Mayor Harding reported that costs have been updated and that FEMA will review the grant request. The Vice-Mayor further reported on having attended the South Florida Regional Planning Council Meeting on July 18th which focused on waste management and recycling. Vice-Mayor Harding continued saying that the Comprehensive Plan has been adopted and he will be attending a mitigation class in the afternoon and a FEMA training class tomorrow. Commissioner Ramsay-Vickrey reported in participating in the release of sea turtle by the Turtle Hospital, attending the Utility Board Meeting and Monroe County Library Budget Board Meeting, and having met with local businesswomen. Commissioner Beth Ramsay-Vickrey reported that the majority of her week was devoted to turtles.

Mayor Trefry followed up on the department head reports and timing on when they are submitted. Mayor Trefry asked that the reports be submitted to the City Clerk. City Clerk Gransee asked that Tuesday at noon be the cutoff date for submittal and reports can be posted in the afternoon on the website.

11. City Attorney

A. Discussion/Review of proposed Ordinance No. 2022-479 Chapter 2 Amendment: City Attorney Gaelan Jones followed up on previous discussions on the proposed ordinance and presented the new draft to the Commission prior to first reading. City Attorney Jones reported on the changes in the proposed ordinance, primarily having agendas available to the Commission six days in advance, changes in format agenda, change in meeting days, discretion to the Commission to change meetings, and the ability to call emergency meetings. City Attorney Jones asked for input of the Commission on further edits. Commissioner DeNeale stated that after research of previous calendars, the third Thursday of each month looks to be the most effective day to hold Commission meetings in regard to Planning & Zoning Meetings as well as holidays. Mayor Trefry agreed with Commissioner DeNeale but remembers the recommendation from staff was due to financial reporting. Commissioner Sutton voiced his concerns on meetings around the holidays and

recommended changing the organizational meeting to the 2nd Thursday in December. The Commission further discussed the best possible days for meetings. City Attorney Jones stated that the City Administrator and Jen Johnson confirmed that there will be no issue with Commission meetings being held on the third Thursday of each month and to add a change of meeting at the discretion of the commission. City Attorney Gaelan Jones further advised that the Commission has the discretion to change any meeting if they wish to do so by vote of majority. Commissioner DeNeale stated that elections are being held the first week of November and suggested to have the organizational meeting the third week in November. Mayor Trefry asked if the organizational meeting falls under a different ordinance. City Attorney Gaelan Jones stated that Mayor Trefry is correct and that organizational meetings are set for the first Commission meeting in December of each year and that the Ordinance would have to be amended. After further discussion, Mayor Trefry asked to keep the changes simple with the knowledge of a six-month sunset and move the December Meeting to the second Thursday and keep the organizational meeting the same. City Attorney Jones gave further input on what changes could be made and stated his understanding of the general consensus of the Commission is to designate the third Thursday of each month and have the organizational meeting on the third Thursday. City Attorney Gaelan Jones further explained that when the Ordinance is being brought back for First reading to clarify that the organizational meeting is scheduled by default on the third Thursday in November. The Commission had no further discussion.

12. Adjourn: *The meeting adjourned at 10:52 A.M.*

Respectfully Submitted,
Silvia Gransee
City Clerk

APPLICATION FOR BUILDING PERMIT
CITY OF KEY COLONY BEACH
 P.O. BOX 510141 - KEY COLONY BEACH, FL 33051-0141
 PHONE 305-289-1212 FAX 305-289-1767

DATE FILED _____ DATE GRANTED _____ PERMIT _____
 NOTE: THIS PERMIT IS VALID FOR A ONE YEAR PERIOD MAXIMUM FROM DATE GRANTED.
 PROPERTY OWNER Bendiks PHONE 404-644 2700
 ADDRESS OF RECORD (MAIL) 1905 Evergreen Ln
 CITY, STATE, ZIP Alpharetta GA 30009

Property Description:
 LOT 5 BLOCK _____ SUBD KCB ZONING DISTRICT _____ TAX FOLIO# 00079873-000508
 STREET ADDRESS: 1245 Vista Del Sol FLOOD ZONE & ELEVATION _____
 _____ ST STREET _____

PROPOSED CONSTRUCTION: (Specify, alteration, seawall, etc.)
new 50k cradle lift attached to (8)
new 10" o.d. wood pilings \$30,000
 Check applicable line for roofing permit: New Roof Re-Roof Re-Cover

CONTRACTOR Stanley Garbutt/Neptune LICENSE CB C1521567
 BUSINESS ADDRESS 9440T Overseas Hwy, Tavernier PHONE 305 879 8437
 BONDING COMPANY NAME/ADDRESS _____ PHONE _____
 ARCHITECT/ ENGINEER NAME/ADDRESS _____ PHONE _____
 MORTGAGE LENDER NAME/ADDRESS _____ PHONE _____

LIST ALL SUBCONTRACTORS, COUNTY & STATE LICENSE NUMBER AND COST:

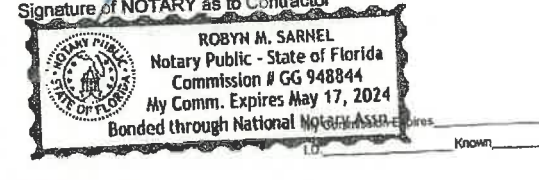
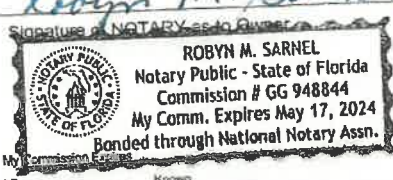
Trade	Contractor Name	License #	Cost
ELECTRICAL	<u>Arlington elect.</u>	_____	<u>900</u>
PLUMBING	_____	_____	_____
MECHANICAL	_____	_____	_____
CONCRETE/MASONRY	_____	_____	_____
CARPENTRY	_____	_____	_____
ROOFING	_____	_____	_____

In consideration of the granting of the above requested permit, you do hereby agree that you will in all respects construct the work in accordance with the above description and any plans and specifications herewith submitted and filed in the office of the Building Official in compliance with all laws and ordinances of the City of Key Colony Beach, Florida.
 Notice: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of Monroe County, and there may be additional permits required from other governmental entities such as state agencies or federal agencies.

OWNER'S AFFIDAVIT:
 I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.
WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Eric Bendiks
 Signature of Print Owner/Agent (Including Contractor) Date Signed 10/26/21

Stanley Garbutt
 Signature of Contractor (printed name) Date Signed 7/22/2022

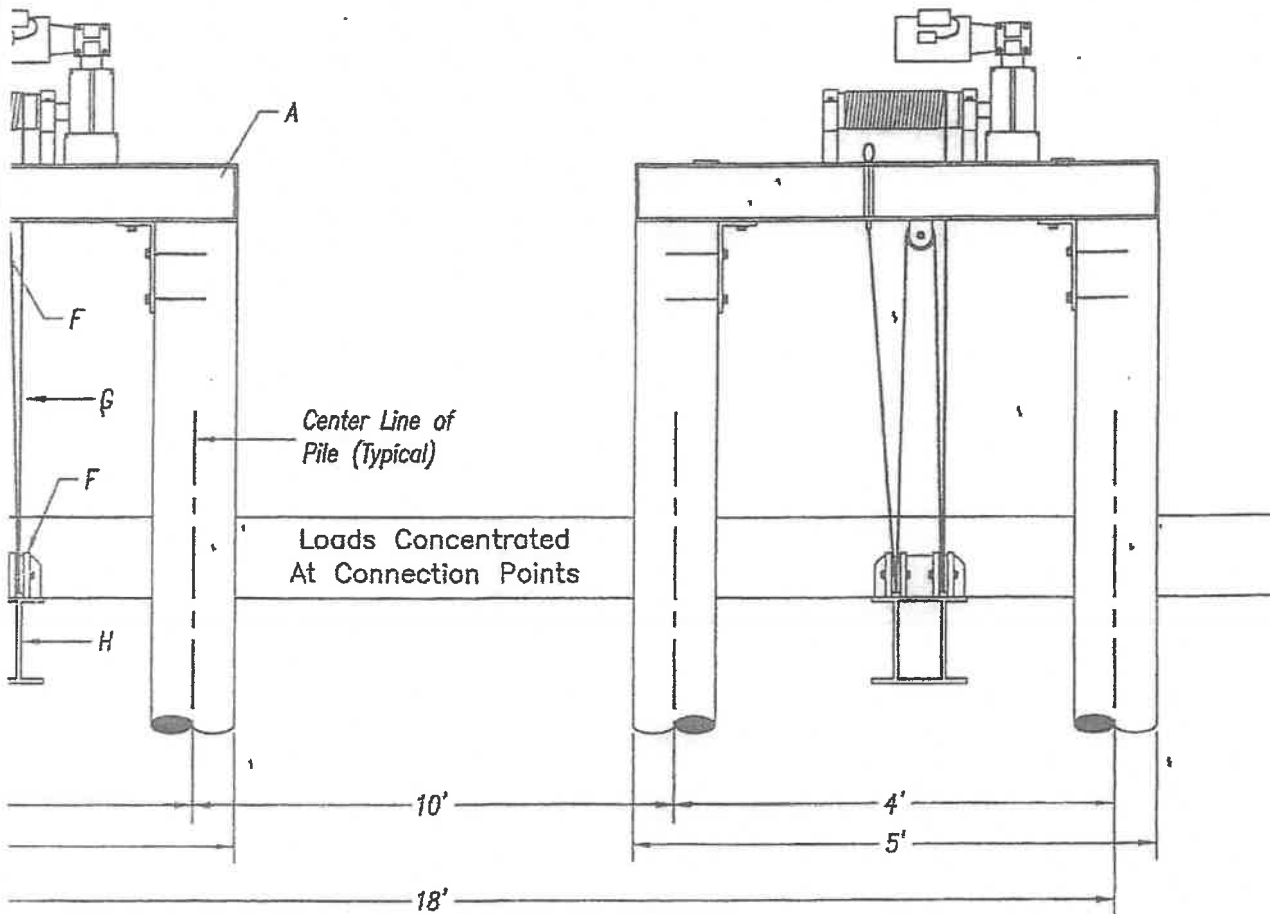


BUILDING PERMIT FEES:
 Costs up to \$2000.00 Flat Fee \$100.00
 Costs greater than \$2000.00 \$40.00 per \$1000.00 or any part of
 Surcharge _____
 Other _____
 Fire Safety _____
 Clean-Up Bond _____
FINAL INSPECTION FEE: (separate check) (REFUNDABLE UP TO 1 YEAR AFTER PERMIT IS ISSUED)
 DATE PAID _____ PAID CHECK # _____

Signature of Building Official _____ Date Issued _____
 hldd1 rev.06-16-06 28

Minimum Embedment,
of Piles, 5" Min. From

Embedment, 2 1/2"
Piles At Center of Pile



Typical Elevation

Scale: 3/8" = 1'-0"

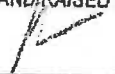
INC 060 :	Proposed 50,000 lb Aluminum Yacht Lift	NEPTUNE BOAT LIFTS 228 SW 21 Terrace Fort Lauderdale, Florida 33312 Phone: 954-524-3616 Fax: 954-524-3604	SCALE: 3/8"
			DATE: 05.12.2015
			DRAWN BY: WRT
			CHECKED BY: WM
			JOB No: Elevator 32.dwg
			Sheet 1 of 2

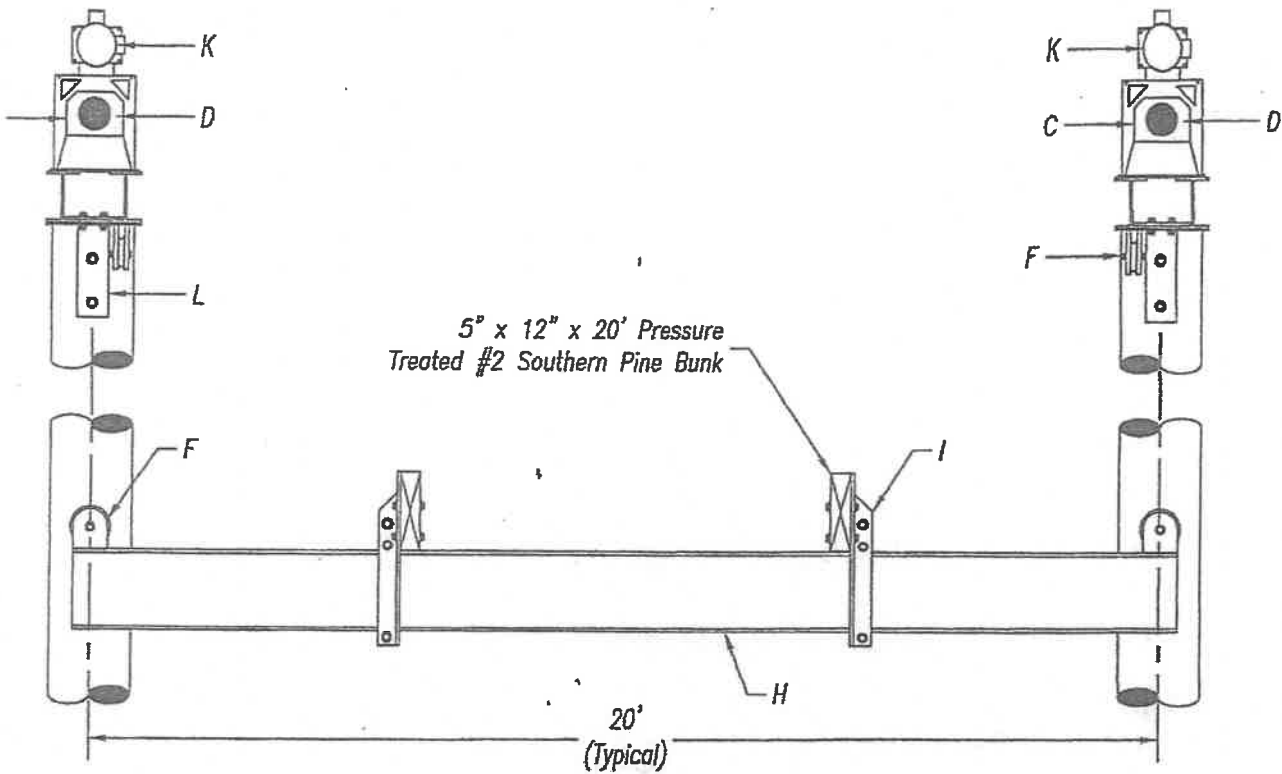
Components

Mark	Component Description	Material
A	Top Carrier Assembly (2) I-Beams Required Per Carrier Assembly	AA 18x6.3, D = 8", Bf = 5", Tf = 0.35", Tw = 0.23", L = 5'
B	Carrier Beam End Plate	$\frac{1}{4}$ " x 8" Flat Bar, Length = 14"
C	Drive Shaft Bearing Block	3" Thick x 2 1/2", Length = 12"
D	Drive Shaft	6" Diameter Solid Aluminum Winder
E		
F	Sheave Pulley Plate	$\frac{3}{8}$ " x 7" High Flat Bar x 6" Long with 6" Diameter Pulley
G	Stainless Steel Wire Rope	$\frac{7}{16}$ " Diameter 6 x 19 Stainless Steel IWRC Type 304 Wire Rope
H	Lifter Beam	AA 12x14.3, D = 12", Bf = 7", Tf = 0.62", Tw = 0.31"
I	Bunk Bracket Support	Angle $\frac{3}{8}$ " x 3" x 3" x 22" Long Each Side of Lifter Beam
J	Guide Post Socket	3" Diameter (Nominal) Schedule 80 Aluminum Pipe
K	Motor and Gear Box	2 Horse Power With Brake, Double Worm Gear Box
L	Top Carrier Connector	Bracket Plate $\frac{1}{2}$ " x 3" x 12" Long

General Notes:

- Design in accordance with Florida Building Code, 6th Edition (2017).
- This lifting structure has been designed to withstand wind loads associated with speeds of $V (ult) = 180$ MPH, (3 Sec) a boat on the lift per ASCE 7-10 using above ground sign/wall method. The lifting structure including boat has been designed to withstand speeds of $V (ult) = 73$ MPH in Exposure 'D'.
- Boats shall not be stored on lift during high wind events.
- Do not scale drawings for dimensions.
- Licensed Contractor to verify location of existing utilities prior to commencing work.
- The Licensed contractor to install and remove all shoring and bracing as required for the proper installation of the work.
- Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
- Aluminum: Material 6061 T6 Aluminum, all welds are min. $\frac{1}{4}$ " full fillet weld using 5556 filler alloy, all welding must conform to manual 14th ED as inspected and verified by others. The contractor is responsible to insulate aluminum members from electrolysis.
- Aluminum members in contact with concrete and wood shall be protected by "Koppers Bituminous Paint" or Polyethylene molecular weight). 11.7 mils (0.30 mm) min. total thickness in accordance with current Florida Building Code.
- All anchors to be Hilti Brand or Approved Equal. All bolts shall be hot dipped galvanized or stainless steel & meet the with hardened washers and hex nuts. Washers shall be used between wood & bolt head & between wood & nut. Where in details, capacities shall be equal to or greater than Hilti Kwik Bolt II or Red Head thru bolts SAE Grade 5 or better. herein are depths into solid substrate and do not included thickness of other finishes.
- MW Engineering has no control of the manufacturing, performance or installation of this product. These generic plans are with accepted engineering practices and data provided by the manufacturer.

DATE	NOTES/REVISIONS	NOT VALID UNLESS SIGNED WITH ORIGINAL ENGINEER'S SIGNATURE AND RAISED EMBOSSED SEAL  MARK E. WEBER, P.E. LICENSE #53895 CA 30702	MW, ENGINEERING 902 NE 1 Street Suite Pompano Beach, Florida Ofc: 754-333-0877 WWW.MwEngineering.com



Typical Cross Section

Scale: 3/8" = 1'-0"

Just) Exposure 'D' without
need to withstand wind

to AISC steel construction
similar metals to prevent

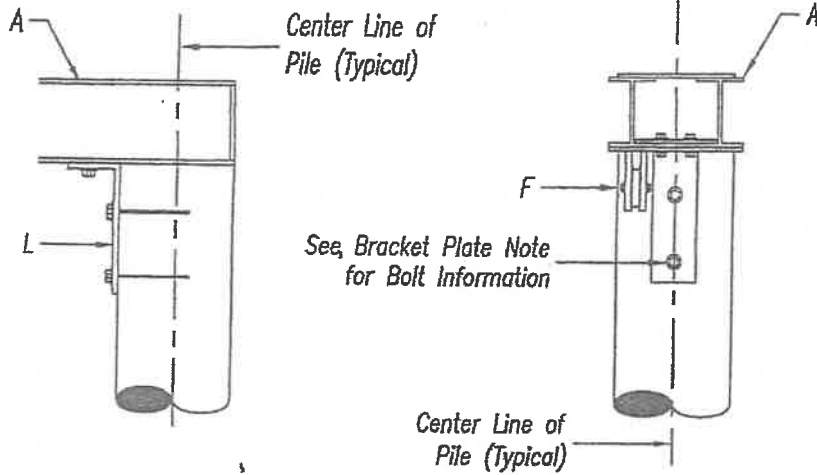
use UHMW (ultra high

requirements of ASTM A304
stainless fasteners are labeled
embedment depths specified

engineered in accordance

- Piles shall be driven to refusal and sufficiently penetrated into sand or rock strata to support lift capacity, weight and loads.
- Each pile to carry commensurate load I.E. 1/4th lift capacity for 4-post lift (Factor of Safety of 1.5)
- Allowable minimum compression pile capacity of 5 tons.
- The contractor of record shall verify pile type, installation and driving in compliance with FBC 6th ED (2017)
- Sub-surface conditions can vary greatly.

INC 160	Proposed 50,000 lb Aluminum Yacht Lift	NEPTUNE BOAT LIFTS 228 SW 21 Terrace Fort Lauderdale, Florida 33312 Phone: 954-524-3616 Fax: 954-524-3604	SCALE: 3/2
			DATE: 05.12.2015
			DRAWN BY: WRT
			CHECKED BY: WM
			JOB No: Elevator 32.dwg
			Sheet 2 of 2

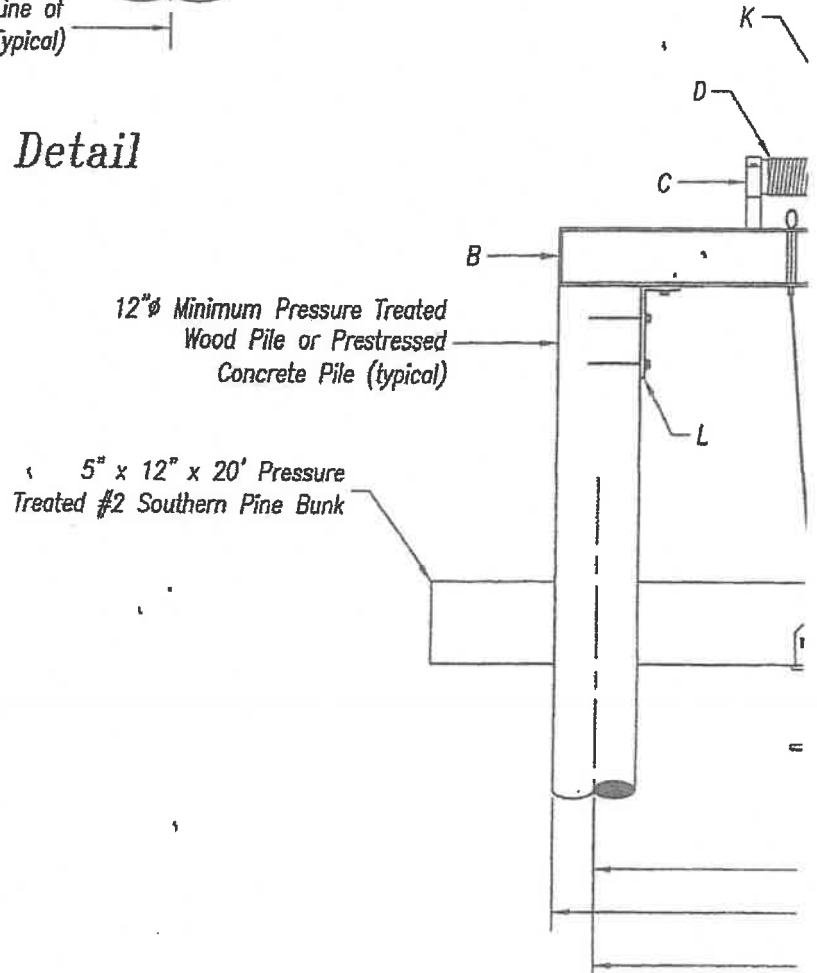


BRACKET PLATE NOTE:

(2) $\frac{1}{2}$ " ϕ Wedge Anchors Into Concrete, $4\frac{1}{2}$ " Min. Apart, 5" Min. Clearance From Concrete Face At Center of Pile

(2) $\frac{1}{2}$ " ϕ Lag Bolts Into Wood Piles 5" Min. Apart, 3" Min. Clearance From To,

Pile Mounting Detail



DATE	NOTES/REVISIONS

NOT VALID UNLESS SIGNED WITH ORIGINAL ENGINEER'S SIGNATURE AND RAISED EMBOSSED SEAL

[Signature]

MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702

MW, ENGINEERING
902 NE 1 Street Sui
Pompano Beach, Floric
Ofc: 754-333-08'
WWW.MwEngineerit

ENC 12 D. 5 L 1: P L

LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Erik Bendiks (owner/applicant)
1245 County Dr KCB (address of project)
213804-003 EE

File No.: 213804-003 EE

FROM: Joseph Foda (adjacent property owner)
1235 CORY DRIVE
Key Colony Beach, Florida 33451

Section 18-21.004(3)(d), Florida Administrative Code, provides:

Except as provided herein, all structures, including mooring pillings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; when a letter of concurrence is obtained from the affected adjacent upland riparian owner; or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / south / east / west) of the facility or activity proposed to be constructed or conducted by (the applicant), as shown in the above referenced file (and on the attached drawing). I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line, as required by Chapter 18-21.004(3)(d), F.A.C. This file shows the structure will be located entirely within the applicant's riparian rights area and within 5 feet of the common riparian rights line between our parcels.

Joseph D. Foda
(Original signature of adjacent owner)

Joseph D. Foda
(Printed name of adjacent owner)

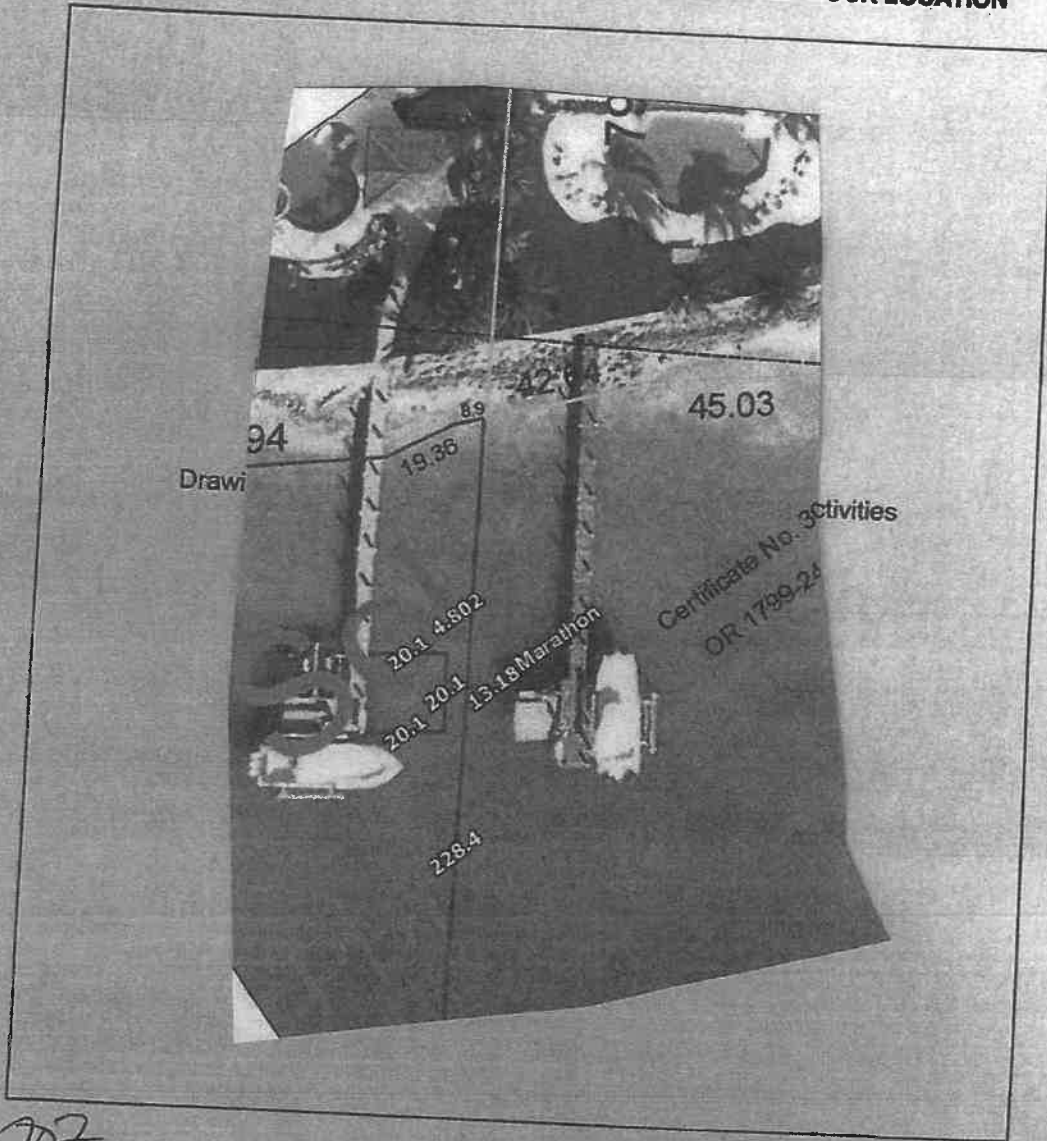
4-29-2022
(Date signed)

This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

(1/30/03)

LETTER OF CONCURRENCE FOR SETBACK WAIVER

PAGE 2 - DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION



OPJ (Initials of adjacent owner)

4-29-22 (Date)

LETTER OF CONCURRENCE FOR USE OF RIPARIAN RIGHTS AREA

TO: Bendiks, Erik (owner/applicant)
1245 Conroy Dr (address of project)
KCB

File No.: 213804-003EE

FROM: Joseph Foda (adjacent property owner)
1235 Conroy Drive
Key Colony Beach, Florida 33051

Section 18-21.004(3)(d), Florida Administrative Code, provides:

"Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: . . . activities built or occurring prior to any requirement for Board authorization; when a letter of concurrence is obtained from the affected adjacent upland riparian owner; . . ."

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / south / east / west) of the facility or activity constructed or conducted by _____ (the applicant), as shown in the above referenced file (and on the attached drawing). I understand that the subject project originates from the applicant's riparian rights area and extends into my riparian rights area, and I do not object to the structure or activity as located even though it does not meet the setback distance from the common riparian rights line, which became a requirement in Chapter 18-21.004(3)(d), F.A.C., on March 27, 1982. This file shows the structure will be located approximately 5 feet from the common riparian rights line into my riparian rights area.

Joseph D. Foda
(Original signature of adjacent owner)

4-29-2022
(Date signed)

Joseph D. Foda
(Printed name of adjacent owner)

This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

(12.13.2013)



YDT (Initials of adjacent owner)
4-29-22 (Date)



FLORIDA DEPARTMENT OF Environmental Protection

South District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

CORRECTED

February 16, 2022

Anyelina Bendiks
c/o Renee Blake Coleman,
Neptune Atlantic Boat Lifts
94401 Overseas Hwy
Tavernier, FL 33070
Renee@Neptuneatlanticboatlifts.com

File No.: 213804-003 EE, Monroe County

Dear Anyelina Bendiks:

On January 27, 2022, we received your request for verification of exemption to perform the following activities:

Install a private residential single-family boat lift at 1245 Coury Dr, Key Colony Beach, Florida, 33050, Parcel ID No. 00079873 000500 in the Atlantic Ocean, Class III Outstanding Florida Waters, Section 08, Township 66 South, Range 33 East, Monroe County.

Your request has been reviewed to determine whether it qualifies for (1) a regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the **federal review portion** ~~proprietary and federal review portions~~ of this verification request. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

www.floridadep.gov

If you have any questions regarding this matter, please contact Julia Davis by telephone at (239) 344-5658 or by e-mail at Julia.N.Davis@FloridaDEP.gov.

1. Regulatory Review – VERIFIED

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(h), from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review - GRANTED PENDING

~~The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-18, 18-20, and 18-21, Florida Administrative Code, as applicable.~~

~~The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity requires a letter of consent for the use of sovereign submerged lands. Based on the information provided, we have begun processing your application to use sovereign submerged lands but need additional information to continue processing this request. Please provide the information requested below by April 17, 2022. If neither the information nor request for additional time is received, then your application may be denied without prejudice.~~

REQUEST FOR ADDITIONAL INFORMATION:

- ~~1. The proposed boat lift is located within 25 feet of the shown riparian line. Please relocate the lift further than 25 feet from the riparian rights line, or provide a letter of concurrence from the adjacent affected upland riparian property owner to install the lift at the proposed location. [Rule 18-21.004(3), F.A.C.]~~

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258 of the Florida Statutes, and Chapters 18-18, 18-20, and 18-21, Florida Administrative Code, as applicable.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Rule 18-21.005(1)(c), Florida Administrative Code, and Section 253.77 of the Florida Statutes to construct and use the activity on the specified sovereign submerged lands and as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During this term of this Letter of consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Special Consent Conditions

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities

All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or 258, Part II, F.S.

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
1. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities.

3. Federal Review - SPGP NOT APPROVED

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>

Authority for review an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orlando, Florida

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Daniel Sensi
Environmental Administrator
South District

Enclosures:

5 Project drawings
62-330.051(5)(h), F.A.C

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Miami Office, SEAppls@usace.army.mil

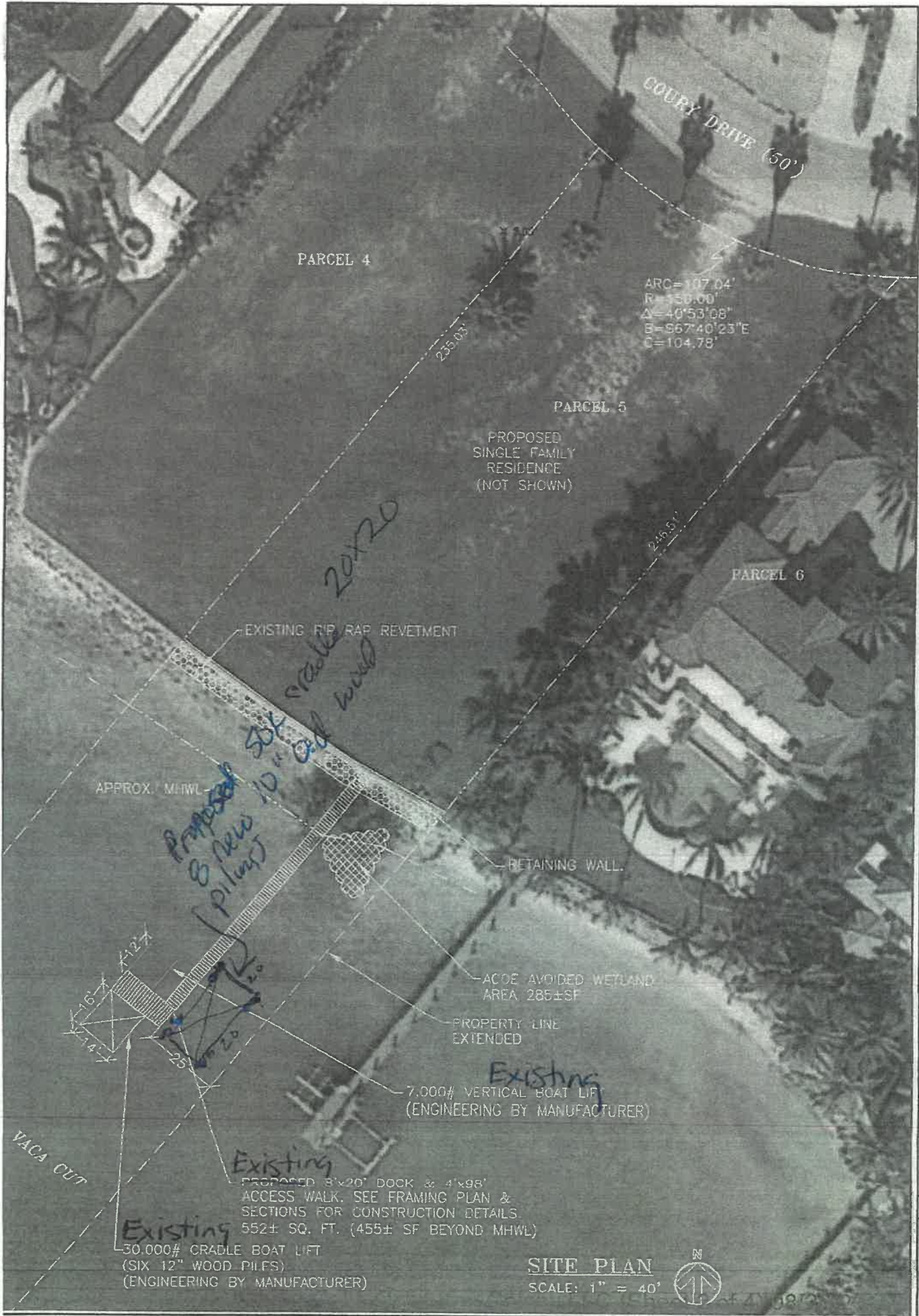
FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.



Clerk

August 3, 2022
Date



ARC=107.04'
 R=50.00'
 $\Delta=40^{\circ}53'08''$
 B=967'40'23"E
 C=104.78'

REVISIONS:	
1	12/13/15
2	07/08/16

DOCK & BOAT LIFTS FOR CALLE OCHO KEY COLONY LLC
LOT 5, VISTA DEL SOL
KEY COLONY BEACH, MONROE COUNTY, FL

GLEN BOE AND ASSOCIATES, INC. # 4061
 900 OVERSEAS HIGHWAY, SUITE 4 IMBATHON, FL 33080
 Telephone (305) 743-8121 Fax (305) 743-4197

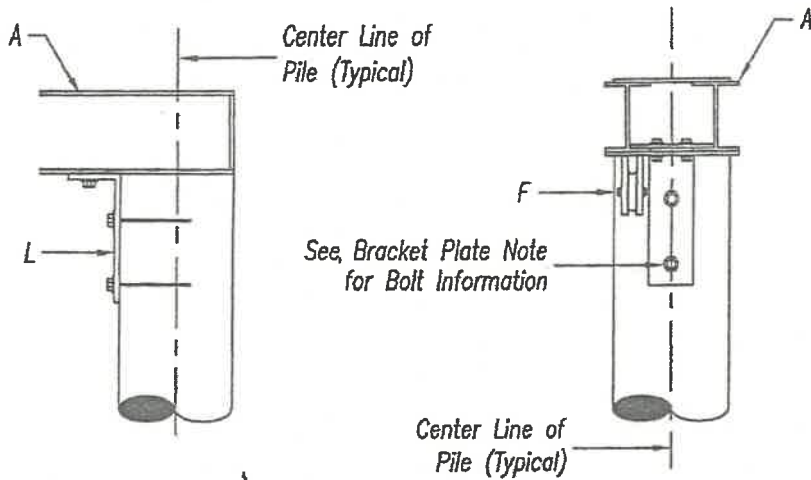
DATE: 08/17/15

2

CERTIFIED BY:
 SEAN KORWAL, P.E. #37506

SITE PLAN
 SCALE: 1" = 40'





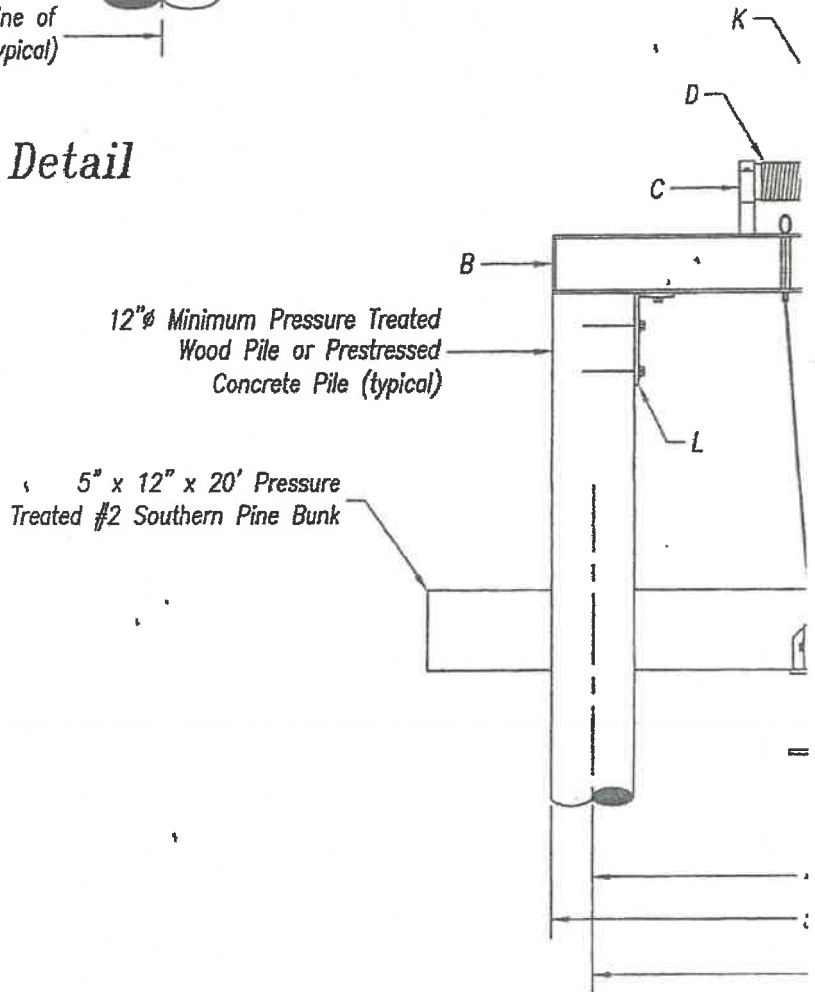
BRACKET PLATE NOTE:

(2) $\frac{1}{2}$ " ϕ Wedge Anchors Into Concrete ,
 4 $\frac{1}{2}$ " Min. Apart, 5" Min. Clearance Frm
 Concrete Face At Center of Pile

(2) $\frac{1}{2}$ " ϕ Lag Bolts Into Wood Piles 5" ,
 Min. Apart, 3" Min. Clearance From To,

See, Bracket Plate Note
 for Bolt Information

Pile Mounting Detail



DATE	NOTES/REVISIONS

NOT VALID UNLESS SIGNED WITH
 ORIGINAL ENGINEER'S SIGNATURE
 AND RAISED EMBOSSED SEAL

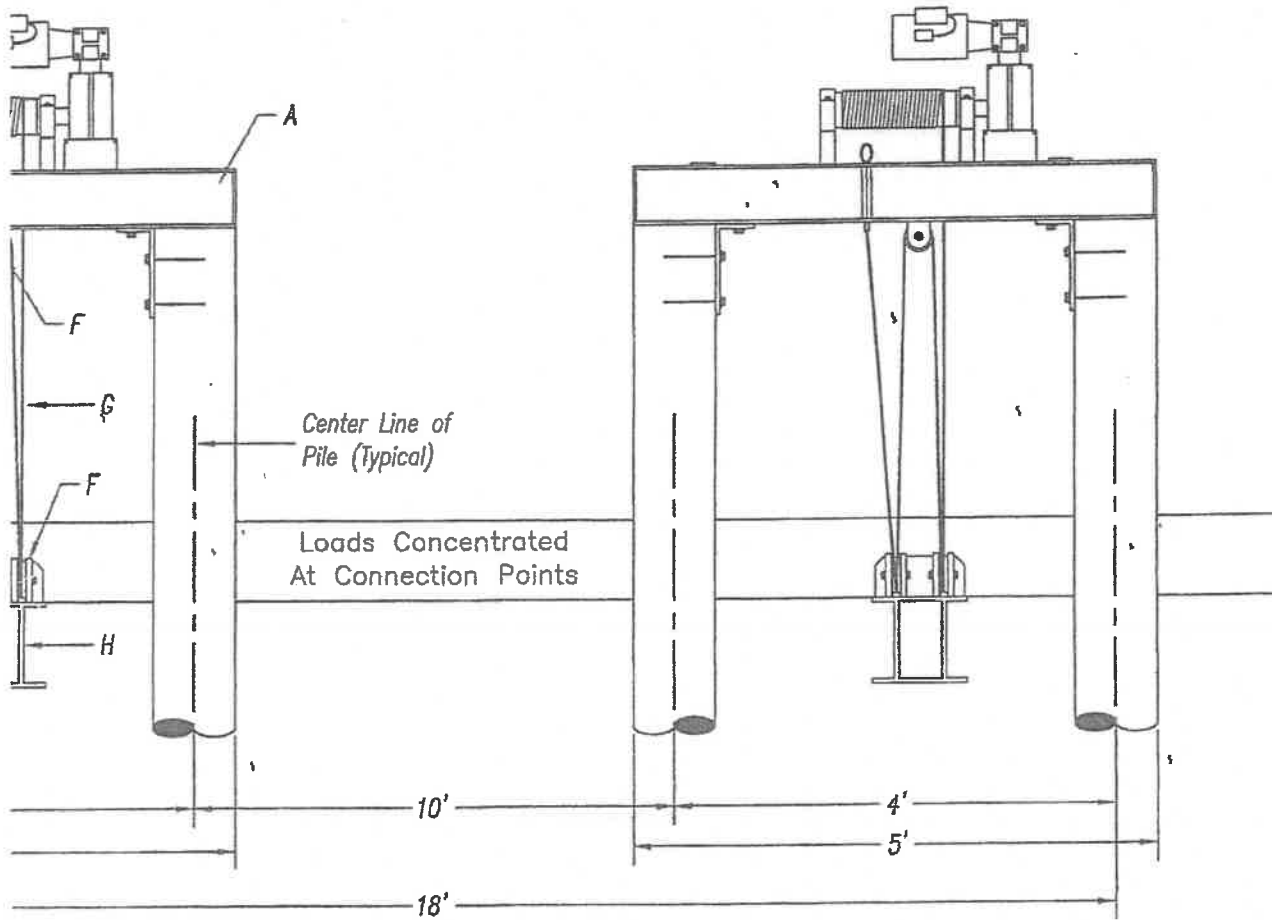
MARK E. WEBER, P.E.
 LICENSE #53895 | CA 30702

MW, ENGINEERIN
 902 NE 1 Street Suit
 Pompano Beach, Florida
 Ofc: 754-333-087
 WWW.MwEngineerin

50K @ DOST lift

3" Minimum Embedment,
 5" of Piles, 5" Min. From

2 1/2" Embedment,
 Piles At Center of Pile



Typical Elevation

Scale: 3/8" = 1'-0"


INC 160 :	Proposed 50,000 lb Aluminum Yacht Lift	NEPTUNE BOAT LIFTS 228 SW 21 Terrace Fort Lauderdale, Florida 33312 Phone: 954-524-3616 Fax: 954-524-3604	SCALE: 3/8" DATE: 05.12.2015 DRAWN BY: WRT CHECKED BY: WM JOB No: Elevator 32.dwg Sheet 1 of 2
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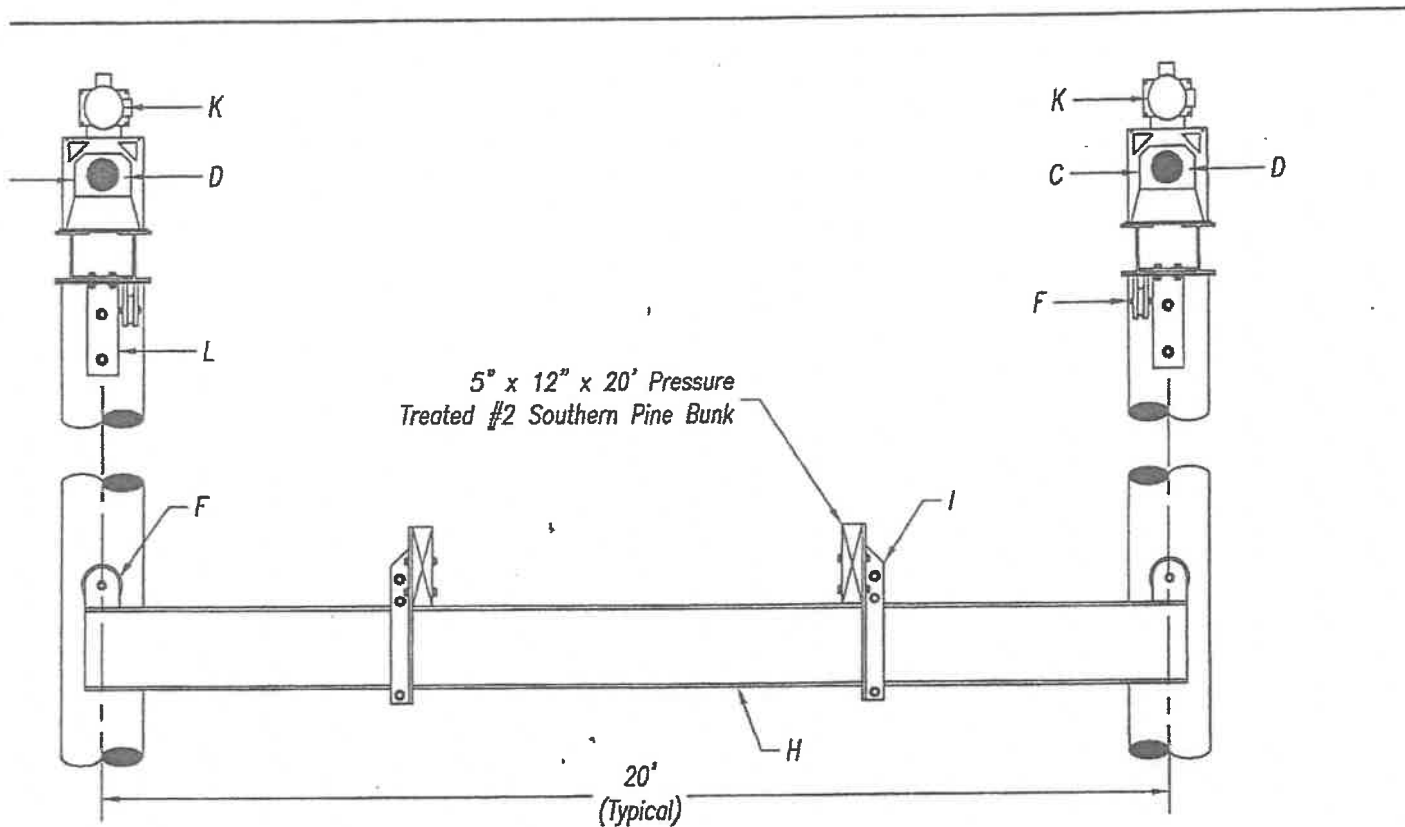
Components

Mark	Component Description	Material
A	Top Carrier Assembly (2) I-Beams Required Per Carrier Assembly	AA 18x6.3, D = 8", Bf = 5", Tf = 0.35", Tw = 0.23", L = 5'
B	Carrier Beam End Plate	$\frac{1}{4}$ " x 8" Flat Bar, Length = 14"
C	Drive Shaft Bearing Block	3" Thick x 2 1/2", Length = 12"
D	Drive Shaft	6" Diameter Solid Aluminum Winder
E		
F	Sheave Pulley Plate	$\frac{3}{8}$ " x 7" High Flat Bar x 6" Long with 6" Diameter Pulley
G	Stainless Steel Wire Rope	$\frac{7}{16}$ " Diameter 6 x 19 Stainless Steel IWRC Type 304 Wire Rope
H	Lifter Beam	AA 12x14.3, D = 12", Bf = 7", Tf = 0.62", Tw = 0.31"
I	Bunk Bracket Support	Angle $\frac{3}{8}$ " x 3" x 3" x 22" Long Each Side of Lifter Beam
J	Guide Post Socket	3" Diameter (Nominal) Schedule 80 Aluminum Pipe
K	Motor and Gear Box	2 Horse Power With Brake, Double Worm Gear Box
L	Top Carrier Connector	Bracket Plate $\frac{1}{2}$ " x 3" x 12" Long

General Notes:

- Design in accordance with Florida Building Code, 6th Edition (2017).
- This lifting structure has been designed to withstand wind loads associated with speeds of $V (ult) = 180$ MPH, (3 Secs a boat on the lift per ASCE 7-10 using above ground sign/wall method. The lifting structure including boat has been designed to withstand speeds of $V (ult) = 73$ MPH in Exposure 'D'.
- Boats shall not be stored on lift during high wind events.
- Do not scale drawings for dimensions.
- Licensed Contractor to verify location of existing utilities prior to commencing work.
- The Licensed contractor to install and remove all shoring and bracing as required for the proper installation of the work.
- Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
- Aluminum: Material 6061 T6 Aluminum, all welds are min. $\frac{1}{4}$ " full fillet weld using 5556 filler alloy, all welding must conform to manual 14th ED as inspected and verified by others. The contractor is responsible to insulate aluminum members from electrolysis.
- Aluminum members in contact with concrete and wood shall be protected by "Koppers Bituminous Paint" or Polyethylene molecular weight). 11.7 mils (0.30 mm) min. total thickness in accordance with current Florida Building Code.
- All anchors to be Hilti Brand or Approved Equal. All bolts shall be hot dipped galvanized or stainless steel & meet the requirements of the manufacturer. Washers shall be used between wood & bolt head & between wood & nut. Where required, capacities shall be equal to or greater than Hilti Kwik Bolt II or Red Head thru bolts SAE Grade 5 or better. Dimensions shown herein are depths into solid substrate and do not include thickness of other finishes.
- MW Engineering has no control of the manufacturing, performance or installation of this product. These generic plans were developed with accepted engineering practices and data provided by the manufacturer.

DATE	NOTES/REVISIONS	NOT VALID UNLESS SIGNED WITH ORIGINAL ENGINEER'S SIGNATURE AND RAISED EMBOSSED SEAL	MW, ENGINEERING 902 NE 1 Street Suite Pompano Beach, Florida Ofc: 754-333-0877 WWW.MwEngineering.com
		 MARK E. WEBER, P.E. LICENSE #53895 CA 30702	



Typical Cross Section

Scale: 3/8" = 1'-0"

Just) Exposure 'D' without
need to withstand wind

to AISC steel construction
similar metals to prevent

use UHMW (ultra high

requirements of ASTM A304
stainless fasteners are labeled
bedment depths specified

engineered in accordance

- Piles shall be driven to refusal and sufficiently penetrated into sand or rock strata to support lift capacity, weight and loads.
- Each pile to carry commensurate load I.E. 1/4th lift capacity for 4-post lift (Factor of Safety of 1.5)
- Allowable minimum compression pile capacity of 5 tons.
- The contractor of record shall verify pile type, installation and driving in compliance with FBC 6th ED (2017)
- Sub-surface conditions can vary greatly.

INC	Proposed 50,000 lb Aluminum Yacht Lift	NEPTUNE BOAT LIFTS 228 SW 21 Terrace Fort Lauderdale, Florida 33312 Phone: 954-524-3616 Fax: 954-524-3604	SCALE: 3/2
			DATE: 05.12.2015
160			DRAWN BY: WRT
			CHECKED BY: WM
			JOB No: Elevator 32.dwg
			Sheet 2 of 2

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(h) The installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence, provided:

1. Such installation does not conflict with a condition of a permit issued thereunder;
2. The boat lift does not include additional structures, such as platforms, cat walks, and roofs.

July 13, 2022

Key Colony Beach
Key Colony, FL

PROPOSAL/AGREEMENT

CONDITIONS –Resurface west court

- I. Contractor will pressure clean the court prior to resurfacing.
 2. Contractor will flood the court check for ponding areas and correct as best as possible to the depth of a nickel.
 3. Contractor will repair any root damaged asphalt on the tennis court.
 4. Contractor will resurface existing court area(s), approximately 60' x 120' as to **California Products Corporation** specifications, using 1 coats of acrylic resurfacer and 3 coats of **Plexipave**.
 5. Court colors to be: _____ [inside] and _____ [outside] (please specify)
 6. Contractor will stripe all playing lines to meet specifications, paint the existing net post, and install one new net, leaving court(s) ready for play.
 7. Contractor agrees to provide tools, materials, labor and supervision to complete the above work for the sum of \$9,800.00
 8. Customer agrees to a lump sum payment in the form of cash or check, for \$9,800.00 upon completion of the resurfacing.
 9. Customer agrees to furnish reasonably safe access to site for equipment and materials. Additionally, Customer shall indemnify and hold Contractor against any and all claims and demands occurring on the premises or within the immediate vicinity thereof, by any party to this Agreement, or other third parties who may be on the premises for any reason.
 10. Contractor guarantees workmanship and materials against defects for a period of **three (3) years**, except under the following circumstances: **(a)** normal wear and tear; **(b)** Acts of God; **(c)** vandalism; and/or **(d)** any structural damage that may be pre-existing. Contractor cannot guarantee against future or the continuation of root damage, if trees, plants or any other vascular plants are around court perimeter. Subsequent to the completion of the resurfacing, proper use and court maintenance shall be the sole responsibility of the Customer. **Contractor warranty does not cover any future cracking.**
- II. Price subject to change if contract is not accepted within **90 days**.

12. Work to commence at a date agreed upon by both parties, after Contractor receives a signed copy of this Agreement from Customer.
13. Contractor certifies that **McCourt Construction, Inc.** is licensed and insured to provide the following services in **Monroe County**.
14. Failure to fulfill the terms of payment will void all guarantees.
15. Water and electricity for project to be provided by Customer within 100' of court.
16. This agreement supersedes all previous agreements between the parties, and all previous agreements are and shall be of no force and effect after the execution of this instrument. No amendment or variation of the terms of this Agreement shall be valid unless made in writing and signed by all parties hereto.
17. This Agreement shall be construed and enforced according to the laws of the State of Florida and if any provision of this Agreement is held invalid or unenforceable, its invalidity or unenforceability shall not affect any other provision hereof and this Agreement shall be construed and enforced as if such invalid provision had not been included herein.
18. The parties hereto consent to the personal jurisdiction in the State of Florida and further agree that any action or litigation brought hereunder pursuant to or arising from this Agreement or the transactions or services contemplated hereby shall be solely commenced in a court of competent jurisdiction located in Miami-Dade County, Florida.

Accepted by _____ x _____
McCourt Construction, Inc.



August 2, 2022

City of Key Colony Beach
Silvia Gransee, City Clerk
P.O. Box 510141
600 West Ocean Drive
Key Colony Beach, FL 33051-0141

Date Received 8-3-2022
Payment Warrant _____
Paid By Check # _____
Date _____
Charge To: _____

RE: **Key Colony Beach – New City Hall**
Invoice No. 12-201913

	<u>Total Fee</u>	<u>Percent Complete To Date</u>	<u>Earned To Date</u>	<u>Amount Previously Invoiced</u>	<u>Amount Due This Invoice</u>	<u>Balance To Complete</u>
Phase I - Schematic Des.	\$ -	0%	\$ -	\$ -	\$ -	\$ -
Phase II - Design Dev.	\$ 121,000.00	100%	\$ 121,000.00	\$ 121,000.00	\$ 0.00	\$ 0.00
Phase III (A) - 50% CD's	\$ 166,375.00	100%	\$ 166,375.00	\$ 166,375.00	\$ 0.00	\$ 0.00
Phase III (B) - 100% CD's	\$ 166,375.00	100%	\$ 166,375.00	\$ 83,187.50	\$ 83,187.50	\$ 0.00
Bid & Negotiation Phase	\$ 30,250.00	0%	\$ 0.00	\$ -	\$ 0.00	\$ 30,250.00
Construct. Admin. Phase	\$ 108,900.00	0%	\$ 0.00	\$ -	\$ 0.00	\$ 108,900.00
Warranty	\$ 12,100.00	0%	\$ 0.00	\$ -	\$ 0.00	\$ 12,100.00
Additional Service No.1	\$ 32,000.00	0%	\$ 32,000.00	\$ 32,000.00	\$ -	\$ 0.00
TOTALS (100%)	\$ 637,000.00	76%	\$ 485,750.00	\$ 402,562.50	\$ 83,187.50	\$ 151,250.00

Reimbursable Expenses:

Printing & Courier Charges	\$ 744.95
10% mark-up	\$ 74.50
INVOICE TOTAL	\$ 84,006.95

Sincerely,

Tony Rosabal, AIA, LEED AP BD+C
Principal-in-Charge

TR/dd

1701 Ponce de Leon Boulevard, Suite 301
Coral Gables, FL 33134



Invoice Number 7-323-00804	Invoice Date Mar 30, 2021	Account Number 1016-4657-2	Page 2 of 2
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FedEx Express Shipment Summary By Payor Type

FedEx Express Shipments (Original)

Payor Type	Shipments	Rated Weight lbs	Transportation Charges	Special Handling Charges	Ret Chg/Tax Credits/Other	Discounts	Total Charges
Shipper	1		25.81	4.57		-10.25	20.13
Total FedEx Express	1		\$25.81	\$4.57		-\$10.25	\$20.13

TOTAL THIS INVOICE USD \$20.13

FedEx Express Shipment Detail By Payor Type (Original)

Ship Date: Mar 23, 2021		Cust. Ref.: AIA CONTRACT - LIVS ASSO		Ref.#2:
Payor: Shipper		Ref.#3:		
Fuel Surcharge - FedEx has applied a fuel surcharge of 7.00% to this shipment. Distance Based Pricing, Zone 2				
Automation	INET	Sender	Recipient	
Tracking ID	773239824920	Tony Rosabal	MR. RON SUTTON, MAYOR	
Service Type	FedEx Standard Overnight	LIVS Associates	CITY OF KEY COLONY BEACH	
Package Type	FedEx Envelope	2121 Ponce De Leon Blvd	PO Box 510141	
Zone	02	MIAMI FL 33134 US	KEY COLONY BEACH FL 33051 US	
Packages	1			
Rated Weight	N/A	Transportation Charge		25.81
Delivered	Mar 24, 2021 14:36	Discount		-10.25
Svc Area	AB	Fuel Surcharge		1.32
Signed by	B.TODD	DAS Comm		3.25
FedEx Use	00000000/200/	Total Charge		USD \$20.13
			Shipper Subtotal	USD \$20.13
			Total FedEx Express	USD \$20.13

FedEx® Billing Online

FedEx Billing Online allows you to efficiently manage and pay your FedEx invoices online. It's free, easy and secure. FedEx Billing Online helps you streamline your billing process. With all your FedEx shipping information available in one secure online location, you never have to worry about misplacing a paper invoice or sifting through reams of paper to find information for past shipments. Go to fedex.com to sign up today!



Remit to: **P.O. Box 830768**
Richardson, TX 75083-0768

Terms: **Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.**

INVOICE

0711530

No. **06/29/2021**

Date: **D**

Phone: 305-461-3540

Delivery Due: 06/29/2021 5:30 PM

Sold to customer # 6040345 LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484	Ship to: LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484
---	---

Notes	BOUR6238 Sold by:
	CHARGE Sales 0602-02
DORYS DIAZ Ordered by:	Customer PO #
Customer Job identification: KEY COLONY	

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT
0424000	93	HALF-SIZE BOND 1ST PRINT (Sets 1 Orig. 93 L 1x W 1)	93	\$.40	\$37.20
0481300	1	EDGE BIND	1	\$.20	\$.20
Thank you for your business!					\$7.00

Tracking # Customer Copy	DELIVERY: \$44.40 SUBTOTAL: \$2.63 TAX: \$47.03 TOTAL:
------------------------------------	---

Date _____ Time _____ Rec'd by _____

 2021062900602020711530

Before signing, see reverse side for trade customs and limited warranty.



Remit to: P.O. Box 830768
Richardson, TX 75083-0768

INVOICE

Terms: Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.

No. 0714545
Date: 09/21/2021
D

Phone: 305-461-3540

Delivery Due: 09/21/2021 5:30 PM

Sold to customer # 6040345
LIVS ASSOCIATES
1701 Ponce De Leon Blvd Ste 301
Coral Gables, FL 33134-4484

Ship to:
LIVS ASSOCIATES
1701 Ponce De Leon Blvd Ste 301
Coral Gables, FL 33134-4484

Notes

Sold by:
BOUR6238

CHARGE Sale:
0602-02

Ordered by:
CRISTINA OJEDA

Customer PO #

Customer Job Identification:
KEY COLONY

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT
0424000	115	HALF-SIZE BOND 1ST PRINT (Sets 1 Orig. 115 L 1x W 1)	115	\$.43	\$49.45
0481300	1	EDGE BIND	1	\$.25	\$.25
Thank you for your business!					

Tracking #

Customer Copy

DELIVERY: \$7.00
SUBTOTAL: \$56.70
TAX: \$3.48
TOTAL: \$60.18

Date _____ Time _____ Rec'd by _____


2021092100602020714545

Before signing, see reverse side for trade customs and limited warranty.



Remit to: **P.O. Box 830768
Richardson, TX 75083-0768**

INVOICE

Terms: **Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.**

No. **0715444**
Date: **10/15/2021**

Phone: **305-461-3540**

c

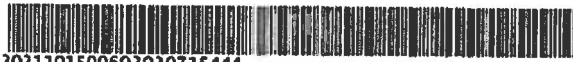
Sold to customer # 6040345 LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484	Ship to: 275 University Dr, Coral Gables, FL 33134-6732
---	--

Notes	Sold by: BOUR6238
	Sale: 0602-2
Ordered by: CRISTINA OJEDA	Customer PO #
Customer Job Identification: KEY COLONY 50	

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT
0424110	702	DIGITAL BOND ADD'L PRINTS (Sets 1 Orig. 117 L 24x w 36)	117	\$.063	\$44.23
0481300	1	EDGE BIND	1	\$.25	\$.25
Thank you for your business!					

Tracking #		DELIVERY:	\$.00
Copy		SUBTOTAL:	\$44.48
		TAX:	\$3.11
		TOTAL:	\$47.59

Date _____ Time _____ Rec'd by _____



2021101500602020715444

Before signing, see reverse side for trade customs and limited warranty.



Remit to: **P.O. Box 830768**
Richardson, TX 75083-0768

INVOICE

Terms: **Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.**

No. **0708310**
 Date: **11/04/2021**
 D

Phone: **305-461-3540**

Delivery Due: **11/04/2021 5:30 PM**

Sold to customer # 6040345 LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484	Ship to: LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484
--	--

Notes	Sold by: TAB05134 Sale: CHARGE 0602-01
-------	---

Ordered by: DORYS	Customer PO #	Customer Job Identification: KEY COLONY
-----------------------------	----------------------	---

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT
0424000	117	HALF-SIZE BOND 1ST PRINT (Sets 1 Orig. 117 L 1x W 1)	117	\$.43	\$50.31
0481300	1	EDGE BIND	1	\$.25	\$.25
Thank you for your business!					

Tracking # Customer Copy	<table style="width:100%"> <tr> <td style="width:50%">DELIVERY:</td> <td style="width:50%">\$7.00</td> </tr> <tr> <td>SUBTOTAL:</td> <td>\$57.56</td> </tr> <tr> <td>TAX:</td> <td>\$3.54</td> </tr> <tr> <td>TOTAL:</td> <td>\$61.10</td> </tr> </table>	DELIVERY:	\$7.00	SUBTOTAL:	\$57.56	TAX:	\$3.54	TOTAL:	\$61.10
DELIVERY:	\$7.00								
SUBTOTAL:	\$57.56								
TAX:	\$3.54								
TOTAL:	\$61.10								

Date _____ Time _____ Rec'd by _____



2021110400602010708310

Before signing, see reverse side for trade customs and limited warranty.



Remit to: **P.O. Box 830768
Richardson, TX 75083-0768**

INVOICE

Terms: Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.

No. 0709319
Date: 12/06/2021
D

Phone: 305-461-3540

Delivery Due: 12/06/2021 5:30 PM

Sold to customer # 6040345
LIVS ASSOCIATES
1701 Ponce De Leon Blvd Ste 301
Coral Gables, FL 33134-4484

Ship to:
LIVS ASSOCIATES
1701 Ponce De Leon Blvd Ste 301
Coral Gables, FL 33134-4484

Notes

Sold by: TAB05134

CHARGE Sale: 0602-01

DORYS Ordered by:

Customer PO #

Customer job identification: KEY COLONY

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT
0424000	59	HALF-SIZE BOND 1ST PRINT (Sets 1 Orig. 59 L 1x W 1)	59	\$.43	\$25.37
0481300	1	EDGE BIND	1	\$.25	\$.25
Thank you for your business!					
Tracking # Customer Copy				DELIVERY:	\$7.00
				SUBTOTAL:	\$32.62
				TAX:	\$1.79
				TOTAL:	\$34.41

Date _____ Time _____ Rec'd by _____

 2021120600602010709319

Before signing, see reverse side for trade customs and limited warranty.



Remit to: P.O. Box 830768
Richardson, TX 75083-0768

INVOICE

Terms: Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.

No. 0712159
Date: 06/03/2022

Phone: Requested by:

C

Sold to customer # 6040345 LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484	Ship to: 275 University Dr. Coral Gables, FL 33134-6732
---	---

Notes	Sold by: TAB05134
	Sale: CHARGE 0602-1
Ordered by: CRISTINA OJEDA	Customer PO #
Customer job identification: KEY COLON REVIEW SET	

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT
0424110	270	DIGITAL BOND ADD'L PRINTS (Sets 1 Orig. 45 L 24x W 36)	45	\$.063	\$17.01
Thank you for your business!					

Tracking #		DELIVERY:	\$.00
Copy		SUBTOTAL:	\$17.01
		TAX:	\$1.19
		TOTAL:	\$18.20

Date _____ Time _____ Rec'd by _____



2022060300602010712159

Before signing, see reverse side for trade customs and limited warranty.



Remit to: P.O. Box 830768
Richardson, TX 75083-0768

INVOICE

Terms: Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.

No. 0066920
Date: 06/27/2022
D

Phone: 305-461-3540

Delivery Due: 06/27/2022 5:30 PM

Sold to customer # 6040345 LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484	Ship to: LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484
---	---

Notes	TAB05134 Sold by:
	CHARGE 0602-03
DORYS DIAZ Ordered by:	Customer PO #
KEY Customer Job Identification:	

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT
1471400	1	SCREW POST BIND 3	1	\$9.95	\$9.95
Minimum invoice amount applied. Thank you for your business!					\$.00

Tracking # Customer Copy	DELIVERY: \$10.50
	SUBTOTAL: \$.74
	TAX: \$11.24
	TOTAL:



Before signing, see reverse side for trade customs and limited warranty.



Remit to: **P.O. Box 830768**
Richardson, TX 75083-0768

Terms: Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.

INVOICE

No. 0712978
 Date: 06/27/2022
 D

Phone: 305-461-3540

Delivery Due: 06/27/2022 5:30 PM

Sold to customer # 6040345
LIVS ASSOCIATES
 1701 Ponce De Leon Blvd Ste 301
 Coral Gables, FL 33134-4484

Ship to:
LIVS ASSOCIATES
 1701 Ponce De Leon Blvd Ste 301
 Coral Gables, FL 33134-4484

Notes

JARQ6347 Sold by:

CHARGE 0602-01

DORYS DIAZ Ordered by:

Customer PO #

KEY Customer Job Identification: COLONY

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT
0424110	714	DIGITAL BOND ADD'L PRINTS (Sets 1 Orig. 119 L 24x W 36)	119	\$.063	\$44.98
0481300	1	EDGE BIND	1	\$.25	\$.25
Thank you for your business!					\$8.90

Tracking #
 Customer Copy

DELIVERY: \$54.13
SUBTOTAL: \$3.17
TAX: \$57.30
TOTAL:

Date _____ Time _____ Rec'd by _____

Before signing, see reverse side for trade customs and limited warranty.

2022062700602010712978



Remit to: P.O. Box 830768
Richardson, TX 75083-0768

INVOICE

Terms: Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.

No. 0713137
Date: 06/30/2022

Phone: 305-461-3540

Delivery Due: 06/30/2022 5:30 PM

D

Sold to customer # 6040345 LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484	Ship to: LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484
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Notes	Sold by: JARQ6347
	Sale: CHARGE 0602-01

Ordered by: DORYS DIAZ	Customer PO #	Customer job identification: KEY COLONY
---------------------------	---------------	--

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT	
1166150	390	COLOR SCAN UP TO 300DPI (Sets 1 Orig. 65 L 24x W 36)	65	\$.50	\$195.00	\$
0764300	324	B/W SCAN TO FILE SF LG FM (Sets 1 Orig. 54 L 24x W 36)	54	\$.25	\$81.00	\$
0700100	1	E-MAIL DELIVERY	1	\$5.00	\$5.00	\$
Thank you for your business!						

Tracking # Customer Copy	DELIVERY: \$8.90
	SUBTOTAL: \$289.90
	TAX: \$19.67
	TOTAL: \$309.57

Date _____ Time _____ Rec'd by _____



2022063000602010713137

Before signing, see reverse side for trade customs and limited warranty.



Remit to: P.O. Box 830768
Richardson, TX 75083-0768

INVOICE

Terms: Net 30. Interest charged at 1.5% per month (18% per annum) will be added to accounts over 30 days past due. Invoice due and payable in Dallas County, TX.

0713491
No. 07/15/2022
Date: D

Phone: 305-461-3540

Delivery Due: 07/15/2022 5:30 PM

Sold to customer # 6040345 LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484	Ship to: LIVS ASSOCIATES 1701 Ponce De Leon Blvd Ste 301 Coral Gables, FL 33134-4484
---	--

Notes	JARQ6347 Sold by:
	CHARGE 0002-01
DORYS DIAZ Ordered by:	Customer PO #
KEY CUSTOMER IDENTIFICATION: 122	

PRODUCT CODE	QTY	DESCRIPTION	ORIGINALS/COPIES	UNIT PRICE	AMOUNT
0424110	870	DIGITAL BOND ADD'L PRINTS	145	\$.063	\$54.81
0481180	1	(Sets 1 Orig. 145 L 24x W 36) SCREWPOSTS W/ WOODSTRIPS	1	\$9.95	\$9.95
Thank you for your business!					\$8.90

Tracking # Customer Copy	DELIVERY: \$73.66
	SUBTOTAL: \$4.54
	TAX: \$78.20
	TOTAL:



Before signing, see reverse side for trade customs and limited warranty.

3rd GENERATION
P·L·U·M·B·I·N·G
305-743-4245

3rd Generation Plumbing



INVOICE	#12144054
SERVICE DATE	Jul 29, 2022
INVOICE DATE	Jul 29, 2022
DUE	Upon receipt
AMOUNT DUE	\$8,827.41

CITY OF KEY COLONY BEACH
 CITY OF KEY COLONY BEACH
 CITY OF KEY COLONY BEACH P.O. BOX 510141
 KEY COLONY BEACH, FL 33051

☎ (305) 289-1212
 ✉ cityclerk@keycolonybeach.net

SERVICE ADDRESS
 PO Box 510141
 Key Colony Beach, FL 33051

CONTACT US
 3980 Overseas Highway
 Marathon, FL 33050

☎ (305) 743-4245
 ✉ vmassaro@3rdgenerationplumbing.com

Service completed by: Charlie Splain

INVOICE

Services	qty	unit price	amount
PLUMBING	1.0	\$8,827.41	\$8,827.41

In Re: Post office trailer

Work performed July 21st,22nd, 25th, 26th, 27th 2022

Provide Labor, Materials & Equipment to do the following scope of work at the above referenced address.

SCOPE OF WORK:

Provide Labor, Materials & Equipment to excavate for and install approximately 120 FT of sanitary sewer piping & Installation of water service for temporary post office trailer.

- 1 Lead plumber 34.0 Hours
- 1 Apprentice 8.0 Hours

- Mini Excavator
- Materials
- # 57 Gravel

List of Materials

- 120' of 4" SCH 40 PVC PIPE
- (1) 4" Fernco
- (5) 4" SCH 40 PVC Coupling
- (4) 4" SCH 40 PVC 45's
- (1) 4" SCH 40 PVC ST 45's
- (1) 4" SCH 40 PVC 22 1/2
- (1) 4" SCH 40 PVC Regular 22 1/2
- (1) 4" SCH 40 PVC 2- way clean out tee
- (1) 4" SCH 40 PVC Female adapter
- (1) 4" SCH 40 PVC Threaded plug
- (1) 4" x 3" SCH 40 PVC Bushing
- (2) 3" SCH 40 PVC 90's
- (1) 3" SCH 40 PVC San tee
- (1) 3 1/2" SCH 40 PVC Bushing
- (2) 1 1/2" SCH 40 PVC 90's
- 2 FT of 3" SCH 40 PVC Pipe
- 6 FT 1 1/2" SCH 40 PVC Pipe
- 45 FT of 3/4" SCH 40 pipe

Subtotal	\$8,827.41
Tax (No Tax 0%)	\$0.00
Total	\$8,827.41

Please Note Payment is Due When Services Are Completed, Your Prompt Payment is Much Appreciated!
Thank You For Your Business.

I find the above satisfactory and agree to pay for same upon acceptance of proposal, and further agree to pay reasonable charges for collection including attorney's fees in the event of my default. An interest charge of 1.5% per month will be made on all balances 30 days (or older) past due under our terms of sale.

ARLINGTON ELECTRIC SOUTH INC.

#41 COCO PLUM DRIVE
MARATHON, FL 33050
AESouth41@Gmail.com
Phone: 305-743-2558 Fax: 305-289-7635
EC13003374 EC13007761

Estimate

7/14/2022

TO: City of Key Colony Beach
PO Box 510141
Key Colony Beach, FL 33051

JOB: KCB - W Ocean Gazebo and Park Lights

Contact: Mike@ 305-680-9415
7th Street Gazebo
Key Colony Beach, FL 33051
305-289-0819, publicworks@keycolonybeach.net

Bid Date: **6/23/2022**

SCOPE OF WORK: Remove and replace circuitry and devices for twelve streetlights and outlets. Remove and replace circuitry for fountain pump and gazebo. Remove existing service and relocate new electric panel to above flood height. Remove and replace time clocks and remake all necessary connections. Disconnect and make safe for demolition all other electric in area as per direction of City of Key Colony Beach.

Note: If existing conduits are damaged additional cost could be incurred.

General Conditions:

1. This is only an Estimate; totals may change due to unforeseen circumstances. The approximate cost of the above scope of work is estimated at \$10,252.44. This estimate has been calculated to the best abilities possible with the information provided.
2. AES, Inc. shall not be held liable for errors or omissions in designs by others, nor inadequacies of materials and equipment supplied by others.
3. Equipment and materials supplied by the contractor are warranted only to the extent that the same are warranted by the manufacturer.
4. The contractor shall not be liable for indirect loss or damage.
5. Due to weekly increases for copper wire and electrical supplies, this estimate shall be null and void if not accepted within (15) days.
6. If collection is required, the customer agrees to pay all reasonable cost of collection, including all attorney fees and cost. Interest on any unpaid balance accrues at the highest interest allowed by law.
7. Anything (verbal or written), express or implied elsewhere, which is contrary to these conditions shall be null and void.
8. Permit fees and engineered drawings are not included in this proposal and will be invoiced separately.

TERMS: 50% DUE UPON SIGNING OF THE PROPOSAL AND THE BALANCE DUE UPON COMPLETION OF THE WORK LISTED.

Respectfully,

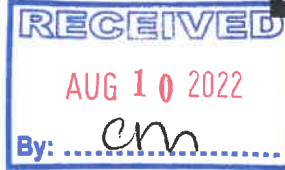
Ron L. Brown or Charlie Brown

DATE
City of Key Colony Beach



901 SOUTH BOND ST., SUITE 600
BALTIMORE MD 21231

(800) 782-1500, Option 1
customersuccess@willscot.com
www.willscot.com
Fed ID# 52-0665775



INVOICE

Customer #	Invoice #	Invoice Date	Seq #	Terms
10433254	9014849873	8/9/2022	001	DUE NOW
PAYMENT DUE			\$16,194.21	
INVOICE DUE DATE			8/9/2022	

CITY OF KEY COLONY BEACH
600 W OCEAN DR
KEY COLONY BEACH FL 33051-2000

BRANCH:
MD MIAMI FL
5000 NW 72ND AVENUE
MIAMI FL 33166-5623
(305) 592-7998

Contract #	Previous Customer #	Bill to ID	Customer PO	Ordered By	Rental Period	Job Location
1001990052	20589895	183462		David TURNER 3052891212	8/8/2022 - 9/4/2022	CITY OF KEY COLONY BEACH 600 W. OCEAN DR KEY COLONY BEACH FL 33051

Quantity	Item #/Description	Price/Rate	Amount	
1	60x12 Mobile Office (56x12 Box) SMM-15517	\$551.00 Rental	\$551.00	T*
1	PERSONAL PROPERTY EXPENSES	\$23.14	\$23.14	T*
1	Last Billing Period Rent	\$551.00	\$551.00	T*
1	Delivery - 12' wide	\$1,762.31	\$1,762.31	T*
1	Fuel Surcharge Delivery	\$475.82	\$475.82	T*
1	Block & Level (L) - 56'-63'	\$1,338.00	\$1,338.00	T*
1	Block & Level (M) - 56'-63'	\$423.00	\$423.00	T*
1	Knockdown - 56'-63'	\$669.00	\$669.00	T*
1	Return - 12' wide	\$1,762.31	\$1,762.31	T*
1	Fuel Surcharge Return	\$475.82	\$475.82	T*
1	Essentials Material Handling	\$339.00	\$339.00	T*

CONTINUED ON NEXT PAGE

Invoice in USD

T* - Denotes taxable item, N* - Denotes non-taxable item.



PAYMENT OPTIONS

Welcome to the WillScot | Mobile Mini customer portal! Register today to make online payments, sign up for Auto-Pay, or view invoices and statements.

<https://portal.mobilemini.com>

(800) 782-1500, Option 1

You remain responsible for the invoice balance if there is an issue with your method of payment. Late fees and interest charges may be assessed if payment is not made within terms.

Thank you for your business!

PLEASE REMIT WITH PAYMENT

INVOICE TOTAL **\$16,194.21**
Invoice #: **9014849873**
Due Date: **8/9/2022**
Customer: **CITY OF KEY COLONY BEACH**
Customer #: **10433254**

PLEASE REMIT TO:

WILLIAMS SCOTSMAN, INC.
PO BOX 91975
CHICAGO IL 60693-1975

WILLSCOT901 SOUTH BOND ST., SUITE 600
BALTIMORE MD 21231(800) 782-1500, Option 1
customersuccess@willscot.com
www.willscot.com
Fed ID# 52-0665775**INVOICE**

Customer #	Invoice #	Invoice Date	Seq #	Terms
10433254	9014849873	8/9/2022	001	DUE NOW
PAYMENT DUE			\$16,194.21	
INVOICE DUE DATE			8/9/2022	

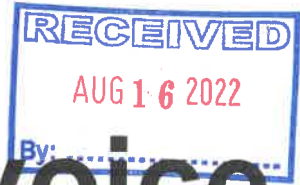
CITY OF KEY COLONY BEACH
600 W OCEAN DR
KEY COLONY BEACH FL 33051-2000**BRANCH:**MD MIAMI FL
5000 NW 72ND AVENUE
MIAMI FL 33166-5623
(305) 592-7998

Contract #	Previous Customer #	Bill to ID	Customer PO	Ordered By	Rental Period	Job Location
1001990052	20589895	183462		David TURNER 3052891212	8/8/2022 - 9/4/2022	CITY OF KEY COLONY BEACH 600 W. OCEAN DR KEY COLONY BEACH FL 33051

Quantity	Item #/Description	Price/Rate	Amount
1	State Approved Building Plans	\$625.00	\$625.00 T*
1	Ramp / Stair Plans	\$375.00	\$375.00 T*
136	Skirting (L) - Vinyl LF	\$15.00	\$2,040.00 T*
136	Skirting Removal - Vinyl LF	\$7.00	\$952.00 T*
136	Skirting (M) - Vinyl LF	\$6.00	\$816.00 T*
1	Loss Damage Waiver (11/12)	\$146.00	\$146.00 T*
1	General Liability - Allen Insurance	\$26.40	\$26.40 T*
2	ADA/IBC Stair - Rental	\$73.00	\$146.00 T*
2	ADA/IBC Step - LM	\$73.00	\$146.00 T*
2	ADA/IBC Step Del & Setup	\$312.50	\$625.00 T*
2	ADA/IBC Step Dismantle&Return	\$312.50	\$625.00 T*
1	Data Hub Rental T2	\$77.00	\$77.00 T*
1	Data Hub Rental T2-LM	\$77.00	\$77.00 T*
1	Window/Door Security Bundle - 40+	\$80.00	\$80.00 T*
1	Window/Door Security Bundle LM	\$80.00	\$80.00 T*
Sub-total			\$15,206.80
Tax			\$987.41
INVOICE TOTAL			\$16,194.21



1420 Martin Luther King Jr Blvd
 Sanford, FL 32771 US
 407-792-1360
 AR@atlanticpipe.us
 www.atlanticpipe.us



Invoice

Bill To: KEY COLONY BEACH, CITY OF
 600 West Ocean Drive
 Key Colony Beach, FL 33051 US

Project: Key Colony
 Storm Cleaning

Cust #	Customer Ref	Invoice #	Invoice Date	Due Date	Disc Date	Terms
599		22-0674-1	08/15/22	09/14/22		Net 30

Mth Line	Description	Contract	UM	Unit Price	Quantity	Amount
08/22	Cleaning of Catch Basin	22067- 4	EA	185.00	59.000	10,915.00
08/22	Cleaning of Storm Pipes	22067- 4	LF	19.00	192.000	3,648.00

Proposal #:

Notes:

Work Dates 8/9, 8/10, 8/11, 8/12, 8/15

Total Sales Tax	14,563.00
Less Retainage	
Total Due	14,563.00

Date Received _____
 Payment Warrant _____
 Paid By Check # _____
 Date _____
 Charge To: _____

Make all checks payable to Atlantic Pipe Services, LLC or you may pay by Credit Card. We accept all major credit cards. (some fees may apply) If you have any questions concerning this invoice, contact Accounts Receivable at (407)792-1360 X 305 or AR@atlanticpipe.us.

Thank you for your business!

CITY OF KEY COLONY BEACH

Warrant Number	0722
Items paid for the month ended	July 31, 2022
General Fund Checking Account - 5472	-
General Fund Checking Account - 6871	\$185,290.95
Escrow Account - 5537	-
Payroll Account - 2942	\$62,729.75
Infrastructure Account - 8644	-
Road Reserve Account - 8677	-
Impact Fees Account - 8669	\$1,300.00
First State Bank - 3703	-
Sewer Money Mkt - 0301	-
Stormwater Account - 0128	\$2,750.00
Sewer Account - 6006	<u>\$72,723.52</u>
TOTAL DISBURSEMENTS	<u><u>\$324,794.22</u></u>



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

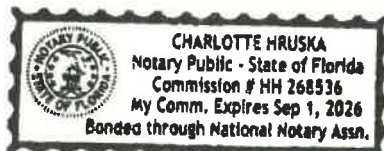
Before the undersigned authority personally appeared JASON KOLER who on oath, says that he is PUBLISHER of the WEEKLY NEWSPAPERS, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of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

August 11, 2022

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 11 day of Aug, 2022.
(SEAL)

Charlotte Hruska
Notary



**CITY OF KEY COLONY BEACH
NOTICE OF CODE AMENDMENT
HEARINGS
READING DATES OF ORDINANCE
NO. 2022-478**

NOTICE IS HEREBY GIVEN that the City Commission of the City of Key Colony Beach, Florida, will hold the following Public Hearings to hear amendments to the City's Code of Ordinances.
Public Hearing First Reading: August 25th, 2022, 9:35 A.M. OR at the conclusion of the prior Public Variance Hearing.
Public Hearing Second/Final Reading: September 22nd, 2022, 9:35 A.M. OR at the conclusion of the prior Public Variance Hearing.
Location: Temporary City Hall, 600 West Ocean Drive, Key Colony Beach, FL 33051
The proposed Ordinance to be heard by the City Commission is (ORDINANCE NO. 2022-478), entitled "AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA RELATING TO THE ESTABLISHMENT OF DESIGNATED SMOKING AREAS WITHIN MUNICIPAL PARKS AND BEACHES; AMENDING ARTICLE II, CHAPTER 12 OF THE CODE OF ORDINANCES ADDING A NEW SECTION 12-10 PROHIBITING SMOKING, AS AUTHORIZED BY FLORIDA LAW EXCEPT WITHIN DESIGNATED SMOKING AREAS OF A MUNICIPAL PARK OR

**MUNICIPALLY CONTROLLED
BEACH AND BEACH PARK
PROVIDING SEVERABILITY,
REPEAL, CODIFICATION AND
AN EFFECTIVE DATE"** Interested

parties may appear at the meetings 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 Hearings on Thursday, August 25th, 2022, and/or Thursday, September 22nd, 2022, 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. City of Key Colony Beach, Florida
Publish:
August 11, 2022
The Weekly Newspapers

CITY OF KEY COLONY BEACH
NOTICE OF CODE AMENDMENT HEARINGS

“READING DATES OF ORDINANCE NO. 2022-478”

NOTICE IS HEREBY GIVEN that the **City Commission** of the City of Key Colony Beach, Florida, will hold the following Public Hearings to hear amendments to the City’s Code of Ordinances.

Public Hearing First Reading: August 25th, 2022, 9:35 A.M. **OR** at the conclusion of the prior Public Variance Hearing.

Public Hearing Second/Final Reading: September 22nd, 2022, 9:35 A.M. **OR** at the conclusion of the prior Public Variance Hearing.

Location: Temporary City Hall, 600 West Ocean Drive, Key Colony Beach, FL 33051

The proposed Ordinance to be heard by the City Commission is [**ORDINANCE NO. 2022-478**], entitled “**AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA RELATING TO THE ESTABLISHMENT OF DESIGNATED SMOKING AREAS WITHIN MUNICIPAL PARKS AND BEACHES; AMENDING ARTICLE II, CHAPTER 12 OF THE CODE OF ORDINANCES ADDING A NEW SECTION 12-10 PROHIBITING SMOKING, AS AUTHORIZED BY FLORIDA LAW EXCEPT WITHIN DESIGNATED SMOKING AREAS OF A MUNICIPAL PARK OR MUNICIPALLY CONTROLLED BEACH AND BEACH PARK; PROVIDING SEVERABILITY, REPEAL, CODIFICATION AND AN EFFECTIVE DATE**” Interested parties may appear at the meetings 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 Hearings on **Thursday, August 25th, 2022, and/or Thursday, September 22nd, 2022**, 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 August 15th, 2022
City of Key Colony Beach, Florida

ORDINANCE NO. 2022-478

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, RELATING TO THE ESTABLISHMENT OF DESIGNATED SMOKING AREAS WITHIN MUNICIPAL PARKS AND BEACHES; AMENDING ARTICLE II, CHAPTER 12 OF THE CODE OF ORDINANCES ADDING A NEW SECTION 12-10 PROHIBITING SMOKING, AS AUTHORIZED BY FLORIDA LAW EXCEPT WITHIN DESIGNATED SMOKING AREAS OF A MUNICIPAL PARK OR MUNICIPALLY CONTROLLED BEACH AND BEACH PARK; PROVIDING SEVERABILITY, REPEAL, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, Chapter 386.209, *Florida Statutes*, provides that the regulation of smoking is preempted to the State of Florida; and

WHEREAS, the youth in communities throughout Florida currently play on playgrounds, athletic fields, skate parks, aquatic facilities, and other recreation facilities with inconsiderate smokers around the children providing them unhealthy secondhand smoke; and

WHEREAS, according to a 2020 report published by the United States Department of Health and Human Services, the Surgeon General has found that tobacco smoke is the leading cause of preventable disease, disability, and death in the United States. The Surgeon General has also previously found that tobacco smoke contains over 7,000 chemicals, including hundreds that are toxic and up to 69 that are known to cause cancer and exposure to secondhand smoke can cause numerous health problems and has been linked to cancer and other fatal diseases; and

WHEREAS, HB 105 and SB 224 were filed in the Florida Legislature for the 2022 Legislative Session, to allow local governments to protect the youth of their community by designating smoke-free zones or designated smoking areas within a municipality or county; and

WHEREAS, the staff analysis published for HB 105 references various studies from United Health Foundation, America's Health Rankings, the Centers for Disease Control and Prevention ("CDC"), and others on the impact that smoking has on the health of citizens; and

WHEREAS, the reports referenced in the staff analysis for HB 105 further states that secondhand smoke is generally defined as smoke from burning tobacco products or smoke that is exhaled by a tobacco smoker. Exposure to secondhand smoke can cause numerous health problems and has been causally linked to cancer and other fatal diseases. Studies suggest that secondhand smoke in crowded outdoor areas can cause concentrations of air contaminants comparable to those caused by indoor smoking; and

WHEREAS, the CDC states that secondhand smoke is generally defined as smoke from burning tobacco products or smoke that is exhaled by a tobacco smoker; and

WHEREAS, HB 105, as amended, passed the Florida Legislature on March 2, 2022, and was later signed into law by the Governor on June 24, 2022; and

WHEREAS, HB 105 became effective law on July 1, 2022, and the City Commission of the City of Key Colony Beach, Florida (the “City Commission”), has determined a public health and safety need to establish designated smoking areas within the municipal parks and municipal beaches of Key Colony Beach; and

WHEREAS, the City Commission of the City of Key Colony Beach finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

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

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1: Recitals

The above recitals are true and correct and are hereby incorporated by reference.

Section 2: Effective Date

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

Section 3: Amendment

That Section 12-10 of Article II of Chapter 12 is hereby added to the Code of Ordinances of the City of Key Colony Beach, Florida, and reads as follows:

Sec. 12-10. – Adoption of Designated Smoking Areas within Municipal Parks and Municipal Beach Parks.

The City Commission hereby adopts regulations prohibiting smoking, except in designated areas of municipal parks and municipal beach parks and as exempted by the Florida Legislature (unfiltered cigars), as authorized by Florida Law, HB 105, adopted in the 2022 Legislative Session and codified in Chapter 2022-213, Laws of Florida.

The City Commission may adopt and amend as necessary, by resolution, specific designated smoking areas in each municipal park and municipal beach park within the City as authorized by Chapter 2022-213, Laws of Florida.

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 and Land Development Regulations

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances and Land Development Regulations 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 final adoption by the City of Key Colony Beach Commission.

FIRST READING by the City of Key Colony Beach City Commission this 25th day of August 2022.

Mayor Patricia Trefry	NO _____	YES _____
Vice-Mayor Tom Harding	NO _____	YES _____
Commissioner John DeNeale	NO _____	YES _____
Commissioner Ron Sutton	NO _____	YES _____
Commissioner Beth Ramsay-Vickrey	NO _____	YES _____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 22nd day of September 2022.

Mayor Patricia Trefry	NO _____	YES _____
Vice-Mayor Tom Harding	NO _____	YES _____
Commissioner John DeNeale	NO _____	YES _____
Commissioner Ron Sutton	NO _____	YES _____
Commissioner Beth Ramsay-Vickrey	NO _____	YES _____

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 22nd day of September 2022.

Patricia Trefry, Mayor

Silvia Gransee, City Clerk

Approved as to form and legal sufficiency:

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



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)

August 4, 2022

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.

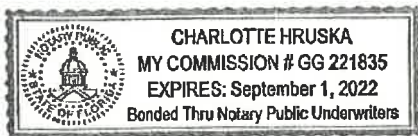
Jason Koler

Sworn to and subscribed before me this 4 day of August, 2022.

(SEAL)

Charlotte Hruska

Notary

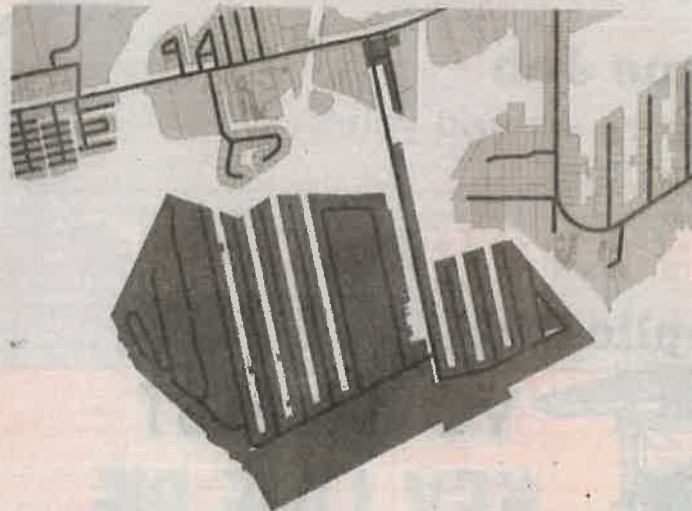


City of Key Colony Beach

PO Box 518441 Key Colony Beach, Florida • Phone 305-289-1212 • Fax 305-289-1767



**NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF STORMWATER
SERVICE SPECIAL ASSESSMENTS**



Notice is hereby given that the City Commission of Key Colony Beach, Florida, will conduct a public hearing to consider imposing stormwater service assessments for the Fiscal Year beginning October 1, 2022, against properties located within the incorporated area of the City, to fund the cost of stormwater management services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at 9:30 a.m. on August 25, 2022 at the City Hall Auditorium, 600 West Ocean Drive, Key Colony Beach, FL 33051 for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 calendar days of the date of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. It is the policy of the City of Key Colony Beach to comply with all requirements of the Americans with Disabilities Act (ADA). Persons who need accommodations in order to attend or participate in this meeting should contact the City Clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance.

The Stormwater Service Assessments are proposed to fund the City's cost to provide Stormwater Management Services in the area shown above. The Stormwater Service

Assessments are imposed upon each lot and parcel within the City for services and facilities provided by the stormwater management utility. For purposes of imposing the Stormwater Service Assessment, all lots and parcels within the City are classified into the following two customer classes: (1) Residential, which includes vacant properties zoned residential and (2) Commercial, which includes governmental, hotels and other.

The Stormwater Service Assessment imposed shall be the rate of sixty-five dollars (\$65.00) per residential unit or residential vacant lot or one hundred thirty dollars (\$130.00) per commercial parcel. The total annual stormwater assessment revenue to be collected within the City of Key Colony Beach for the upcoming fiscal year is estimated to be \$102,000.

Copies of the ordinance and other legal documentation for the assessment program are available for inspection at the City Clerk's office, located at City Hall - 600 West Ocean Drive, Key Colony Beach, FL 33051.

If you have any questions, please contact the City at 305-289-1212, Monday through Friday between 9:00 a.m. and 4:00 p.m.

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

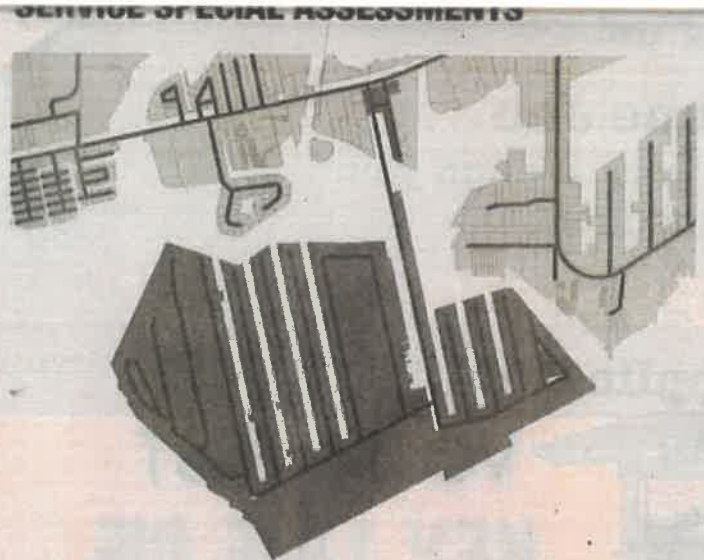
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August 4, 2022

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Sworn to and subscribed before me this 4 day of August, 2022.
(SEAL)

Charlotte Hruska
Notary



Notice is hereby given that the City Commission of Key Colony Beach, Florida, will conduct a public hearing to consider imposing stormwater service assessments for the Fiscal Year beginning October 1, 2022, against properties located within the incorporated area of the City, to fund the cost of stormwater management services, facilities and programs provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at 9:30 a.m. on August 25, 2022 at the City Hall Auditorium, 600 West Ocean Drive, Key Colony Beach, FL 33051 for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 calendar days of the date of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. It is the policy of the City of Key Colony Beach to comply with all requirements of the Americans with Disabilities Act (ADA). Persons who need accommodations in order to attend or participate in this meeting should contact the City Clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance.

The Stormwater Service Assessments are proposed to fund the City's cost to provide Stormwater Management Services in the area shown above. The Stormwater Service

Assessments are imposed upon each lot and parcel within the City for services and facilities provided by the stormwater management utility. For purposes of imposing the Stormwater Service Assessment, all lots and parcels within the City are classified into the following two customer classes: (1) Residential, which includes vacant properties zoned residential and (2) Commercial, which includes governmental, hotels and other.

The Stormwater Service Assessment imposed shall be the rate of sixty-five dollars (\$65.00) per residential unit or residential vacant lot or one hundred thirty dollars (\$130.00) per commercial parcel. The total annual stormwater assessment revenue to be collected within the City of Key Colony Beach for the upcoming fiscal year is estimated to be \$102,000.

Copies of the ordinance and other legal documentation for the assessment program are available for inspection at the City Clerk's office, located at City Hall - 600 West Ocean Drive, Key Colony Beach, FL 33051.

If you have any questions, please contact the City at 305-289-1212, Monday through Friday between 9:00 a.m. and 4:00 p.m.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2022, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

CITY COMMISSION OF KEY COLONY BEACH, FLORIDA

Publish: August 4, 2022, The Weekly Newspapers

RESOLUTION NO. 2022-05

A RESOLUTION OF THE CITY OF KEY COLONY BEACH, FLORIDA, IMPOSING THE ANNUAL STORMWATER UTILITY SPECIAL ASSESSMENTS FOR FISCAL YEAR COMMENCING OCTOBER 1, 2022; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the City of Key Colony Beach, Florida (the "City") enacted Article 1 of Chapter 15 of the Code of Ordinances, City of Key Colony Beach, Florida (the "Code"), which establishes a Stormwater Utility and authorizes the imposition of annual Stormwater Assessments for Stormwater Utility services, facilities, or programs against certain Assessable Property with the City; and

WHEREAS, the imposition of a Stormwater Utility Service Assessment for Stormwater collection and treatment services, facilities and programs are an equitable and efficient method of allocating and apportioning Stormwater Costs among parcels of Assessable Property located in the City; and

WHEREAS, a Stormwater Utility Service Assessment was initially imposed upon all property within the City commencing October 1, 2011, which rate was established in Chapter 15, Section 15-4 of the Code, and

WHEREAS, this Resolution shall serve as the Annual Assessment Resolution for Fiscal Year 2022-2023, and the Assessable Property in the City will be subject to the previously established amount for the Stormwater Utility; and

WHEREAS, as required by Code the Assessment Roll has been filed with office of the City Administrator, and a notice of public hearing has been published; the proof of publication being attached hereto as Exhibit "A".

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

Section 1. This Resolution is adopted pursuant to the Code, Sections 166-021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 2. This Resolution is the Initial Assessment Resolution as defined in the Code. All capitalized terms in this Resolution shall have the meanings defined in the Code.

Section 3. (A) It is hereby ascertained and declared that each parcel of the Assessed Property within the City will be specially benefited by the City's provision of stormwater utility services in an amount not less that the Stormwater Utility Service Assessment for such parcel, computed in the same manner set forth in Code.

(B) The method of computing and apportioning the Stormwater Utility Assessment described in the Code is hereby approved.

(C) For Fiscal Year 2022-2023, the Stormwater Cost shall be allocated among all parcels of Assessed Property, based upon each parcel's classification as Residential or Commercial. The service assessment imposed shall be the rate of \$65.00 per residential unit or residential vacant lot or \$130.00 per commercial parcel.

Section 4. The Stormwater Assessment Roll currently on file in the office of the City Administrator and incorporated herein by reference is hereby approved.

Section 5. (A) The Stormwater Utility Service Assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, counties, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Commission of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) As to any Property that is acquired by a public entity through condemnation, negotiated sale or otherwise prior to adoption of the next Annual Assessment Resolution, the Adjusted Prepayment Amount shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Commission of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll upon adoption of the Annual Assessment.

Section 6. If any clause, section, or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

Section 7. This resolution shall take effective immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA THIS 25th day of August 2022.

THE CITY OF KEY COLONY BEACH, FLORIDA

**Approved as to form and legality for
The use and reliance of the City of Key
Colony Beach**

Patricia Trefry, Mayor

Dirk Smits, City Attorney

City Seal

**Silvia Gransee
City Clerk**

SOUTH FLORIDA REGIONAL PLANNING COUNCIL CONVENES REGIONAL SOLID WASTE MANAGEMENT CONVERSATION

Hosted by the Miami-Dade County Transportation Planning Organization

On July 18, 2022, the Miami-Dade Transportation Planning Organization (TPO) hosted the South Florida Regional Planning Council (SFRPC) at its offices in downtown Miami. SFRPC Council Member and Miami-Dade Commission Vice Chair / TPO Chair Oliver Gilbert III welcomed the Council Members to Miami-Dade for the meeting. Miami-Dade County Chief Operating Officer



Jimmy Morales also welcomed the Council and offered opening comments in support of enhanced regional collaboration and shared solutions.

Earlier this year Councilmembers identified solid waste management as an issue which is at a critical juncture for Miami-Dade, Broward, and Monroe counties and directed staff to convene a regional conversation to better understand the connections between the counties and opportunities to enhance solid waste management. At its July Council Meeting, the Council met with each other and key staff from Monroe, Miami-Dade, and Broward counties to discuss the challenges and opportunities facing the counties and region with respect to Solid Waste Management. Special guests included Achaya Kelapanda, Deputy Director of Miami-Dade County Solid Waste Management; Kevin B. Kelleher, Broward County Assistant County Administrator; and Cheryl Sullivan, Director of Monroe County Solid Waste Management. The main topics of discussion were the disposal of solid waste, landfill capacity, issues involving recycling and reuse, and opportunities for enhanced efficiencies and collaborative solutions.

This three-county conversation is a step toward a seven-county conference on Solid Waste Management this fall that will be held in partnership with the Treasure Coast Regional Planning Council. Please "Save the Date" for this conference currently scheduled for October 21, 2022 from 10:00 a.m. – 4:00 p.m. More information will follow shortly.

Thank you again to the Miami-Dade County and especially the Miami-Dade County TPO and Executive Director Aileen Bouclé and her outstanding staff for welcoming the Council to their offices and hosting us so well. We look forward to visiting again in the near future.

ORDINANCE NO. 2022-479

AN ORDINANCE OF CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII, SECTIONS 2-86, 2-88, AND 2-93 OF THE CODE OF ORDINANCES OF THE CITY OF KEY COLONY BEACH RELATED TO MEETINGS OF THE CITY COMMISSION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the “City”), is a Florida Municipal Corporation with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 166, Florida Statutes, grants the City broad municipal home rule powers to enact ordinances which represent official legislative action of the City Commission and are enforceable as a matter of law; and

WHEREAS, the City Commission of the City of Key Colony Beach (the “City Commission”) wishes to amend Chapter 2, Article VII, Secs. 2-86; 2-88; and 2-93 of the City’s Code of Ordinances (the “Code”) of in order to promote efficiency and costs savings with regard to conducting official business of the City; and

WHEREAS, the City Commission of the City of Key Colony Beach finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

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

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1: Recitals

The above recitals are true and correct and are hereby incorporated by reference.

Section 2: Effective Date

This Ordinance shall become effective upon approval and adoption by the City Commission. This Ordinance shall sunset six (6) months after the effective date.

Section 3: Amendment

Sections < Chapter 2, Article VII > of the City of Key Colony Beach Code of Ordinances shall be amended to read as follows:

Sec. 2-86. – Agenda.

The mayor Mayor with the advice of the city clerk City Clerk and commissioners Commissioners, shall prepare an agenda of subjects to be acted on for each meeting. ~~The agenda shall be made available to the commissioners at least one (1) business day before every city commission hearing.~~ **The agenda shall be made available to the Commissioners by the Friday immediately prior to any regular commission meeting or four (4) days before any special or emergency meeting, time permitting.** The order of the agenda may be changed during a meeting by a majority vote of the city commission City Commission. A new subject that requires urgent attention may be added to the agenda during a meeting by a majority vote of the city commission City Commission.

(Ord. No. 353-2003, 2-13-03; Ord. No. 2022-)

....

Sec. 2-88. – Order of business.

All regular meeting of the city commission should follow an established order of business. The order is as follows:

- (1) Call to order.
- (2) ~~Minutes.~~ **Correspondence and citizen comments.**
- (3) ~~Reports from committees and departments.~~ **Minutes.**
- (4) ~~Unfinished business.~~ **Reports from committees and departments.**
- (5) Items of discussion/approval.
- (6) City administrator items for discussion.
- (7) ~~Ordinance and resolutions.~~ **City Attorney's report.**
- (8) ~~Commissioners reports or comments.~~ **Ordinances and resolutions.**
- (9) ~~City attorney report.~~ **Commissioner's reports and comments.**
- (10) ~~Correspondence and citizen comments.~~ **Adjournment.**
- (11) ~~Adjournment.~~

(Ord. No. 353-2003, 2-13-03; Ord. No. 2022-)

....

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Sec. 2-93. – Organizational and Regular meetings.

An organizational meeting of the City Commission will be held on the third Thursday of November of each year, unless the organizational meeting falls on a legal holiday, at which time the organizational meeting shall be rescheduled by either (1) a majority vote of the City Commission or (2) a showing of exceptional circumstances in a writing directed to the Mayor no less than three (3) business days before the organizational meeting of the City Commission is scheduled to take place. All organizational meetings of the City Commission shall be held in the City Hall of the City of Key Colony Beach or such other appropriate designated place.

~~Regular meetings of the city commission~~ **City Commission** shall be held at 9:30 a.m. ~~on the second and fourth Thursdays of each month unless rescheduled by vote of the city commission.~~ **All regular meetings shall be held in the City Hall of the City of Key Colony Beach, on the third Thursday of each month unless the regular meeting falls on a legal holiday, at which time the regular meeting shall be rescheduled at the discretion of the City Commission. All regular meetings of the City Commission may be moved and rescheduled by either (1) a majority vote of the city commission or (b) a showing of exceptional circumstances in a writing directed to the Mayor no less than three (3) business days before the regular meeting of the City Commission is scheduled to take place. All regular meetings of the City Commission shall be held in the City Hall of the City of Key Colony Beach or such other appropriate designated place.**

(Ord. No. 353-2003, 2-13-03; Ord. No. 366-2003, 12-11-03; **Ord. No. 2022-**)

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 of Key Colony Beach, Florida

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.

FIRST READING by the City of Key Colony Beach City Commission this **8th day of September, 2022.**

Mayor Patricia Trefry	NO _____ YES _____
Vice Mayor Tom Harding	NO _____ YES _____
Commissioner John DeNeale	NO _____ YES _____
Commissioner Ron Sutton	NO _____ YES _____
Commissioner Beth Ramsay-Vickrey	NO _____ YES _____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this **22nd day of September, 2022**

Mayor Patricia Trefry	NO _____	YES _____
Vice-Mayor Tom Harding	NO _____	YES _____
Commissioner John DeNeale	NO _____	YES _____
Commissioner Ron Sutton	NO _____	YES _____
Commissioner Beth Ramsay-Vickrey	NO _____	YES _____

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this **22nd day of September, 2022**

Patricia Trefry, Mayor

Silvia Gransee, City Clerk

Approved as to form and legal sufficiency:

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

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA AMENDING PART II, CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF KEY COLONY BEACH, FLORIDA, ESTABLISHING REGULATIONS FOR THE CONTROL OF NOISE WITHIN THE CITY LIMITS IN ORDER TO PROVIDE FOR THE ABATEMENT, PREVENTION, AND PROHIBITION OF EXCESSIVE AND UNNECESSARY NOISE SO AS TO PROTECT THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE RESIDENTS OF THE CITY OF KEY COLONY BEACH, FLORIDA; PROVIDING FOR EXEMPTIONS; PROVIDING FOR TEMPORARY NOISE PERMITS; PROVIDING FOR ENFORCEMENT, INFRACTIONS, VIOLATIONS, AND PENALTIES; PROVIDING FOR SEVERABILITY, REPEAL, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, in accordance with Article II, Section VII of the Florida Constitution, the Florida Legislature has mandated that it shall be the policy of this State to conserve and protect all natural resources and scenic, and more importantly, that adequate provision shall be made by law for the abatement of excessive and unnecessary noise; and

WHEREAS, in accordance with Chapter 166, *Florida Statutes*, the Florida Legislature has provided municipalities, such as the City of Key Colony Beach, Florida (the "City"), broad exercise of home rule powers as granted by the Florida Constitution, including, the adoption of ordinances, which provide for the protection of the health, safety, and general welfare of the city's residents, businesses, and public at-large; and

WHEREAS, the City Commission of the City of Key Colony Beach, Florida (the "City Commission") has determined the need to establish effective control and abatement regulations for noise pollution which has been a recurring issue within the City's limits; and

WHEREAS, excessive and unnecessary noise can cause adverse psychological and physiological effects on humans, and deprive people of their basic rights under well-established natural and positive laws of this State; and

WHEREAS, the City Commission of the City of Key Colony Beach finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

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

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

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

Section 3: Amendment

That the Code of Ordinances of the City of Key Colony Beach, Florida, **Part II, Chapter 10 – “Noise,”** is hereby amended as follows:

Sec. 10.1.- Purpose.

The purpose of this chapter is to establish specific permissible noise limits to provide for the abatement, prevention, and prohibition of excessive and unnecessary noise to protect the health, safety, and general welfare of the residents and businesses of the City of Key Colony Beach, Florida. Excessive and unnecessary noise can cause adverse psychological and physiological effects on humans and further deprive people of their basic rights under well-established natural and positive laws of this State. This chapter also provides a clear delineation of enforcement procedures by outlining concise guidelines for regulating noise within the city’s limits by prohibiting specific noises, providing for temporary noise permits, establishing “grandfathering standards, and determining enforcement responsibilities, infractions, violations, and assessment of penalties.

Sec. 10.2. – Measurement of Sound.

The standard measurement of sound or noise under this chapter shall be either “plainly audible” by a human ear without the benefit of a hearing aid by a reasonable person of ordinary sensibilities, or “plainly discernible” by the human senses of a reasonable person of ordinary sensibilities. This chapter shall be in effect within the city limits of the City of Key Colony Beach, Florida. Further, sounds shall be measured and enforced, in accordance with this chapter, by the law enforcement agency or code enforcement office which takes the complaint, including the City of Key Colony Beach Police Department and/or the City’s Code Enforcement Department.

Section 10.1.- Definitions. Sec. 10-3. – Definitions.

For the purposes of this chapter:

Amplified sound means the reproduction of sound from any radio, stereo, CD player, DVD player, microphone, drum, turn table, audio or visual equipment, musical instrument, sound equipment, sound amplification device, television set, or exterior loudspeakers, bullhorn, or any similar device.

Disturbing noise means unreasonably excessive noise that is an uninvited or disruptive level of noise that is unreasonably loud or that is raucous and jarring,

due to volume, character, or duration, and that causes an actual interference with a person's ability to enjoy peacefully his or her residence or place of business.

Holidays for the purpose of this chapter are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. When any one of said days falls on a Saturday or Sunday, the following Monday shall be considered a holiday; provided however that if the Congress of the United States establishes a holiday period for one or more of said holidays, the city shall observe said period. Any other special holiday may be granted at the discretion of the city commission.

Motor vehicle means an automobile, truck, motor scooter, motorcycle, camper, motor van, or similar item of every kind, and description.

Noise means a sound or vibration that annoys or disturbs a human or which causes or tends to cause an adverse psychological or physiological effect on humans; loud or offensive disturbing sounds or vibrations. This term shall be used synonymously with sound, as described herein.

Plainly audible means sounds or noise which can be measured or detected by the human ear without the benefit of a hearing aid by a reasonable person of ordinary sensibilities.

Plainly discernible means ground or airborne vibrations associated with sound which can be detected by the human senses of a reasonable person of ordinary sensibilities.

Sound means something that can be heard; audible.

Times referred to shall be the legal time currently in effect for the city.

Unreasonable noise means unreasonably excessive noise that exceeds the limits as defined in this chapter.

Working days are Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, except when any such day shall be a holiday.

Working hours are from 7:30 a.m. until 6:00 p.m. on working days, as described herein.

Sec. 10-2. — General Prohibition:

~~It shall be unlawful for any person to make or continue, or cause to be made or continued, any excessive, disturbing, unnecessary, or unusually loud noise, or any noise which annoys, disturbs, injures, or endangers, the comfort, repose, health, peace, or safety of other persons within the city.~~

Sec. 10.3. — Specific prohibitions.

~~The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, and are prohibited at all times, except as hereinafter provided, within the city; but said prohibition shall not be deemed to be exclusive:~~

- ~~(a) *Aircraft.* The deliberate operation at any time of an aircraft in such a manner as to cause excessive noise to the residents of this city, except when said aircraft is in distress or is flying on official business. Excessive noise shall be presumed if an aircraft flies within a six hundred (600) foot radius of any point in the city.~~
- ~~(b) *Construction and repair operations.* The construction of buildings, wharves, seawalls or similar projects, including excavation, filling, leveling, erection, demolition, alteration, repair or activities connected with any of the foregoing at any time except during working hours, provided however that in the event of an emergency the mayor may grant a permit of exception from this regulation. The mayor shall be the sole judge of the existence of the emergency and the duration of the exception granted.~~
- ~~(c) *Exhausts and mufflers.* The discharge at any time into the open air of the exhaust of any steam engine, internal combustion engine, or motorboat except through a muffler or other device which will effectively prohibit loud or explosive noises therefrom.~~

~~**State Law Reference** — Prevention of motor vehicle noise, F.S. § 316.272; boat exhaust to be muffled, F.S. § 371.56.~~

- ~~(d) *Loud advertising.* The using, operating, or permitting to be played, used, or operated at any time of any radio receiving set, television set, musical instrument, phonograph, loudspeaker, sound amplifier or other device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public exception for official business.~~
- ~~(e) *Motor vehicles.* The operating at any time except during working hours of any motor vehicle or self-propelled internal combustion machine the use of which is attended by loud or unusual noise.~~

~~**State Law Reference** — Prevention of motor vehicle noise, F.S. § 316.272.~~

- ~~(f) *Musical instruments or sound producing devices.* The using, operating or permitting to be played, used or operated of any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound at any time in such manner as to disturb the peace, quiet and comfort of neighboring residents, or any time with louder volume than is necessary for convenient hearing for any person or persons who are in the room, vehicle, or chamber in which such machine or device is operated. The operation of any such set, instrument, phonograph, or similar device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or~~

~~vehicle in which said device is located shall be prima facie evidence of a violation of this section, except for a public purpose when authorized by the city.~~

- ~~(g) *Noisy equipment.* The operation at any time except during working hours of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance the use of which is attended by loud or unusual noise.~~
- ~~(h) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing at any time or at any place in the city which annoys or disturbs the quiet, comfort or repose of persons in the vicinity, except for a public purpose when authorized by the city.~~
- ~~(i) *Amusement places.* The operation at any time of any place of indoor or outdoor amusement by which noise emitted therefrom shall disturb the peace and quiet of persons within the city.~~

Sec. 10.4. – General Prohibitions; breach of the peace prohibited; unnecessary and excessive noises prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, raucous, excessive, unnecessary, or unusual noise. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary, or unusual in violation of this chapter, but this enumeration shall not be deemed to be exclusive, namely:

A. *Civil Breach of the peace; disorderly conduct.* Whoever commits such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct, shall be in violation of this chapter.

B. *Horns, signaling devices, or similar equipment.* The sounding of any horn or signaling device on any automobile, motorcycle, bus, or other vehicle on any street or public place within the city limits, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.

C. *Radios, televisions, phonographs, recording, and playback devices, or sound reproduction equipment.* The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, recording, and playback devices or any other similar devices reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighbors, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber, or dwelling unit or at a private indoor or outdoor venue at which such manner or device is operated and who are voluntary listeners thereto.

The operation of any aforementioned device between the hours of 10:00 p.m. until 7:00 a.m. Sunday through Thursday, 11:00 p.m. and 7:00 a.m. on Friday and Saturday, in such manner as to be plainly audible or plainly discernible inside the complainant's chamber or dwelling unit or at a distance of one hundred (100) feet or more from the source property line shall be prima facie evidence of a violation of this chapter.

D. *Loudspeakers, sound amplifiers, and similar equipment on streets.* The use or operation on or upon the streets, alleys and throughfares anywhere within the city limits for any purpose of any device known as a sound truck, loud speaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned which is plainly audible or plainly discernible with the chamber or dwelling unit of neighboring inhabitants.

E. *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose in whole or in part of attracting attention by creation of any unreasonably loud or raucous noise to any performance, show, sale, display or advertisement of merchandise; the shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

F. *Shouting.* Any unreasonably loud or raucous shouting that is plainly audible at a distance of one hundred (100) feet or more from the source.

G. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom is prohibited.

H. *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, airboat, recreational vehicle, dirt bike, or motor vehicle so out of repair, so loaded or in such manner so as to create unreasonably loud or unnecessary loud or unnecessary grating, grinding, rattling, or other noise which is plainly audible or plainly discernible within the chamber or dwelling unit of neighboring inhabitants.

I. *Motor vehicles.* Noises from motor vehicles as regulated by [Chapter 316, Florida Statutes](#).

J. *Animals.* The owning, harboring, possessing, or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible across the property line of the animal owner, lasting thirty

(30) minutes or more while the animal is unprovoked, shall be prima facie evidence of a violation of this chapter.

For purposes of this subsection (J), a citation may be issued when three (3) or more complaining witnesses who reside within different chambers or dwelling units submit sworn affidavits alleging the disturbance of the peace to the Florida Keys SPCA or other similar entity, responsible for investigating all noise complaints related to animals.

K. *Domestic power tools and landscaping equipment.* Between the hours of 9:00 p.m. and 7:00 a.m. daily, it shall be unlawful to operate a noise-producing domestic power tool or similar tool which is used to maintain the property or used at a residence, so that excessively loud or raucous noise travels across any residential real property line. All such equipment shall be properly muffled and maintained in working order so as not create excessive and unnecessary noise.

L. *Construction and Industrial Noise.* Commercial, building, construction, road, maintenance, utility, solid-waste collection, industrial noise or similar noises are permitted during the times and on the working days described above in Sec. 10-3 or elsewhere in this chapter, so long as it is not excessively loud or raucous, so as to affect the health, safety, and welfare of the neighboring inhabitants within one hundred (100) feet from the source of the noise. Construction and Industrial equipment must be in good repair and utilize noise baffling methods. These types of noises may be further governed by existing planned construction agreements, temporary noise permits, or other legally binding agreements.

Sec. 10-5. – Exemptions.

The following uses and activities shall be exempt from noise level regulations as herein described:

- (1) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency. All noises from official public service vehicles or from public service activities, including, but not limited to: Solid Waste Collection, Utility Maintenance, Road and Bridge construction or repair. Private contractors' vehicle and activities which are doing public service business within the city limits, shall also be exempt. Nothing herein shall be deemed to change any franchise agreement or contract.**
- (2) Noises of safety signals, warning devices, and emergency pressure relief valves, when utilized for their intended use in accordance with Fla. Stat. §§ 316.271 and 316.3045(3). This exception shall not apply to safety signals or warning devices for any unnecessary use or unreasonable**

periods of time. Alarms shall be further regulated by other provisions of the Code of Ordinance of the City of Key Colony Beach, Florida.

- (3) Noises resulting from emergency work necessary to prevent injury to persons or significant damage to property.
- (4) Non-amplified crowd noise resulting from activities such as those planned by student, governmental, or community groups, weddings, parades, or racing/sporting events.

For the purposes of subsection (4), all exempt activities may be conducted with the prior approval of the City Administrator, including, but not limited to, "concerts at the park" annually sponsored by the Key Colony Beach Community Association.

- (5) Noises consistent with cultural, historical, or traditional observances, holidays, and ceremonies. Any other noises resulting from activities of temporary duration by law and for which a temporary noise permit has been issued by the city provided the activities shall be in accordance with the conditions and limitations stated on the permit.
- (6) All noises coming from the normal operation of aircraft, not including mode aircraft, and aircraft ground testing operations, by special authorization of the U.S. Military and any local Airport Authority.
- (7) Noises consistent with church bells, chimes, clocks, bell towers, and ferry horns, shall be exempt.
- (8) Noises from all equipment tests required by law, so long as they are conducted between the hours of 8:00 a.m. and 5:00 p.m., and the duration of the test is the minimum recommended by the manufacturer of the equipment. This provision also applies to the testing/exercising of emergency generators.
- (9) The supervised public display of fireworks by fair associations, amusement parks, and other organization or groups of individuals or other lawful use of fireworks.

Sec. 10-6. – Temporary Noise Permits.

The City's Code Enforcement Department and/or City Administrator is authorized to issue a temporary noise permit to allow noise normally prohibited when such noise is produced because of activities involving construction and industrial noise, as described in Sec. 10-4(N), therein. Reasonable conditions to minimize any adverse effect upon the health, safety, or welfare of the community, may be included in the temporary noise permit. Such temporary noise permits may be issued based upon a finding that there are no reasonable alternatives and that the construction has

obtained all other required permits. A charge of \$150.00 shall be submitted with application for a Temporary Noise Permit and changes to the fee schedule set forth in Sec. 1-10 are subject to change by Resolution of the city commission. Temporary Noise Permits issued pursuant to such authorization shall not exceed seven (7) calendar days, including weekends and/or National Holidays. Violation of a temporary noise permit shall result in immediate revocation and penalties as set forth in the Schedule of Violations and Penalties under Sec. 1-10 of this Code of Ordinances. At the discretion of the Building Official, a stop work order may also be issued. Material misrepresentations of facts in order to obtain a temporary noise permit shall result in immediate revocation. Appeals for denial of a temporary noise permit shall be pursuant to process, protocols, and procedures, outlined in Sec. 1-10(i), therein, and shall be amended from time to time to comport with the purpose of this chapter.

Sec. 10-7. Enforcement.

The provisions of this chapter shall be enforced by either the City of Key Colony Beach Police Department and/or the City's Code Enforcement Department, who are tasked with investigating all complaints under this chapter. For the purpose of determining and classifying any noise as one which is declared unlawful and prohibited by this chapter, the responsible enforcement agency/body shall apply the measurement techniques provided for in Sec. 10-2. – Measurement of Sound to determine if the standards set forth in Sec. 10-1. – General prohibitions; breach of peace prohibited; unnecessary and excessive noises prohibited have been violated.

The following procedures shall be followed by the enforcement agency/body when enforcing this chapter:

- (1) The City of Key Colony Beach Police Department and/or the City's Code Enforcement Officer shall promptly investigate and further determine if any noise is in violation of the specific noise prohibitions provided for in Sec. 10-4, above.
- (2) All citations for violations issued under this article shall be based on a complaint to the city. The complainant shall be identified by name and address, the sound source shall be identified, and the investigating noise control officer shall verify all information provided by the complainant. The officer shall provide the complainant with a copy of the complaint form which may serve as a record of complaints relating to a property.

For the purposes of enforcement of subsection (2), the investigating noise control officer can be the complainant and shall act on his or her own personal observations to undertake further investigation of the matter in accordance with the relevant provisions of Chapter 162, Florida Statutes, and the applicable Code of Ordinances of the City of Key Colony Beach, Florida.

Notwithstanding the foregoing provisions, the procedure set forth in subsection (2) herein does not apply if the investigating noise control officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

- (3) **Citations issued for unreasonably excessive noise under this chapter shall be of a content-neutral character.**
- (4) **Any investigating noise control officer may issue a citation to an offender under the provisions of this chapter.**
- (5) **Any investigating noise control officer may issue a warning if in his or her judgment a warning is sufficient to cease the violation. There shall be no more than a total of one (1) warning issued during any six (6) month period.**

Sec. 10.8 – Infractions, Violations, and Penalties.

Any person or persons, firm or corporation, any agent thereof who violates any of the provisions of this chapter may be found in violation of a non-criminal violation punishable as provided for under Fla. Stat. § 125.69 and Chapter 162, Florida Statutes, as amended from time to time. Violations of this chapter shall be processed and subject to the penalties set forth in the Schedule of Violations and Penalties enumerated under Sec. 1-10 of these Code of Ordinances.

Continuing violations. Each day a violation continues subsequent to the issuance of a citation shall constitute a separate violation for which a separate subsequent citation may be issued, and an additional penalty may be applied.

Flagrant violations. Any violation of this chapter which results in breaches of the peace or is a flagrant disregard of provisions of this chapter may be determined by a Court of competent jurisdiction to be a civil violation and may incur a fine not to exceed one thousand five hundred dollars (\$1500.00).

Mitigation. In accordance with the provisions set forth in Sec. 1-10 of these Code of Ordinances, a Special Master or Judge may order a violator of this chapter to abate the noise produced and take all reasonable steps to mitigate future noise violations, to include, but not limited to, installing sound proofing, screening, fencing, muffling the volume of a device, etc. Reasonable costs of enforcement and administration may also be awarded to the city in conjunction with a penalty fine or mitigation costs under this chapter. All penalties are subject to the amounts set forth in the Schedule of Violations and Penalties enumerated in Sec. 1-10, as shall be amended from time to time.

Cross Reference – The code enforcement procedures outlined in Chapter 162, Florida Statutes, and Sec. 1-10 et seq. of these Code of Ordinance shall also apply hereto.

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 and Land Development Regulations

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances and Land Development Regulations 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 final adoption by the City of Key Colony Beach Commission.

FIRST READING by the City of Key Colony Beach City Commission this 8th day of September, 2022

Mayor Patricia Trefry	NO _____	YES _____
Vice-Mayor Tom Harding	NO _____	YES _____
Commissioner John DeNeale	NO _____	YES _____
Commissioner Ron Sutton	NO _____	YES _____
Commissioner Beth Ramsay-Vickrey	NO _____	YES _____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 22nd day of September, 2022.

Mayor Patricia Trefry	NO _____	YES _____
Vice-Mayor Tom Harding	NO _____	YES _____

Commissioner John DeNeale NO _____ YES _____

Commissioner Ron Sutton NO _____ YES _____

Commissioner Beth Ramsay-Vickrey NO _____ YES _____

-[Remainder of Page Left Intentionally Blank]-

**DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
KEY COLONY BEACH, FLORIDA, this 22nd day of September, 2022.**

Patricia Trefry, Mayor

Silvia Gransee, City Clerk

Approved as to form and legal sufficiency:

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

ORDINANCE NO. 2022 - 473

AN ORDINANCE OF CITY OF KEY COLONY BEACH, FLORIDA, RELATING TO THE ESTABLISHMENT OF A CERTIFICATION AND RECERTIFICATION PROCESS FOR EXISTING AND FUTURE MULTISTORY STRUCTURES BY ADDING SECTION 6-37, AS AUTHORIZED BY FLORIDA LAW; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, REPEAL, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the “City”), is a Florida Municipal Corporation with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, *Florida Statutes*, and

WHEREAS, Chapter 166, *Florida Statutes*, grants the City, broad municipal home rule powers to provide for the health, safety, and welfare of its residents, business owners, and visitors by enacting regulations for the protection of the public; and

WHEREAS, in light of the recent deadly collapse of the Champlain Tower, it has become readily apparent that there is a significant danger posed by failing to more frequently review and inspect older structures; and

WHEREAS, municipalities across the State of Florida are taking action to strengthen their building inspection and certification protocols to help combat such dangers; and

WHEREAS, to promote the health and safety of the citizens of the City, and further help prevent any similar such disasters that could be caused by a failing structure, a certification and re-certification process must be implemented; and

WHEREAS, on May 26, 2022, during the Special Legislative Session, the Governor signed into law, Senate Bill 4D, filed in the Florida Legislature in response to the Surfside collapse that occurred last year, which effectively modifies Chapters 553, 718, 719, and 720, *Florida Statutes*; and

WHEREAS, Senate Bill 4D establishes a statewide structural inspection program, requiring condominium and cooperative associations to conduct milestone structural inspections of their respective buildings and to further perform structure integrity reserve studies in order to ensure that condominiums, cooperative buildings, and other multi-story buildings are safe for their continued intended use; and

WHEREAS, Senate Bill 4d became effective law on June 29, 2022, and the City Commission of the City of Key Colony Beach, Florida (the “City Commission”), has determined a public health and safety need to establish a certification and recertification process for existing and future multi-story buildings located with the city limits; and

WHEREAS, the City Commission of the City of Key Colony Beach finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

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

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1: Recitals

The above recitals are true and correct and are hereby incorporated by reference.

Section 2: Effective Date

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

Section 3: Amendment

That Section < **Chapter 6, Article II, Section 6-37** > is hereby added to the Code of Ordinances of the City of Key Colony Beach, Florida, and read as follows:

Sec. 6-37. –Certification and recertification of existing and future multi-story structures.

The City Commission hereby adopts the regulations for the establishment of a certification and recertification process for existing and future multi-story structures located within the city limits of the City of Key Colony Beach, Florida, as AUTHORIZED by Florida Law, SB 4d, as adopted in the 2022 Special Legislative Session, and further codified in the Chapter 2022-269, Laws of Florida.

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 and Land Development Regulations

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances and Land Development Regulations 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.

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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 day of September 2022.

Mayor Patricia Trefry	NO	YES
Vice-Mayor Tom Harding	NO	YES
Commissioner John DeNeale	NO	YES
Commissioner Ron Sutton	NO	YES
Commissioner Beth Ramsay-Vickrey	NO	YES

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this day of October 2022.

Mayor Patricia Trefry	NO	YES
Vice-Mayor Tom Harding	NO	YES
Commissioner John DeNeale	NO	YES
Commissioner Ron Sutton	NO	YES
Commissioner Beth Ramsay-Vickrey	NO	YES

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this day of October 2022.

Patricia Trefry, Mayor

Silvia Gransee, City Clerk

Approved as to form and legal sufficiency:

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