

# **AGENDA**

## **KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING**

Thursday, March 16, 2023 – 09:30 a.m.

City Hall Annex & Virtually via Zoom Conferencing

<https://us02web.zoom.us/j/84944684808>

### ***1. Call to Order, Pledge of Allegiance, Prayer, Roll Call***

### ***2. Agenda Additions, Changes & Deletions***

### ***3. Special Request***

*a. A Proclamation by the City of Key Colony Beach declaring March 2023 as Problem Gambling Awareness Month – Pg. 1*

*b. Presentation by Marcelo Martinez from Hotwire Communications on Fiber Optic Services for the City of Key Colony Beach*

### ***4. Citizen Comments and Correspondence***

*(Members of the public may speak for three minutes on any agenda items; and may only speak once unless waived by a majority vote of the commission)*

### ***5. Approval of Minutes***

*a. 02-16-2023 Public Hearing Minutes – Pgs. 2-3*

*b. 02-16-2023 Regular Meeting & Public Hearing Minutes – Pgs. 4-17*

### ***6. Committee and Department Reports***

*a. Marathon Fire/EMS – Marathon Fire Chief*

*b. Police Department – Chief DiGiovanni*

*c. Building Department – Building Official Leggett*

*d. Public Works – Public Works Department Head Guarino*

*e. City Clerk – City Clerk Gransee*

*f. Code Enforcement Officer – Code Officer Goldman*

*g. Beautification Committee – Report submitted by Sandy Bachman - Pg. 18*

*h. Code Enforcement Board*

*i. Planning & Zoning Board*

*j. Recreation Committee – Report submitted by Ted Fischer – Pgs. 19-21*

*k. Utility Board*

### ***7. Items for Discussion/Approval***

*a. Discussion/Approval of Estimate No. 3325 from the Florida Fence Corporation in the amount of 7,995.00 for the purchase and installation of fencing at the Pickleball Courts per recommendation by the Recreation Committee - Pgs. 22-23*

- b. Discussion/Approval of Appointment of current alternate member Frank Tremblay to a full member to the Recreation Committee (2-year term)
- c. Discussion/Approval of new Appointment of Judy Burgett as an alternate member to the Recreation Committee.
- d. Discussion/Approval of new Appointment of Sandra Glassman as an alternate member to the Beautification Committee.
- e. Discussion/Approval of payment of the Deckard Technologies Invoice #1284 in the amount of \$18,000.00 (Rentalscape) – **Pg. 24**

**8. City Administrator Items for Discussion**

- a. City Hall Update
  - i. City Hall Bid Update
- b. Sunset Park Trimming Update
- c. Safety Meeting Report
- d. Vacation Rollover Reduction Recommendation – **Pgs. 25-27**
- e. Dissolve Unity of Title for Lot 16 & 17, Block 1, 210 13<sup>th</sup> Street, Key Colony Beach
  - i. Statement by the Attorney of Unity of Title – **Pgs. 28-33**

**9. Secretary-Treasurer’s Report**

- a. Update on Wastewater Rate Study - **Pgs. 34-38**
- b. City Hall Attribute Summary - **Pg. 39**
- c. City Hall Options - costs comparison – **Pg. 40**
- d. Wastewater sampling program – **Pgs. 41-42**
- e. Approval of Warrant 0223 in the amount of \$497,660.50

**10. City Attorney’s Report**

- a. Cost Comparison Special Master vs. Code Board – **Pgs. 43-50**
- b. Special Magistrate appointment pursuant to legal report
- c. Advisory Board & Volunteer Committee Training Update

**11. Ordinances & Resolutions**

- a. Second/Final Reading of Ordinance No. 2023-481: Key Colony Beach Meeting Organization & Procedures
  - i. Proof of Publication – **Pg. 50**
  - ii. **Second Reading:** Ordinance No. 2023-481: 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 inclusion in the Code of Ordinances and providing for an effective date. – **Pgs. 52-55**

***b. First Reading of Ordinance No. 2023-482: Traffic Regulations Amendment***

*An Ordinance of the City of Key Colony Beach, Florida amending Chapter 17 of the Code of Ordinances of the City of Key Colony Beach, Florida, related to traffic regulations; specifically amending sections 17-1 of the Code of Ordinances to provide updated regulations for the operation of motorized scooters, skateboards, hoverboards and other micro-mobility devices within the City; providing for penalties; providing for the repeal of all Ordinances or parts thereof found to be in conflict; providing for severability, repeal, and codification in the Code of Ordinances; and providing for an effective date. – Pgs. 56-59*

***c. First Reading of Ordinance No. 2023-483: R-2B Pool Side Setback Amendments:***

*An Ordinance of the City of Key Colony Beach, Florida, amending Article III, Chapter 101 of the Land Development Regulations of the City of Key Colony Beach, Florida, related to the Reduction of Setbacks for Residential Pools; specifically amending Sections 101-13 and 101-26 of the Land Development Regulations to reduce the setbacks for pools within the R-2B Zoning District; providing for the repeal of all Ordinances or parts thereof found to be in conflict; providing for severability, repeal, and codification in the Code of Ordinances; and providing for an effective date. – Pgs. 60-63*

***12. Commissioner’s Reports & Comments***

- a. Commissioner Foster – Stormwater Project update*
- b. Mayor Trefry – City Administrator Performance Review*

***13. Adjournment***

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The City of Key Colony Beach is inviting you to a scheduled Zoom meeting.  
This meeting will be held in person at City Hall Annex, 600 W. Ocean Dr., Key Colony Beach, and via Zoom.

Join Zoom Meeting  
<https://us02web.zoom.us/j/84944684808>  
Meeting ID: 849 4468 4808  
One tap mobile  
+13052241968,,84944684808# US  
+13126266799,,84944684808# US (Chicago)  
Meeting ID: 849 4468 4808  
Find your local number: <https://us02web.zoom.us/u/kcuLLye2ti>



# City of Key Colony Beach Proclamation



## MARCH 2023 - PROBLEM GAMBLING AWARENESS MONTH

**WHEREAS**, problem gambling is a serious public health issue affecting one to three percent of the general adult population and often results in personal, financial, familial, legal, and other costs, including a high risk of suicide; and

**WHEREAS**, it is estimated that over 200,000 Florida adults of diverse age, race, ethnicity, and socio-economic status suffer from past-year gambling problems, and 700,000 more are at risk of developing such difficulties, constituting 4.7% of the adult population ages 18 and older; and

**WHEREAS**, it is further important to note that these statistics do not account for youth, who are increasingly and deceptively exposed to gambling concepts and are at an increased risk for developing gambling-related problems; and

**WHEREAS**, it is also essential to recognize problem gambling as a societal issue, with 8-10 additional people adversely impacted by every problem gambler, increasing the affected population by an estimated additional 1.5 million individuals, with conservative projected social costs amounting to more than \$9 billion nationally each year; and

**WHEREAS**, problem gambling is treatable for those who seek help, which minimizes the harm to Floridians and to the State as a whole; and

**WHEREAS**, any individual, professional, or other organization dedicated to assisting those in need can participate in raising awareness and preventing problem gambling by promoting the statewide, confidential, toll-free, and 24-hour Problem Gambling HelpLine 888-ADMIT-IT; and

**WHEREAS**, the Florida Council on Compulsive Gambling’s public awareness campaign provides an opportunity to educate the public, policymakers, educators, businesses, mental health and criminal justice professionals, and others, about the potential adverse effects of gambling, as well as social, legal, financial, and emotional impacts and available support; and

**WHEREAS**, any individual, professional, or other organization dedicate to assisting those in need can participate in raising awareness and preventing problem gambling by promoting the statewide, confidential, toll-free, and 24-hour Problem Gambling HelpLine 888-ADMIT-IT; and

**WHEREAS**, the City of Key Colony Beach can demonstrate its support in addressing problem gambling by raising public awareness through declaration of proclamation of the month of **March 2023 as Problem Gambling Awareness Month** in the City of Key Colony Beach.

**NOW, THEREFORE, I**, Patricia Trefry, Mayor of the City of Key Colony Beach, Florida, do hereby proclaim the month of March 2023 as Problem Gambling Awareness Month in the City of Key Colony Beach.

\_\_\_\_\_  
Patricia Trefry, Mayor of the City of Key Colony Beach

Date: \_\_\_\_\_

# MINUTES

## KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

Thursday, February 16, 2023 – 9:30 a.m.

City Hall Annex & Virtually Via Zoom Conferencing

**1. Call to Order, Pledge of Allegiance, Prayer, Roll Call:** *The Key Colony Beach City Commission Public Hearing was called to order by Mayor Trefry at 9:30 am followed by the Pledge of Allegiance, Prayer, and Rollcall. Present: Vice-Mayor Beth Ramsay-Vickrey, Commissioner Tom Harding, Commissioner Freddie Foster, Commissioner Joey Raspe, Mayor Patricia Trefry. Also Present: City Administrator Dave Turner, Chief Kris DiGiovanni, Code Enforcement Officer Barry Goldman, Public Works Department Head Mike Guarino, City Clerk Silvia Gransee, Administrative Assistant Christine McLeod, Police Officer John Buckwalter.*

**Public attendance:** 62

**Virtual:** 42

**2. Administration of Oath to Witnesses:** *City Clerk Gransee administered the Oath of Witness to all planning to testify.*

**3. Citizen Comments and Correspondence:** *Citizen comments were included in the agenda packet. No additional comments were received.*

**4. Disclosure of Ex-Parte Communications:** *None.*

**5. Variance Request: 68 7<sup>th</sup> Street, Owner: Chad O'Rourke**

*Applicant requests a variance to the City of Key Colony Beach Code of Ordinances Chapter 101, Section 26 (11), to allow the rebuilding of a currently installed pool to be installed within the 10' setback to 5' from the neighboring property line at 66 7<sup>th</sup> Street. The current setback requirements are 10' feet.*

**a. Proof of Publications, Affidavit of Mailing/Posting Notices:** *Mayor Trefry presented the variance request to the Commission and noted the proof of publications, and affidavits of mailing and posting.*

**b. Presentation of Variance Request:** *City Clerk Gransee administered the Oath of Witness to City Administrator Turner to testify on behalf of Building Official Leggett. City Administrator Turner reported on the variance request to the Commission and confirmed that the variance request pertained to side setbacks in the R2B zone. The Commission had no additional questions.*

**c. Statement by Applicant:** *The applicant, Mr. Chad O'Rourke, presented his variance request to the Commission. The Commission had no additional questions.*

**d. Planning & Zoning Board Recommendation:** *Planning & Zoning Chair George Lancaster reported on the unanimous recommendation for approval from the Planning & Zoning Board to the City Commission. The Commission had no additional questions.*

**e. Planning & Zoning Meeting Minutes 01-18-2023:** *The Commission had no comments or questions on the minutes.*

**f. Commissioner Comments:** *None.*

**g. Motion to Approve, Deny, or Approve with Conditions:** *Mayor Trefry asked for a motion to approve, deny, or approve with conditions.*

**MOTION:** Motion made by Commissioner Foster, seconded by Vice-Mayor Ramsay-Vickrey, to approve the requested variance for 68 7<sup>th</sup> Street.

**DISCUSSION:** None.

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

**6. Other Business:** None.

**7. Adjournment:** The meeting adjourned at 9:37 am.

Respectfully submitted,

*Silvia Gransee*

City Clerk

DRAFT

# MINUTES

## KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, February 16, 2023 – 09:38 a.m.  
City Hall Annex & Virtually via Zoom Conferencing

**1. Call to Order, Pledge of Allegiance, Prayer, Roll Call:** *The Regular Meeting and Public Hearing of the Key Colony Beach City Commission was called to order at 9:38 am followed by the Pledge of Allegiance, Prayer, and Rollcall. Present: Vice-Mayor Beth Ramsay-Vickrey, Commissioner Tom Harding, Commissioner Freddie Foster, Commissioner Joey Raspe, Mayor Patricia Trefry. Also Present: City Administrator Dave Turner, Chief Kris DiGiovanni, Code Enforcement Officer Barry Goldman, Public Works Department Head Mike Guarino, City Clerk Silvia Gransee, Administrative Assistant Christine McLeod, Police Officer John Buckwalter.*

**Public attendance:** 62

**Virtual:** 42

**2. Agenda Additions, Changes & Deletions:** *City Administrator Dave Turner reported taking lead for Jack Crowley under Item 3a. due to health issues. City Administrator Turner also added the topic of "Pickleball Play on 7<sup>th</sup> Street" under his report. Commissioner Harding added a financial addendum to his financial report as Secretary-Treasurer.*

### **3. Special Request**

**a. St. Patrick's Day Parade:** *City Administrator Turner updated on the parade preparations and asked potential volunteers to contact City Hall for support or information. City Administrator Turner asked the Commission for approval to use the streets for the parade. Mayor Trefry gave additional information on the line-up time for City Officials. Mayor Trefry asked for a motion for the approval to use the City streets for the St. Patrick's Day Parade.*

**MOTION:** *Motion made by Commissioner Raspe, seconded by Commissioner Foster, to use the City Streets for the St. Patrick's Day Parade.*

**DISCUSSION:** *None.*

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

**4. Citizen Comments and Correspondence:** *Mayor Trefry invited the audience for public comment and reminded of the three-minute time restriction. Administrative Assistant McLeod explained the new timing device.*

*Bob Willey, 580 11<sup>th</sup> Street, spoke on the topic of City Hall.*

*Joe Schmidt, 430 4<sup>th</sup> Street, spoke on the topic of City Hall.*

*Florence Roseborg, 430 4<sup>th</sup> Street, spoke on the topic of the City Hall.*

*Mary Cornford, 45 7<sup>th</sup> Street, spoke on the topic of City Hall.*

*Chet Dunn, 101 E. Ocean Dr., spoke on the topic of City Hall and the Post Office.*  
*Joanne Bower, 451 11<sup>th</sup> Street, spoke on the topic of City Hall.*  
*Larry Mills, 251 4<sup>th</sup> Street, spoke on the topic of City Hall and Commissioner's responsibilities.*  
*James Withrow, 180 14<sup>th</sup> Street, spoke on the topic of City Hall and financials.*  
*Corky Spehrley, 520 12<sup>th</sup> Street, spoke on the topic of City Hall.*  
*Sandra Humphrey, 230 14<sup>th</sup> Street, spoke on the topic of City Hall and expressed agreement with public comments.*  
*Mike Boomer, 77 11<sup>th</sup> Street, spoke on the topic of City Hall and Pickleball.*  
*Mary Grace, 75 7<sup>th</sup> Street, spoke on the topic of City Hall.*  
*Dave McKeehan, 2 5<sup>th</sup> Street, spoke on the topic of City Hall and withdrew his previous support for the rebuild.*  
*Sandy and Gary, 46 Sadowski, spoke on the topic of City Hall and asked for a referendum on the issue.*  
*John Graves, 75 7<sup>th</sup> Street, spoke on the topic of City Hall and financials.*  
*Pete Diez, 480 4<sup>th</sup> Street, spoke on the topic of City Hall and financials.*  
*Sue Bartkus, 140 1<sup>st</sup> Street, spoke on the topic of City Hall and agreed with the request for a referendum.*  
*Steve Buckeridge 740 9<sup>th</sup> Street, spoke on the topic of City Hall.*  
*Judy Burger, 580 9<sup>th</sup> Street, spoke on the topic of City Hall.*  
*Liz Montgomery, 420 10<sup>th</sup> Street, spoke on the topic of City Hall.*  
*Ed Borysiewicz, 771 12<sup>th</sup> Street, spoke on the topic of City Hall.*  
*Joanne Stewart, Key Colony Point, Unit 1, spoke on the topic of Buttonwoods at Sunset Park.*  
*Laurie Swanson, 620 9<sup>th</sup> Street, spoke on the topic of City Hall and not being able to use the current facility.*  
*Sandy Bachman, 171 8<sup>th</sup> Street, spoke on the topic of City Hall.*  
*Doug Kous, 341 11<sup>th</sup> Street, spoke on the topic of City Hall.*  
*James Lotts, 12 7<sup>th</sup> Street, spoke on the topic of City Hall and possible tax increases.*

*Mayor Trefry thanked everyone for their comments and asked the Commission on feedback to discuss the subject of the City Hall rebuild at this point or later. The Commission agreed to discuss the topic immediately.*

*Mayor Trefry asked to move the City Administrator's City Hall update to the current discussion. There were no objections.*

*City Administrator Turner addressed questions raised during Citizen Comments including questions on the Post Office, ADA compliance, a 20-year lease for the Post Office, assessments, cost of running a new building, cost of insurance rates, evacuations during storms, size of the new Marble Hall, and current offices. City Administrator Turner further addressed questions on the government offices being overly expensive.*

*Mayor Trefry asked on obtaining flood insurance for the old building which City Administrator Turner expressed might pose difficulties. Commissioner Harding gave additional thoughts on insurance being expensive. City Attorney Smits gave further input on the question of acquiring flood insurance.*



*Commissioner Harding gave insights on current debt, available monies, and expected expenses. Commissioner Harding continued reporting on the evaluation of a bank loan, and repeated financial information that was given at the January City Commission meeting. Commissioner Foster stated that a bid is needed for expected building costs and re-building costs, and a timeline to end speculations.*

*Vice-Mayor Ramsay-Vickrey asked about informing the audience on CRS (Community Rating System) and possible insurance increases. Vice-Mayor Ramsay-Vickrey agreed with the need for a bid for building costs and thanked Commissioner Harding for his detailed report in January.*

*City Administrator Turner explained the CRS to the audience and the correlation to flood maps, percentages in insurance breaks, and the City's anticipated standings. City Administrator Turner continued talking on rebuilding and the potential issues involved with rebuilding City Hall on the new flood map zones. City Administrator Turner gave further information on the new flood map zones and location of the City Hall. City Administrator Turner further updated on the approved building plans by the state and stated that the plans are ready to go out for bid.*

*Commissioner Raspe thanked the audience for their public comment and expressed his understanding of feelings in the audience and stated that the Commission will work on providing hard data.*

*Commissioner Harding spoke on the documented rise of sea levels and predicted rises in the next decades which Commissioner Harding stated should give thoughts for the rebuilding of City Hall. City Administrator Turner updated on possible financial help from Tallahassee and that no final update has been given from FEMA.*

*Commissioner Harding explained current received grants and outstanding grant requests to Tallahassee which will be decided in July.*

*City Administrator Turner asked the Commission for approval to put the building plans out to bid and explained the option of declining a bid if the Commission does not agree with the numbers. The Commission discussed the benefits of receiving a bid. City Administrator Turner further explained the process of putting out the bid package and clarified the process.*

*Commissioner Foster asked for the consideration to obtain a bid to redo the old City Hall building. City Administrator Turner and Commissioner Harding gave their thoughts on the suggestion. Vice-Mayor Ramsay-Vickrey suggested to move forward with LIVS to put out the plans for bid and gave thoughts on losing the Post Office if remaining in the old building, in addition to increases in flood insurance due to CRS. Vice-Mayor Ramsay-Vickrey gave further thoughts on drawbacks trying to repair in the flood zone and stated the need to go out for bid. Commissioner Raspe explained that bids are not etched in stone and agreed with obtaining a number to repair the old building.*

*Mayor Trefry stated that the Hardening Grant will go away with the rebuilding of the old City Hall which City Administrator Turner further explained had been extended and explained estimated timeline for completion. The Commission directed City Administrator Turner to have an updated fact sheet on the new City Hall to be put up on the website. Commissioner Harding asked for a review prior to it being made public.*

*Mayor Trefry asked for a motion to put existing plans out to bid, and a report from staff on what is needed for a comparable plan to be put together for a repair the old City Hall building. Mayor Trefry clarified for an estimate only with a recommendation.*

*Commissioner Harding suggested a rebuild option for costs would not be a formal estimate it may include errors. Mayor Trefry asked for other factors to be included including flood insurance, ADA compliance, Post Office, Grants, and insurance rates.*

**MOTION:** *Motion made by Commissioner Foster, seconded by Commissioner Raspe, to put the existing state approved building plans out for bid.*

**DISCUSSION:** *None.*

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

**MOTION:** *Motion made by Commissioner Foster, seconded by Commissioner Raspe, to compile a document of what it will take to bring the existing building back to pre-Irma conditions, to include pros and cons and overall comparisons between built and re-built.*

**DISCUSSION:** *Commissioner Raspe asked for the importance to compare line-item to line-item.*

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

**MOTION:** *Motion made by Mayor Trefry, seconded by Vice-Mayor Ramsay-Vickrey, for Commissioner Harding to be in charge of compiling the documentation.*

**DISCUSSION:** *City Administrator Turner reminded that the State Department would need to give approval if the City Commission decides to choose the rebuilding path.*

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

*Mayor Trefry asked for a 10-minute break.*

*The meeting resumed at 11:23 am.*

**5. Approval of Minutes:** *The Regular Meeting & Public Hearing Minutes from January 18<sup>th</sup>, 2023, were accepted as written with a minor name correction on Page 2 'Kirk Diehl'.*

#### **6. Committee and Department Reports**

**a. Marathon Fire/EMS:** *Marathon Fire Chief Mike Card updated on calls received during the last month. Fire Chief Card further updated on the Circus being in town, heavy traffic in Marathon, and the problem of people driving under the speed limit in the left lane. The City Commission had no questions.*

**b-k.** *Commissioner Harding thanked Public Works Department Head Guarino for cleaning the 7<sup>th</sup> Street public restroom. Commissioner Harding further thanked Administrative Assistant Christine McLeod on the upcoming business tax license workshop and commented on the Ocean Front lot landscaping to the City Administrator. City Administrator Turner updated on the use of the current Stormwater Project staging area on 10<sup>th</sup> street and explained the current effort of using the Ocean Front lot for the new Stormwater staging area.*

*The Commission had no other comments or questions.*

**7. Items for Discussion/Approval**

**a. Discussion/Approval on Recommendation by the Utility Board to approve the Raftelis Wastewater Rate Study in the amount of \$29,445.00.**

Mayor Trefry reported on the agenda item to the Commission.

City Administrator Turner advised that the recommendation is only for discussion to hear what direction the Commission wants to go.

Commissioner Foster gave his opinion on the study.

Commissioner Harding gave his background on the Utility Board and suggested that the study can go forward internally and gave further thoughts on the topic.

Vice-Mayor Ramsay-Vickrey shared her doubts if this should not be sent out for a rate study and gave her thoughts on the possible need for repairs. The Commission discussed if prior rate studies were held in the past with Commissioner Harding further explaining what is needed for a rate study. Vice-Mayor Ramsay-Vickrey agreed with Commissioner Harding's suggestion on how to go forward. Commissioner Foster gave further thoughts on the rate study and explained water usage in the City. Commissioner Harding gave further insights on how the City manages their wastewater cost assessment.

Toni Hairston, Raftelis representative, joined the discussion via Zoom and answered Commissioner's questions on the rate study. Utility Board Chair Toni Appell had to recuse herself and was not able to comment.

Vice-Mayor Ramsay-Vickrey agreed with Commissioner Harding's assessment of an internal study and the importance of understanding what the capital needs are. Commissioner Harding stated he is happy to work with the Utility Board, Jason Shepler from Mittauer, and Staff to go forward with an internal study.

**b. Cure prior Motion on Approval of a 60,000 lb. Boat Lift Installation at 1 Sadowski Causeway**

Mayor Trefry addressed the prior motion on the approval of the boat lift during the January 19<sup>th</sup> City Commission meeting and asked for a new motion to approve the 30,000 lb. boat lift for 1 Sadowski Causeway.

**MOTION:** Motion made by Commissioner Raspe, seconded by Vice-Mayor Ramsay-Vickrey, to approve the 30,000 lb. boat lift for 1 Sadowski Causeway.

**DISCUSSION:** None.

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

**c. Discussion on open Board/Committee Positions and implementation of new Advisory Board & Committee Application**

Mayor Trefry reported on the agenda item and opened the dais up for discussion. City Attorney Smits stated legal recommendations on page 56 of the agenda packet. Commissioner Foster gave the Commission suggestions for changes. The Commission agreed with the changes. Mayor Trefry asked for a motion to approve the Advisory Board and Voluntary Committee Application as revised.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey, seconded by Commissioner Foster, to approve the revised Advisory Board and Voluntary Committee Application.

**Discussion:** None.

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

**d. Discussion/Approval of Appointment of current alternate member Jo Corso as a full member to the Beautification Committee (2-year term):** Mayor Trefry asked for the individual approval of members to follow individual Boards and Committees. Mayor Trefry asked for a motion to appoint Jo Corso.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey, seconded by Commissioner Foster, to appoint Jo Corso as a full member to the Beautification Committee.

**DISCUSSION:** None.

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

**e. (g) Discussion/Approval of Re-Appointment of Greg Burke as a full member to the Beautification Committee (2-year term):** Mayor Trefry asked for a motion to re-appoint Greg Burke to the Beautification Committee.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey, seconded by Commissioner Foster, to re-appoint Greg Burke to the Beautification Committee.

**DISCUSSION:** None.

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

**f. (h) Discussion/Approval of Re-Appointment of George Lancaster as a full member to the Planning & Zoning Board (2-year term):** Mayor Trefry asked for a motion to re-appoint George Lancaster to the Planning & Zoning Board.

**MOTION:** Motion made by Commissioner Raspe, seconded by Vice-Mayor Ramsay-Vickrey, to re-appoint George Lancaster to the Planning & Zoning Board.

**DISCUSSION:** None.

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

**g. (i) Discussion/Approval of Re-Appointment of Tom DiFransico as a full member to the Planning & Zoning Board (2-year term):** Mayor Trefry asked for a motion to re-appoint Tom DiFransico to the Planning & Zoning Board.

**MOTION:** Motion made by Commissioner Raspe, seconded by Vice-Mayor Ramsay-Vickrey, to re-appoint Tom DiFransico to the Planning & Zoning Board.

**DISCUSSION:** None.

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

**h. (e) Discussion/Approval of Appointment of current alternate member Doug Cuje as a full member to the Code Enforcement Board (3-year term):** Mayor Trefry asked the Commission for

*opinions on the Code Enforcement Board and stated her feelings on residents judging neighbors on a quasi-judicial Board. Mayor Trefry asked for a discussion on potentially moving to a Special Master. City Administrator Dave Turner gave input on costs for the past two Code Board Hearings and gave a cost comparison to a Special Master. Mayor Trefry gave her thoughts and asked for input from the Commission.*

*Commissioner Raspe gave his thoughts and concerns on time constraints.*

*Mayor Trefry gave her thoughts on Commissioner Raspe's comments.*

*Vice-Mayor Ramsay-Vickrey commented that a Special Master would help reduce liabilities and expenses.*

*Commissioner Harding gave his thoughts and reported receiving feedback from other local cities on delay of time, concern of no knowledge of the city, and citizens not being represented correctly. Commissioner Harding gave further thoughts on minor cases for the Code Board, and the current involvement of staff, and gave additional thoughts on received recommendations.*

*Mayor Trefry asked for additional input from staff. City Attorney Smits recalled his prior experience as a Special Master and gave thoughts on the topic in support of a Special Master.*

*Mayor Trefry gave additional thoughts on possible difficult positions for Board members.*

*Commissioner Foster voiced concern on the delay in time in the prior Special Master Hearing and the possible impact for respondents. City Attorney Smits gave his opinion on the decision-making process and possible explanations of delay and gave further information on alternative hearing processes.*

*Mayor Trefry gave further thoughts on establishing a quorum and the appearance of impartiality. City Attorney Smits explained the required quorum of four for the Code Board. Code Officer Goldman explained statutes and laws of the Code Enforcement Board. Discussion followed on a possible ordinance change to establish a quorum and further input from Commissioner Harding. City Attorney Smits asked for a consensus from the Commission to go forward. Mayor Trefry asked for a cost comparison for a Special Master. Commissioner Foster asked for the code requirements for a quorum. City Attorney Smits explained the requirements and possible changes.*

*Commissioner Foster expressed support for Mayor Trefry's position on neighbors judging neighbors and asked for more information on a Special Master. Mayor Trefry gave a past example of neighbors judging neighbors and further thoughts on the discussion of the Code Board.*

*Commissioner Harding asked for clarification on Code Board Hearings versus Planning & Zoning Meetings.*

*City Attorney Smits confirmed that a Special Master can be specified to be local with Code Officer Goldman giving more requirements for qualifications. Further discussion followed including staff recommendations, anticipated hourly rates, City staff cost, and the question on changing the ordinance.*

*Discussion followed on the next Code Board Hearing with Code Officer Goldman anticipating a more sufficient process.*

*Mayor Trefry concluded for the Commission to go forward with today's appointments and the Commission can decide on how to proceed at the next Commission meeting.*

*Mayor Trefry asked for a motion to appoint Doug Cuje as a full member to the Code Enforcement Board.*

**MOTION:** Motion made by Commissioner Foster, seconded by Vice-Mayor Ramsay-Vickrey, to appoint Doug Cuje as a full member to the Code Enforcement Board.

**DISCUSSION:** None.

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

**i. (f) Discussion/Approval of Appointment of current alternate member Pete Diez as a full member to the Code Enforcement Board (3-year term):** Mayor Trefry asked for a motion to appoint Pete Diez as a full member to the Code Enforcement Board.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey, seconded by Commissioner Foster, to appoint Pete Diez as a full member to the Code Enforcement Board.

**DISCUSSION:** None.

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

**j. (j) Discussion/Approval of Re-Appointment of Kimmeron Lisle as a full member to the Code Enforcement Board (3-year term):**

Mayor Trefry asked for a motion to re-appoint Kimmeron Lisle to the Code Enforcement Board.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey, seconded by Commissioner Raspe, to re-appoint Kimmeron Lisle as a full member to the Code Enforcement Board.

**DISCUSSION:** Mayor Trefry voiced concerns going forward on a temporary basis. Commissioner Harding and Commissioner Foster voiced concerns as well.

**ON THE MOTION:** Rollcall vote. Commissioner Foster – No. Commissioner Raspe – Yes. Vice-Mayor Ramsay-Vickrey – Yes. Commission Harding – No. Mayor Trefry – No. The motion failed (3) three to (2) two.

Mayor Trefry stated the possibility on being able to look at the nomination in the future again.

**k. Discussion/Approval of Recommendation by the Planning & Zoning Board for pool side Setback requirements changes in the R2B zone:** City Administrator Turner reported on the recommended change from the Planning & Zoning Board and the benefit the change represents to residents. Mayor Trefry asked for a motion.

**MOTION:** Motion made by Commissioner Raspe, seconded by Vice-Mayor Ramsay-Vickrey, to decrease the side setbacks to five (5) feet in the R2B zone for pools.

**DISCUSSION:** Commissioner Harding stated this being a great example of the ordinances being fluid and streamlining the process.

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

**l. Discussion/Approval of artwork for the purchase of banners by the Beautification Committee:** Mayor Trefry addressed the agenda item and asked for clarification for funding of the project. City Clerk Gransee clarified the funding of the banners.

**MOTION:** Motion made by Commissioner Harding, seconded by Commissioner Foster, to approve the artwork.

**DISCUSSION:** None.

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

Mayor Trefry asked for a recess until 12:42 pm. The meeting resumed after recess.

**m. Discussion/Approval of Project Manager for current 10<sup>th</sup> Street Stormwater Project:** City Administrator Turner gave an update on the project status, update from the Building Official, and the need for a project manager. Commissioner Harding suggested to accept Commissioner Foster's prior proposal to finish the project. Commissioner Foster reiterated his offer to be a liaison and to connect with Jason Shepler, City Administrator Turner, and the Commission. City Attorney Smits expressed the importance of being a liaison only. Commissioner Harding gave further thoughts. Vice-Mayor Ramsay-Vickrey gave her concerns and reminded that the Commission functions as a whole. Vice-Mayor Ramsay-Vickrey stated concern on licensing, insurance, and perceptions by the public. Commissioner Raspe stated support for fact finding only. Mayor Trefry reminded of former Commissioner Sutton's involvement not being a decision maker and voiced further concerns on the Building Official's update. Mayor Trefry reminded on the Commission setting policy, and staff implementing it.

Commissioner Foster gave further thoughts on the remainder of the project. Additional discussion followed on a possible change of policies, the second phase of the project, and a project manager for the next phase, and what is needed to complete the first phase.

City Attorney Turner gave different options on how to go forward to have a project manager for the second phase. Further discussion followed.

The Commission agreed for Commissioner Foster to be the liaison for the remainder of the first phase and to observe and report only.

**n. Discussion on Sunset of 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.

Mayor Trefry addressed the Commission on the agenda item and asked for feedback from the Commission.

Commissioner Raspe stated support for one meeting a month.

Vice-Mayor Ramsay-Vickrey voiced support for one meeting a month.

Commissioner Harding asked for City Clerks Gransee opinion. City Clerk Gransee explained her support for monthly meetings. Commissioner Harding agreed.

Commissioner Foster agreed with holding monthly meetings.

Mayor Trefry gave her opinions on the positives and negatives on holding meetings once a month and asked for more community engagement and better communication for residents.

The Commission agreed to continue with the first reading later during the meeting.

## **8. City Administrator Items for Discussion**

### **a. City Hall Update**

**i. LiVS Update:** See after Citizen Comments & Correspondence

**ii. Post Office Update & iii. Key Colony Inn Update:** City Administrator Turner gave an update on the Post Office contract and the process of moving to the Key Colony Inn for meetings. City Administrator Turner clarified the timeline for Mayor Trefry for holding a presentation from the Baptist Hospital Group at the City Hall Annex.

Commissioner Harding asked on backup options in case of damage to the Key Colony Inn. Discussion followed on possible options and scenarios.

**iv. Question on flood insurance on vacant building:** City Administrator Turner spoke to the Commission on the question of the continuance of insurance for the vacant City Hall building. The Commission discussed the possibility of having monies prorated if the insurance will be cancelled at a later point and the possibility of making payments. City Administrator Turner clarified that this is just for flood insurance and recalled last year's liability insurance numbers. City Attorney Smits addressed options available for the Commission to go forward. Further discussion followed on the different options and the Commission agreed to drop the flood insurance.

### **b. Stormwater Project Update**

**i. Update by Jason Shepler:** Received by the Commission.

**c. 2023 Personnel Manual & Policies:** City Administrator Turner reported on the additions that were made to the manual. Commissioner Foster asked on the overtime budget and explained his thoughts behind the question. The Commission gave further input on comp time and prior practices. Commissioner Harding voiced his concern on rollover vacation time and suggested for a reduction to one week. Commissioner Harding further suggested for Public Works Department Head Mike Guarino to be the contact person for the Disaster Emergency Management position on page 92. Commissioner Harding asked on the monthly Safety Committee report and suggested for a car infraction policy to be implemented.

City Administrator Turner asked for clarification on the suggested changes. A discussion followed on the emergency management position, sick leave, vehicle use by Police Officers, the position of the safety coordinator, holding monthly safety meetings, personnel evaluation processes, and rollover on vacation time.

Mayor Trefry asked for Chief DiGiovanni to take his concerns on vacation rollover time to the City Administrator to bring back to the Commission.

**d. Sunset Park Trimming Update:** City Administrator Turner gave an update on the information he received from the FWC and the need for a vegetation and species survey. Mayor Trefry commented on a possible need for procedures review for the future. City Administrator Turner confirmed the Buttonwood and Sea Grapes are considered a habitat and Sunset Park is an endangered species habitat.

Vice-Mayor Ramsay-Vickrey and Mayor Trefry recalled experiences with endangered species and the difficulties associated with them.



**e. Approval of Annual 7-meter KCB Bridge Run:** City Administrator asked for approval for the annual 7-meter KCB Bridge Run. Mayor Trefry asked for a motion.

**MOTION:** Motion made by Commissioner Raspe, seconded by Vice-Mayor Ramsay-Vickrey, to approve the annual 7-meter Bridge Run.

**DISCUSSION:** City Administrator Turner stated that the date of the run will be confirmed upon approval.

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

City Attorney Turner gave updates on received grants for the year 2023, the possibility of a cyber security grant, and the request for funds in Tallahassee. Commissioner Harding explained the importance of the vulnerability grant.

**f. Introduction to the Smart City Concept – Fiber Optic Services for Key Colony Beach:**

City Administrator Turner spoke to the Commission on his vision for Key Colony Beach on fiber optic services and informed on possibilities, cost, benefits of independence from Wi-Fi, cable, and phone services. City Administrator Turner gave further details on the proposed service and benefits in case of a storm. City Administrator Turner described that this would be a line item on the tax bill and gave information on talking to the City of Golden Beach's City Administrator and Mayor.

Vice-Mayor Ramsay-Vickrey gave thoughts on the line-item on the tax bill, possible increases, and asked for more information on the topic.

The Commission continued discussion on possible cost, non-participation in the program, public involvement, yearly increases in cost, competitive vendors, and installation process.

The Commission gave a head nod to City Administrator Turner for more information.

**g. Agenda addition: Pickleball Play on 7<sup>th</sup> Street:** City Administrator Turner asked the Commission for guidance and direction on the use of the Basketball courts for Pickleball. Mayor Trefry gave a recollection on past behavior on court sharing and 7<sup>th</sup> Street residents opposed to Pickleball courts in the past. The Commission talked on the amount of people playing on the City's courts and the possibility of charging for the use of courts. City Administrator Turner updated on Pickleball and Tennis and the current situation of court sharing. Commissioner Foster gave his thoughts on both sports, shared his observations on activity on the basketball courts, and stated not seeing an issue letting the pickleball players try it. Mayor Trefry recalled stipulations that were given prior to building additional courts on 8<sup>th</sup> Street and voiced concerns with outside people using the amenities. City Administrator Turner explained he will sit with the Committee and figure out a solution. Commissioner Harding indicated good news that people are using the City's facilities and suggested looking for different real estate. Commissioner Harding asked for a landscape architect to look at the City and see what might work for expansion. Discussion followed on possible solutions for using facilities for residents and guests. City Administrator Turner gave further possible solutions for the topic at hand. Mayor Trefry asked if a recommendation from the Recreation Committee can be brought for a long-term plan. Commissioner Foster went back to the original question on using the basketball court. Vice-Mayor Ramsay-Vickrey liked the idea of charging outside people using the City's facilities. Code Officer Goldman gave additional thoughts on enforcement. Commissioner Harding gave further thoughts on the use of cards for the use of pickleball courts. Mayor Trefry

recalled a previous offer from a resident to help build additional pickleball courts. City Administrator Turner stated he will reach out to the Recreation Committee.

Commissioner Raspe commented on illegal parking destroying the grass and trash. Discussion followed on possible solutions. Commissioner Raspe further commented on the update of using the Key Colony Inn as a meeting facility and asked for the AED to be moved to the Restaurant.

## **9. Secretary-Treasurer's Report**

**a. January Financial Report:** Secretary-Treasurer Harding gave the update for the January financials and an in-depth look at utilities. Secretary-Treasurer Harding reported that utilities will go over budget and gave further information on costs of electricity, including usage, rate increases, and electricity. Secretary-Treasurer Harding recommended an engineering study on motors, plants, and possible use of solar. Secretary-Treasurer Harding gave further information on the opportunity for grants and asks the Utility Board to follow up on electricity reduction.

Secretary-Treasurer Harding continued giving the financial report for January.

**b. Discussion/Approval of Warrant No. 0123 in the amount of \$663,571.66:** Secretary-Treasurer suggested for a motion to approve the Warrant in the amount of \$663,571.66. Mayor Trefry asked for a motion to approve Warrant No. 0123.

**MOTION:** Motion made by Commissioner Foster, seconded by Commissioner Raspe, to approve Warrant No. 0123 in the amount of \$663,571.66.

**DISCUSSION:** None.

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

## **10. City Attorney's Report**

**a. Upcoming required Advisory Board & Volunteer Committee Training set tentatively for March 13<sup>th</sup>, 10:00 am – 2:00 pm.**

City Attorney Smits gave an update on the upcoming Board and Committee training. The City Commission had no questions.

## **b. Key Colony Beach Review & Update on Sec.17-1 Traffic Regulations**

Chief DiGiovanni addressed the Commission on the agenda item and explained the new proposed code on e-bikes and electrical device use. Chief DiGiovanni explained the absence of a stated fine and suggested a fine of \$25.00 for e-bikes that go over 10 miles per hours to generally follow the State guidelines. Chief DiGiovanni stated the goal was to keep e-bikes speed down and to keep hoverboards and skateboards off the bike path and the streets. Chief DiGiovanni continued explaining the proposed changes in the traffic regulations and confirmed to add the definition of recreational vehicles with a speed limit of 25 mph. Further discussion followed on the bike path as a multi-use exercise path and enforcement, and additional signage. City Attorney Smits clarified that a vote is not needed for the ordinance to come back for first and second reading.

Commissioner Raspe asked on clarification on language in HB-597 which Chief DiGiovanni clarified.

## **11. Ordinances & Resolutions**

### **a. First Reading of Ordinance No. 2023-481:**

*Ordinance No. 2023-481: 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 inclusion in the Code of Ordinances and providing for an effective date.*

*City Attorney Smits addressed the minor changes of scrivener's error in the proposed Ordinance. City Attorney Smits explained the changes that were made including the first meeting date in December and the first reading date which was changed to February 16<sup>th</sup>.*

*Mayor Trefry continued to give the first reading of Ordinance No. 2023-481 and asked for a motion to approve.*

**MOTION:** *Motion made by Vice-Mayor Ramsay-Vickrey, seconded by Commissioner Raspe, to approve the first reading of Ordinance No. 2023-481.*

**DISCUSSION:** *None.*

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

## **12. Commissioner's Reports & Comments**

**a.** *Mayor Trefry update on City Commission Conference travels including the Legislative Action Days and League of Cities Conference.*

*Mayor Trefry continued her report by updating on attending all City Board and Committee meetings virtually via Zoom, participation in the Fisherman's Hospital Medical Arts groundbreaking ceremony, and participating in the Baptist Hospital Tour of Medical Facilities in Miami and to bring more information of that tour to residents in the near future. Mayor Trefry continued reporting being part of the Monroe County Leadership Roundtable Discussion for Mayors on March 3<sup>rd</sup> and having participated in the monthly legal meetings in preparations for Commission meetings.*

*Commissioner Raspe reported on attending the inaugural Concert in the Park, as well as the February Code Board Hearing.*

*Vice-Mayor Ramsay-Vickrey reported volunteering for the KCBCA Pub Crawl at Havana Jacks, attending the Marathon City Council Vacation Rental Workshop, the KCB Fishing and Boating Club February meeting, the Concert in the Park, as well as the Chamber of Commerce monthly luncheon which focused on affordable housing through the County Land Authority and FEMA.*

*Commissioner Harding reported attending the South Florida Planning Commission Meeting which had good discussions on home rule and his intentions on attending an FDOT meeting on the replacement of the Long Key Bridge which unfortunately occurred during the current meeting. Commissioner Harding continued reporting on the approved FDOT Grant and upcoming planning meetings, updating CRS records, attending a webinar from the EPA on available wastewater funds, attending a meeting with the grant writer on upcoming grants, and a grant request involving the monitoring of wastewater for Covid 19. Commissioner Harding asked on agreement from the*

*Commission on representing City and to go forward with a meeting in support of the grant. The Commission had no objections and was in agreement.*

*Commissioner Foster reported attending various City volunteer meetings, the KCBCA Pub Crawl, the KCB Fishing & Boating Club meeting, and participation with the Mayor on the Baptist Fishermen's Hospital Presentation.*

**13. Adjournment:** *The meeting adjourned at 3:10 pm.*

*Respectfully submitted,*

*Silvia Gransee*

*City Clerk*

DRAFT

## Beauts Feb 2023 Report

- Jo Corso joined our committee as a full member.
- Sandy Glassman is interested in joining the Beauts as an alternate.
- Paula Romeo will be our February Beaut Award recipient. She lives at 180 13<sup>th</sup> St.
- Front Gardens – Missing Trinettes are scheduled to be planted. Looking at replacing missing Ixora's next.
- Time to start mulching. Work parties will be scheduled while snowbirds are still here to help.
- We're starting to plan for next Christmas. Will take an inventory of what needs to be replaced and purchased starting with needing three new Christmas trees.
- The east facing KCB sign at Overseas Hwy is showing some signs of warping. We are investigating a solution.

## KCB Recreation Committee Report to KCB City Council 3/16/2023

### Facilities Status

First of all, let me tell you that the facility improvements for Bocce Ball, Golf, Horseshoes, and Shuffleboard have significantly enhanced play in all those sports. We now have 5 well-groomed Bocce Ball courts, upgraded Tiki Huts and netting protection on several t-boxes and continuing upgrades on Shuffleboard thanks to your funding and Public Works. These sport communities are very happy and thankful.

Similarly, we have some spectacular facilities on 8<sup>th</sup> Street for Pickleball and Tennis. As you have heard, Pickleball is the fastest growing sport in the nation and possibly the world. It has the advantage of appealing to the baby boomers as well as many younger people. As the sport has grown nationally, so too have the number of people who want to play on KCB courts, particularly when the weather is cooler from 7:30-12 noon from Nov through April. This is a great problem to have – people of all ages, but particular over 55, wanting to get out of their homes and into the outdoors for healthy exercise.

### Pickleball's Value Proposition to the City

Pickleball is a unique sport:

- It is not typically played with a group of pre-arranged players
- The format is drop-in and random match-ups in a rotation of 4 players
- In between games there is an opportunity to get to know each other and build lasting friendships
- This process has produced some of our community's current and upcoming leaders and crucial volunteers beginning with:
  - Past and current Fishing and Boating Club Commodores, officers and board members
  - KBCA Board officers and board members
  - Organizers of the KCB Christmas Boat Parade, Barracuda Races, 7 Meter Race, etc.
  - From these seeds, we have also staffed many of the volunteer positions at the community events held throughout the year

This is a key group of KCB and local non-KCB residents/property owners/vacation rental tenants who are contributing greatly to this community and whom we should continue to encourage NOT discourage as a City.

### Current Response to Over-demand

#### Short Term

To accommodate this exponential increase in number of players all wanting to play during the same time period, the Recreation Committee has taken several steps including:

- Development of written Court Rotation Guidelines with volunteer Court Monitors
- Establishment of a practical Court Capacity limit
- Posting of signage with direction to alternative venues in Marathon's Community Park and Hawks Cay
- Proposed overflow use on 7<sup>th</sup> Street
  - The Committee requested City Administrator to research any official restrictions on setting up **temporary** nets on the basketball court on 7<sup>th</sup> St. which is already lined for two Pickleball courts as a possible overflow outlet for a maximum of 16 players
  - He did not find any specific restrictions but chose to review this concept with the Council at your last meeting.

This latter initiative generated a lot of discussion at the last Council meeting and at our last Rec committee meeting in which historical data was mentioned - some accurate and some not. Please see the attached appendix for more detailed discussion on this topic.

#### Long Term

The challenge as Mayor Trefry suggested at the last meeting is to develop an overall plan to manage our sports facilities demand. At the last Rec Committee meeting we discussed three strategies:

- Develop a system to deter an excessive number of non-KCB/non-local Residents and vacationers from using our courts as follows:
  - Continue to enforce the Court Rotational Guidelines and Capacity Limits during peak hours
  - Develop an option to charge to play on the courts during peak hours implementing one of the following alternatives:
    - Delegation of 7:30-12PM time frame to a new “KCB Members-only Tennis and Pickleball Club”
    - Franchise the Pickleball and Tennis Courts similarly to the arrangement for the Golf Course
    - Takeover operation of all the sports facilities by the City including the Golf course
      - A sliding fee schedule for membership depending on residence/property ownership/landlord/KCB tenant status
      - Must cover administrative and monitoring costs
      - Must confirm no legal problem charging for public and privately co-funded facilities
- Develop a plan to build more courts – Commissioner Hardy suggested there are plenty of open spaces to consider construction of more courts per the following options:
  - Add a paved apron to the basketball court and construct new “quiet Tennis Courts” on 7<sup>th</sup> St. with all existing amenities including access to an AED, water, restrooms, windscreens, fencing, shrubbery, etc., keep basketball lines and net on one court and reline the existing Tennis Courts on 8<sup>th</sup> St. for 8 more Pickleball courts for total of 12 courts.
  - Construct new Tennis or Pickleball Courts on West side of 7<sup>th</sup> St. Park away from 7<sup>th</sup> St. homes with appropriate noise attenuating shrubbery and fencing at one of two possible locations:
    - West of the bocce ball courts and horseshoe pits
    - East side of existing Pickleball court taking up a portion of the 9<sup>th</sup> hole t-box
- Develop a funding strategy
  - Public funding - the current grant cycle is over, we will not be able to begin a new grant until the 2024 cycle
  - Public/private funding

**Action required by the Council at this meeting:**

In the near term, we ask for Council approval on the following initiatives:

- Hold the Annual Pickleball Fundraiser on April 1&2 targeted to fund adding safety fences on interior sides of the 4 permanent Pickleball courts
- Once funded, proceed with contracting the safety fences to be installed
- Use of 7<sup>th</sup> St. basketball court for overflow play during peak usage periods using bagged temporary nets on a trial basis from now through the end of April

We also ask for further guidance on how to proceed with incorporating a fee system to charge for play on the Pickleball and Tennis Courts and planning for additional court space.

Respectfully yours,

Ted Fischer  
Chairman, KCB Recreation Committee

**Appendix**  
**Discussion on use of Temporary Bagged Nets on 7<sup>th</sup> Street Basketball Court**

As one who was integrally involved in gaining the Council's approval to build the new Pickleball complex and oversee its completion, I believe, the commitments made at that time were as Mayor Trefry recalled:

- no tournaments
- no additional pickleball courts planned at that time
  - subsequently interpreted by the Mayor and the previous City Administrator, Mr. Moonis, to mean that no one could ever play again on the 7<sup>th</sup> St. courts.
  - That was never my understanding
  - As noted above, the City Administrator did not find anything in Committee or Council minutes from that time period to support that conclusion.

Other comments that colored the discussion at the last Council meeting:

- The main objection to the proposed use of 7<sup>th</sup> Street for pickleball use was that it would pre-empt the use of the basketball court.
  - It may have not been clear to the Council that the proposal was intended to use **temporary** nets on the existing lines on the basketball court
    - Use of bagged nets which would be set up and taken down when play is complete.
    - Use of these courts would only be required to relieve pressure on the other pickleball courts during peak play periods during the peak months of Nov-April, particularly on M-W-F when the Tennis players use the East Tennis Court from 8:30-10:30AM.
    - There was a comment made that there was a past occasion when some children wanted to play basketball but could not because the pickleball players would not yield the court
      - I am not aware of this, but signage could be placed to clearly communicate a priority for basketball vs. Pickleball.
      - In addition, we can build that into Peak Period Court Rotational Guidelines and communicate broadly to all of our regular players.
  - There was also a concern expressed by Commissioner Raspe that the Pickleball players had destroyed the grass with their parking
    - When there were only 3 pickleball courts, one on 8<sup>th</sup> St. and 2 on 7<sup>th</sup> St., there was a large crowd of beginners who played in the morning and parked in that area. Now that we have consolidated play on the new courts on 8<sup>th</sup> St. there would not likely be large crowds on the 7<sup>th</sup> St. courts since the 8<sup>th</sup> St. courts have much greater capacity and are much more conducive to enjoyable play.
    - In addition, the stress induced by the players who want to play on 7<sup>th</sup> St. is minor compared to the impact of the 50+ Bocce players who park on this same grassy area at least 2 times/week.
- As far as I know, noise was the primary concern by the neighbor who complained about 7<sup>th</sup> St. pickleball play before the 8<sup>th</sup> St. courts were built.
  - No noise measurements were ever made to quantify this concern
  - The owner who threatened a lawsuit has consequently moved
  - Most people on 7<sup>th</sup> St. live on the water side of their houses
    - At our last Rec Committee meeting we did hear concerns about noise and other issues from Marilyn Avery who spends time in her side porch directly across from the basketball court.
    - Mrs. Avery did acknowledge that she did know she was moving in next to a City Park when she bought or rented her house.



Florida Fence Corporation  
P. O. Box 227  
Tavernier, FL 33070 US  
(305) 852-4324  
floridafence@aol.com  
www.floridakeysfencing.com



# Estimate

**ADDRESS**  
Key Colony Beach Marathon  
Marathon, FL

ESTIMATE #	DATE
3325	02/02/2023

ACTIVITY	QTY	RATE	AMOUNT
<b>Chain Link</b> Provide & Install Chain Link Fencing @ Pickle Ball Court  To install approx. 188' of 4' green vinyl chain link fence End posts will be .065 green Line posts will be .065 green Top Rail will be 15/8" .065 green Bottom Tension Wire will be 9 gauge green Wire will be 9 gauge green vinyl Posts to be set 2' deep in concrete No Gates  Does Not include any Clearing or Survey of Fence lines Florida Fence is NOT Responsible for any Court Damage (will be careful as much as possible)	1	7,995.00	7,995.00
<b>Services</b> Permit Fee from Florida Fence will be \$250.00 PLUS Fee from Issuing Authority will be Added to Final Invoice	1		

- Customer is responsible for making known to Florida Fence Corporation the exact location of ANY underground obstructions and/or utilities, if they do exist, before project commences.  
- 1/3 deposit is required to schedule project; once project commences 1/3 plus permit fee is due; upon completion of project final balance is due.  
- Permit Fee will be the same amount as charged by the issuing authority.

**TOTAL \$7,995.00**

Accepted By

Accepted Date



Deckard Technologies, Inc.  
1620 5th Avenue, Suite 400  
San Diego, CA 92101 US  
accounting@deckard.com



**BILL TO**

City of Key Colony Beach, FL  
PO Box 510141 , 600 W. Ocean  
Drive  
Key Colony Beach, FL 33051  
USA

**INVOICE 1284**

DATE 03/02/2023 TERMS Net 30

DUE DATE 04/01/2023

**DECKARD ORDER NUMBER**

00000338

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
02/09/2022	<b>Monitoring &amp; Reporting</b>	Annual Subscription - Year 2	1	10,085.00	10,085.00
02/09/2022	<b>Property Identification</b>	Annual Subscription - Year 2	1	10,000.00	10,000.00
02/09/2023	<b>Discount</b>	Introduction to City of Marathon, thank you.	1	-2,085.00	-2,085.00

**TOTAL DUE**

**\$18,000.00**

To Pay by ACH transfer:  
City National Bank  
Routing number - 122016066  
Account number - 27470165

### 3.5 VACATION LEAVE

Each full-time employee will accrue Vacation Leave at the following rate, based on years of service:

1 <sup>st</sup> to 5 <sup>th</sup> year	80 hours
1 <sup>st</sup> to 5 <sup>th</sup> year – Police	84 hours (12 hour shifts)
5 <sup>th</sup> to 10 <sup>th</sup> year	120 hours
10 years and over	160 hours

Each part-time employee fulfilling established positions shall accrue Vacation Leave proportionate to the time worked as compared to the above.

Vacation Leave shall be calculated and accrued from the date of employment, but cannot be used prior to completion of one full year's employment. Vacation Leave that is accrued after the first year of employment may be used as it is accrued. Any splitting of vacation days must be approved by an employee's supervisor.

#### Charging Leave

- a. Vacation Leave will be charged in daily increments.
- b. If a holiday occurs during Vacation Leave, the Holiday shall be charged to Holiday Leave and not to Vacation Leave.
- c. Vacation Leave may be used to supplement Sick Leave due to sickness or injury only after Sick Leave has been fully exhausted.

#### Request For Leave

- a. An employee's request for Vacation Leave shall be submitted to his Department Head in electronic form.
- b. Leave may be taken only after approved by the Department Head. Every employee shall be encouraged to use time earned each calendar year.
- c. Leave may be used only as earned, and Vacation Leave with pay shall not be allowed in advance of being earned.
- d. An employee cannot be paid in lieu of taking his Vacation Leave, except upon separation and under the provisions outlined below:

Upon separation, employees with 12 months or more of satisfactory service shall be paid for accumulated Vacation Leave as follows:

1. Upon death ~~or separation, the employee, or his~~ **the** designated beneficiary as indicated on the City life insurance policy, shall receive full payment for all accumulated Vacation Leave.
2. Payment of Vacation Leave benefits will be at the rate of pay at time of separation, **or at the maximum payout, whichever applies.**

### Vacation Leave/Accumulation

Vacation Leave may be accumulated up to a maximum of ~~25 days~~ **84 hours** for all employees ~~except police officers~~. Any hours accumulated in excess of ~~200~~ **84 hours** must be used within the following ~~twelve (12)~~ **three (3)** month period.

If accumulated days exceed the ~~200~~ **84-hour** limit, the City Administrator will discuss with the employee a plan to use the excess days within the following ~~twelve (12)~~ **three (3)** month period.

Police officers - see Police Policy Manual. No vacation longer than 15 consecutive work days can be taken without the approval of the City Administrator.

### 3.6 SICK LEAVE

- a. Earned - Each full time employee shall accrue 3.69 hours of Sick Leave for each pay period. Sick Leave is earned from the date of employment as a full time employee. Each part time employee shall accrue sick leave proportionate to the time worked as compared to the established full time rate.
- b. Sick Leave shall not be granted in advance of actually being accrued unless approved by City Administrator.
- c. Separation - Upon separation, the employee or the designated beneficiary, as listed on the City life insurance policy, will be paid for accumulated Sick Leave at the employee's pay rate at the time of separation as follows:
  1. An employee who terminates with less than one year's service shall not be paid for any unused sick leave.
  2. Employees with 1 to 10 years' service shall upon separation in good standing receive 1/4 (one-fourth) of all accrued sick leave with a maximum of ~~320 hours~~ **\$8,000.00.**
  3. Employees with over ten years' service shall upon separation in good standing receive 1/2 (one-half) of all accrued sick leave with a maximum of ~~640 hours~~ **\$12,000.00.**
  4. There shall be no payment upon separation for sick leave for an employee who has been terminated.
- d. Usage - In order to be granted Sick Leave with pay, an employee must meet the following conditions:
  1. **In the event that an employee is aware in advance that Sick Leave benefits will be needed or due, it shall be the duty of the employee to notify, in writing, their Department Head as far in advance as possible, the anticipated time and duration of such Sick Leave, the reason for requesting such Sick Leave, and medical certification that the employee will be unable to perform**

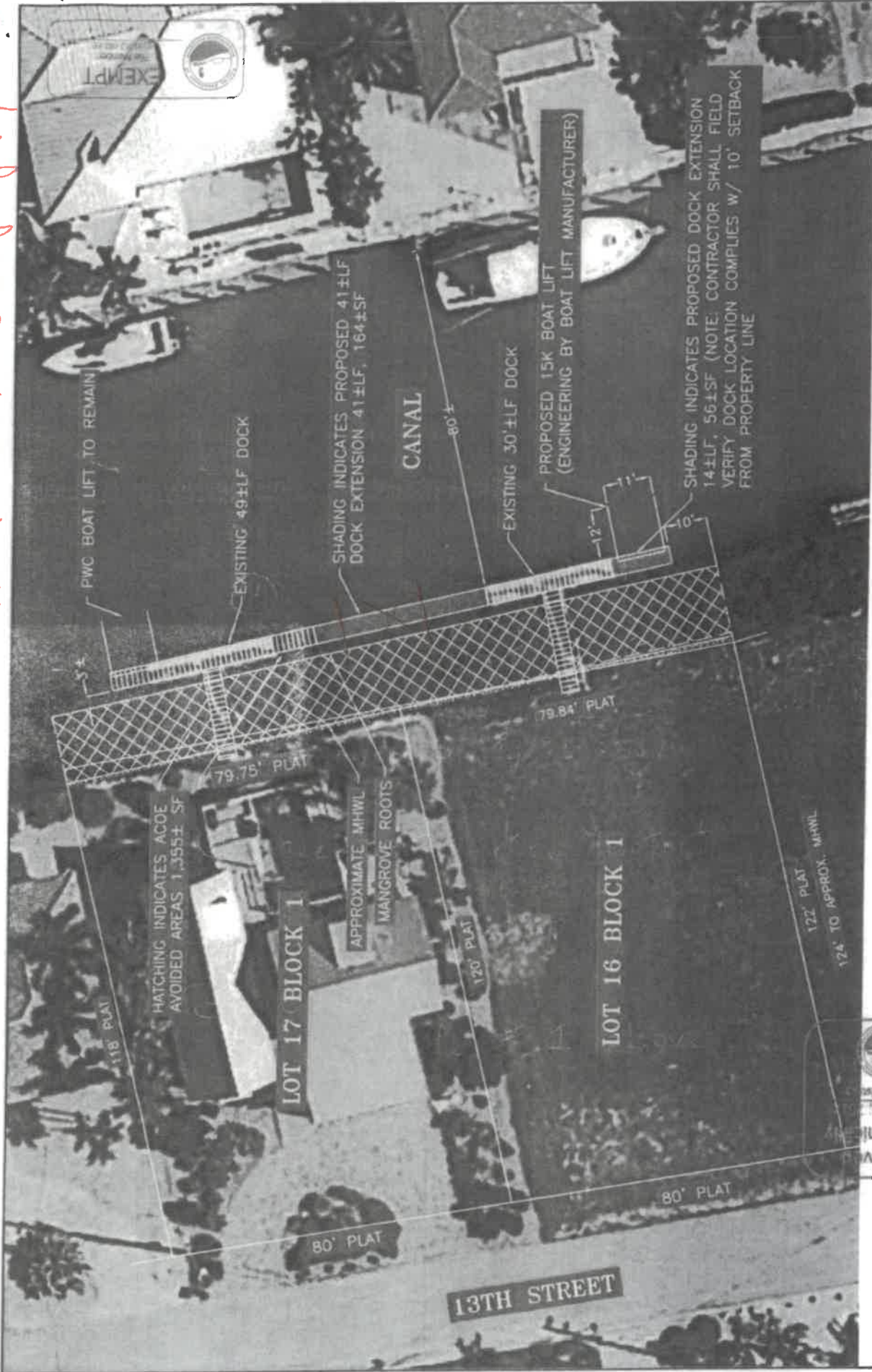
**3.12 DISASTER/EMERGENCY MANAGEMENT**

- a. Once the Governor has declared a storm-related state of emergency, the City Administrator shall determine when city offices will close and reopen.
- b. Employees in the following positions will be required to stay in the city during all storm-related emergencies unless otherwise directed by the City Administrator: Building Official, Police Chief, ~~Police Sergeant~~, **Public Works Department Head**, and Police Officer. The Building Official and Police Chief will be paid their regular salary. Police Officers doing storm-related work between closing and reopening of city hall will be paid at 1 ½ times their regular rate for hours worked. No compensatory time is allowed.
- c. Employees not required to stay will be on Administrative Leave With Pay during the time that city offices are closed and will be paid for regularly scheduled work hours at their regular pay rate.
- d. Employees need prior approval from the City Administrator to work between closing and reopening of city hall offices.
- d. Employees who do not return to work upon reopening must take accrued vacation leave or leave without pay if the employee has no accrued vacation leave.



- ① Remove 10' section of Dock (piles, Decking etc)
- ② Reverse Unity of Title Recorded on March 7, 2017  
Book 2842, Page 730 of Public Records of  
MONROE County FL 33041
- ③ see past practice \*notes\*
- ④ conditions:  
complete # 1 above

Remove 10' each side of property line.



**SITE PLAN**  
SCALE: 1" = 30'

REVISIONS	

CERTIFIED BY:  
SEAN HORNMAN, P.E. 807008

**DOCK EXTENSION & BOAT LIFT  
FOR MARY ANN CONDITT  
KEY COLONY BEACH, MONROE COUNTY, FL**

**GLEN BOE AND ASSOCIATES, INC. # 4081**  
8800 CYPRESSLEAS HIGHWAY, SUITE 4, MARATHON, FL 33009  
Telephone (889) 743-0121 Fax (889) 743-9187  
Email: glenboe@glboe.com

DATE: 02/28/17  
2  
SHEET 2 OF 4



CONSET TO HAVE AGENT APPEAR AND REPRESENT MARY ANN CONDIT  
IN VARAINCE/ RELEASE OF UNITY OF TITLE APPLICATION

I Mary Ann Condit hereby authorize Anthony J. Barrows to represent me in any and all proceedings relating the application for the Release of Unity of Title for the property located at 210 13<sup>th</sup> Street, Key Colony Beach, FL 33051, further described as lots 16 & 17 Coury Subdivision No.2.



Mary Ann Condit

# SEA AIR HOLDINGS LLC

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February 28, 2023

To whom it may concern

I, Michael Lawrence Jr, President of Sea Air Holdings LLC, owner of submerged land and Waterway Tracts B, C, D, and H in Key Colony Beach, FL and adjacent to the subject property of 00079872-001700 owned by Mary Conditt, does hereby grant and consent to the conduct of Mary Conditt as it relates specifically to the activities contemplated regarding the removal of dockage to comply with the city's setbacks requirements. We also authorize Mary Conditt to apply for all required permits pertaining to such removal if necessary.

Hereby consenting to such, Sea Air Holdings LLC reserves all other rights inherent with owning the land and tracts mentioned above, including their right to deny paying for the required permits and/or the construction/removal itself.

If you have any questions or concerns, please don't hesitate to contact me.



Michael Lawrence Jr

President

305.596.6333

# City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone = 305-289-1212 • Fax = 305-289-1767



Mr. Stevens,

As per our City Commission meeting on 09-23-2021, the city commission approved to dissolve the unity of title for Lot 30, 31 with a physical address of 701/711-8<sup>th</sup> street with the following conditions.

1. The city will incur no cost relating to the necessary items and issues that need to be addressed to make the lots 2 separate standalone properties again.
2. All fines and fees must be paid prior to any work commencing on the property.
3. A survey showing all setbacks for properties is needed to assure that the original property lines are once again adhered to.
4. Sewer line from 701-8<sup>th</sup> must be disconnected from 711-8<sup>th</sup> and a new connection made for 701 and a new city tapped installed at owner's expense.
5. A copy of the dissolved unity of title issued to the City of Key Colony Beach to put into files of each property address affected.
6. The city will also require agreement that the partition comes at zero cost to the city and your client agrees to pay any and all additional expenses associated with the partition.

Fines and fees are as follows fine of doing work without a permit for 701-8<sup>th</sup> (installing an illegal kitchen without permit) fine is triple permit fee plus fine of \$75.00.

Sewer connection fee of \$5625.00 to City of Key Colony Beach

KCB Impact and Development fees of \$2000.00 plus impact of \$1213.00

After all fines and fees have been paid to the City of Key Colony Beach, permits will be issued for demo of breezeway connecting properties, permit for removal and reinstallation of sewer including new tap on city right of way, permit for the already installed kitchen.

If you have any questions regarding the stipulations put forth please do not hesitate to call or email me at any time.

Thank you

Gerard Roussin

Building Official  
Key Colony Beach  
09-29-2021

Commissioner Tom Harding attended the EOC Software Training with Dave Turner. US Transportation Master Plan only has 4-5 pages that apply to Marathon but not to Key Colony Beach. Another Emergency Meeting is scheduled for tomorrow for FDOT project. All Commissioners should have received a copy of the Near Shore Water Quality Report.

11. City Attorney Report – Dirk Smits:

**A. Request Approval to Dissolve Unity of Title for 701/711 8<sup>th</sup> Street**

City Attorney Dirk Smits reported on the request to dissolve the Unity of Title for 701/711 8<sup>th</sup> Street. Building Official Gerard Roussin reported that the permit application is dependent on the decision of the Commission. The only issue with the separation of property is that the sewer tap is not in place for 701. Commissioner Harding suggested that all code violations should be charged or put to bed. Commissioner Harding further suggested that there is no cost to the city for the separation of unity, as well as for the sewer tap and subject to payment of any code fines or fees. Building Official Roussin reported that Dave Evans from US Water could not find the sewer tap for 701 even though it is marked in the drawings.

**MOTION:** Motion made by Commissioner McCollough to approve to Dissolve the Unity of Title for 701/711 8<sup>th</sup> Street, seconded by Vice-Mayor Trefry, conditioned on the fact there that there is no expense for the city, including no expense for the sewer tap and the requirements of code have been satisfied, as well as payment of fines and penalties have been made of bringing the properties into compliance.

**ON THE MOTION:** Call to Roll. Unanimously approved.

**B.** City Attorney Smits reported on the status of casa del sol. Height negotiations are still under way. Commissioner DeNeale asked about the Ethics Training for this year. The Commissioners discussed the options for attending the training. Commissioner Harding reported that the Florida League of Cities offers the Ethics class 10/13/2021 online and he will forward that information to the Commissioners. City Attorney Smits reported on a resolution the county forwarded to participate in an Opioid settlement lawsuit. City Attorney Dirk Smits would like a head-nod to participate in the suit. The Commission gave their approval to City Attorney Smits.

The meeting adjourned at 10:48am.

Respectfully Submitted,

*Silvia Gransee*

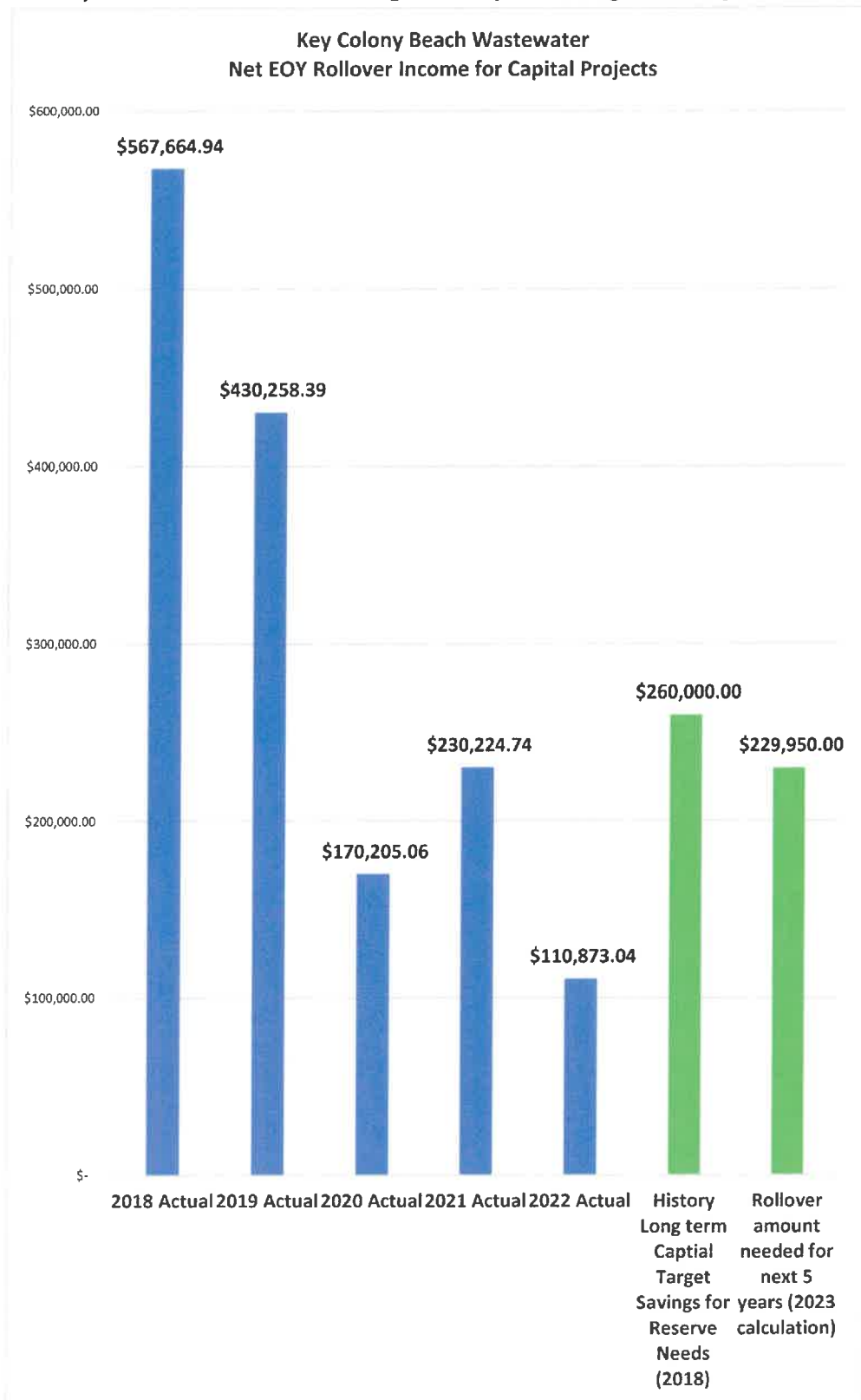
Silvia Gransee, City Clerk

**City of Key Colony Beach**

**Treasurer's Report – March 16, 2023**

- ✓ Sewer Fees rate study to support wastewater collection and processing.
  - Analysis completed reviewing income, expenses, and rollover income to save for long term capital needs, 5 years reviewed.
    - Income includes collected sewer fees from residential and commercial accounts, along with grants awarded as an overall income.
    - Expenses includes monthly expenses, debt repayment, and capital expenses.
    - Long term future capital needs organized (5 years) from the Utility Board recommendation and reviewed by Mittauer Engineering for direction and agreement with the estimated costs.
    - Review of past rollover income history, and comparison to historical target need level of \$260,000.00 per year (from 2018 study).
    - Review of future 5-year capital needs and availability to fund from rollover savings amounts, thus determining if a shortfall exists with funding from income, and thus propose a change.

- History of rollover income for long term capital savings and target levels:



✓ Capital project needs summarized:

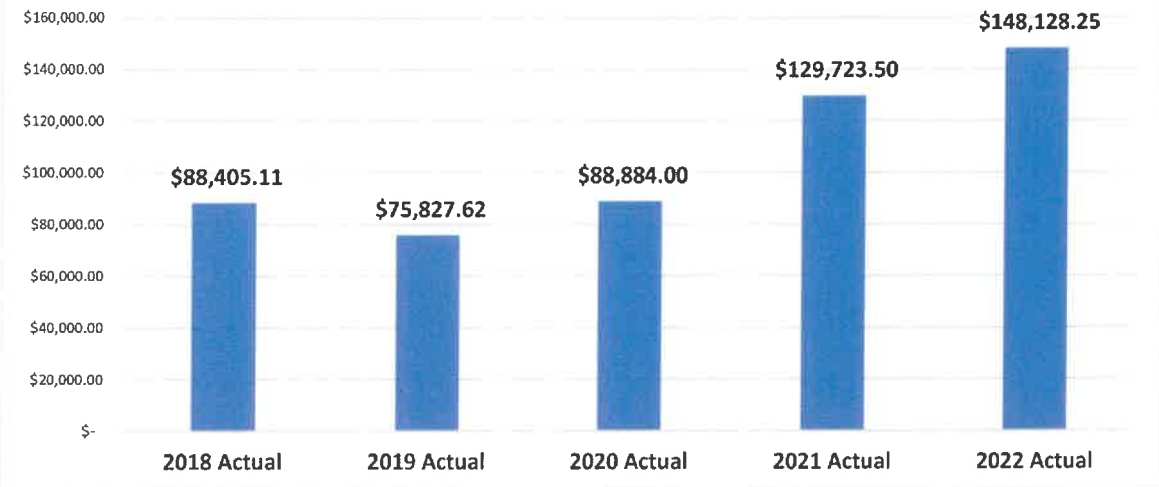
### Key Colony Beach Wastewater Plant Capital Needs Summary - 2023 - 2027

Item	Description	CY	Estimated costs
1	Suez Air Injector to replace vacuum pumps to keep MBR primed	2024	\$ 35,000.00
2	Replace or repair effluent polishing tank	2025	\$ 150,000.00
3	Replace anoxic baffle - ISAM	2024	\$ 45,000.00
4	Coating effluent holding tank	2026	\$ 100,000.00
5	Painting exterior of tanks/building/piping	2024	\$ 150,000.00
6	Raise 11 control panels for lift stations	2024	\$ 82,500.00
7	Replace VFD in MCC B for MBR plant	2025	\$ 400,000.00
8	Replace pipe stand	2023	\$ 40,000.00
9	Replace Davit crane and base	2025	\$ 250,000.00
10	Membrane replacement	2025	\$ 350,000.00
11	Replace stairs	2023	\$ 40,000.00
12	Total Non construction management costs - if apply for grants, assume 5-15% Total	all	\$ 1,642,500.00

✓ Current major costs increase for reference:

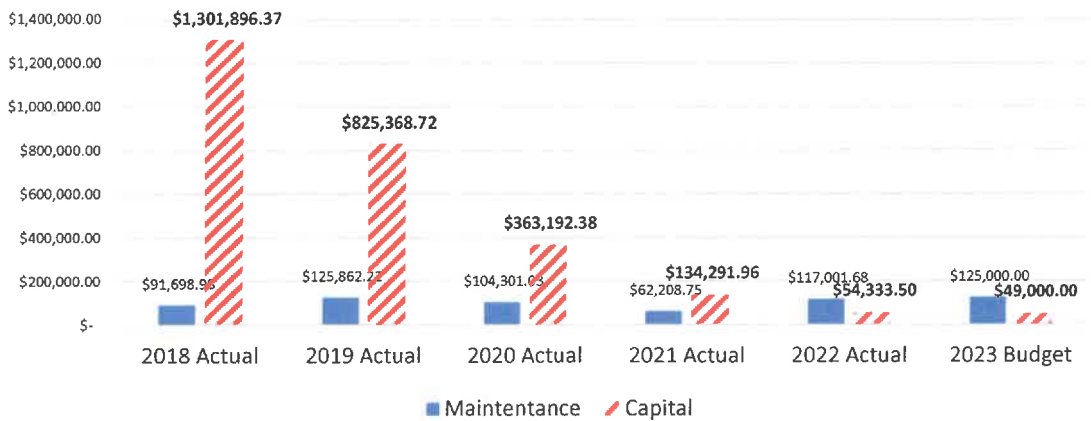


### Key Colony Beach Wastewater - Hauling costs



### History of recent Maintenance and Capital Costs spent by Budget Year

#### Key Colony Beach Wastewater Maintenance and Capital Expense

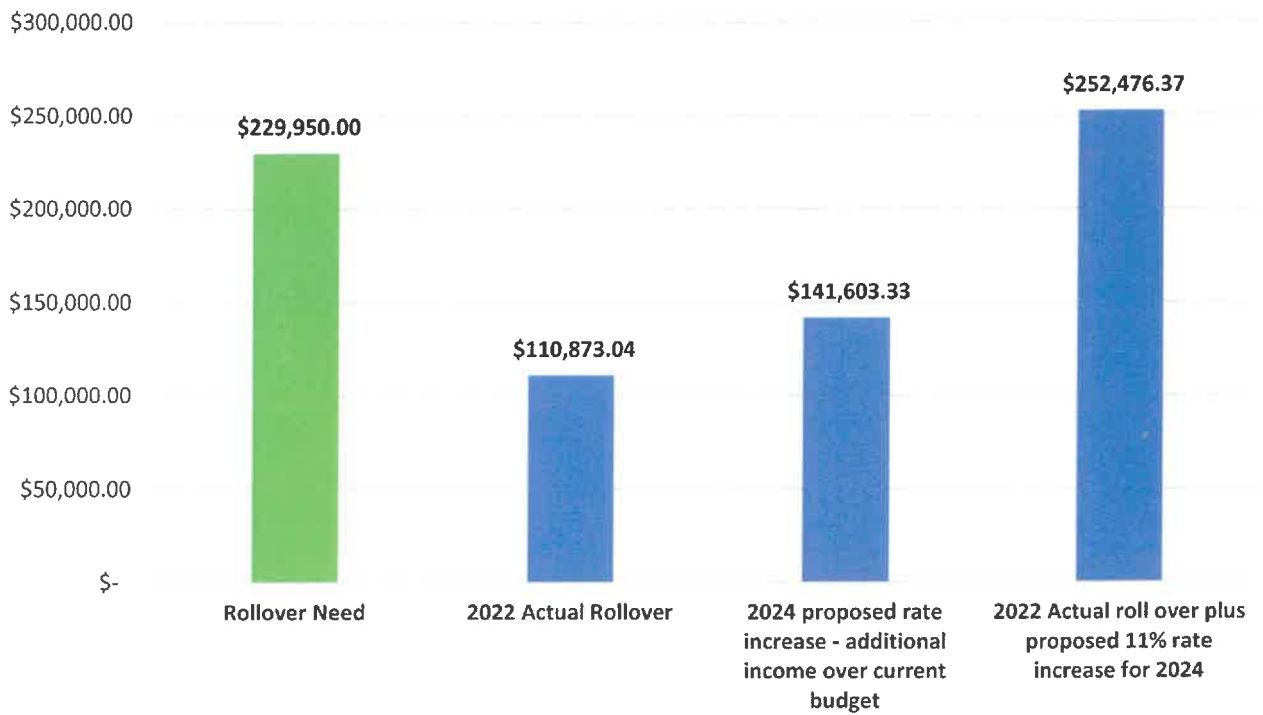




✓ **Summary of analysis:**

- Average of the last three years - not meeting long term capital savings needs.
- Increase costs recently in electric and waste hauling aggravating the potential for long term capital savings for this budget year.
- Last rate increase was in 2013, 20% increase, \$150.00 to \$180.00.
- Suggest a rate increase of 11% for residential and commercial rates to increase income for protection of long-term capital needs.
- Analysis assumes continued active grant application work, with 30% funding from State and Federal grants over the 5-year period for projects.
- Analysis assumed an average 5% inflation rate over the 5 years for project costs.

**Key Colony Beach Capital Reserve Need vs. Proposed Rate Increase**



**City Hall Attribute Summary Comparison:**

Item	Attribute Description	2017 Old City Hall	Old City Hall Repaired and Updated	New Proposed City Hall
1	Meets the office space needs of the current budgeted 2023 City Staff	No	4 office addition to building & ADA 2100 sq ft addition	Yes
2	Meets the State of Florida Current Building Codes	No	Would have to be an updated design and approved by the State	Yes
3	Meets Americans with Disability Act Accessibility - Federal Standards (ADA)	No	Would have to be an updated design with expanded space	Yes
4	Emergency Operation Capability (Police/Critical Staff/Communications) during and after major storm events	No	No	Yes
5	Square footage	9400 sq.ft.	Expansion would be required to meet building requirements, ADA requirements, and office space requirements	11,500 sq. ft.
6	Meets KCB Building Code for building above base flood elevation (CRS BFL criteria)	No	No	Yes
7	United States Post Office	Yes	Yes	Yes
8	Community Center (Marble Hall)	2800 sq.ft.	2800 sq.ft.	Yes (2893 sq. ft.)
9	Damage expected from a Major Storm event	Yes - Flooding, and Storm Surge with Wave Action, Roof not to current standards for wind speeds	Yes, Building is below Base Flood Elevation, Roof would need to be replaced to meet current Wind speeds, potential to add flood panel protection around perimeter of building for protection of 4 feet, but still below Base Flood Elevation	No, Designed to meet current State Flood and Wind requirements
10	Fire detection system	No	Need to be updated to Fire Code 2023	Yes
11	Back up power for storm events	Temporary, not elevated, rental costs	Temporary, not elevated, rental costs	Yes, diesel generator elevated in the design
12	Internet	Limited areas	Limited areas	All areas and outside porch capabilities
13	Capability to rent for events for recovery costs	Limited	Limited	Desirable new facility, potential for high rental usage
14	Positive attribute to retain and attract employees	Low	Low	High
15	Positive attribute design for City Community Culture	Low	Med	High
16	Parking spaces	43	43	42, Potential to expand as needed on west side of 7th street

Compiled by T. Harding and D. Turner 05Mr23

**Key Colony Beach – City Hall Options – assumed 20-year timeframe:**

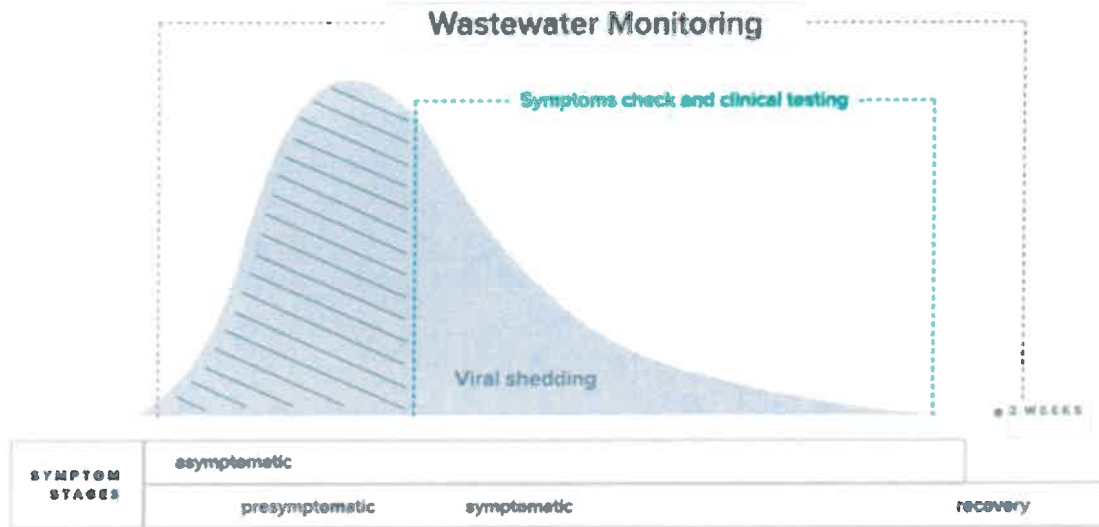
Item	Description	Old City Hall Repaired and Updated Estimated Costs	New Proposed City Hall Costs
1	Building costs	\$ 630,000.00	\$ 8,000,000.00
2	Old Building - assumed no additional for building flood protection, no permanent back up power source for emergency, costs for temporary facilities (2 storms per year 3 days per storm, 5 people, at \$400 per night, 20 years)	\$ 240,000.00	\$ -
3	Temporary trailers for office during future flooding storms, assumed 4 major storms over 20 years	\$ 120,000.00	\$ -
4	Assumed future major repairs will be needed for flooding damage to the repaired modified old city hall for 4 storms over 20 years due to being below base flood elevation and sea level rise of 12 inches, assumed \$500,000 for each repair - 4 major repairs	\$ 2,000,000.00	\$ -
5	Flood insurance costs over 20 years, assume old building will increase 25% per year, and new building at a lower costs, with 7% per year increase due to mitigation improvements. Assumed both will plateau at 13 years due to meeting risk costs	\$ 2,785,623.47	\$ 256,226.12
6	Demolition	\$ 10,000.00	\$ 100,000.00
7	Engineering costs (verification of floor repairs, ground inspection, testing, etc.)	\$ 30,000.00	\$ -
8	Design costs (old - develop design, New - finish existing design)	\$ 75,000.00	\$ 150,000.00
9	Office furniture	\$ 26,000.00	\$ 142,000.00
10	Asbestos removal	\$ 3,500.00	\$ 3,500.00
11	Mold remediation before start of modification for old city hall	\$ 10,000.00	\$ -
12	Building electronics communication (meet today's expectations)	\$ 10,000.00	\$ 50,000.00
13	Accounting support services	\$ 5,000.00	\$ 25,000.00
14	Legal support services	\$ 5,000.00	\$ -
15	Old Building - AC replacement - age	\$ 30,000.00	\$ -
16	Old Building - roof replacement (Current existing damage, age, wind capability, access to put concrete pilings in)	\$ 200,000.00	\$ -
17	Old Building - Roof soffit repair and downspout repairs - age	\$ 5,000.00	\$ -
18	Old Building - Fire system - design/installation/ communication	\$ 40,000.00	\$ -
19	Financing costs (new based on \$3,257,601 need at 5% interest)	\$ -	\$ 1,868,460.00
	<b>Sub-Total</b>	<b>\$ 6,225,123.47</b>	<b>\$ 10,595,186.12</b>
	State of Florida Grants - Public Safety Facility Hardening	\$ -	\$ 2,282,859.28
	<b>Total comparison costs over 20 years</b>	<b>\$ 6,225,123.47</b>	<b>\$ 8,312,326.84</b>
	Notes		
	Cost per square footage used for construction	\$ 300.00	\$ 695.00
	Square footage assumed - office and storage	2100 new added	11,500 total new
	Assumed must meet ADA and Fire Code requirements for a public building, employee and resident access	Yes	Yes
	Employee retention (training costs/efficiency/aesthetics for satisfaction) Experience with loss of an employee, results in overall cost of \$150,000.	Low	High

Compiled by T. Harding and D. Turner 05Mr23

### **Follow -up on initiative with Wastewater monitoring for Covid-19:**

- ✓ Key Colony Beach has been approved for the CDC wastewater sampling program working with Biobot Analytics Inc. from Cambridge Massachusetts.
- ✓ Biobot is contracted by the CDC for wastewater sampling which includes Covid-19 and Monkeypox.
- ✓ I have been working with Dr. Carla Fry from the Monroe County Health Department, and the health department fully supports this initiative to help monitor for viruses as a proactive early warning system. The State of Florida is monitoring the benefits of the sampling program in other cities and is considering a long range plan of supporting this type of monitoring as a proactive measure to improve our health. The State is looking at expanding this monitoring to include other potential viruses.
- ✓ As an awareness, health officials are concerned with the current at home tests, that the current tracked positivity rate is lower than actual in communities due to folks not reporting they have had Covid-19 with positive test results at home.
- ✓ Sampling includes twice monitoring per week, program typically lasts for 4-6 months to study trends.
- ✓ Biobot/CDC current sampling locations within Florida that are reported to the CDC:
  - Miami- Dade County
  - Palm Beach County
  - Orange County
  - Seminole County
  - Pinellas County
  - Alachua County
  - Brevard County
  - Hillsborough County
  - Leon County
- ✓ Background information for awareness related to the program:
  - Sewage contains valuable information on human health because viruses, bacteria, and chemical metabolites are excreted in urine and stool. The technical term for analyzing sewage as a source of public health information is Wastewater-Based Epidemiology (WBE). Biobot believes WBE can help us respond to Covid-19, and more importantly, transform reactive public health systems into proactive ones.
  - Because of the early onset of viral shedding, along with an additional delay between the presence of symptoms and clinical test results, wastewater data has been shown to be a reliable leading indicator of Covid-19 cases. In other words, wastewater provides an early warning for cases that will be diagnosed and reported in a community several days later. The early warning this data provides is especially useful to local policymakers as they make plans to reopen and protect against new waves of Covid-19 infections.

- ✓ Plot showing the early warning capability with wastewater monitoring vs. clinical testing.



THE CITY OF KEY COLONY BEACH, FLORIDA

MEMORANDUM

TO: City Commission, Code Board, City Administrator, Building Official and City Clerk

FROM: Dirk M. Smits, Esq.

DATE: March 8, 2023

**SUBJECT: Code Board v. Special Master (Magistrate) Analysis**

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The City of Key Colony Beach, Florida currently uses a Code Enforcement Board (“Code Board”). Section 1-10 of the Code of Ordinances allows for a Code Board, or a Special Master, or a combination of both. For purposes of this analysis Special Master and Special Magistrate are defined as one in the same as Florida Statute began using the term Special Magistrate in 2004. Pursuant to discussion regarding the current process, legal has been asked to draft an analysis of options available to the City Commission as well as associated costs and benefits. Upon reviewing the code and surveying other cities, the following three options are offered for City Commission consideration:

1. **Code Board:** The City may continue to utilize the Code Board, which remains at the same cost due to the need for a board attorney and utilization of staff time and resources. A Code Board is typically a greater cost than the options above simply because there are five adjudicators instead of one, which leads to prolonged hearings resulting in more use of Staff and City resources.

The City’s current use of the Code Board is somewhat lengthy for what appears to be two reasons. First, the City is enforcing code violations more vigorously than it has historically. By saying this I am in no way suggesting any charged violations are without merit. To the contrary, I think measured code enforcement is necessary for keeping the City and its residents compliant with City code. Failure to have measured code enforcement, or none at all, is harmful to both the City and the residents. Second, by the very nature of a Code Board there are several adjudicators as mentioned above. This results in a valid assessment of each case, but more time is involved due to each board member analyzing and questioning both sides of the case.

The argument in opposition to a Special Magistrate is that code enforcement should be conducted by a “jury of their peers.” The contrast is the appearance of bias, one way, or the other. Please note I am using the word “appearance.” I am absolutely not insinuating that our Code Board has any bias.

2. **Special Magistrate (Local Attorney):** A Special Magistrate is one alternative to a Code Board and research has shown that it may be beneficial over a Code Board. First, Code Board membership is drawn from the community over which it presides, so members may have difficulty remaining unbiased when friends, family, or neighbors come before the board for hearings on their code violations. Second, the inability of citizen board members to reach agreement in findings of violation, issuing orders, or assessing appropriate fines

can lead to stalemates and lengthy hearings, sometimes without resolution. Conversely, a Special Magistrate retains quasi-judicial jurisdiction and would preside over the hearing as a single decision-maker. As demonstrated by the research into this matter, the Special Magistrate, as a member of the Florida Bar, effectively streamlines the process including the amount of time required for each hearing as well as providing a neutral unbiased decision on a case-by-case basis.

The Florida legislature's creation of this alternative method of code enforcement [Municipal Code Enforcement Boards Act (1980)] has led numerous municipalities to adopt the special magistrate position in lieu of using a citizen code enforcement board. That change has been widely accepted due to several factors, including the difficulty of finding volunteers to appoint to the boards and the inability of boards to reach consensus on findings of fact and conclusions of law in violation determinations. The challenges of a Code Board stand in contrast to the expediency with which the Special Magistrate's duties are carried out for a relatively nominal cost to a municipality. Additionally, the Special Magistrate brings legal expertise and competency to preside over the hearings without ties to the community or to the government they serve. Further, the Special Magistrate remains under the ethical obligations required by The Florida Bar. With all those attributes and considerations being taken into account, it would be a relatively seamless transition from a citizen representative board to a special magistrate.

As far as cost is concerned, it appears a Special Magistrate would provide a cost savings. The charge for a Special Magistrate is the going rate for a local attorney, approximately \$250.00/hour. However, the amount of time required for the hearing is considerably less than hiring a Code Board attorney based on the reasons stated above.

3. **Special Magistrate (Division of Administrative Hearings)**: Another alternative method is contracting with the Department of Administrative Hearings ("DOAH") to serve as the Special Magistrate. Since approximately 2008, Monroe County has used DOAH for their Code Enforcement Hearings. In reviewing the February 23, 2023, Monroe County Code Enforcement Hearing, DOAH heard 28 cases in approximately 2 ½ hours. These cases vary from vacation rentals to construction without a permit, similar to Key Colony Beach. For additional reference, this video is available on the County website. After reviewing this hearing, I contacted Bob Shillinger, the Monroe County Attorney, who provided me with the County's rates for their DOAH Code hearings since 2012. This alternative method results in a lower cost than a local attorney serving as a Special Magistrate. Below, you will find the County costs provided:

10/17/12 BOCC approved decrease in contract rate from \$146 per hour to \$141 per hour  
10/20/13 BOCC approved increase in contract rate from \$141 per hour to \$143 per hour  
11/15/14 BOCC approved increase in contract rate from \$143 per hour to \$148 per hour  
10/21/15 BOCC approved increase in contract rate from \$148 per hour to \$149 per hour  
10/01/16 Hourly rate unchanged  
10/18/17 BOCC approved increase in contract rate from \$149 per hour to \$151 per hour  
9/19/18 BOCC approved increase in contract rate from \$151 per hour to \$153 per hour, effective 10/1/18  
10/01/19 Hourly rate unchanged; remains at \$153 per hour, effective 10/1/19  
12/11/19 BOCC approved new DOAH contract—hourly rate remained at \$153 per hour  
09/16/20 BOCC approved increase in contract rate from \$153 per hour to \$155 per hour, effective 10/1/2020  
09/15/21 BOCC approved a decrease in contract rate from \$155 per hour to \$150 per hour, effective 10/1/2021

In sum, these are the considerations and financial impacts of the three available options. I, Janette, or Ryan are available for any questions you may have. A list of opinions shared by City Attorneys throughout Florida on this subject is also attached hereto as Exhibit A and incorporated by reference.



# EXHIBIT A

The following snippets are in response to reaching out to other local government attorneys requesting information and experience with code enforcement boards versus special master (magistrate). Individual names and represented government entities have been redacted as permission to publish this feedback has not been obtained from each respondent.

1. I represented [REDACTED], a small beach community on the [REDACTED] [REDACTED]. The magistrate didn't play favorites, wasn't pals with various contractors or home owners and imposed the same conditions and fines across the board. I've been in other communities where the exact opposite occurred. I strongly suggest a magistrate, so long as that person doesn't have relationships with the local building community.
2. I suspect that many jurisdictions find attorney magistrates better suited to ensure due process because they are trained to make decisions based upon the application of law to the facts, while boards of laypeople may find it difficult to keep emotions, prejudices, and personal policy preferences out of the process. This may be especially true when the lay board members are asked to make decisions about their neighbors' homes.

Also, some jurisdictions may have trouble getting a consistent quorum of enforcement boards, which can lead to delays in resolving cases.

I found the below article from a quick West search:

Karen Zagrodny Consalo, Decision by Judge or Jury? Alternatives to Traditional Code Enforcement Boards, Fla. B.J., November 2015.

3. A magistrate is generally more expedient and, as an attorney, can deliver a greater degree of professionalism in hearing and deciding cases and be informed as to common legal issues that may come before the tribunal.

Citizen boards are generally more deliberative, less efficient, dependent upon attendance for a quorum, and may require greater guidance in being advised of issues such as the Sunshine Law, ex parte communications, public records law, etc. However, many cities like the idea that their code cases are presided over by members of the community rather than a "mercenary" or "gun for hire."

Expense is generally going to be a wash. While you can have a volunteer board, § 162.05(5), Florida Statutes, prohibits the city attorney from simultaneously serving as the attorney for the board and the local government. While a magistrate, as a practicing attorney, is capable of counseling him/herself, a citizen board will most likely need its own counsel for impartial advice regarding legal issues coming before it. So whether you're hiring a lawyer to represent the board or to serve as the magistrate, you're paying for a lawyer either way.

4. I'd say Magistrate all day every day. [REDACTED] had a citizen board for decades. It was ok, but it's almost unavoidable that you'll have awkward neighbor moments, inconsistent outcomes, etc. We moved to a Magistrate model several years ago and it has worked very

well. There's certainly a cost for the services, but the consistency and efficiency that is gained is well worth it.

5. I moved my cities from code enforcement board to special magistrate quite some time ago. The positive and negative reasons are:
  - a. I represent small cities, and it is difficult to get the board to make an appropriate decision, as they likely know the violator(s) or know of them, and sometimes are either unwilling to fine a neighbor, or even worse, are anxious to do so.
  - b. Cost is similar, as you will need to have an attorney with the code enforcement board in order to make sure they provide the proper findings of fact and conclusions of law to make the decision defensible, handle Sunshine requirements, etc.
  - c. Sometimes it is difficult to get the code board members to show up and form a quorum.
  - d. Special magistrates are capable of providing orders with proper findings of fact and conclusions of law.
  - e. The problem with special magistrates is that the magistrate can only represent one city or county or, in my opinion, would violate dual officeholding prohibitions in the state constitution, and that can make it hard to find a magistrate, depending on whether your city is located in an area of denser population (of attorneys) or not.
  
6. Here's my informal analysis from having a City that used to have just a Code Enforcement Board of 7 members then 5 members, to having both a Code Enforcement Board and a Special Magistrate, and now having just received authorization to abolish the Code Enforcement Board leaving just the Special Magistrate. The expensive of having a Special Magistrate is minimal compared to the headache of having a board of citizens trying to sit in a quasi-judicial capacity to accurately pass judgment on Code violations without getting lost in the weeds (pun intended). Yes planning boards are also citizens that serve in a QJ capacity, but code enforcement boards are different in that they simply need to determine whether something is or is not in violation. Another benefit, as the City Attorney I sat with the CEB and could not assist in the prosecution of cases so we ended up having to hire outside counsel for contentious issues. Now I can help prosecute every single case. Meetings with the Special Magistrate are focused, remain on point, and well structured. I even usually had about 3 members of our CEB that were attorneys and it still was painful!

I would say that most of the jurisdictions in our area have gone to a special magistrate.

7. Resolution 2022-129 was passed by [REDACTED] Council. In pertinent part, the agreement reads as follows:  
Section 3.0 Compensation  
3.1.1 The CITY shall pay SPECIAL MAGISTRATE on an hourly basis at a rate of \$200.00 \$225.00 per hour for all of SPECIAL MAGISTRATE's time, inclusive of all costs incurred to provide said services. There will be no additional charges for office overhead to include administrative assistants/secretaries and other support personnel. The CITY will not provide reimbursement for travel, meals, or mileage.
  
8. There was a presentation made to our City council about this in 2021 (you should be able to find information through the City's Clerk website). [REDACTED] used a CEB and for years

and then went to CESM's. The process is faster with a CESM to get a hearing and a decision than with the CEB. Further, there were issues with getting a quorum with the CEB which further delayed hearings. [REDACTED] uses approx.. 4 CESM's that are under contract.

9. I am a code magistrate for [REDACTED]. If you have a person who understands the area, and a code enforcement division that knows how to properly make a case, the magistrate system removes politics and personal feelings from the decision-making process (i.e., "he's my neighbor"; "she's a jerk"; etc.) It also puts someone in control who can be sensitive to constitutional issues and eliminates the need for a separate code board attorney.
10. My strategy is to hire a former judge or at least a respected local attorney as our Special Magistrate, with the Code Enforcement Board statutorily being comprised of lay persons. Simple matters (grass is too high, no permit pulled on a garage sale) goes to the CEB. Difficult issues involving matters of law or disputes likely to be appealed get sent to the Special Magistrate.
11. We here at [REDACTED] are special and we have both Special Magistrates AND a Code Enforcement Board.  
From a cost perspective, clearly a code board is more cost effective, as it is comprised of volunteer citizens from the community. For some, there may be a definite learning curve on the process and of course, there is inherent personal bias (as we all have) of the members. In our City, the Code Board does have its own counsel, who is there at hearings to give legal advice to the Board. He/she typically leaves after all respondents have been heard and of course is not involved in the review of cases before hand nor the signing of orders. Our Code Board only hears building cases – typically work without permit cases only.  
The Special Magistrates hear building cases, code and fire cases. In [REDACTED], they are compensated for a 3 hour block time and then hourly after. They also "bill" for review and execution of orders. Additionally, our Special Magistrates hear lien reduction cases from both SM and Code Board cases, so they bill for their review time of those files (which are pretty substantive with an application, timeline, photos, case history, etc) in addition to the lien reduction hearing, which is conducted as its own separate hearing. We currently have 2 Special Magistrates.  
In my prior City, we had about 4 SMs, including a Chief who promulgated written procedural rules.  
In my prior and current City, all Magistrates were attorneys. In [REDACTED] (at one time in the past, but cannot speak to present), the Magistrates were lay people, which I think is the least preferable to have, as they have no knowledge of procedure, motions to dismiss on technical grounds (due process, service, etc).
12. We have been wrangling with this issue for 5 years. Code Board consists of 7 members of community who volunteer. It takes a lot more of the clerk's time sending them notices and agendas and making sure enough show up for a quorum. Hearings take longer due to questions and discussion. You have to train them in Sunshine and ethics and some never seem to understand. They think they are there to represent the citizens rather than

be neutral fact finders and "judges." Having been legal advisor for special code magistrate in [REDACTED] and then working with a code board as City attorney in [REDACTED], I recommend the magistrate.

13. A competent Special Magistrate can craft orders to make appeals less likely. The City may avoid considerable appellate expense. In addition, a competent Special Magistrate can conduct hearings more expeditiously and quickly than a full board. The City can save on the expense of paying City staff.
14. One of the benefits of the magistrate as opposed to the board is impartiality. Whether real or imagined, there is often a perception with code boards that certain residents will get special treatment because they are friends with a code board member. That perception isn't there with the magistrate, in my experience. Furthermore, it's more efficient. A quasi-judicial process run through a board of laypersons is one sure way to get a camel when you wanted a horse.
15. Our firm has several lawyers serving as magistrates for code enforcement, including me, and we represent cities who have done searches for, and hired, special magistrates for code enforcement. Here's my opinion after several years of being involved with code boards and magistrates: If you have a really good code board attorney, stick with a code board. On the one hand, magistrates are great because they are more efficient, they tend to be less political, they (should) know the law, and they tend to keep emotions out of the decision-making. The downside is finding a suitable magistrate. As you know, we are not allowed to serve as a magistrate to more than one government entity (though not all attorneys follow this restriction). There are not a lot of lawyers who are well versed in code enforcement so it is not easy to select someone who doesn't already serve as a magistrate or hearing officer. However, an attorney can serve as a code board attorney for multiple jurisdictions, so the lawyers who are very well-versed in code enforcement can be hired by many different cities and give training, proper advice and guidance, and ensure orders are appropriately drafted. Code enforcement is more than just reviewing evidence and making a decision whether a property violates codes and imposing penalties. It is not something any local lawyer can do.



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)

March 2, 2023

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 day of Mar. 2, 2023  
(SEAL)

Notary



CITY OF KEY COLONY BEACH  
NOTICE OF CODE AMENDMENT  
HEARING  
SECOND/FINAL READING OF  
ORDINANCE NO. 2023-481  
NOTICE IS HEREBY GIVEN that the City Commission of the City of Key Colony Beach, Florida, will hold the following Public Hearing to hear amendments to the City's Code of Ordinances. Location: City Hall Annex, 600 W. Ocean Drive, Key Colony Beach, FL 33051  
The proposed Ordinance to be heard by the City Commission is (ORDINANCE NO. 2023-481), entitled "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."  
Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Copies of the proposed Ordinance are available for inspection at the City Hall of Key Colony Beach. If any person decides to appeal any decision made by the Key Colony Beach City Commission with respect to any matter considered at the Code Amendment Hearing, that person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you are unable to attend the Public Hearing on Thursday, March 16th, 2023, 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 March 6th, 2023  
City Clerk  
City of Key Colony Beach, Florida  
Publish:  
March 2, 2023  
The Weekly Newspapers

**ORDINANCE NO. 2023-481**

**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 passed Ordinance No. 2022-479 on September 22, 2023 providing for a scheduled sunset of said ordinance on March 21, 2023; 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:**

**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.

**Section 3: Amendment**

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

Sec. 2-86. – Agenda.

The Mayor with the advice of the City Clerk and Commissioners, shall prepare an agenda of subjects to be acted on for each meeting. 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. A new subject that requires urgent attention may be added to the agenda during a meeting by a majority vote of the City Commission.

(Ord. No. 353-2003, 2-13-03; Ord. No. 2022-479, 9-22-22; Ord. No. 2022-\_\_\_\_, \_\_\_\_\_)

....

Sec. 2-88. – Order of business.

All regular meetings of the City Commission should follow an established order of business. The order is as follows:

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

(Ord. No. 353-2003, 2-13-03; Ord. No. 2022-479, 9-22-22; 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 first meeting in December 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 shall be held at 9:30 a.m. 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. 2022-479, 9-22-22; 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 16<sup>th</sup> day of February, 2023.

Mayor Patricia Trefry	NO _____ YES _____ X _____
Vice Mayor Beth Ramsay-Vickrey	NO _____ YES _____ X _____
Commissioner Tom Harding	NO _____ YES _____ X _____
Commissioner Joey Raspe	NO _____ YES _____ X _____
Commissioner Freddie Foster	NO _____ YES _____ X _____

**SECOND READING AND DULY ADOPTED** by the City of Key Colony Beach City

Commission on this 16th day of March 2023.

Mayor Patricia Trefry	NO _____ YES _____
Vice Mayor Beth Ramsay-Vickrey	NO _____ YES _____
Commissioner Tom Harding	NO _____ YES _____
Commissioner Joey Raspe	NO _____ YES _____
Commissioner Freddie Foster	NO _____ YES _____

**DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA**, this 16<sup>th</sup> day of March 2023.

\_\_\_\_\_  
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. 2023-482**

**AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES OF THE CITY OF KEY COLONY BEACH, FLORIDA RELATED TO TRAFFIC REGULATIONS; SPECIFICALLY AMENDING SECTIONS 17-1 OF THE CODE OF ORDINANCES TO PROVIDE UPDATED REGULATIONS FOR THE OPERATION OF MOTORIZED SCOOTERS, SKATEBOARDS, HOVERBOARDS AND OTHER MICROMOBILITY DEVICES WITHIN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION 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, Florida (the “City Commission”) has determined the need to amend the City’s of Code of Ordinances (the “Code”) to provide update traffic regulations; and

**WHEREAS** the City Commission desires to specifically amend Chapter 17-1 of the City’s Code to provide updated regulations for the operation of motorized scooters, skateboards, hoverboards and other micromobility devices within 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 ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:**

~~Strikethrough~~ = deletion

**Bold underline** = addition

**Section 1: Recitals**

The above recitals are true and correct.

**Section 2: Effective Date**

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

### **Section 3: Amendment**

Section 17-1 of Chapter 17 of the Code of Ordinances is hereby amended to read as follows:

#### **Sec. 17-1. Traffic regulations.**

(a) For the purposes of this Chapter, the following definitions shall apply:

Hoverboard, (with or without a seat), shall be defined as a self-balancing scooter (also hoverboard, self-balancing board, segway or electric scooter board) is a self-balancing personal transporter consisting of two motorized wheels connected to a pair of articulated pads on which the rider places their feet.

Motorized scooters shall be defined as any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground.

Recreational micromobility devices shall mean electric bicycle or other micro mobility devices. This term shall not mean bicycles, mopeds or any self-propelled or motorized vehicle capable of exceeding 28 mph.

Skateboard shall mean a board made of wood, fiberglass, or other material or combination of materials mounted on two axles, front, and rear, with two wheels made of clay, polyurethane, or other material or combination of materials attached to each axle. The term "skateboard" includes motorized skateboards propelled by a motor mounted on the skateboard or controlled by another electrical device, such as a mobile phone or any type of remote control device.

Skateboarding means lying, sitting, squatting, kneeling, or standing upon a skateboard and propelling oneself by any means which causes the skateboard to move, including but not limited to jumping on a skateboard, being pulled or pushed while situated on a skateboard, pushing the ground or other surface with one foot while keeping one's other foot on the skateboard, riding a skateboard from one elevation to a lower elevation, or operation of a motor mounted on/or internal motor or electric motor in a skateboard.

(a)(b) It shall be unlawful for any person to operate any motor vehicle on any of the streets, avenues or thoroughfares of the city at a greater rate of speed than twenty-five (25) miles per hour.

~~(b)(c) The operation of motorized scooters skateboards, hoverboards (with or without a seat) or any other mobility device, micromobility device, not previously addressed, with or without a visible motor or with an electric motor in the city is prohibited, except on private property. Motorized scooters shall be defined as any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three (3) wheels and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground.~~

(d) The riding and operation of recreational micromobility devices is permissible upon all multi-use and/or shared use paths upon which a bicycle may legally travel within City limits, with the following restrictions:

(i) Recreational micromobility devices shall be restricted to a maximum speed of 10 miles per hour when operating on a public multi-use and/or shared path.

(ii) A person operating a recreational micromobility device upon and along a sidewalk, sidewalk area, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a bicyclist under the same circumstances, and shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

Notwithstanding the above provision, an individual utilizing a recreational micromobility device or other micromobility devices pursuant to the Americans with Disabilities Act (ADA) may operate those devices on any City street, multi-use/shared-use path or sidewalk, regardless of designation.

(e) Violations of subsections (b) and/or (c) shall be penalized, subject to prosecution and fines under civil citation procedures as provided in section 1-10 of the Code Each violation will be subject to a fine of \$25.00 per occurrence.

\*\*\*\*\*

#### **Section 4: Severability and Conflict**

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

#### **Section 5: Inclusion in the Code of Ordinances**

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

#### **Section 6: Effective Date**

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

**-/Remainder of Page Left Intentionally Blank/-**

**FIRST READING** by the City of Key Colony Beach City Commission this 16<sup>th</sup> day of March 2023.

Mayor Patricia Trefry	NO _____ YES _____
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES _____
Commissioner Freddie Foster	NO _____ YES _____
Commissioner Tom Harding	NO _____ YES _____
Commissioner Joey Raspe	NO _____ YES _____

**SECOND READING AND DULY ADOPTED** by the City of Key Colony Beach City Commission on this \_\_\_\_ day of \_\_\_\_\_, 2023.

Mayor Patricia Trefry	NO _____ YES _____
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES _____
Commissioner Freddie Foster	NO _____ YES _____
Commissioner Tom Harding	NO _____ YES _____
Commissioner Joey Raspe	NO _____ YES _____

**DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA**, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
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. 2023-483**

**AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA AMENDING ARTICLE III, CHAPTER 101 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY COLONY BEACH, FLORIDA RELATED TO REDUCTION OF SETBACKS FOR RESIDENTIAL POOLS; SPECIFICALLY AMENDING SECTIONS 101-13 AND 101-26 OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE SETBACKS FOR POOLS WITHIN THE R-2B ZONING DISTRICT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION 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, Florida (the “City Commission”) has determined the need to amend the Land Development Regulations to reduce required side setbacks for pools; and

**WHEREAS**, the City Commission desires to specifically -amend Article III, Sections 101-13 and 101-26 of the City’s Land Development Regulations in order to reduce the required setbacks for pools within the R-2B zoning district; 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 ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:**

~~Strikethrough~~ = deletion

**Bold underline** = addition

**Section 1: Recitals**

The above recitals are true and correct.

**Section 2: Effective Date**

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

**Section 3: Amending Section 101-13 and 101-26 of the Land Development Regulations**

Sections 101-13 and 101-26 of Article III, "District Regulations" of the Land Development Regulations of the City of Key Colony Beach, Florida, is hereby amended as follows:

Sec. 101-13. - R-2B Two dwelling unit residence district.

(1) Intent. This district is intended to accommodate one unit detached and two-unit dwellings. It conforms with the two-family residential category of the comprehensive plan.

\*\*\*

(5) Setbacks (see also section 101-26).

Front yard minimum of 20 feet, except 5 feet on Clara Boulevard and Coral Lane.

Side yard minimum of 5 feet on each side, except on corner lots or on combined lots. In the case of attached two-unit dwellings, one side setback shall be required for each dwelling. A minimum side-yard setback of 5 feet shall be allowed for pools in accordance with section 101-26.

Rear yard minimum of 15 feet, except 5 feet on Clara Boulevard and Coral Lane.

Corner lot minimum side yard of 15 feet on the street frontage and rear yard of 5 feet.

For combined lots, the side yard minimum shall be 10 per cent of total width.

(6) Floor area. Minimum habitable building area of 450 square feet per dwelling unit.

(7) Pervious area. Minimum of 15 per cent.

(8) Height. Maximum of 1 story, but in no case more than 20 feet.

(9) Special regulations. See sections governing parking, landscaping, and signs.

\*\*\*\*

Sec. 101-26. - Accessory structures and uses.

\*\*\*

(11) *Swimming pools, spas, hot tubs.*

(a) Setbacks:

10 feet from side and rear lot lines and (MHW) on canals and 10 feet from sides and rear lot lines on dry lots; except that a minimum side-yard setback of 5 feet shall be allowed for pools.

25 feet from front lot line in all districts;

15 feet from side lot line in R-3 and RH districts;

100 feet from Ocean (MHW);

20 feet from MHW on Vaca Cut.

(b) [Pools, spas, and hot tubs:] Above grade pools are not permitted in any district. Prefabricated portable wading pools not over 18 inches in height above grade are permitted.



Portable, plug in type spas or hot tubs no larger than 8'0" × 8'0" × 3'0" in height above grade are permitted when in compliance with the following:

1. Setbacks must comply with section 101-26(11)(a).
2. All controls, water heating and water circulating equipment are an integral part of the product and must be cord-connected to GFI outlet (no hard or permanent plumbing or electrical connections are permitted).
3. Must comply with SBCCI Standard Swimming Pool Code 1999 Edition (in particular Section 315, Protective Enclosure).
4. Must comply with City Code Chapter 6, section 6-2.3 which states that structures are designed to be securely anchored so as to withstand hurricane force wind and wave pressure.
5. A building permit must be approved and obtained prior to any installation.

(c) Drainage: Pool drainage shall not be piped to the city sewer system. See article VII. Pools cannot drain onto adjoining property or rights-of-way.

(d) Pool enclosures: Insect screening or other enclosures shall be permitted when the pool and its enclosure are not located within the required setback.

\*\*\*\*\*

#### **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.

**-[Remainder of Page Left Intentionally Blank]-**

**FIRST READING** by the City of Key Colony Beach City Commission this 16<sup>th</sup> day of March 2023.

Mayor Patricia Trefry	NO _____ YES _____
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES _____
Commissioner Freddie Foster	NO _____ YES _____
Commissioner Tom Harding	NO _____ YES _____
Commissioner Joey Raspe	NO _____ YES _____

**SECOND READING AND DULY ADOPTED** by the City of Key Colony Beach City

Commission on this \_\_\_\_ day of \_\_\_\_\_, 2023.

Mayor Patricia Trefry	NO _____ YES _____
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES _____
Commissioner Freddie Foster	NO _____ YES _____
Commissioner Tom Harding	NO _____ YES _____
Commissioner Joey Raspe	NO _____ YES _____

**DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA**, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Patricia Trefry, Mayor

\_\_\_\_\_  
Silvia Gransee, City Clerk

*Approved as to form and legal sufficiency:*

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