

AGENDA

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, September 22, 2022 – 9:35 A.M or at the Conclusion of the Public Hearing
Temporary City Hall & Virtually via Zoom Conferencing

Zoom Meeting ID: 867 1647 2448

<https://us02web.zoom.us/j/86716472448>

- 1. Call to Order, Pledge of Allegiance, Prayer, Roll Call**
- 2. Citizen Comments and Correspondence**
- 3. Approval of Minutes**
 - A. 09-08-2022 First Budget Hearing Minutes ****TBA****
 - B. 09-08-2022 Regular & Public Meeting Minutes – **Pgs. 1-8**
- 4. Agenda Additions, Changes, Deletions**
- 5. Special Requests**
 - A. Proclamation: National Red Ribbon Week October 23rd to 31st, 2022 – **Pg. 9**
 - B. Presentation by the Monroe County Department of Health: Health in All Policies **Pgs. 10-18**
- 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) Approval for 24,000 lb. Boat Lift Installation at 250 15th Circle, Key Colony Beach – **Pgs. 19-35**
 - J. Public Works – Report submitted.
 - K. City Secretary/Treasurer – Jen Johnson from Bishop, Rosasco & Co.
 - L. City Clerk – Report submitted.
 - M. Code Enforcement Officer – No report.
 - N. City Administrator – Report submitted.
 - a) City Hall Update
 - b) Discussion on Property Insurance on old City Hall building
- 7. Commissioner Items for Discussion/Approval**
 - A. Approval of Reece & Associates Invoice No. 22070705 in the amount of \$5,200.00 for Surveying Services provided for the new City Hall Building – **Pg. 36**
 - B. Approval of KorKat Invoice No. K20395 in the amount of \$47,341.54 for the 50% deposit on the Playground Equipment Replacement - **Pg. 37**

“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.

C. Approval of Superior Electric Invoice No. 09-20841 in the amount of \$9,237.97 for electrical work on City Hall Annex trailer. – **Pg. 38-39**

D. Approval of RMPK Invoice No. 2403 in the amount of \$6,000.00 for services provided on Resilient Grant Applications. – **Pg. 40**

E. Discussion/Approval – Extension of Vernis & Bowling Legal Services Contract – **Pgs. 41-42**

8. **Approval of Warrants** – Warrant No. 0822 in the amount of \$ 363,078.81 – **Pg. 43**

9. ORDINANCES & RESOLUTIONS

A. Proof of Publications – Pgs. 44-46

B. Ordinances – Second/Final Reading

a) **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. 47-49**

b) **Ordinance No. 2022-478 Designated Smoking Areas:** 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. 50-52**

c) **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. 53-56**

10. Commissioner’s Reports or Comments

A. Noise Ordinance Review Comparisons & Recommendations – Vice-Mayor Harding, **Pgs. 57-58**

11. City Attorney

12. Adjourn

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MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, September 8, 2022 – 9:30 a.m.

City Hall Auditorium & virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: *The Regular City 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 Sutton, Commissioner Ramsay-Vickrey, Commissioner DeNeale.*

Also Present: *City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits, City Attorney Janette Smith, Public Works Department Head Mike Guarino, Building Official Lenny Leggett, Chief Kris DiGiovanni, Deputy Fire Chief Cameron Bucek, Code Enforcement Officer Barry Goldman, Administrative Assistant Christine McLeod.*

Public: *6 Marble Hall, 8 Virtual*

2. Citizen Comments and Correspondence: *Kimmeron Lisle, 200 9th Street, appearing on behalf of the Continental Inn, stated to the Commission that she would like to comment on the proposed Recertification Ordinance No. 2022-473. Mayor Trefry stated that Kimmeron Lisle would be able to make public comment later on during the discussion of the ordinance.*

There were no additional public comments nor citizen correspondence.

3. Approval of Minutes: *The Townhall Meeting Minutes from May 24, Public Hearing Minutes from August 25, and Regular & Public Meeting Minutes from August 25, 2022, were accepted as written.*

4. Agenda Additions, Changes, Deletions – None.

5. Special Requests:

A. Proclamation: *Childhood Cancer Awareness Week – September 25 to October 1, 2022*

Mayor Trefry read the Proclamation in support of Childhood Cancer Awareness Week.

MOTION: *Motion made by Commissioner DeNeale, seconded by Commissioner Sutton, to proclaim September 25 to October 1, 2022, as Childhood Cancer Awareness Week.*

DISCUSSION: *None.*

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

6. Committee and Staff Reports:

A. Marathon Fire/EMS – Deputy Fire Chief Cameron Bucek reported 3 EMS calls, including 1 fire, 1 fire alarm, and 1 public assist over the last 28 days. Deputy Fire Chief reported that the Fire Station will hold the 9/11 event on Sunday morning starting at 9:00 am with various agencies attending. The Commission had no further questions for the 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 – Staff report submitted. Vice-Mayor Harding asked Chief DiGiovanni if the Police Department has a decibel meter to measure noise. Chief DiGiovanni stated that the topic of decibel meters has come up in the discussion on the noise ordinance but stated, that the Police Department does not have a decibel meter. Vice-Mayor Harding expressed his concerns on the noise ordinance for residents during the night and explained that he has looked at other cities, as well as state and county requirements, and has compiled a summary of findings that he will submit to City Attorney Smits. The Vice-Mayor continued saying that his findings have shown that everyone has gone to the dB rating, and suggested that after review the city should consider acquiring decibel readers. Mayor Trefry stated that City Attorney Dirk Smits can address the topic during his legal report. Vice-Mayor Harding further commented on the Intervention Class in the Chief's report and asked if the officer could provide feedback to the Vice-Mayor. Chief DiGiovanni explained the changes in the Intervention class and stated that the officer will reach out to the Vice-Mayor.

I. Building Department – Staff report submitted. No additional questions.

J. Public Works – Staff report submitted. Vice-Mayor Harding asked Public Works Department Head Mike Guarino if the HAM radio station is up and running. Public Works Department Head Guarino confirmed that the tent is set up and that they are waiting for one more radio to come in, but that they were able to talk to Tennessee. Vice-Mayor Harding explained that this was the last step for the Storm-Ready Certification and he will start with the application.

K. City Secretary/Treasurer – No report.

L. City Clerk – Staff report submitted. The Commission had no additional questions.

M. Code Enforcement Officer – No Report

N. City Administrator Dave Turner – Report submitted. The Commission had no additional questions.

a) City Hall Update: City Administrator Turner reported that the Building Department is currently reviewing the drawings and that concerns over the electrical systems have been brought to his attention where possible downsizing of items could occur. Building Official Leggett confirmed that this is the only item of concern at this point. City Administrator Dave Turner stated that he will contact the Architect Firm for a meeting to go over the concerns and to provide possible cost saving ideas. The City Administrator further stated that downsizing for cost efficiency has been done before on the proposed building plans and this will be the last step in the process.

City Administrator Turner updated that he met with the banks for funding, in addition to one grant being in the process and working with FEMA. The City Administrator reminded everyone that ad-valorem monies cannot be used for building and that no taxes will be raised now, or in the future to pay for the building. Commissioner DeNeale stated that after budget discussions he is convinced the city is fine and if monies would have to be borrowed, the city could handle the finance cost. Commissioner DeNeale further expressed his confidence in the city and finances. Mayor Trefry supported Commissioner DeNeale's views.

7. Commissioner Items for Discussion/Approval:

8. Approval of Warrants – none.

9. ORDINANCES & RESOLUTIONS

A. Ordinances - First Reading

a) Legal proof of Publications: *Legal proof of publications were accepted.*

b) 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.*

Mayor Trefry presented the first reading of Ordinance No. 2022-473.

MOTION: *Motion made by Vice-Mayor Harding, seconded by Commissioner Ramsay-Vickrey, to approve the first reading of Ordinance No. 2022-473.*

DISCUSSION: *Kimmeron Lisle, 200 9th Street, spoke on behalf of the Continental Inn. Kimmeron Lisle asked on clarification on the term of multi-story structures. Vice-Mayor Harding explained that the reference goes to the Senate Bill that was approved by the Governor, which states three stories and above. The Vice-Mayor further explained that the city's ordinance supports and implement the procedures of the state, which is three stories and above. Vice-Mayor Harding confirmed that 2-story structures will not be subject to the ordinance. Vice-Mayor Harding further explained the background behind the state ordinance and also stated the possibility of the ordinance being edited at a later date. Commissioner Ramsay-Vickrey explained that the City Commission worked with the legal team and that the wording in the amendment reads that the City Commission "adopts the regulations" and "as authorized by Florida Law" which clarifies that the city follows state law. Kimmeron Lisle thanked the Commission.*

Mayor Trefry stated that normally citizen comments are recognized in the beginning of the meeting, however, she will make an exception due to the importance of the topic.

Mike Yunker, General Manger of Castillo De Sol Condominium, asked if amendments made to the state ordinance will be covered in the local city ordinance. Mayor Trefry stated that it would have to be seen what the amendments are but the answer would be yes with no guarantees.

ON THE MOTION: Rollcall vote. Unanimous approval.

c) 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.*

Mayor Trefry presented the first reading of Ordinance No. 2022-479.

MOTION: *Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve the first reading of Ordinance No. 2022-479.*

DISCUSSION: *None.*

ON THE MOTION: Rollcall vote. Unanimous approval

10. Commissioner's Reports or Comments

Commissioner DeNeale thanked the Commission for covering during his absence last week. Commissioner DeNeale further stated to remember 9/11 and that everyone had loved ones affected by the event.

Commissioner Sutton gave an update on the 10th Street Stormwater Project. Commissioner Sutton updated that the contractor reported that materials are backordered 4-6 weeks. Commissioner Sutton continued saying that he informed the contractor that the city is working with a grant and that the project needs to be moving along. Commissioner Sutton explained that the contractor indicated that the permit for the wells has not been received yet. Commissioner Sutton confirmed he will contact Mittauer Associates to get an update, since the monies need to be used by December.

Vice-Mayor Harding updated that he continues to receive questions on the flood panel grant and is continuing working through on that. The Vice-Mayor further updated that two mitigation improvement grants are being worked on and were submitted September 1st to the State. Vice-Mayor Harding explained that the grant applications are for the Lift Station control boxes and for erosion control. The Vice-Mayor further updated that there is an additional grant opportunity for environmental protection and will give further updates on what is needed. Vice-Mayor Harding informed that he had talked with City Attorney Smits about formal training on Sunshine Law and suggested that City Administrator Turner and City Clerk Gransee to be included on it as well.

Commissioner Ramsay-Vickrey updated that she has been offered monies for marine related conservation efforts for the City of Key Colony Beach and has been working with City Administrator Dave Turner on the acceptance for those monies for that use. Commissioner Ramsay-Vickrey further informed that she met with Chief DiGiovanni on the Manatee Conversation efforts and using some of those new marine related conservation funds towards that. The Commissioner continued saying that yesterday was National Manatee Day and that all can make

an effort to maintain a slow speed in the canals. Commissioner Ramsay-Vickrey reported that watercraft accidents account for up to 20 - 25% of all manatee death and one out of every four carcasses bear evidence of 10 or more watercraft strikes. Commissioner Ramsay-Vickrey further reported talking with Chief DiGiovanni about fundraising opportunities for the animal shelter. The Commissioner informed meeting with Teresa Tupper, Vice-President from Safe-a-Turtle, on potential purchases with the marine related conservation funds to purchase magnets, or window clings, for beach facing window units to remind and alert visitors to close blinds or turn the lights off during turtle season. Commissioner Beth Ramsay-Vickrey continued saying that she is excited for the presentation from County Director for Emergency Operations Shannon Wiemer.

Mayor Trefry welcomed Code Enforcement Officer Barry Goldman to the City. Mayor Trefry asked Chief DiGiovanni if boats were still patrolling the canals and monitoring Shelter Bay for no-wake violations. Chief DiGiovanni reported that canals are still being patrolled in addition to monitoring Shelter Bay for no-wake violations. Chief DiGiovanni informed that it takes four hours to patrol the entire city and his officers try to patrol as much as they can. Mayor Trefry further reported that herself, as well as City Clerk Gransee, will be attending the advanced WebEOC meeting.

11. City Attorney Dirk Smits reported on the Sunshine Law education, public records, and ethics training and stated it should not take a long time to complete. Mayor Trefry stated that she would like to schedule another Sunshine Ethics Training for everyone that sits on a Volunteer Committee, in particular new committee members. City Clerk Gransee stated that she believes the last Ethics Training class took place sometime early in 2022 but said she would double check on the date, and also invite the new members to complete the class. Commissioner DeNeale stated that the State Attorney used to run the training and asked Attorney Dirk Smits if he could check with him if he will start it up again.

City Attorney Smits introduced Janette Smith as a new member to his law firm. Janette Smith introduced herself to the Commission and gave her background including having 15 years of local government experience including being a Master Municipally City Clerk, having worked with the State Attorney's Office, and having worked for multiple counties and cities. City Attorney Smith further stated that she is looking forward to working with the city and bringing her knowledge and experience to assist the city. The Commission welcomed Janette Smith.

Mayor Trefry asked if a discussion is needed on the proposed noise ordinance. City Attorney Smits stated that the question is whether to enforce it as it sits first. City Attorney Smits cited part of the ordinance and the wording of prima facie evidence. The City Attorney explained the meaning behind the wording and procedures that follow. City Attorney Smits further stated that the ordinance as it sits does not require a decibel meter or calibration of a decibel meter. City Attorney Smits explained that issues have occurred with calibration equipment where cases had to be dismissed. The City Attorney stated that calibration equipment leads to more difficulties to prosecute and he feels that currently the Code, or Police Officer, can go to scene and readily observe violations. City Attorney Smits further stated that all that is needed is a witness to observe and issue a citation, and the question comes to how to enforce the ordinance.

Mayor Trefry stated that she was not part of the discussion a few weeks ago due to sickness and was not able to describe why the noise ordinance has come before the Commission. Mayor Trefry

explained that a couple of months ago a department head meeting was being held where Chief DiGiovanni had voiced concerns over the decibel levels. Mayor Trefry explained that in the past when the Police Department has expressed gaps in an ordinance that kept it from enforcement, the Commission addressed it, and the ordinance was changed, or a new one written. Mayor Trefry explained that this is how the process started and that under legal advice the decibel level was taken out of everything. Mayor Trefry further stated that she believes that the current noise ordinance is fine and that if it is too difficult to implement a decibel level, it strictly comes down to enforcement of the code and existing ordinance. Chief DiGiovanni asked City Attorney Dirk Smits what reference he was citing prior, which the City Attorney explained was State Law reference of the city's code and statutes. Chief DiGiovanni stated that he would like to review the reference and further stated, that with the new Code Enforcement Officer and Property Managers accessible through CitizenServe, it will make the older code work better now than in the past. Chief DiGiovanni agreed with the Mayor and stated that new "tools in the officer's toolbox" will help. Chief DiGiovanni referenced House Bill 60 which deals with someone being anonymous and explained, that the officers do receive anonymous calls which makes it hard to follow up on complaints. Chief DiGiovanni further explained the difficulties with anonymous calls as well as his officer's commitment. Mayor Trefry stated she understands Chief DiGiovanni but wanted to make sure the other Commissioners understood how the noise ordinance came onto the agenda. Mayor Trefry further explained the background behind the proposed noise ordinance and resulting work edits that followed. Mayor Trefry stated that more research and diligence has to be done before drafts are being presented in the future. Mayor Trefry asked the Commission on input on the issue at hand. Commissioner DeNeale thanked Chief DiGiovanni for his work on the ordinance. The Commissioner stated that the City of Key Colony Beach is different compared to other cities and that out of 1,500 plus residences 600 are vacation rentals. Commissioner DeNeale further stated that on some streets every other house is a vacation rental and residents that live here are an outdoor society. The Commissioner further explained the challenges of houses being close together, noise violations, and older windows that do not have new sound proofing. Commissioner DeNeale continued saying that he believes that the current ordinance works, however, he has not seen many write-ups for noise complaints. Commissioner DeNeale recalled his personal observations on how noise complaints are being handled and expressed his support for the current ordinance. Commissioner DeNeale thanked Chief DiGiovanni for doing a great job and suggested the possibility of writing more citations so Property Managers are made aware of the problem. Commissioner DeNeale further stated that this is the Police Departments right and not the Commissioners. Commissioner DeNeale also thanked Code Enforcement Officer Goldman for his work

City Attorney Smits stated that it is the Police Officers discretion to warn but also as equal to cite. City Attorney Smits further explained the discretion Police Officers can yield. The Commission, as well as Chief DiGiovanni, had further discussion on noise violations and how they are being resolved. Mayor Trefry explained the amount of resources that are being spend on vacation rentals and enforcement. Mayor Trefry further stated that she would like everyone to be proactive and not reactive. Mayor Trefry continued talking about her observations in how vacation rentals are being rented and the constant turnover. The Mayor explained that every house on her street is a short-term rental and she observes the same frustrations as other residents. Mayor Trefry stated that she

wants to move forward from here as a team and be proactive instead of reactive. Mayor Trefry further stated that she agrees with Commissioner DeNeale on the thought of issuing more citations and the need to do something. City Attorney Smits continued explaining the responsible parties and suggested keeping a log on properties of noise complaints which Vice-Mayor Harding agreed with. Chief DiGiovanni stated that this has been discussed, and with the help of the Code Enforcement Officer the issues can be identified, since the Police Officers are also there for safety, security, and to keep crime rates low. Chief DiGiovanni further explained how the Code Officer helps the Police Department and that they are excited to work with Code Enforcement Officer Goldman.

Mayor Trefry stated that the 24/7 contact was not stressed at the Property Managers Class and that this requirement has to be brought to the Property Managers attention. Chief DiGiovanni stated that Code Enforcement Officer Goldman has addressed issues with incorrect Property Managers. Code Enforcement Officer Barry Goldman reported that small citations will not be issued to the renters, but the property owner instead, and explained the reasoning behind it.

Mayor Trefry updated that the City Attorney's will be breaking out legal fees for code violations and the building department.

City Administrator Dave Turner asked Chief DiGiovanni to reiterate how to contact the Police Department and the Code Enforcement Office. Chief DiGiovanni explained that the city is using the Monroe County Dispatch for calls and stated their non-emergency number as 305-289-2351. The Chief explained that the dispatch will not take anonymous complaints and for residents to leave their name. Chief DiGiovanni explained that Officers will also be able to act as a witness when appearing at Code Enforcement Hearings. Code Enforcement Officer Goldman stated that residents can contact him during the day at City Hall at 305-289-1212 extension 4, and during the night to contact the nighttime dispatch. Chief DiGiovanni gave the number for boat trailer access as 305-432-0086.

Commissioner Ramsay-Vickrey stated that it has been a great conversation and asked if a fact sheet was available on the city's website with all rules and regulations, which Mayor Trefry confirmed. Mayor Trefry stated that in the past renters had to sign a fact sheet as part of their rental agreement. Chief DiGiovanni explained that in the past renters had been cited, but with the new protocol of properties being cited, change will happen with better results.

Mayor Trefry stated that in the past records have shown that citations were issued for boat trailer violations but were never paid with no way to collect on them.

Vice-Mayor Tom Harding explained that all local cities surrounding Key Colony Beach have noise ordinances which include dB readings and that his background experience is that the dB readers are easily calibrated. Vice-Mayor Harding continued saying that this is an objective measurement compared to personal noise acceptance. The Vice-Mayor further stated that it says nowhere that lawns cannot be mown at 7:00 o'clock, and stipulations go toward a specific power tool with most of the cutoff being at 9 or 10 o'clock with other local cities. Vice-Mayor Harding stated that the wording should be changed if more work is being done on the ordinance. Mayor Trefry stated that she has no problem with lawn mowing, as long as it is not commercial or on a Sunday. Vice-Mayor Harding agreed that there is distinction for commercial and residential in other cities, and further stated that he can give City Attorney Smits a summary of findings for surrounding cities. Vice-Mayor Harding continued explaining that the State of Florida does not include regulations on noise since it presents a violation of a constitutional right and has delegated the right to do so to the

cities. Vice-Mayor Harding clarified that he does not like the new proposed ordinance for the fact of not being allowed to mow the lawn at 7 o'clock at night, and further stated that enforcement seems to be the issue with the current ordinance. Chief DiGiovanni agreed and stated that with the new tools provided it should be easier to get to the violator of the home. Commissioner Ramsay-Vickrey expressed her agreement and stated that keeping a log of the addresses is the solution.

City Attorney Smits had nothing further to add.

12. Adjourn: *The meeting adjourned at 10:35 A.M.*

Respectfully Submitted,

Silvia Gransee

City Clerk

DRAFT

City of Key Colony Beach

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Fax: 305-289-0247
www.keycolonybeach.net



Proclamation National Red Ribbon Week October 23 - 31, 2022

Whereas, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

Whereas, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

Whereas, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

Whereas, the red ribbon has been chosen as a symbol commemorating the work of Enrique "Kiki" Camarena, a Drug Enforcement Administration agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

Whereas, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

Whereas, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

NOW, Therefore, I, Patricia Trefry, Mayor of the City of Key Colony Beach, do hereby proclaim October 23-31, 2022, as RED RIBBON WEEK in the City of Key Colony Beach, and urge all citizens to join me in this special observance.

Presented this 22nd day of September 2022.

Signature: _____

Patricia Trefry, Mayor

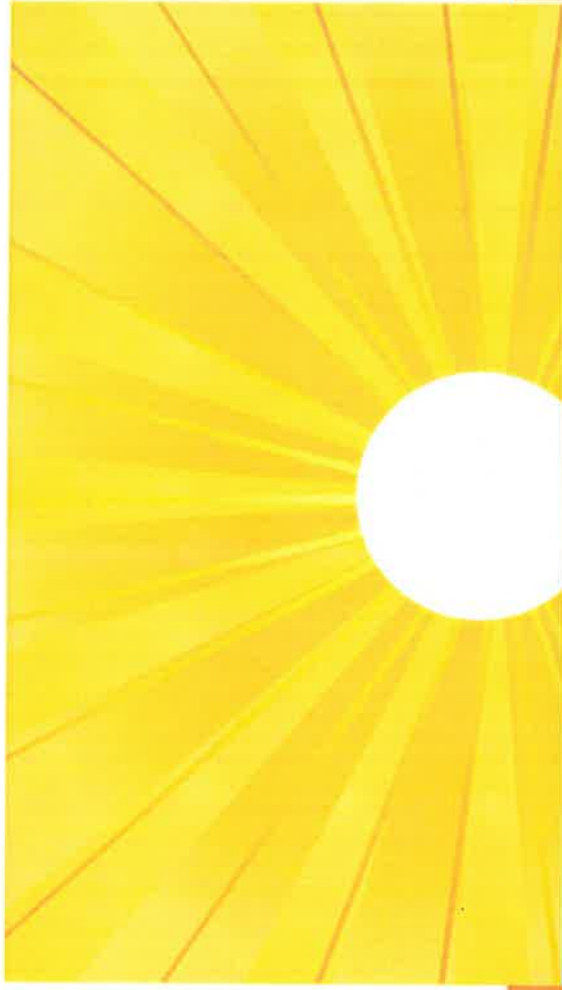
Attest: _____

Silvia Gransee, City Clerk

**Monroe County
Health Priority:
Health in All
Policies**

**Choose Health:
Partnership for a
Healthier FL Keys**

**Presented by:
Alison Kerr, MPH
Jody Gross, RN, MSN**



**Florida
HEALTH**

Monroe County

Six Phases of MAPP & Monroe's Healthy Priorities

Phase 1: Organize for success and partnership development.

Phase 2: Develop a vision.

Phase 3: Four assessments.

- Local Public Health Assessment
- Forces of Change Assessment
- Community Themes and Strengths Assessment
- Community Health Assessment

Phase 4: Develop strategic issues.

Phase 5: Formulate Goals and Strategies.

Phase 6: Action Cycle.

MONROE

COUNTY

COMMUNITY HEALTH
IMPROVEMENT PLAN
2019—2022



Available at: Monroe.flhealth.gov

1. Health in All Policies
2. Mental Health and Substance Abuse
3. Access to Care

Health Priority: Health in All Policies

- A HiAP approach provides a systematic way to address important factors that determine health: environment and behavior.
- By considering health in operations and policy decisions among governments, businesses and organizations, communities can improve citizen's health.
- It engages diverse partners and stakeholders to work together to improve health and simultaneously advance other goals.



About Health in All Policies (HiAP)

What is Health in All Policies (HiAP)?

- According to the National Association of County and City Health Officials (NACCHO), “HiAP is a change in systems that determines how decisions are made and implemented by local, state, and federal governments as well as in the private sector to ensure that policy decisions have neutral or beneficial impacts on health determinants.” HiAP involves the commitment of a community to the health of its residents. It is a systematic manner of looking at health through systems and policies that are implemented throughout organizations, in government and the private sector. Thinking about what effect a new policy being considered will have on people's health can help your agency achieve its mission and improve the health of the people in your community.

Why would you/we use it?

- It is a way to collaborate with decision-makers in organizations and the community addressing health problems that do not have one single solution. HiAP provides an avenue to define solutions that are local to the organization and community and relevant to the issue. NACCHO states that “the achievement of health equity is a central tenant for HiAP.” Policy development and initiatives should be used to improve the social determinants of health; those “conditions in which people are born, grow, live, work and age,” according to the World Health Organization. HiAP eliminates the “siloes” of work that can often be reactive to one particular need, bringing key stakeholders together to plan for needs in the community.

What are Health Determinants and Social Determinants of Health?

- Health Determinants and Social Determinants of Health (SDOH) are conditions in which people are born, grow, live, work and age that affect a wide range of health and quality-of-life risks and outcomes. These conditions determine a person's chances of maintaining good health.
- SDOH are mostly responsible for health inequities – the unfair and avoidable differences in health status. Examples of SDOH include income level, educational opportunities, employment and working conditions, segregation, access to food, housing, social supports, neighborhood safety, access to clean environments, and recreational opportunities. (NEJM Catalyst 12/17)

What are some resources?

- St Petersburg, Florida: www.healthystpetefl.com/health-in-all-policies
- Pinellas Park, FL: www.pinellas-park.com/1521/Health-in-All-Policies-HiAP
- CDC: www.cdc.gov/policy/hiap
- The Kansas Health Institute Health Impact Checklist: www.khi.org/policy/article/HI-C
- NACCHO Health in All Policies: Experiences from Local Health Departments: www.naccho.org/programs/community-health/healthy-community-design/health-in-all-policies

What are the next steps?

- How do you see your agency moving forward with HiAP? How can we help you? What would you need to make this happen?

Health Priority: Health in All Policies

GOAL: Promote Health in All Policies (HiAP) with local governments, agencies, and businesses.

- Objective 1.1: By June 2024, provide education concerning HiAP to the majority of municipalities and government organizations and to selected private businesses in the County



Assessments showed recurring health disparities which can be addressed through HiAP framework (i.e. Bike/pedestrian safety, alcohol/substance abuse, mental health, etc.)

PARTNER GUIDE

HEALTH IN ALL POLICIES Q&A

When you are in the process of developing, or revising a policy, consider community health by answering the following questions.

Policy Name and Number: _____ Date: _____

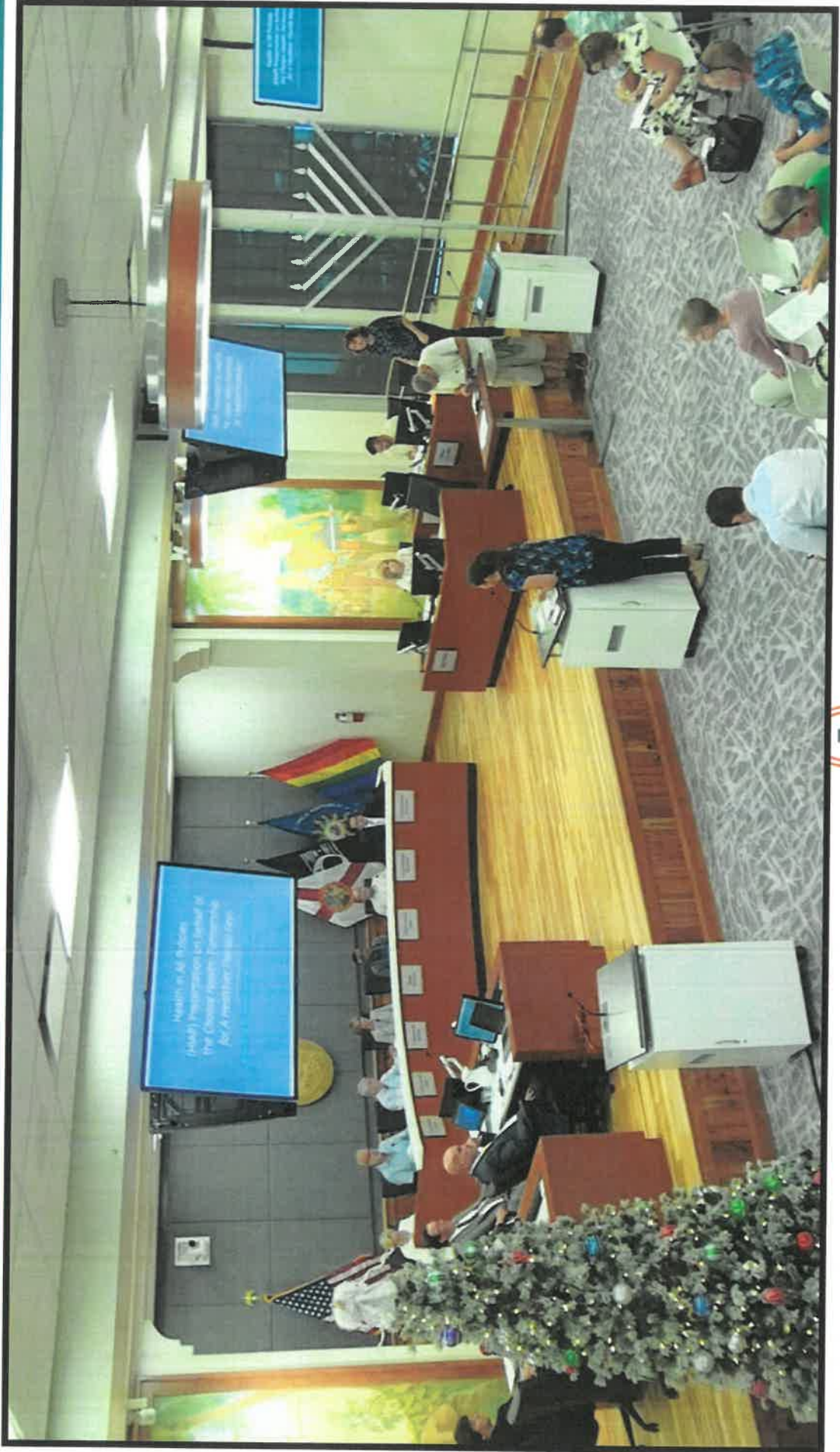
This policy has health implications.	Yes ___ No ___
Question	Answer
How will this policy affect the health of our employees, customers, and the public?	
Would a change in the policy influence: <ul style="list-style-type: none"> • Behavior (i.e., eating habits, sleep, stress, drugs/alcohol/tobacco use, exercise, etc.) • Or other external factors (i.e., travel, transportation, education, health care, housing, etc.) 	
What will be the improvement(s) if the environment is changed?	
Will this policy reduce or prevent injuries or accidents? How?	
Can the necessary training, equipment, and PPE (personal protective equipment) be provided?	
Are there risks to long term exposure to repetitive movements, hazardous materials or exposure to toxins, or natural environments (open water, sun, etc.)?	
What are the mitigating and aggravating elements of this policy?	
Are there unintended or indirect	

- DOH developed a HIAP Policy template and finalized a partner guide with the help of the work group which facilitates community presentations and meetings with decision makers on the topic.
- The template and partner guide are tools to aid educating community stakeholders in HIAP and assist them in implementing it in their own business/agency.

Pictured: Health in All Policies Training by Bridget Kerner, National Association for County and City Health Officials presentation on Nov 19, 2019, City of Key West Commission Meeting.

https://keywestcity.granicus.com/MediaPlayer.php?view_id=1&clip_id=1093

Click Item 3 "Health in All Policies" to view



HIAP Presentations

FL Dept of Health in Monroe

Monroe County BOCC

City of Key West

Florida Keys Society for Human Resources Management (SHRM)

City of Layton

Community Health of South Florida (CHI)

Village of Islamorada, 8/25

Key Colony Beach, 9/22

Health Priority: Health in All Policies

Promoting HiAP requires collaboration among all partners to incorporate this best practice for health improvement countywide.

Community Partners will receive recognition from the State for their efforts in promoting HiAP.

What can YOU do to promote HiAP? What are specific feasible policies?

DATE FILED DATE GRANTED PERMIT 12295

NOTE: THIS PERMIT IS VALID FOR A ONE YEAR PERIOD MAXIMUM FROM DATE GRANTED.

PROPERTY OWNER John Hotz - Jack Hotz PHONE 609.682.1001
ADDRESS OF RECORD (MAIL) 13692 Sheffield St
CITY, STATE, ZIP Wellington, Fl, 33414

Property Description:

LOT 9 BLOCK 3 SUBD No.2 ZONING DISTRICT TAX FOLIO# 00079872-009300
STREET ADDRESS: 250 15th Cir - Key Colony Beach
- ST STREET FLOOD ZONE & ELEVATION

PROPOSED CONSTRUCTION: (Specify, alteration, seawall, etc.)
Install a 546 square foot wood dock and Boat Lift Installation.

Check applicable line for roofing permit: New Roof Re-Roof Re-Cover

CONTRACTOR Marathon Seawalls & Docks LICENSE
BUSINESS ADDRESS 210 20th Street Ocean, Marathon, Florida 33050 PHONE 305-289-9393
BONDING COMPANY NAME/ADDRESS PHONE
ARCHITECT/ ENGINEER NAME/ADDRESS PHONE
MORTGAGE LENDER NAME/ADDRESS PHONE

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

TYPE	LICENSE #	COST
ELECTRICAL
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.

John Hotz Jack Hotz 6/26/22
Signature of Permit Owner/Agent (Including Contractor) Date Signed

Randal Hendrick Randal Hendrick 7-5-2022
Signature of Contractor (printed name) Date Signed

Signature of NOTARY as to Owner **JERRY D TORIAN II**
Notary Public
State of New Jersey
My Commission Expires June 26, 2024
I.D.# 2459145

Signature of NOTARY as to Contractor
VIVIANA ANDREA TORRES
Notary Public - State of Florida
Commission # HH 18273
My Comm. Expires Jul 6, 2024
Bonded through National Notary Assn

My Commission Expires 6/26/24
I.D. # FL D.L. Known TOTAL COST : 65,500

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
100.00 Fire Safety
2500.00 Clean-Up Bond
600.00 FINAL INSPECTION FEE: (separate check)
(REFUNDABLE UP TO 1 YEAR AFTER PERMIT IS ISSUED)

DATE PAID PAID CHECK #

Signature of Building Official Date Issued



Map



TRIM Notice

2021 TRIM Notice (PDF)

2021 Notices Only

No data available for the following modules: Buildings, Yard Items, Sketches (click to enlarge).

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

[User Privacy Policy](#)
[GDPR Privacy Notice](#)



Last Data Upload: 6/14/2022, 3:39:03 AM

Version 2.3.200

Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00079872-009300
 Account# 8734182
 Property ID 8734182
 Millage Group 50KC
 Location Address 250 15TH Cir, KEY COLONY BEACH
 Legal Description BLK 3 LOT 9 COURY SUBD NO 2 PB7-48 OR1590-1186 OR1598-1865 OR3101-2106
 (Note: Not to be used on legal documents.)
 Neighborhood 5075
 Property Class VACANT RES (0000)
 Subdivision COURY SUBD #2
 Sec/Twp/Rng 05/66/33
 Affordable No
 Housing



Owner

HOTZ JOHN
 13692 Sheffield St
 Wellington FL 33414

HOTZ KAREN
 13692 Sheffield St
 Wellington FL 33414

Valuation

	2021	2020	2019	2018
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$331,905	\$348,988	\$348,988	\$348,988
= Just Market Value	\$331,905	\$348,988	\$348,988	\$348,988
= Total Assessed Value	\$331,905	\$344,317	\$313,015	\$284,559
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$331,905	\$348,988	\$348,988	\$348,988

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
PERMITTED SFR CANAL (01CP)	10,385.00	Square Foot	0	0

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
5/26/2021	\$450,000	Warranty Deed	2322647	3101	2106	01 - Qualified	Vacant
9/22/1999	\$1	Quit Claim Deed		1598	1865	M - Unqualified	Vacant

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
12203	5/2/2022		\$29,756	Residential	326 FT OF RETAINING WALL WITH FOOTING & MASONARY BLOCKS WITH PARTIAL FENCE ON TOP OF RETAINING WALL
11992	10/25/2021		\$1,200,000	Residential	SFR - REINFORCED CONCRETE - 2 STORY, 6,100 TOTAL SF

View Tax Info

[View Taxes for this Parcel](#)

Photos



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232

May 5, 2022

REPLY TO
ATTENTION OF

Regulatory Division
South Permits Branch
Miami Permits Section
SAJ- 2021-03218 (LOP-DSD)

John Hotz
13692 Sheffield Street
Wellington, FL 33414

To whom it may concern:

This is in reference to your request for a Department of the Army (DA) permit to perform work in or affecting waters of the United States. If you determine the permit provided is acceptable in its entirety and you have chosen to proceed with the authorized activity, then upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 USC 1344), you are authorized under a Letter of Permission

to install a 546 square foot wood dock with a 12,000 pound capacity-side elevator boat lift, a 24,000 pound capacity side elevator boat lift with the hand trimming of 1,968 square foot of red mangroves, the after the fact authorization for the removal of 2,300 square feet of red mangroves and subsequent fill into jurisdictional wetlands for the construction of a single-family residence, and to install temporary floating turbidity barriers around all work areas that are in/over U.S. navigable waters.

located at Lot 9, 15th Circle, in Section 5, Township 66 south, Range 33 east, Monroe County, Key Colony Beach, Florida 33051 RE number (00079872-009300).

Geographic Position: Latitude: 24.722764 °
Longitude: -81.028883 °

The project must be completed in accordance with the enclosed construction drawings, and the general and special conditions which are incorporated in, and made a part of, the permit.

Special Conditions:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:
 - a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, 2021-03218 (LOP - DSD), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form attached.

3. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

4. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

5. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

6. Manatee Conditions: The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attached).

7. Project Drawings: The project must be completed in accordance with the enclosed construction drawings, date-stamped by the U.S. Army Corps of Engineers (Corps) on April 22, 2022, and the general and special conditions which are incorporated in, and made a part of, the permit.

8. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

9. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached *Self-Certification Statement of Compliance* form (Attached) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the *Self-Certification Statement of Compliance* form. The description of any deviations on the *Self-Certification Statement of Compliance* form does not constitute approval of any deviations by the Corps.

10. Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of these JAXBO must be utilized during the design and construction of the permitted work

11. Fill Material: The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.

12. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area into waters of the United States. The erosion control measures shall remain in place and be maintained until all authorized work is completed and the work areas are stabilized.

13. Daylight Hours: All activities must be completed during daylight hours.

14. Mitigation Credit Purchase: Within 30 days from the date of initiating the authorized work, the Permittee shall provide written verification to the Corps that .04576 tidal federal mitigation credits have been purchased from the Keys Restoration Fund In-Lieu Fee Mitigation Program (SAJ-2012-02902) for 2,300 square feet of tidal impacts. For questions regarding the purchase of credits from the Keys Restoration Fund, please contact Laura Flynn by email LLFLYNN@GMAIL.COM or by Toll Free phone at 855-588-2100. The Permittee shall include a copy of the DA permit along with a check made payable to the Keys Restoration Fund (KRF). Please note that failure to mail a copy of the permit with the check may result in a delay of processing payment. This DA permit number (SAJ-2021-03218) shall be written on the check. The payment can be mailed to the following address: Coastal Resources Group, Inc. C/o Laura Flynn, 11449 Calhoun Court, Venice, FL 34293. The Permittee shall provide written verification of credit purchase to the Corps' Enforcement Section at 9900 SW 107th Ave, #203, Miami,

FL 33176. The required verification shall reference this project's DA permit number (SAJ-2021-03218).

If the work authorized is not completed on or before **May 5, 2027**, authorization, if not previously revoked or specifically extended, shall cease and be null and void.

Instructions for Objecting to Permit Terms and Conditions: This letter contains an initial proffered permit for your proposed project/permit application. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address by July 5, 2022.

Should you have any questions regarding this letter, please contact the project manager Danielle D'Amato in writing the letterhead address, by telephone at 904-232-2166, or by email at Danielle.S.D'Amato@usace.army.mil.

The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



for James L. Booth
Colonel, U.S. Army
District Commander

Enclosures
Commencement Notification
Self-Certification



Keys Restoration Fund Federal In-Lieu Fee Program

11449 Calhoun Ct.
Venice, Florida 34293
855.588.2100

Sponsored by Coastal Resources Group Inc., a 501 (c)(3) not-for-profit organization

May 27, 2022

U.S. Army Corps of Engineers
Regulatory Division
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: Sale of Mitigation Credits from Keys Restoration Fund In-Lieu Fee Program (SAJ-2012-02902)

Dear Army Corps of Engineers,

This letter shall serve to fulfill the sponsor's obligations, detailed at 33 CFR 332.3(l)(3) and 332.8(p)(2), to notify the U.S. Army Corps of Engineers of the sale of federal mitigation credits from the Keys Restoration Fund In-Lieu Fee Program (KRF ILF Program). In support of this, the following information is provided and a copy of the Department of the Army permit requiring the payment is attached:

- Project: John Hotz
- Location: Key Colony Beach
- DOA Permit Number: SAJ-2021-03218
- Number of Credits: 0.04576
- Type of Credits: Tidal
- Impact Area: 2,300 sq. ft
- Service Area: Upper Keys

The mitigation credits noted above has been paid in full and we have deducted them from the federal credit ledger for the KRF ILF Program. By action of this sale, the sponsor for the KRF ILF Program has accepted the responsibility for providing the compensatory mitigation required by special condition [14] of the Department of the Army permit noted above. If you have any questions regarding this notification, please contact Laura L. Flynn at 813-230-0186.

Sincerely,

Laura L. Flynn
President

Enclosures: SAJ-2021-03218
Cc: John Hotz



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
Interim Secretary

August 17, 2021

Jack Hotz
13692 Sheffield St
Wellington, FL 33414
Jackhotz321@gmail.com

Re: Case Closure Letter
OGC Case No. 21-0661
Site No. 403730 / Project No. 396484
Man-Made Canal, Class III Florida Waters
Parcel No. 00079872-009300 - lot 9 block 3 Coury2 subdivision 15th circle Key Colony
Beach, FL 33050
Monroe County – SLERC

Dear Mr. Hotz;

On July 22, 2021, the referenced Consent Order was signed and executed in order to resolve the case.

Payment of \$1,830.00 was received on July 27, 2021. The Everglades Mitigation Bank ledger was modified on August 9, 2021, to reflect the purchase of 0.03 credits of saltwater marsh and mangrove wetlands.

The conditions of this Order have been satisfactorily completed and we will close this case and place it in our inactive file.

If you have any questions regarding this matter, please contact Mckenzie Fraley at Mckenzie.Fraley@FloridaDEP.gov or by phone at 305-289-7079. Your cooperation in resolving this case is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Iglehart".

Jon M. Iglehart
Director of District Management

cc: building2@keycolonybeach.net

NON-PROFESSIONAL'S ELECTRONIC OR PRINTED SIGNATURE IS VALID ONLY AS TO THE SIGNATURE OF THE SIGNER. THIS DOCUMENT IS NOT VALID UNLESS SIGNED AND DATED BY THE SIGNER. THE SIGNER'S SIGNATURE IS VALID ONLY AS TO THE SIGNATURE OF THE SIGNER. THIS DOCUMENT IS NOT VALID UNLESS SIGNED AND DATED BY THE SIGNER.

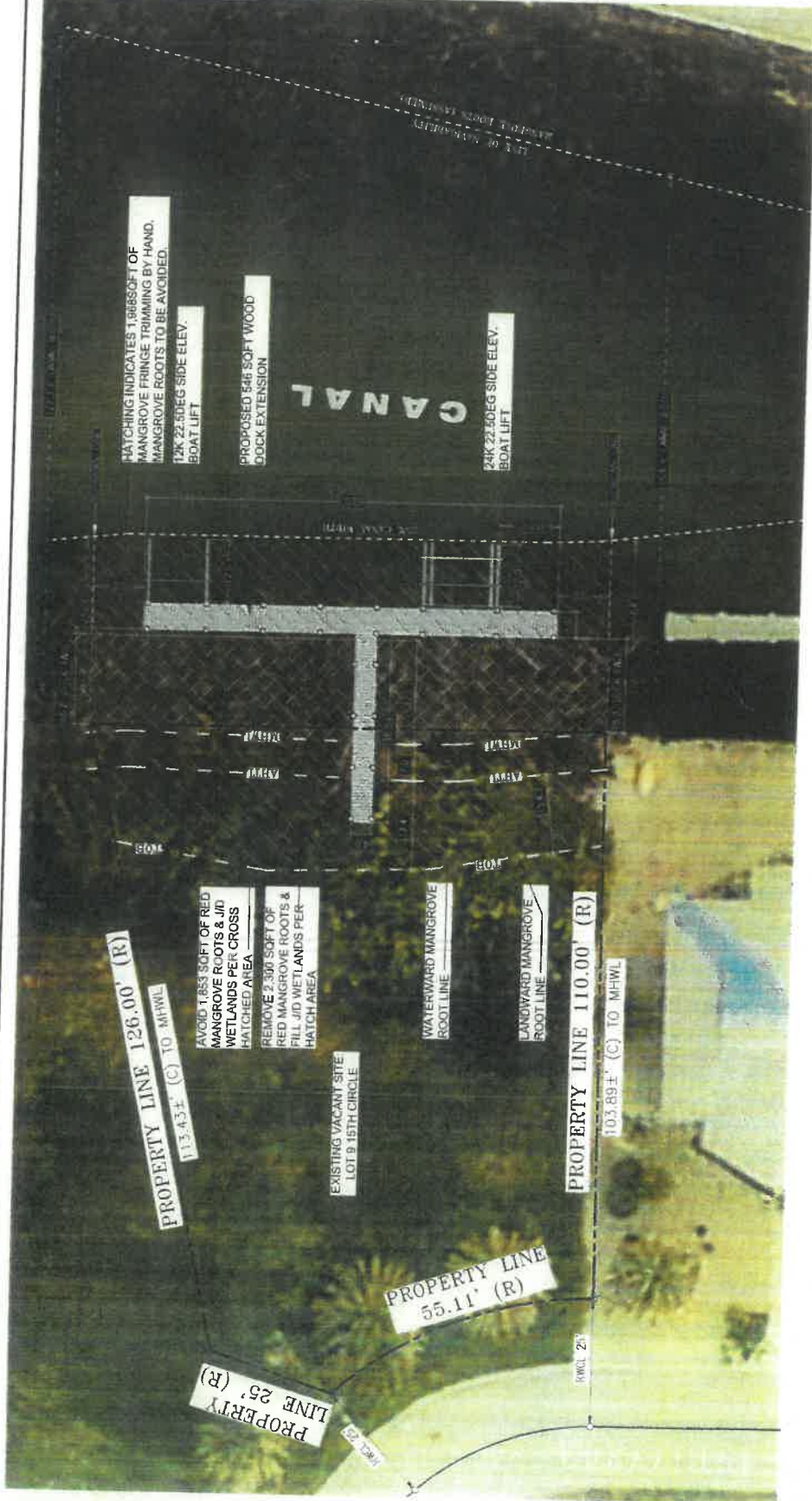
CONSTRUCTION PROPOSED FOR THE FOLLOWING LOCATION:
 LOT 9 15TH CIR,
 KEY COLONY BEACH, FL

CAMPBELL ENGINEERING CONSULTANTS LLC
 William R. Campbell, P.E. License #: 79269
 Email: will@cecfk.com CA/Reg #: 31437
 Phone #: 305-735-4626

PLANS ARE NOT VALID UNLESS SIGNED AND DATED

PROJECT #:
2785
 Date:
 AUG. 26, 2021

SHEET 3 of 5
 SHEET #
SP



CONSTRUCTION NOTES

- DIMENSIONS +/- CONTRACTOR RESPONSIBLE TO VERIFY EXACT DIMENSIONS IN THE FIELD.
- ALL HARDWARE TO BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS.
- POWER AND WATER SERVICE TO DOCK BY OWNERS DIRECTION

SITE PLAN



PROPOSED SCOPE OF WORK DEMO / NEW CONSTRUCTION

- INSTALL 546 SQFT WOOD DOCK W/ (14) 12" DIA. PT WOOD DOCK PILES & (10) 12"X12" CONC. PILES PER PLAN LOCATION
- SUBJECT LOT CONTAINS 4,153 SQFT ± ACOE-JD AREA (MANGROVE ROOTS), 1,853 SQFT AREA TO BE AVOIDED & 2,300 SQFT AREA TO BE CLEARED AND FILLED W/ 86CYDS OF FILL

CONSTRUCTION PROPOSED FOR THE FOLLOWING LOCATION:
 LOT 9 15TH CIR,
 KEY COLONY BEACH, FL

CAMPBELL ENGINEERING
 CONSULTANTS LLC

William R. Campbell, P.E. License #: 79269
 Email: will@ceeflk.com CA/Reg #: 31437
 Phone #: 305-735-4626

PLANS ARE NOT VALID UNLESS SIGNED AND DATED

PROJECT #: **2785**
 Date: **AUG. 26, 2021**

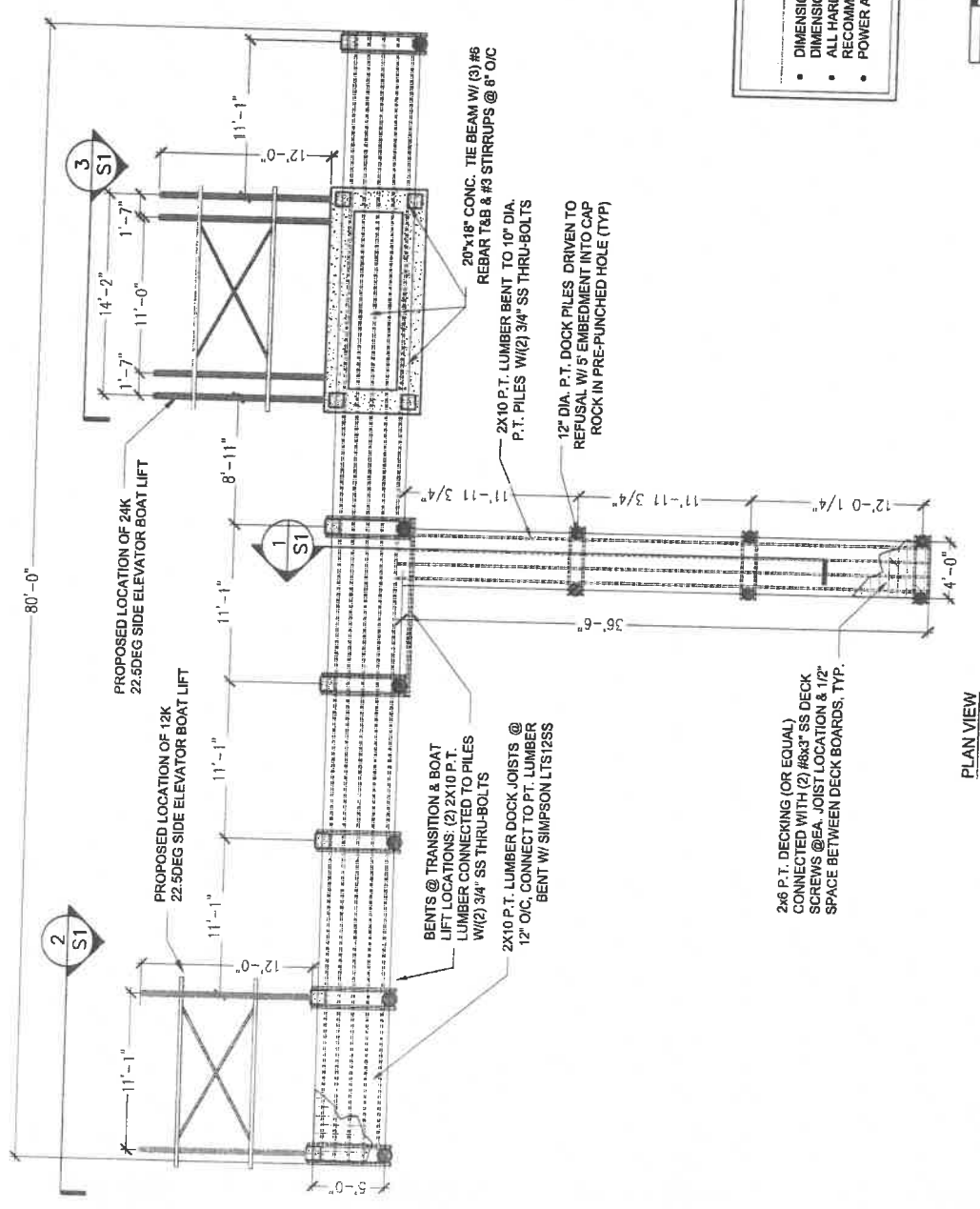
SHEET # of 5
S1

CONSTRUCTION NOTES

- DIMENSIONS +/- CONTRACTOR RESPONSIBLE TO VERIFY EXACT DIMENSIONS IN THE FIELD.
- ALL HARDWARE TO BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS.
- POWER AND WATER SERVICE TO DOCK BY OWNER'S DIRECTION

GRAPHIC SCALE: 1/8"=1'
 8' 4' 0' 4' 12'

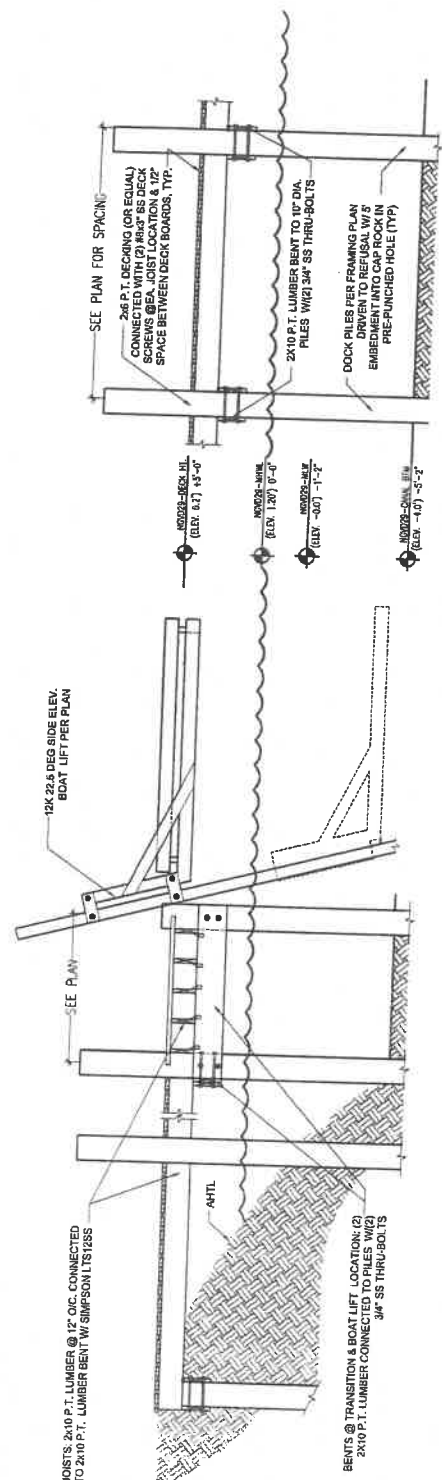
NORTH



2x6 P.T. DECKING (OR EQUAL) CONNECTED WITH (2) #6x3" SS DECK SCREWS @ EA. JOIST LOCATION & 1/2" SPACE BETWEEN DECK BOARDS, TYP.

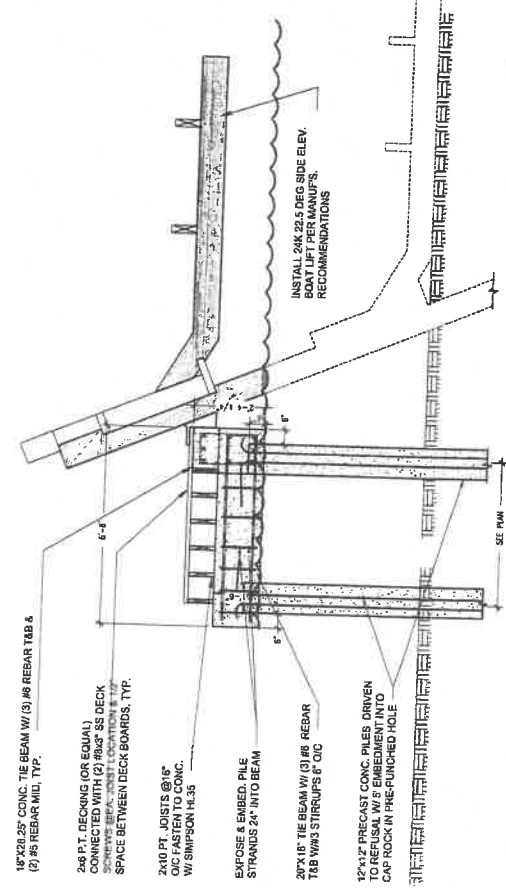
PLAN VIEW
 1/8"=1'

DOCK PLAN / SECTIONS
 SCALE: VARIES



SECTION DETAIL 2
 1/4"=1'

SECTION DETAIL 1
 1/4"=1'

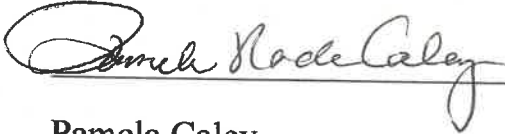


SECTION DETAIL 3
 1/4"=1'

DOCK DETAILS

I, Pamela Caley, Owner of 240 15th Circle, Key Colony Beach, adjoining property to John Hotz, 250 15th Circle, Key Colony Beach, ~~give my permission~~ to John Hotz ~~to~~ have ^{NC} a wood dock with a 24k elevator boat lift installed.

I
have no objection



Pamela Caley



Notary

MANDY CRESSMAN
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES JUNE 23, 2026

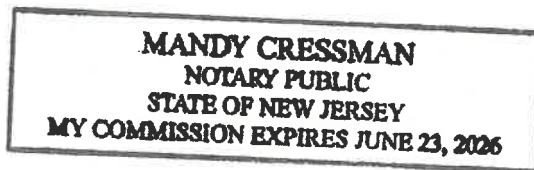
I, Elias Monroy / RGSG INC. / Monroy Investments LLC, Owner of Lot 9, Block 3, 15th Circle, Key Colony Beach, adjoining property to John Hotz, 250 15th Circle, Key Colony Beach, give my permission to John Hotz to have a wood dock with a 24k elevator boat lift installed.



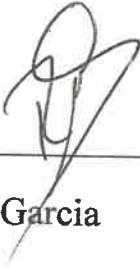
Elias Monroy



Notary



I, Rafael Garcia / RGSB INC. / Monroy Investments LLC, Owner of Lot 9, Block 3, 15th Circle, Key Colony Beach, adjoining property to John Hotz, 250 15th Circle, Key Colony Beach, give my permission to John Hotz to have a wood dock with a 24k elevator boat lift installed.



Rafael Garcia



Notary

MANDY CRESSMAN
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES JUNE 23, 2026

Reece & Associates
 PO Box 432123
 Big Pine Key, FL 33043 US
 (305) 872-1348
 accounting@reeceysurveying.com



BILL TO
 CITY OF KEY COLONY BEACH
 ATTN: DAVE TURNER
 600 W OCEAN DR
 KEY COLONY BEACH, FL 33051

SHIP TO
 CITY OF KEY COLONY BEACH
 ATTN: DAVE TURNER
 600 W OCEAN DR
 KEY COLONY BEACH, FL 33051
 305-849-0273

INVOICE 22070705

DATE 09/12/2022 TERMS Due on receipt

DUE DATE 09/12/2022

PROPERTY ADDRESS **CITY/KEY**
 OCEAN DR AND SADOWSKI CSWY KEY COLONY BEACH

BUYER
 CITY OF KEY COLONY BEACH

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
STD	STANDARD BOUNDARY SURVEY/TOPO WITH ELEVATIONS	1	5,200.00	5,200.00

TOTAL DUE \$5,200.00



Invoice

Lanier Plans, Inc dba KorKat
 221 Cable Industrial Way
 Carrollton, GA 30117
 770-214-9322

Date: 9/13/2022
 Invoice #: K20395

PLAYGROUNDS & SITE AMENITIES



Bill To

City of Key Colony Beach
 POB 510141
 Key Colony Beach, FL 33051

Ship To

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

P.O. Number	Terms	Rep	Ship	Due Date
		WC	9/13/2022	9/13/2022

Item Code	Quantity	Description	Price Each	Class	Amount
CONTRACT	1	CONTRACT # 06-14-2022 RFP 2022-08 PLAYGROUND REPLACEMENT		City of Key Colony ...	\$94,683.07
		Total sales tax calculated by AvaTax		City of Key Colony ...	0.00

Thank you for your business.

Phone #	Fax #	E-mail
770-214-9322	770-214-9323	GinaS@KorKat.com

Total	\$94,683.07
Payments/Credits	\$0.00
Balance Due	\$94,683.07
Deposit Due	\$47,341.54

RECEIVED
SEP 13 2022
By: cm

Invoice

Date	Invoice #
8/2/2022	09-20841

Bill To
City of Key Colony Beach

Job Address
City Hall
Date Received <u>9-13-2020</u>
Payment Warrant _____
Paid By Check # _____
Date _____
Charge To: _____

PLEASE INCLUDE INVOICE NUMBER(S) ON CHECK PAYMENTS

Quantity	Description	Price	Amount
	City Hall		
1	200 Amp Meter Combo	267.99	267.99
1	Homeline SQ D 125 AMP D/P Circuit Breaker	286.83	286.83
1	QO SQ D 100 AMP D/P Circuit Breaker	185.96	185.96
1	2-1/2" GE Universal Rain Tight Hub	89.00	89.00
1	2-1/2" PVC Service Entrance Cap	172.32	172.32
20	1/2" Galvanized Uni-Strut Channel	1.90	38.00
24	1/2" Allthread - Galvanized	1.80	43.20
75	2/O THHN Stranded Wire	9.99	749.25
16	2-1/2" PVC Conduit - Schedule 40	9.99	159.84
6	2-1/2" UNI-Strut Pipe Clamp	32.56	195.36
1	1/2" FLAT SS WASHER	2.28	2.28
1	2-1/2" Male Terminal Adapter	4.86	4.86
150	1-1/2" PVC Conduit - Schedule 40	5.86	879.00
10	1-1/2" Standard PVC Coupling	2.99	29.90
1	HEX NUT 1/4	0.96	0.96
6	1/2" THREADED ROD	12.13	72.78
20	1-1/2" PVC Conduit - Schedule 80	10.86	217.20
4	1-1/2" Conduit Locknut	1.80	7.20
4	1-1/2" Plastic Bushing	2.01	8.04
8	1 1/2" PVC 90 Elbow - Plain End	11.58	92.64
4	1/2" Male Terminal Adapter	0.85	3.40
300	#3 THHN Stranded Wire	3.92	1,176.00
Phone #	Fax #	E-mail	Balance Due
305-797-8155	305-743-0290	superelectrickey@aol.com	

For Billing Questions Please Call 305-797-8155.

We Accept All Major Credit Cards.

- Superior Electric of the FL Keys, INC shall not be held accountable for errors or omissions in designs by others.
- Superior Electric of the FL Keys, INC shall not be held accountable for indirect loss or damages.
- Materials purchased by Superior Electric of the FL Keys, INC is warranted for up to one year from date of installation. Warranty is good for one service call on parts and labor.
- Starting June 1st, 2017 interest on any past due/unpaid balance(s) greater than 30 days will be applied at the highest applicable rate allowed by law.
- Starting June 1st, 2017 all invoices past due 90 days will be sent to collections. If collection is required, the customer agrees to pay all reasonable cost of collections, including all attorney fees and cost.

Invoice

Date	Invoice #
8/2/2022	09-20841

Bill To
City of Key Colony Beach

Job Address
City Hall

PLEASE INCLUDE INVOICE NUMBER(S) ON CHECK PAYMENTS

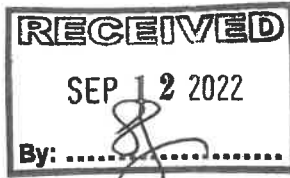
Quantity	Description	Price	Amount
300	#4 THHN Stranded Wire	3.78	1,134.00
250	#6 THHN Stranded Wire	2.00	500.00
2	1-1/2" UNI-Strut Pipe Clamp	20.98	41.96
7	Hours Labor - 2 Men (Jose & Tim) 7/22/2022 Temporary Service	180.00	1,260.00
7	Hours Labor - 2 Men (Jose & Tim) 7/25/2022	180.00	1,260.00
2	Hours Labor - 2 Men (Richard, Jandy & Liban) 7/25/2022 Temporary Service	180.00	360.00

Phone #	Fax #	E-mail	Balance Due \$9,237.97
305-797-8155	305-743-0290	superelectrickey@aol.com	

For Billing Questions Please Call 305-797-8155.
We Accept All Major Credit Cards.

- Superior Electric of the FL Keys, INC shall not be held accountable for errors or omissions in designs by others.
- Superior Electric of the FL Keys, INC shall not be held accountable for indirect loss or damages.
- Materials purchased by Superior Electric of the FL Keys, INC is warranted for up to one year from date of installation. Warranty is good for one service call on parts and labor.
- Starting June 1st, 2017 interest on any past due/unpaid balance(s) greater than 30 days will be applied at the highest applicable rate allowed by law.
- Starting June 1st, 2017 all invoices past due 90 days will be sent to collections. If collection is required, the customer agrees to pay all reasonable cost of collections, including all attorney fees and cost.

RMPK FUNDING, Inc.
 601 Heritage Drive
 #402
 Jupiter, FL 33458
 (561)745-2401
 rruskay@rmpkfunding.com
 www.rmpkfunding.com



INVOICE

BILL TO

City of Key Colony Beach
 P.O. Box 510141
 Key Colony Beach, FL
 33051-0141

DATE RECEIVED 9-12-2022
 PAYMENT WARRANT # _____
 PAID BY CHECK # _____
 DATE _____
 CHARGE TO: 513-049

INVOICE # 2403
 DATE 09/08/2022
 DUE DATE 10/08/2022
 TERMS Net 30

DESCRIPTION	QTY	RATE	AMOUNT
Resilient Florida Planning, preparation, and submission of 2023 Resilient Florida Grant Program application. Application for Erosion Control in the amount of \$132,000 submitted to FDEP on 09/1/22.	1	3,000.00	3,000.00
Resilient Florida Planning, preparation, and submission of 2023 Resilient Florida Grant Program application. Application for Lift Station Rehab in the amount of \$35,375 submitted to FDEP on 09/1/22.	1	3,000.00	3,000.00
BALANCE DUE			\$6,000.00



**FIRST AMENDMENT TO AGREEMENT
BETWEEN
DIRK M. SMITS, ESQUIRE, Individually and
VERNIS & BOWLING OF THE FLORIDA KEYS, P.A
AND
CITY OF KEY COLONY BEACH, FLORIDA**

THIS FIRST AMENDMENT to the Agreement (the "First Amendment") is made between **DIRK M. SMITS, ESQUIRE**, Individually and **VERNIS & BOWLING OF THE FLORIDA KEYS, P.A.** (collectively the "Firm") and **CITY OF KEY COLONY BEACH, FLORIDA**, a Florida municipal corporation (the "City").

This First Amendment restates and duplicates the Agreement in all respects other than as reflected in strike-through/add format below reflecting the changes made by this First Amendment. Other than as set forth in strike-through/add format herein, the terms of the Agreement remain the same as set forth previously and in full force and effect as originally written. This First Amendment amends the Contract Term and constitutes and is deemed an "Amendment" as defined and required in the Agreement.

WHEREAS, The Firm and the City entered into a certain Agreement (the "Agreement") effective June 24, 2021, attached hereto as Exhibit "A"; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this First Amendment, the Firm and the City agree as follows.

Section 1. Amendment to Agreement. The Term of the Agreement is amended to read as follows:

1. **TERM**

The term of this Contract shall remain in force beginning **Thursday, July 1, 2021 to October 1, 2022** ~~Thursday, December 1, 2022~~ after which, additional THREE (3) years options are available with the mutual consent of both parties. Section three (3) may be renegotiated after ONE (1) year and is subject to budget review.

Section 2. Legal & Retainer Services. The hourly rates and monthly retainer agreed upon in Section 3 of the Agreement will remain in effect through December 1, 2022. After December 1, 2022, those terms can be modified.

Section 3. No Further Modifications. All other terms and conditions of the existing Agreement not in conflict or superseded by this First Amendment shall remain in full force and effect as if set for the herein.

Section 3. Effective Date. This First Amendment shall be effective on this _____ day of September, 2022.

IN WITNESS WHEREOF, the parties execute this First Amendment on the respective dates under each signature: The Firm, signing by and through its Managing Partner, and by the City by and through its City Manager, attested to by the City Clerk.

CITY OF KEY COLONY BEACH

By: _____

Print Name

Date

Title

Dirk M. Smits, B.C.S.

Date

Title

CITY OF KEY COLONY BEACH

Warrant Number	0822
Items paid for the month ended	August 31, 2022
General Fund Checking Account - 5472	-
General Fund Checking Account - 6871	\$190,159.23
Escrow Account - 5537	-
Payroll Account - 2942	\$74,149.85
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	\$34,937.55
Sewer Account - 6006	<u>\$62,532.18</u>
 TOTAL DISBURSEMENTS	 <u><u>\$363,078.81</u></u>



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

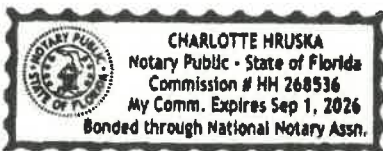
Before the undersigned authority personally appeared JASON KOLER who on oath, says that he is PUBLISHER of the WEEKLY NEWSPAPERS, a weekly newspaper published in Marathon, in Monroe County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of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

September 1, 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 1 day of Sept, 2022.
(SEAL)

Charlotte Hruska
Notary



**CITY OF KEY COLONY BEACH
NOTICE OF CODE AMENDMENT
HEARINGS
READING DATES OF ORDINANCE
NO. 2022-473**

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: September 8, 2022, 9:30 A.M.
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 W. Ocean Drive, Key Colony Beach, FL 33051

The proposed Ordinance to be heard by the City Commission is [ORDINANCE NO. 2022-473], entitled "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." 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, September 8, 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 September 1, 2022
City of Key Colony Beach
Publish:
September 1, 2022
The Weekly Newspaper



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)

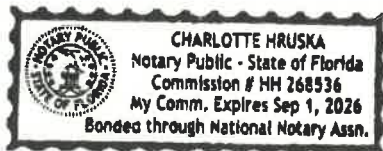
August 11, 2022

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



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

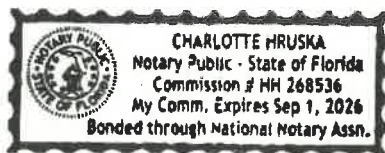
Before the undersigned authority personally appeared JASON KOLER who on oath, says that he is PUBLISHER of the WEEKLY NEWSPAPERS, a weekly newspaper published in Marathon, in Monroe County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of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

September 1, 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 1 day of Sept, 2022.
(SEAL)

Charlotte Hruska
Notary



**CITY OF KEY COLONY BEACH
NOTICE OF CODE AMENDMENT
HEARINGS**

**"READING DATES OF ORDINANCE
NO. 2022-479"**

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: September 8, 2022, 9:30 A.M. 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 W. Ocean Drive, Key Colony Beach, FL 33051

The proposed Ordinance to be heard by the City Commission is [ORDINANCE NO. 2022-479], entitled "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." 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, September 8, 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 September 1, 2022
City of Key Colony Beach
Publish:
September 1, 2022
The Weekly Newspaper

ORDINANCE NO. 2022 - 473

AN ORDINANCE OF THE 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.

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 within 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.

-/Remainder of Page Left Intentionally Blank/-

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 8th day of September 2022.

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

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

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 <u> X </u>
Vice-Mayor Tom Harding	NO _____ YES <u> X </u>
Commissioner John DeNeale	**excused**
Commissioner Ron Sutton	NO _____ YES <u> X </u>
Commissioner Beth Ramsay-Vickrey	NO _____ YES <u> X </u>

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

ORDINANCE NO. 2022-479

AN ORDINANCE OF THE 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 ~~mayer~~ **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-____, _____)

....

-/Remainder of Page Left Intentionally Blank/-

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 <u> X </u>
Vice Mayor Tom Harding	NO _____ YES <u> X </u>
Commissioner John DeNeale	NO _____ YES <u> X </u>
Commissioner Ron Sutton	NO _____ YES <u> X </u>
Commissioner Beth Ramsay-Vickrey	NO _____ YES <u> X </u>

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

Key Colony Beach City Commission

Noise Ordinance review comparison, and recommendations

15Se22 Tom Harding

Summary of comparison of other Florida Cities and Counties for Noise Ordinances:

- Majority of the areas have transitioned to a decibel (dBA) maximum rating system, some limited subjective noise evaluations remain
- Majority have limits for daytime noise levels, and typical “sleeping times” which are 10 PM to 7 AM
- Some areas with specific noise requirements for vacation rentals
- Marathon has a boat noise restriction to use as an example, which agrees with other States in the U.S.
- For resident lawn maintenance and use of power tools, majority limit usage to non-sleeping hours, non-use from 10 PM to 7 AM
- Hollywood Florida has the most comprehensive noise ordinance and they have recently updated their ordinance

Recommendations:

- Keep our current noise ordinance, with below modifications
- Review Marathon Florida boat noise ordinance, which states:
 - No person shall operate any vessel on the water to exceed 90 dBA at a distance of 50 feet from the vessel. Would require adding verbiage of the decibel measurement system for this lie item.
- Review vacation rental additional restrictions:
 - Yearly review of our Noise Ordinance in the Property Managers Training Class and require review and signature from the Property Managers they have read and understand the Ordinance.
 - Consider, requiring posting the noise ordinance at all vacation rental properties for guests' awareness