AGENDA

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, April 20, 2023 – 09:35 a.m. <u>OR</u> at the Conclusion of the Public Hearing Located at the Temporary Meeting Place for the City of Key Colony Beach, at the Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach & Virtually via Zoom Conferencing https://us02web.zoom.us/j/84228204671

- 1. Call to Order, Pledge of Allegiance, Prayer, Roll Call
- 2. Agenda Additions, Changes & Deletions
- 3. Special Request

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. 03-16-2023 Regular Meeting & Public Hearing Minutes Pgs. 1-11
- b. 03-08-2023 Code Board Hearing Minutes **Pgs. 12-20**

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
- h. Code Enforcement Board
- i. Planning & Zoning Board
- j. Recreation Committee
- k. Utility Board

7. Items for Discussion/Approval

- a. Discussion/Approval of the Wright Insurance Company Renewal Notice for the Flood Insurance Policy for 460 8th Street in the amount of \$8,165.00 **Pgs. 21-22**
- b. Discussion/Approval on moving and rescheduling the December 21, 2023, City Commission Public Hearing & Regular Meeting to December 1st, 2023. **Pg. 23**

- c. Discussion/Approval of the Installation of a new 33K Elevator Boat Lift attached to an existing dock at 660 9th Street. **Pgs. 24-38**
- d. Discussion/Approval of Recommendation by the Recreation Committee to the City Commission to indemnify all Committee and Board Members in the City of Key Colony Beach in regard to violations of the Florida Sunshine Law.
- e. Discussion/Approval of Recommendation by the Recreation Committee to the City Commission to Sunset the Recreation Committee. Pgs. 39-40

8. City Administrator Items for Discussion

- a. City Hall Update
 - i. City Hall Bid Update
- b. Safety Meeting Report
- c. Vacation Rollover Reduction Recommendation Pg. 41
- d. Update on Landscape Architect Consultation for additional Pickleball/Tennis Courts
- e. Update on Fiber Optics for the City of Key Colony Beach

9. Secretary-Treasurer's Report

- a. Treasurer's Report March 2023 Pgs. 42-43
- b. Approval of Warrant 0323 in the amount of \$985,564.80 Pg. 44

10. City Attorney's Report

a. Direction by the City Commission regarding an amendment to Ordinance No. 464-2020 on increasing Boat Lift capacities. – **Pgs. 45-46**

11. Ordinances & Resolutions

a. <u>Second/Final Reading</u> of Ordinance No. 2023-482: Traffic Regulation Amendment i.Proof of Publication – Pg. 47

ii. Second Reading: 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, motorized 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. 48-51

- b. <u>Second/Final Reading</u> of Ordinance No. 2023-483: R-2B Pool Side Setback Amendments i. Proof of Publication Pg. 52
- ii. Second Reading: 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. 53-56
- d. <u>Resolution 2023-02</u>: A Resolution by the City of Key Colony Beach, Florida, approving the contract between the City of Key Colony Beach, Florida and The State of Florida, Division of Administrative Hearings ("DOAH") contracting DOAH for the services of an Administrative Law Judge; authorizing the City Mayor to execute the contract; and providing for an effective date.
 - i. Resolution Pgs. 57-58
 - ii. Service Contract between the City of Key Colony Beach and the State of Florida **Pgs. 59-61**
- e. <u>Resolution 2023-03:</u> A Resolution by the City of Key Colony Beach, Florida, amending the Schedule of Violations and Penalties and Providing for an Effective Date.
 - i. Ordinance 2021-467 adopted 10-28-2021 "Updated Schedule of Violations & Penalties" **Pgs. 62-63**
 - ii. Resolution 2023-03 & Exhibit A "Schedule of Violations & Penalties" Pgs. 64-69

12. Commissioner's Reports & Comments

- a. Commissioner Foster
 - i. Request City Administrator Update on 2nd Phase of Stormwater Project
 - ii. Report on attending the Legislative Action Days in Tallahassee
- b. Commissioner Raspe
 - i. Follow-up from the February City Commission Meeting on obtaining bids to repair the existing City Hall building to Pre-Irma conditions. -Pg.70
- c. Commissioner Harding
 - i. Wastewater sampling results Pgs. 71-72
- d. Vice-Mayor Ramsay-Vickrey
- e. Mayor Trefry
 - i. City Administrator Performance Review Summary Pg. 73

13. Adjournment

The City of Key Colony Beach is inviting you to a scheduled Zoom meeting.

This meeting will be held in person at the Temporary Meeting Place for the City of Key Colony Beach, at the Key Colony

Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach

& Virtually via Zoom Conferencing

Join Zoom Meeting
https://us02web.zoom.us/j/84228204671

Meeting ID: 842 2820 4671

One tap mobile

+13052241968,,84228204671# US

+19292056099,,84228204671# US (New York)

Find your local number: https://us02web.zoom.us/u/kdZVJpSnHG

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, March 16th, 2023 – 09:30 am City Hall Annex & Virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Rollcall: The March 16th, 2023, Key Colony Beach City Commission Regular Meeting & Public Hearing was called to order by Mayor Trefry at 9:30 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Trefry, Vice-Mayor Ramsay-Vickrey, Commissioner Harding, Commissioner Foster, Commissioner Raspe. **Also present:** City Administrator Turner, City Clerk Gransee, City Attorney Smith, Building Official Leggett, Police Chief DiGiovanni, Code Officer Goldman, Public Works Department Head Guarino, Administrative Assistant Anderson, Fire Chief Card.

Public attendance: 15

2. Agenda Additions, Changes & Deletions: City Administrator Dave Turner introduced Cheryl Baker as the new Administrative Assistant for City Hall and informed on internal staff promotions. Commissioner Harding asked for the addendum to the Financial Report to be added for discussion. The Commission had no objections.

3. Special Requests:

a. A Proclamation by the City of Key Colony Beach declaring March 2023 Problem Gambling Awareness Month: Mayor Trefry spoke on the agenda item to the Commission and asked for a motion to approve.

MOTION: Motion made by Commissioner Foster, seconded by Commissioner Raspe, to approve the Proclamation declaring March 2023 as Problem Gambling Awareness Month.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Presentation by Marcelo Martinez from Hotwire Communications on Fiber Optic Services for the City of Key Colony Beach: Marcelo Martinez from Hotwire Communications gave a PowerPoint presentation to the Commission on possible Fiber Optic Services for the City of Key Colony Beach and answered questions from the Commission and City Administrator after. Discussion followed on pricing and different available options for residents, and how to move forward with the project. The Commission gave consensus to the City Administrator to move forward.

4. Citizen Comments and Correspondence

Mayor Trefry invited members of the public to speak on any agenda item.

Florence Roseboro, 430 4th Street, spoke on the Hotwire Presentation and the use of Marble Hall. Kirk Boggs, Key Colony Point #1, spoke on the topic of Button Wood trimming at Sunset Park. Joanne Stewart, Key Colony Point #1, spoke on the topic of Button Wood trimming at Sunset Park. Tim Duesel, 680 9th Street, spoke on the topic of a new City Hall.

Joe Schmitt, 430 4th Street, spoke on the ability of Citizen comments after Commissioners comments, the topic of the Post Office and Marble Hall, and the policies of the City.

Ron Teke, 290 10th Street, spoke on policies of the City and the topic of a new City Hall.

Chet Dunn, 101 E. Ocean Drive spoke to the Commission on offering his services as the Assistant City Administrator.

Larry Mills, 4th Street, spoke on cable services for the City and City Hall.

There were no additional citizen comments online or in person.

5. Approval of Minutes: Mayor Trefry asked for any changes or corrections to the minutes. Commissioner Raspe asked for a correction on page 12 revising City Attorney Turner to City Administrator Turner. The minutes were accepted as written with said changes.

6. Committee and Department Reports

Commissioner Foster asked City Administrator Turner on the Code Enforcement Report and current policies and practices. City Attorney Smith stated to follow up with City Attorney Smits on the topic.

Commissioner Harding commented on the Playground Equipment. City Administrator Turner explained the funding for the playground equipment, and gave an update on the grant application for the 1st Street Playground. Commissioner Harding commented on the Code Enforcement progress. City Administrator Turner gave details on required Sadowski Causeway bridge repairs and possible funding opportunities.

Chief DiGiovanni gave information on issued citations and code violations.

a. Marathon Fire/EMS: Fire Chief Card reported to the Commission on EMS and Fire Calls for the City of Key Colony Beach. Chief Card further talked on an increase in call volume, dangers of driving in the left lane, and the success of the High School Cadet Program. Chief Card complimented on how the City looks, commented on next year's Rubber Ducky Race, and the upcoming St. Patrick's Day Parade.

b-i.: see under 6.

j. Recreation Committee: Chair Ted Fischer spoke on the report he submitted to the City Commission including current concerns on overcrowding of the Pickleball courts and possible solutions. Discussion followed on the term of quiet Pickleball courts and the use of the 7th Street Basketball Court. Ted

Fischer continued addressing the Commission with concerns on a fee structure for court use, the building of new courts and funding. Commissioner Harding expressed support for opening the Basketball Court and suggested the hiring of a Landscape Architect for design ideas of courts on 7th Street. Commissioner Harding recommended to give City Administrator Turner up to \$15,000.00 for an architectural summary and gave further thoughts on a fee system for use and how to move forward with the idea. Mayor Trefry agreed with the idea of a fee schedule and gave her thoughts on the topic. Vice-Mayor Ramsay-Vickrey expressed support for a fee structure and her view on the inclusion of Marathon residents. Commissioner Raspe spoke on residents ability to use the courts. Mayor Trefry clarified that the question of approval for playing on the Basketball court will be voted on. The Commission continued speaking on the topic.

Mayor Trefry called for a motion to allow the 7^{th} Streets courts to be temporarily converted to Pickleball courts to April 9^{th} . After discussion, the Commission agreed upon April 16^{th} as the end date.

MOTION: Motion made by Commissioner Foster to allow on a temporary trial basis, until April 16th, for the Pickleball players to use the court with the understanding that children will be allowed to play basketball after the game. Mayor Trefry asked for a second. Commissioner Raspe seconded the motion.

DISCUSSION: Discussion followed on what nets will be used for play and what times the basketball court will be used. Chair Fischer agreed to 7:30 am to 12:00 pm as the times for the use of the court. Commissioner Harding asked for Ted Fischer to report to the Commission in May on how the trial use went.

ON THE MOTION: Rollcall vote. Unanimous approval.

MOTION: Motion made by Commissioner Harding for a long-term plan to give City Administrator Turner direction to spend up to \$15,000.00 for a landscape architect and to work with Ted Fischer for facilities on 7th Street. Mayor Trefry asked for a second. Commissioner Foster seconded the motion.

DISCUSSION: Vice-Mayor Ramsay-Vickrey asked for clarification on the future location of pickleball and tennis courts. Commissioner Harding clarified the motion to find space on 7th Street for either Tennis or Pickleball courts. The Commission continued talking on locations, available space, the number of courts, and funding.

ON THE MOTION: Rollcall vote. Unanimous approval.

Ted Fischer addressed the Commission on the next agenda item for the fence approval and asked for additional permission to run an annual Pickleball fundraiser named 'Fools Fundraiser' on April 1st and 2nd between the hours of 7:30 am and 12:00 pm on Saturday and Sunday using all permanent and temporary courts. Ted Fischer confirmed that he will be managing the event. Mayor Trefry asked for a motion to approve the fundraiser on April 1st and 2nd.

MOTION: Motion made by Commissioner Raspe to approve the fundraiser for the Pickleball courts on April 1^{st} and 2^{nd} . Commissioner Foster seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

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: Mayor Trefry asked for a motion to approve and asked City Administrator for additional input. City Administrator Turner informed on available monies and asked for the motion to incorporate to raise the additional money. The Commission discussed wording and possible stipulations. Mayor Trefry asked Commissioner Harding to make the motion.

MOTION: Motion made by Commissioner Harding to approve the Florida Fence estimate for \$7,995.00 with the thought to be reimbursed with any charity funds that Ted Fischer is able to raise. Vice-Mayor Ramsay-Vickrey seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Discussion/Approval of <u>Appointment</u> of current alternate member Frank Tremblay to a full member to the Recreation Committee: Mayor Trefry called for a motion on the appointment of Frank Tremblay.

MOTION: Motion made by Commissioner Foster, seconded by Commissioner Raspe, to appoint Frank Tremblay to the Recreation Committee.

DISCUSSION: None.

ON THE MOTION: Rollcall vote.

c. Discussion/Approval of new <u>Appointment</u> of Judy Burgett as an alternate member to the Recreation Committee: Mayor Trefry asked for a motion for the appointment of Judy Burgett.

MOTION: Motion made by Commissioner Foster, seconded by Vice-Mayor Ramsay-Vickrey, to appoint Judy Burgett to the Recreation Committee.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

d. Discussion/Approval of new <u>Appointment</u> of Sandra Glassman as an alternate member to the Beautification Committee: Mayor Trefry asked for a motion for the appointment of Sandra Glassman.

MOTION: Motion made by Commissioner Raspe, seconded by Commissioner Foster, to appoint Sandra Glassman to the Beautification Committee.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

e. Discussion/Approval of payment of the Deckard Technologies Invoice #1284 in the amount of \$18,000.00 (Rentalscape): Mayor Trefry asked for a motion to approve the invoice.

MOTION: Motion made by Vice-Mayor Ramsay-Vickrey, seconded by Commissioner Foster, to approve the invoice.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- 8. City Administrator
- a. City Hall Update
- i. City Hall Bid Update: City Administrator Turner updated on the upcoming bid release.

City Administrator Turner addressed previous questions on the old City Hall and provided letters from the previous two Building Officials directing for the building to be unoccupied and ceased to be used. Commissioner Harding asked City Attorney Smith to review the shutdown of City Hall. City Attorney Smith stated she will be happy to review but explained that no one can override the decision of the Building Official.

City Administrator Turner addressed previous questions on the Post Office and gave information on the training he attended the previous week and information he received on flood zones, flood insurance, and following policies on CRS ratings and flood insurance.

- **b. Sunset Park Trimming Update:** City Administrator Turner reported that the approval for the trimming was received and gave details on the stipulations in case of the discovery of endangered species. City Administrator Turner informed on cost and the budget, and that Public Works Department Head Guarino will be trained as surveyor to conduct future maintenance. Conversation on trimming and future trimming continued.
- c. Safety Meeting Report: City Administrator Turner reported to the Commission on the agenda item. Commissioner Foster commented on AED devices and expected expiration dates. City Administrator Turner informed on being on a waiting list, replacement costs, the devices being functional, and future planning. Public Works Department Head Guarino confirmed that the AED device was moved from Marble Hall and that it will be moved to the Key Colony Inn for future meetings.
- d. Vacation Rollover Reduction Recommendation: City Administrator Turner updated on the changes that were made per City Commissioner recommendations. Commissioner Foster talked on information he collected on different agencies and asked to hold this decision until further research. Commissioner Harding recommended to hold the discussion until next month. Vice-Mayor Ramsay-Vickrey and Commissioner Raspe agreed. City Administrator Turner stated he will review the documents and bring back the topic at the next meeting. Further discussion followed on benefits for staff.

- e. Dissolve Unity of Title for Lot 16 & 17, Block 1, 210 13th Street, Key Colony Beach: City Administrator Turner gave details to the City Commission on the request to dissolve the unity of title and recommended to allow to divide the property but recommended to come back 10 feet each way. City Administrator Turner informed on having received a letter for permission for the use of the canal bottom.
- i. Statement by the Attorney of Unity of Title Unity of Title: Mayor Trefry called for Attorney Anthony Barrows to speak to the Commission. Attorney Barrows asked for clarification on setbacks and stated understanding on compliance. Attorney Barrows informed on having retained an engineer for drawings and a contractor to perform the work to bring the properties into compliance and asked for the Commission to approve for dissolution of unity of title. Conversation followed on required permits with Building Official Leggett confirming two permits are required.

Mayor Trefry asked for a motion to approve, deny, or approve with conditions the dissolution of title. Attorney Smith asked Attorney Barrows for confirmation on setback and permit requirements. City Attorney Smith clarified the permit requirements to Attorney Barrows.

Mayor Trefry asked for a motion to approve, deny, or approve with condition, the dissolution of title.

MOTION: Motion made by Commissioner Raspe to approve the dissolution of the unity of title.

City Administrator Turner asked for Commissioner Raspe to recuse himself due to his wife selling the properties. Commissioner Raspe explained his wife's involvement and stated that there will be no financial benefit from this vote. Discussion continued with the buyer stating his intent and Attorney Barrows clarifying that the dock will be left as a non-conforming structure. Building Official Leggett spoke on best practices for existing non-confirming structures and the city's building code. Discussion continued on possible future problems, building codes, and questions on conformity, additional boat lifts, and possible variances.

City Attorney Smith reiterated that the subject in front of the Commission for consideration is whether to approve the separation of the unity of title, to make this into two distinct properties with the acquisition from council with the conditions being provided the 10-foot setbacks, providing a survey to be part of the permit process with a permit on each property.

MOTION: Motion made by Vice-Mayor Ramsay-Vickrey to approve with the provisions provided by the City Attorney. Mayor Trefry asked for a second. Commissioner Foster seconded the motion. **DISCUSSION:** Commissioner Harding asked for confirmation on separate property taxes.

DISCUSSION: Commissioner Harding asked for confirmation on separate property taxes, wastewater, and sewer connections. City Administrator Turner confirmed the question.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Trefry called for a 5-minute recess.

Mayor Trefry called the meeting back to order at 12:21 pm.

City Administrator Turner updated on the upcoming concert for the 200 Year anniversary for Monroe County to be held in Key West on March 25th.

9. Secretary-Treasurers Report

- **a.** Update on Wastewater Rate Study: Commissioner Harding reported on the Wastewater Rate Study and explained the details that were provided in his report.
- b. City Hall Attribute Summary: Commissioner Harding spoke to the Commission on his submitted summary report and gave details on space comparison, available office space, code requirements for ADA and fire code, required State approval, emergency operations, square footage comparison, Marble Hall, damage to the old building, flood plain levels for the old building, generator availability, Internet, rentability, work environment, and parking. Discussion followed on rebuilding to Code and the questions on substantial improvements and ADA compliance.
- c. City Hall Options Costs Comparison: Commissioner Harding gave his report on cost comparison for the rebuilding of the old City Hall versus a new building. Commissioner Harding updated on information learned from a flood insurance class and gave details on demolition, engineering, design, furniture, remediation, and additional repair costs. Commissioner Harding continued informing on the approved grant, overall comparison on costs, and talked about risks of not following the flood plain management.

Commissioner Raspe expressed his appreciation for Commissioner Harding's report and give his views on a new City Hall building. Commissioner Harding explained building code changes by FEMA, the possibility of being removed from the CRS program, and making long-term decisions.

Vice-Mayor Ramsay-Vickrey thanked Commissioner Harding for his report and gave concerns on the CRS impact on personal flood insurance policies, technology ability, questions on the Post-Office, and long-term planning.

Commissioner Foster thanked Commissioner Harding and gave thoughts on anticipated costs, the expected bid release, and an estimate on repairing the old building to include requirements on code updates. Commissioner Harding talked on obtaining estimates and concept design.

City Administrator Turner reported on the anticipated release of the bid. Vice-Mayor Ramsay-Vickrey gave further thoughts on completing repairs below flood zone.

Mayor Trefry and the Commission thanked Commissioner Harding for his report.

A short discussion followed on the CRS rating and City Hall being located in temporary trailers.

- **d. Wastewater Sampling Program:** Commissioner Harding updated on the new program and gave details from the report to the Commission. The Commission had no additional questions to the report.
- **e. Financial Addendum:** Commissioner Harding reported on the financial addendum including details on expenses, income, legal fees, contract maintenance, approved state monies, and 10th Street Project reimbursements.

f. (e) Approval of Warrant 0223 in the amount of \$497,660.50: Commissioner Harding asked Mayor Trefry for consent to make a motion. Mayor Trefry gave her consent.

MOTION: Motion made by Commissioner Harding, seconded by Commissioner Raspe, to approve Warrant No. 0223 in the amount of \$497,660.50.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. City Attorney's Report

- **a. (c) Advisory Board & Volunteer Committee Training Update:** City Attorney Smith updated on the training for the Boards and Committees March 13th, 2023, and answered questions from Commission after.
- **b.** (a) Cost Comparison Special Master vs. Code Board: City Attorney Smith spoke to the City Commission on the cost comparison and available options for a Special Magistrate.

Commissioner Raspe expressed his opinion on the importance on a local Special Master and questions on time sensitivity.

Vice-Mayor Ramsay-Vickrey gave the Commission her report on the topic and voiced her support for a Special Magistrate.

Commissioner Harding gave his considerations on the option of a Special Magistrate and the benefits of having a Code Enforcement Board, and the potential benefits of a hybrid.

Commissioner Foster spoke on the agenda item and voiced his support for staying in the city with the option of going to a Special Magistrate if necessary.

Mayor Trefry voiced her concern of residents serving on the Code Board in judgement of neighbors and gave thoughts on how to achieve compliance and community involvement.

City Attorney Smith spoke to the City Commission on the need for policies, procedures, training, and concern for liability and consistency. City Attorney Smith further clarified that the legal team represents the City and not the Code Board which explains the need for two attorneys for the Code Board Hearing.

Mayor Trefry spoke on the perception of making money on compliance and the assessments of fines. Commissioner Harding commented on the assessment of fines, legal costs, achieving compliance, and the Special Magistrate's ability to assess fines.

City Attorney Smith gave further input on the Special Magistrates abilities.

Vice-Mayor Ramsay-Vickrey spoke on the importance of a consistency of fines and fine structure, and the Commissioners responsibilities to protect the city and its residents.

Commissioner Raspe spoke on the importance of a fine structure and the need to have it updated. Commissioner Raspe talked further on the assessment of fines and at what level. Discussion followed on allowable increases in fines, statutes, procedures, and processes.

c. (b) Special Magistrate appointment pursuant to legal report: City Attorney Smith expressed her wish for a motion on the agenda item. Mayor Trefry called for a motion from the City Commission pertaining to the Special Magistrate appointment pursuant to the legal report.

MOTION: Motion made by Vice-Mayor Ramsay-Vickrey to move to a Special Magistrate. Mayor Trefry asked for a second. Commissioner Raspe seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Vice-Mayor Ramsay-Vickrey – yes. Commissioner Harding – no. Commissioner Foster – no. Commissioner Raspe – yes. Mayor Trefry – yes. The motion passed three (3) to two (2).

Mayor Trefry asked for a motion on the direction for a local attorney or a Special Magistrate hired from DOAH.

MOTION: Motion made by Vice-Mayor Ramsay-Vickrey to go to a Special Magistrate through DOAH. Mayor Trefry asked for a second. Mayor Trefry passed the gavel to Vice-Mayor Ramsay-Vickrey and seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Commissioner Raspe – yes. Vice-Mayor Ramsay-Vickrey – yes. Commissioner Harding – no. Commissioner Foster – no. Mayor Trefry – yes. The motion passed three (3) to two (2).

Mayor Trefry stated this to have been a hard decision and expressed her appreciation for the members of the Code Board.

City Attorney Smith stated she will reach out to City Attorney Smits on how to move forward with a Special Magistrate through DOAH and to reach out to the Code Officer for hearings that might have to be moved from April to May.

City Attorney Smith updated on holding an additional volunteer training in the Summer or Fall for members that missed the training in March.

City Attorney Smith explained the purpose of the citizen comments in the beginning of the agenda to enable for the Commission to hear all citizen comments for every item on the agenda.

City Attorney Smith stated that the City Clerk will send out a letter to the Code Board members informing them of the Commission's decision.

11. Ordinances & Resolutions

- a. Second/Final Reading of Ordinance No. 2023-481: Key Colony Beach Meeting Organization & Procedures
- i. Proof of Publication: City Clerk Gransee explained the proof of publication.
- **ii. Second Reading:** Ordinance No. 2023-481: An Ordinance of the City of Key Colony Beach, Florida, amending Chapter2, 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.

Mayor Trefry provided the second and final reading of Ordinance No. 2023-481 and asked for a motion to approve.

MOTION: Motion made by Vice-Mayor Ramsay-Vickrey to approve the second reading. Mayor Trefry asked for a second. Commissioner Foster seconded the motion.

DISCUSSION: Commissioner Harding asked for clarifications on the meeting date in December. City Attorney Smith clarified the dates.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. First Reading of Ordinance No. 2023-482: Traffic Regulation 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.

Mayor Trefry provided the first reading of Ordinance No. 2023-482 and asked for a motion to approve.

MOTION: Motion made by Vice-Mayor Ramsay-Vickrey to approve. Mayor Trefry asked for a second. Mayor Trefry passed the gavel to Vice-Mayor Ramsay-Vickrey and seconded the motion.

DISCUSSION: Commissioner Harding asked for clarification language on page 57 item c. for the use of skateboards in the city. Discussion followed. City Attorney Smith stated to modify the language. Chief DiGiovanni explained current regulations and laws on motorized scooters. Further discussion followed on definitions and language in the ordinance, and future enforcement of the ordinance including updated signage.

ON THE MOTION: Rollcall vote. Unanimous approval.

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.

Mayor Trefry provided the first reading of Ordinance No. 2023-483 and recognized Commissioner Raspe.

MOTION: Motion made by Commissioner Raspe to adopt the ordinance and change the side setbacks for pools in the R-2B zone from 10 feet to 5 feet. Mayor Trefry asked for a second. Vice-Mayor Ramsay-Vickrey seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

12. Commissioners Reports & Comments

Commissioner Foster updated on the Stormwater project and anticipated Haack to be completed by the end of the following week.

Commissioner Harding updated on attending the FEMA flood insurance class, attending the quarterly mitigation meeting, and receiving information on costs of Hurricane Ian, training requirements, and receiving last year's certification from FEMA.

Commissioner Ramsay-Vickrey reported on attending the Concert in the Park, the Annual Fishing & Boating Club's Clam Bake, and the Florida Keys National Marine Sanctuary Advisory Council meeting. Commissioner Ramsay-Vickrey further reported on completing the state-mandated continuing education, the ceremonial swearing in of Carlos Gimenez, the Champions for Change fundraiser, and the BWP February event. Commissioner Ramsay-Vickrey continued informing on volunteering for the FKSCPA at the Key Colony Beach Day and the Seafood Festival and attending the Annual 7-meter Bridge Run. The Commissioner further reported on attending the Volunteer Board training, the Marathon City Council meeting, and on the upcoming St. Patrick's Day Parade.

Commissioner Raspe reported on attending the March Code Board meeting, the Key Colony Beach Day, and thanked City Staff for their help with Sunset Park, and the upcoming St. Patrick's Day Parade.

Mayor Trefry reported on participation in the Mayors Panel for Leadership Monroe and informed on the upcoming performance review of City Administrator Turner. Mayor Trefry informed that the City Clerk will send out the forms to all Commissioners with a deadline to return them by April $10^{\rm th}$. Mayor Trefry stated the importance for one-on-one meetings with the City Administrator and informed on the upcoming St. Patrick's Day parade.

13. Adjournment: The meeting adjourned at 2:27 pm.

Respectfully submitted, **Sílvía Gransee** City Clerk

MINUTES

CITY OF KEY COLONY BEACH CODE ENFORCEMENT BOARD

Wednesday, March 8, 2023 - 9:30 a.m. City Hall Annex & virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, and Roll Call: The Key Colony Beach Code Enforcement Board Hearing was called to order by Chair John Dalton at 9:30 am followed by the Pledge of Allegiance and Rollcall. Present: Larry Mills, Doug Cuje, Pete Diez, John Dalton. Also Present: City Attorney Benninger, Code Officer Goldman, Building Official Leggett, Administrative Assistant Anderson, City Clerk Gransee.

Public attendance: 16

2. Election of Vice-Chair: City Clerk Gransee administered the Oath of Office to Board Members Doug Cuje and Pete Diez.

City Clerk Gransee called for nominations for Vice-Chair. Doug Cuje nominated Larry Mills for Vice-Chair. There were no other nominations. City Clerk Gransee asked for a show of hands in support for Larry Mills. All Board members raised their hand. Larry Mills was elected as the new Vice-Chair.

- 3. Approval of Minutes
- a. Code Enforcement Board Hearing Minutes January 11th, 2023: The Board did not request any changes.

MOTION: Motion made by Pete Diez, seconded by Doug Cuje, to approve the minutes.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Code Enforcement Board Hearing Minutes, February 8th, 2023: The Board did not request any changes.

MOTION: Motion made by Larry Mills, seconded by Doug Cuje, to approve the minutes.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- **4. Swearing in of Witnesses to Testify:** City Attorney Benninger administered the Oath of Witness to all planning on testifying. Mr. Patrick Power was sworn in via Zoom Mr. Dick Harper was not sworn in as a witness.
- 5. Notice of Ex-Parte Communication: Code Board Attorney Dorl informed on receiving a call from an unknown person which he referred to City Hall.
- 6. A. Property Address: 3 7th Street, Owners: Ramon Rodriguez & Maria Servia Violation: Vacation Rental without a License; City of Key Colony Beach Code of Ordinances Chapter 9, Sec. 9-22, 9-28.

Code Officer Goldman presented Christina Rodriguez to the Board as the representative for the Respondents and explained the code procedures and details of the case.

Mrs. Christina Rodriguez testified that a violation had occurred and admitted to renting on a short-term basis without a valid license.

City Attorney Benninger asked for an admission of violation by motion from the Board.

MOTION: Motion made by Doug Cuje, seconded by John Dalton, for the admission of guilt.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Attorney Benninger opened the floor to Mrs. Christina Rodriguez. Mrs. Christina Rodriguez presented testimony to the Board on behalf of the Respondents followed by questions from the Board. Code Officer Goldman explained statutes, a cap on fines, and cost of prosecution to the Board. Further testimony followed by Mrs. Christina Rodriguez and City Attorney Benninger giving information on license renewal regulations. City Attorney Benninger gave the assessment of fines as \$2,048.00. The Board discussed the assessment of fines, days of violations, with further testimony by Mrs. Rodriguez on days of rentals and rental fees. Code Officer Goldman gave further details on the case.

MOTION: Motion made by Pete Diez to assess a \$250.00 total fine for the violation. Larry Mills seconded the motion.

DISCUSSION: Discussion followed on the lowered assessment of fine.

ON THE MOTION: Rollcall vote. Larry Mills – yes. Doug Cuje – no. Pete Diez – yes. John Dalton – yes. The motion passed.

City Attorney Benninger informed Chair Dalton on the prepared Code Board order ready for his signature. Discussion followed on the assessment of the fine. City Clerk Gransee confirmed the record reflecting a total fine of \$250.00.

B. (E) Property Address: 438-436 E. Ocean Drive, Owner: Louise Tuttle – Violation: Rental without a License; City of Key Colony Beach Code of Ordinances Chapter 9 et. al., Sec. 9-20, 9-28

City Attorney Benninger informed that original agenda items 6 b. and c. were to be delayed until later that day due to the Respondents being stuck in traffic.

City Attorney Benninger addressed the Board and introduced the Respondent and her legal representative to the Board. City Attorney Benninger informed that the Respondent agreed to enter into a stipulated agreement that a violation of renting without a license had occurred with an assessed statutory irreparable fine in the amount of \$5,000.00. City Attorney Benninger explained that the Respondent and her legal council would have the opportunity to present testimony for mitigation purposes. City Attorney Benninger presented a cost of prosecution in the amount of \$2,048.00.

Mr. Malafy, the Respondent's attorney, called Louise Tuttle to testify. Mitigation testimony followed on the case including history of ownership of the property, nature of the violation, nature of the rental, and rental fees. Exhibit A was introduced for the business tax license for review for the Board. City Attorney Benninger had no objection.

Further testimony followed by Louise Tuttle.

Exhibit B was introduced.

City Attorney Benninger confirmed intention of admission of a violation by the respondent. Mr. Malafy confirmed and explained intentions of testimony. Further testimony followed by Mrs. Louise Tuttle.

The Board followed up with Mrs. Tuttle on her testimony.

Code Officer Goldman gave further information explaining the case to the Board. The Board followed up with Mr. Malafy. Testimony by Louise Tuttle continued.

City Attorney Benninger asked the Respondent on her admission of a violation and her willingness to enter into a

stipulation which was admitted by Louise Tuttle. City Attorney Benninger asked the Board to make the finding.

MOTION: Motion made by Pete Diez to accept the admission of guilt. Larry Mills seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Attorney Benninger clarified the cost of prosecution in the amount of \$2,048.00.

MOTION: Motion made by Doug Cuje to accept the respondents admission and leave the fine at \$5,000.00 plus \$2,048.00 cost of prosecution. John Dalton seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Doug Cuje – yes. Pete Diez – yes. Larry Mills – no. John Dalton – yes. The motion passed three (3) to one (1).

City Attorney Benninger presented the stipulated final order to the Chair for execution.

Chair Dalton called for a recess. The hearing resumed at 10:38 am.

C. (D) Property Address: 150 9th Street, Owner: Patrick & Sharon Power – Violation: Vacation Rental without a License; City of Key Colony Beach Code of Ordinances Chapter 9, Sec. 9-22, 9-28

Jim Dorl explained stipulated agreement procedures to the Board.

City Attorney Benninger called agenda item 6 D as the next case. City Attorney Benninger stated his understanding that the Respondents wish to enter into a stipulated agreement admitting to a violation. City Attorney Benninger continued stating the City's willingness to agree to a fine capped at \$5,000.00 plus the cost of prosecution in the amount of \$2,048.00.

Mr. Power expressed agreement in making an error but indicated no knowledge on the assessment of a cost of prosecution. Mr. Power continued addressing the Board on the violation. Upon questioning by City Attorney Benninger, Mr. Power admitted to the violation but asked for a consideration on the fine.

Code Board Attorney Dorl clarified that cases are independent of each other.

The Respondent gave further testimony to the Board.

City Attorney Benninger explained the terms on the stipulation of violation not to exceed \$5,000.00 in addition to \$2,048.00 for the cost of prosecution. Discussion followed on the presented stipulation agreement including questions on precedence and the cost of prosecution.

City Attorney Benninger asked the Board to table the matter until April and asked for a motion to table.

MOTION: Motion made by Doug Cuje to table the matter. John Dalton seconded the motion. **DISCUSSION:** None.

ON THE MOTION: Rollcall vote. Pete Diez – no. Larry Mills – no. Doug Cuje – yes. John Dalton – yes. The motion failed.

Further testimony followed by the Respondent. Code Board Attorney Jim Dorl explained procedures to the Board. Chair Dalton spoke on the matter of tabling to the respondent.

The Respondent stated willingness to accept the stipulation agreement. A brief discussion followed.

City Attorney Benninger explained Code Board Hearing procedures to the Board and options on how to proceed with the case. Further testimony followed by the respondent.

Code Board Attorney Dorl gave further advise to the Board and explained procedures to the Respondent.

The Respondent stated acceptance of the cost of prosecution in the amount of \$2,048.00 and asked for a consideration on the assessment of fines.

MOTION: Motion made by Pete Diez to accept the admission of guilt. Doug Cuje seconded the motion.

DISCUSSION: City Attorney Benninger explained the imposition of a fine by the Board plus the cost of prosecution.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Attorney Benninger invited Mr. Power to present testimony to the Board for leniency, followed by questions from the Board to Mr. Power and Mr. Goldman. Further discussion followed on the assessment of fines.

MOTION: Motion made by Larry Mills to only assess the court fees and waive the fines. Pete Diez seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Doug Cuje – no. Pete Diez – yes. Larry Mills – yes. John Dalton – no. The motion failed.

The Board continued discussion on the assessment on fines.

MOTION: Motion made by Doug Cuje to table the matter. John Dalton seconded the motion.

DISCUSSION: Pete Diez expressed his thoughts on resolving the matter today.

ON THE MOTION: Rollcall vote. Doug Cuje – yes. Pete Diez – no. Larry Mills – no. John Dalton – yes. The motion failed.

MOTION: Motion made by Larry Mills to assess a fine in the amount of \$250.00 plus the court costs. Pete Diez seconded the motion.

DISCUSSION: Larry Mills expressed his thoughts on the violation having been a simple mistake.

ON THE MOTION: Rollcall vote. Pete Diez – yes. Larry Mills – yes. Doug Cuje – no. John Dalton – no. The motion failed.

MOTION: Motion made by Doug Cuje to assess a fine in the amount of \$3,000.00 plus the cost of prosecution in the amount of \$2,048.00. John Dalton seconded the motion.

DISCUSSION: Pete Diez expressed his thoughts on the fine being too high.

ON THE MOTION: Rollcall vote. Larry Mills – no. Doug Cuje – yes. Pete Diez – no. John Dalton – yes. The motion failed.

Chair Dalton called for a10-minute recess.

Chair Dalton called the meeting back to order at 11:27 pm. The Board Members stated that no Ex-parte communication took place.

C. (D) Property Address: 150 9th Street, Owner: Patrick & Sharon Power – Violation: Vacation Rental without a License; City of Key Colony Beach Code of Ordinances Chapter 9, Sec. 9-22, 9-28

The Hearing continued on the matter.

Code Board Attorney Dorl reminded that on no motions pending and advised for the Board to resolve the matter. The Board continued discussion on the assessment of costs. The Respondent stated technical difficulties with his camera on zoom.

MOTION: Motion made by Doug Cuje to table the matter until the next month. John Dalton seconded the motion.

DISCUSSION: The Board discussed the possibility of having a 5th Code Board member in April. Code Board Attorney Dorl advised to keep working on the matter. Discussion followed on whether to withdraw the motion. **ON THE DISCUSSION:** Doug Cuje withdraw the motion.

MOTION: Motion made by Pete Diez to set the limit of the fine inclusive of court cost to \$5,000.00.

Code Board Attorney Dorl clarified the fine. Discussion followed on the assessment of fine.

MOTION: Motion made by Pete Diez to set a \$1,000.00 fine plus the cost of prosecution in the amount of \$2,048.00. Larry Mills seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Pete Diez – yes. Larry Mills – yes. Doug Cuje – no. John Dalton – no. The motion failed.

The Board continued discussion.

MOTION: Motion made by Pete Diez to table the matter until next month. John Dalton seconded the motion. **DISCUSSION:** None.

ON THE MOTION: Rollcall vote. Larry Mills – no. Doug Cuje – no. Pete Diez – yes. John Dalton – yes. The motion failed.

The Board continued discussion on the assessment of a fine. Mr. Power gave additional testimony to the Board. Code Board Attorney gave further advice to the Board. The Board continued discussion. City Attorney Benninger spoke to the Board on the case and the assessment of a fine.

Code Board Attorney Dorl explained the protocol of procedures to Chair Dalton regarding the respondents ability to offer a settlement amount. Further discussion followed.

Mr. Power gave further testimony on his acceptance of a fine.

City Clerk Gransee reminded of the upcoming recess.

Code Board Attorney Dorl advised on a request for continuance for the Harper case. Code Officer Goldman asked to put items on the record relative to the continuance. City Attorney Benninger asked for Mr. Harper to agree to abide by the City's pending stop-work order. Mr. Tobin stated on the record that he and his client agreed. City Clerk Gransee then asked for agreement from the Board and the Attorneys for a continuance until April. All Parties stated for the record that they were in agreement.

D. & E (F & G)) Property Address: 680 11th Street, Owner: Richard B. Harper – Violation: Construction Activities without a Permit; City of Key Colony Beach Code of Ordinances Sec. 6-6 (1)(b)(d) & Violation: New Construction: Required Performance and Permit Expiration; City of Key Colony Beach Code of Ordinances Sec6-7.: Continued until the next Code Board Hearing in April.

Chair Dalton called for lunch recess.

The hearing continued at 1:00 pm.

Chair Dalton called the hearing to back to order at 1:00 pm.

The Board confirmed that no Ex-parte communications took place.

City Clerk Gransee swore in Patrick Power as a witness.

City Attorney Benninger spoke to the Board on the case at hand and recalled prior actions taken. The Board continued their discussion on an assessment of a fine. Code Officer Goldman offered further testimony on the Code Enforcement process. The Board continued its discussion.

MOTION: Motion made by Pete Diez to assess a fine in the amount of \$1,250.00 plus the cost of prosecution in the amount of \$2,048.00. Larry Mills seconded the motion.

DISCUSSION: The Board continued discussion on the assessment of fines.

ON THE MOTION: Rollcall vote. Doug Cuje – no. Pete Diez – yes. Larry Mills – yes. John Dalton – no. The motion failed.

The Board continued discussion on finding agreement on an assessment of fines.

The Hearing had to be called for a brief recess due to technical difficulties.

The meeting was called back to order by Chair Dalton.

MOTION: Motion made by Larry Mills to assess a fine in the amount of \$1,500.00 plus the cost of prosecution in the amount of \$2,048.00. Pete Diez seconded the motion.

DISCUSSION: The Board continued their discussion on reaching an agreement.

ON THE MOTION: Rollcall vote. Doug Cuje – no. Pete Diez – yes. Larry Mills – yes. John Dalton – no. The motion failed.

Code Board Attorney Dorl advised the Board on how to go forward.

MOTION: Motion made by Doug Cuje to table the matter on 150 9th Street until the next month. John Dalton seconded the motion.

DISCUSSION: Mr. Mills gave his views on tabling the matter

ON THE MOTION: Rollcall vote. Larry Mills – no. Doug Cuje – yes. Pete Diez – no. John Dalton – yes. The motion failed.

The Board continued discussion on tabling the matter and the ability to come to a decision, as well as the assessment of a fine.

MOTION: Motion made by Doug Cuje to table the matter until the remainder cases have been heard. Pete Diez seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

F. Property Address: 34 Sadowski Causeway, Owners: Raytel & Melissa Brito – Violation: Vacation Rental without a License; City of Key Colony Beach Code of Ordinances Chapter 9, Sec. 9-22, 9-28.

<u>AND</u>

G. Property Address: 33 Sadowski Causeway, Owner: Rafmar R. Brito – Violation: Vacation Rental without a License; City of Key Colony Beach Code of Ordinances Chapter 9, Sec. 9-22, 9-28

City Attorney Benninger addressed the Board on both matters and explained the stipulation agreement to be at a fine of \$5,000.00 plus the cost of prosecution at \$1,853.00 per case. Code Officer Goldman provided detailed testimony concerning the violation and proceeding. City Attorney Benninger asked for the Respondents to enter into the stipulated agreement with the city and explained how to move forward. The Respondents, Melissa Brito and Rafmar Brito, gave their admission.

MOTION: Motion made by Doug Cuje to accept the admission of guilt with a stipulated agreement of a fine of \$5,000.00 each plus the cost of prosecution in the amount of \$1,853.00 each for the properties at 33 and 34 Sadowski Causeway. Pete Diez seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The respondent, Melissa Brito, gave testimony to the Board on the violation. The Board followed up with questions to the Respondent and the Code Officer.

MOTION: Motion made by Doug Cuje to assess a fine of \$2,500.00 each plus the cost of prosecution of \$1,853.00. John Dalton seconded the motion.

DISCUSSION: Further discussion on an assessment of fines continued.

ON THE MOTION: Rollcall vote. Larry Mills – no. Doug Cuje – yes. Pete Diez – no. John Dalton – yes. The motion failed.

MOTION: Motion made by Pete Diez to assess a fine in the amount of \$1,853.00 plus the cost of prosecution in the amount of \$1,853.00 for each property. John Dalton seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Doug Cuje – no. Pete Diez – yes. Larry Mills – no. John Dalton – yes. The motion failed.

City Clerk Gransee reminded of decorum for the respondents.

The Board continued discussion on the assessment of fines.

MOTION: Motion made by Pete Diez to assess a fine in the amount of \$1,853.00 plus the cost of prosecution in the amount of \$1,853.00 for each property. Doug Cuje seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Doug Cuje – yes. Pete Diez – yes. Larry Mills – no. John Dalton – yes. The motion passed three (3) to one (1).

City Attorney Benninger presented the stipulated agreements for 33 and 34 Sadowski Causeway for the Code Board Chair to sign. The documents were then executed.

H. Agenda addition: 351 10th Street, Owners: Manual Ramos & Mellissa Pardo

City Attorney Benninger recalled the matter from the past Code Board Hearing. City Clerk Gransee asked for a motion from the Board to add the item to the agenda.

MOTION: Motion made by Pete Diez to approve the agenda addition of 351 10th Street. John Dalton seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Attorney Benninger spoke to the Board on the agenda item and the assessment of fines that were made. City Attorney Benninger explained that the previous stipulated agreement was erroneous in the assessment of fines and required correction. City Attorney Benninger asked the Board to approve an assessment of fines in the amount of \$2,745.85 plus the cost of prosecution in the amount of \$2,254.14 for a total compromised fine of \$5,000.00. City Attorney Benninger stated that an amended stipulated final order had been prepared for its consideration. Code Officer Goldman gave further details on the order to the Board. The Respondent's counsel confirmed the Parties' Stipulated Agreement. Code Officer Goldman asked the Board to approve the stipulated agreement as presented.

MOTION: Motion made by Pete Diez to approve the amended agreement for the assessment of a fine in the amount of \$2,745.85 plus the cost of prosecution in the amount of \$2,254.14.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

<u>CONTINUANCE OF AGENDA ITEM:</u> C. (D) Property Address: 150 9th Street, Owner: Patrick & Sharon Power – Violation: Vacation Rental without a License; City of Key Colony Beach Code of Ordinances Chapter 9, Sec. 9-22, 9-28

Chair Dalton called the case back for consideration. Code Board Attorney Dorl advised the Board on going forward. Discussion followed by the Board. The Respondent presented additional testimony for consideration by the Board.

MOTION: Motion made by Pete Diez to assess a fine in the amount of \$1,500.00 plus the cost of prosecution in the amount of \$2,048.00. Larry Mills seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Doug Cuje – no. Pete Diez – yes. Larry Mills – yes. John Dalton – no. The motion failed.

Discussion continued.

MOTION: Motion made by Doug Cuje to assess a fine in the amount of \$2,048.00 plus the cost of prosecution in the amount of \$2,048.00.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Doug Cuje – yes. Pete Diez – yes. Larry Mills – no. John Dalton – yes. The motion passed three (3) to one (1).

The stipulated final order was presented to the Chair for further execution.

The Respondent then addressed the Board concerning its final decision. Code Board Attorney Dorl promptly notified the Respondent that the hearing required a certain level of decorum and further explained his appellate rights.

7. Updates: None.

- 8. Discussion Items: None.
- 9. Adjournment: The meeting adjourned at 2:24 pm.

Respectfully submitted, **Silvía Gransee** City Clerk



Wright National Flood Insurance Company A Stock Company P.O. Box 33003 St. Petersburg, FL 33733-8003 Customer Service: 1-800-820-3242 Claims: 1-800-725-9472

Expiration Date

WFL 99.023 1021 4235950 3/09/23

2000 11523 FLD RGLR

Date of Notice 3/09/23

Policy Number 09 1150329707 13

5/04/23 12:01 a.m. S.T. Agent (305)714-4400 BROWN & BROWN OF FLORIDA INC-

MIAMI DIVISION 1780 N KROME AVE HOMESTEAD FL 33030-3236

CITY OF KEY COLONY BEACH PO BOX 510141 **KEY COLONY BEACH FL 33051-0141**

RENEWAL NOTICE

Your flood insurance policy is about to expire. Confirm coverage selection and renew today.

Payor: Insured **Property Address:** 460 8TH STREET,

KEY COLONY BEACH, FL 33051-999

Statutory Discount:

Annual Increased Cap \$8,274

CRS Discount: 15%

NFIP Policy Number

1150329707

Please make your renewal payment on or before the expiration date shown above. Premium payments can be made via either credit card or electronic funds online through the website: http://www.myfloodpayment.com or, if paying by check, see the instructions on the remittance coupon below.

If we receive your payment more than 30 days following the expiration date shown above you will be required to submit a new application for coverage, your coverage may be subject to a 30-day wait, you may become ineligible to receive some premium discounts, and it could prevent you from the ability to file a claim.

Please see your coverage options below. If you want to increase your coverage more than option B, please contact your agent.

	Cove	rages	Dedu			
Coverage Options	Building	Contents	Building	Contents	Premium	
A: CURRENT COVERAGE	\$427,000	\$39,000	\$2,000	\$2,000	\$8,165.00	
B: INCREASED COVERAGE	\$470,000	\$41,000	\$2,000	\$2,000	\$8,471.00	

^{*}See reverse for important billing information

Please RETURN BOTTOM PORTION along with your payment to the mailing address below.

WRIGHT

Please WRITE POLICY NUMBER ON CHECK

And make payable to: Wright National Flood Insulance Com

Insured: CITY OF KEY COLONY BEACH

To be paid by: Insured

Renewal Date:

5/04/23

Option A 🕅

\$8,165.00

Option B

\$8,471.00

PO. Box 33070

St. Petersburg, FL 33733-8070

նակային ինի նաև այլ ներ համանական իր իրական ինչ ինչ հ

00816500 RE 0847100 RGLR 091150329707 13 02000 11523 FLD*



09 1150329707 13

Property Address
460 8TH STREET
KEY COLONY BEACH FL 33051-9999

Agent (305)714-4400
BROWN & BROWN OF FLORIDA INCMIAMI DIVISION
1780 N KROME AVE
HOMESTEAD FL 33030-3236



December 2023

SUN	1 .	200	T.	12	la .
28	29	30	1	2	3
			8:30 am - 4:00 pm		
			Hours of Operation		
5	6	7	0	9	10
			Hours of Operation		
12	13	14	15	16	17
			l .		
			Hours of Operation		
beautification weeting					
19	20	21	22	23	24
	9:30 am - 11:00 am		8:30 am - 4:00 pm		
Utility Board Meeting	Planning & Zoning Meeting				
26	27	28	29	30	31
					8:00 am - 5:00 pm New Years Eve
	12 10:00 am - 11:30 am Beautification Meeting	12 10:00 am - 11:30 am Beautification Meeting 19 9:30 am - 11:30 am Utility Board Meeting 20 9:30 am - 11:00 am Planning & Zoning Meeting	28 29 30 12 7 10:00 am - 11:30 am Beautification Meeting 20 9:30 am - 11:00 am Planning & Zoning Meeting Meeting 20 21 9:30 am - 12:00 pm City Commission Regular Meeting & Public Hearing	1	28 29 30 m - 4:00 pm Hours of Operation 2 2 2 3 30 am - 11:30 am Seautification Meeting 2 2 9 9:30 am - 11:30 am Utility Board Meeting 2 2 9 9:30 am - 11:00 am Planning & Zoning Meeting 2 2 8 2 9 8:30 am - 4:00 pm Hours of Operation 2 2 3 30 am - 4:00 pm Hours of Operation 2 3 30 am - 4:00 pm Hours of Operation 3 30 30 am - 4:00 pm Hours of Operation 3 30 30 am - 4:00 pm Hours of Operation 3 30 30 am - 4:00 pm Hours of Operation 3 30 30 am - 4:00 pm Hours of Operation 3 30 30 am - 4:00 pm Hours of Operation 3 30 30 am - 4:00 pm Hours of Operation 3 30 30 am - 4:00 pm Hours of Operation 3 30 30 am - 4:00 pm Hours of Operation 3 30 30 am - 4:00 pm Hours of Operation 3 30

三



PERMIT PROJECT

660 9TH ST KEY COLONY BEACH FL 33051 INSTALLATION OF A NEW 33K ELEVATOR ATTACHED TO EXISTING DOCK



血

PERMIT #: B23-000081

圃

Permit Type **Building Permit**

Subtype

Boat Lift

Work Description:

Installation of a new 33k elevator attached to existing dock

Applicant

Neptune Atlantic Boat Lifts. LLC - Renee Blake Coleman

Status

Online Application Received

Valuation

0.00



FEES & PAYMENTS

Plan Check Fees 1,045.50 Permit Fees 0.00 **Total Amount** 1,045.50 **Amount Paid**

Balance Due

0.00

1,045.50

Non-Billable



PERMIT DATES

Application Date 03/16/2023

Approval Date

Issue Date:

Expiration Date:

Close Date	
Last Inspection	
PROJECT INFORMATION	
Type of Structure Single Family	,
Intended Use (Specify Residential or Business) res	
Type of Construction (Specify concrete block, frame, etc.)	
Cost of Construction \$25,000.00	
SUBMITTAL REQUIREMENTS	
Florida Product Approval or NOA Florida Product Approval or NOA search Click this Link	
Upload Installation Instructions 660 TK 33K ELEVATOR DS.pdf Scan_0650.pdf	
Notice of Commencement download here	
NOC Checked	
A Notice of Commencement is required prior to scheduling inspections. Please download and complete the Notice of Commencement document. This form needs to be recorded with the Monroe County Clerk of Court and filed with our office.	
CONTACTS	
Contractor Neptune Atlantic Boat Lifts. LLC - Renee Blake Coleman	•••
Bonding Company Name/Address	•••
Architect/Engineer Name/Address	•••
LIST ALL SUBCONTRACTORS, COUNTY & STATE LICENSE NUMBER AND COST	
Electrical Lim Knight	•••
- Jim Knight ✓ Plumbing	
•	•••
Mechanical •	••• <u>•</u> 25

Concrete/Masonry		
Carpentry		
	~	•••
Roofing	•	•••
Swimming Pool	•	•••
Other	~	•••
ACKNOWLEDGEMENT		
Once you click submit you will be directed to our secure payment pro	cessor. Failure to pay the application fees will result in a	

Once you click submit you will be directed to our secure payment processor. Failure to pay the application fees will result in a delay in permit review.

OFFICIAL USE

After the fact

IIIII FEES						
FEE	~	DESC ~	QUANTITY	AMOUNT	TOTAL	
Permit Fee3					1,020.00	
Building Surcharge Fee					25.50	
			Plar	Check Fees	1,045.50	
				Permit Fees	0.00	
				Total Fees	1,045.50	

PAYMENTS							= <
DATE	ТҮРЕ	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT	
03/16/2023 A	Ame;	trn_38cf21(B23-(175	Neptune /	1,045.50	ā
				Am	ount Paid	1,045.50	
				Ва	lance Due	0.00	

Christine McLeod

From:

Tanner Kielty < Tanner Kielty@rjkielty.com>

Sent:

Tuesday, April 11, 2023 1:41 PM

To:

Christine McLeod

Subject:

FW: [External] Installation of New Boat Lift

660 9th street KCB

Begin forwarded message:

From: Harriet Porter < harmomport@aol.com > Date: April 10, 2023 at 12:21:57 PM EDT

To: Rod Kielty < rik12345@icloud.com > Subject: Installation of New Boat Lift

Reply-To: Harriet Porter < harmomport@aol.com >

To Whom It May Concern:

We are the owners of the property at 650 9th St, Key Colony Beach, FL. Our next door neighbor, Rod Kielty, has asked us if we would have any issue with his installment of a larger boat lift.

This letter is written to state that we have no opposition to this new boat lift installation next door at 660 9th Street.

Sincerely, Reggie and Harriet Porter Dba/Porter Properties, LLC

Sent from AOL on Android

Christine McLeod

From:

Tanner Kielty < Tanner Kielty@rjkielty.com>

Sent:

Tuesday, April 11, 2023 1:40 PM

To:

Christine McLeod

Subject:

FW: [External] 660 9TH STREET KCB

Emails for 660 9th street lift approval. One more to follow.

Begin forwarded message:

From: "tim.husel" < tim.husel@gmail.com>
Date: April 4, 2023 at 6:33:12 AM EDT
To: BuildingOfficial@keycolonybeach.net
Cc: Rod Kielty < rik12345@icloud.com>

Subject: 660 9TH STREET KCB

Per the attachment. We are the property owners of 680 9th street, KCB and advise we have no objections to our next door neighbors, Kielty's, replacing their current boat lift to a 33,000lb lift. Any questions, we can be reached at 780 490-3332

Thank You

Tim Husel / Brenda Molofy

Sent from my Galaxy

<Screenshot_20230404_062702_Email.jpg>



FLORIDA DEPARTMENT OF Environmental Protection

Jeanette Nuñez Lt. Governor

Southeast District Office 3301 Gun Club Road, MSC 7210-1 West Palm Beach, FL 33406 561-681-6600

Shawn Hamilton Secretary

Ron DeSantis

Governor

January 11, 2023

Rod J. Kielty 7979 Massachusetts Ave. New Port Richey, FL. 34653 sales@neptuneatlanticboatlifts.com

File No.: 44-337596-005-EE, Monroe County

Dear Rod J. Kielty,

On December 28, 2022, we received your request for verification of exemption to perform the following activities: install a boat lift. The project is located in residential canal, Class III Waters, adjacent to 660 9th St. Key colony beach (Section 66, Township 33 South, Range 05 East), in Monroe County (Latitude N 24° 43' 31.3339, Longitude W 81° 1' 22.2780).

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

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

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

If you have any questions regarding this matter, please contact Danielle Sattelberger at 561-681-6783 or <u>Danielle.Sattelberger@FloridaDEPgov</u>.

File Name: Rod J. Kielty File No: 44-337596-005-EE

Page 2 of 5

1. Regulatory Review – VERIFIED

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

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

2. Proprietary Review - NOT REQUIRED

The activity does not require further authorization under Chapter 253 of the Florida Statutes, or Chapters 18-20 or 18-21 of the Florida Administrative Code.

3. Federal Review - APPROVED

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit VI-R1, and a SEPARATE permit or authorization will not be required from the Corps. Please note that the Federal authorization expires on July 27, 2026. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 15 of the SPGP VI-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project (attached). A copy of the SPGP VI-R1 with all terms and conditions and the General Conditions may be found at https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/.

Additional Information

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

NOTICE OF RIGHTS

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

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules

File Name: Rod J. Kielty File No: 44-337596-005-EE

Page 3 of 5

28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action. The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

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

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the

File Name: Rod J. Kielty File No: 44-337596-005-EE

Page 4 of 5

presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

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

Judicial Review

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

EXECUTION AND CLERKING

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Norva Blandin, MSEM

Permitting Program Administrator

Southeast District

Rod J. Kielty 660 9th Street, Key Colony Beach, FL 33051

Longitude: -81.023006 Latitude: 24.725282



Directions: From Key Largo, head south on U.S. Hwy. 1 for approximately 45.4 miles. Turn left onto Sadowski Causeway. Turn right onto W. Ocean Drive. Turn right onto 9th Street. Destination will be on the right..



SKECTH OF BOUNDARY SURVEY LEGAL DESCRIPTION AS FURNISHED BY CLIENT: LOT 36 BLOCK 9, AMENDED PLAT KEY COLONY BEACH FIRST ADDITION. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 11, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA. CYTY OF KEY COLONY BEACH SECTIONS 5 AND 8-55-33, SHELTER KEY LOT 33 107 34 9.87' CONC. W C.S. CONS. TURB C.E.ARS D.32 KLY. CLEARS D.32 KLY. I & D.35 CANC. CARE! I RUBBLE & CONC. WALL RUBBLE & CONC. (C.M.U.S. RESIDENCE) 30 N 77-51 00 E 110.00 (P) STORM 109.00 (M) 10 F.CP 25 3rdSTREET (100' LOT 38 BLOCK 9 11 CALON . 1 . 10 (b) 4 -Cours (50'R/W) LOT 29 MACK 100) D 20. HUBBITE CORS CHU WATER #1 (A.K.A. 30 0.90' RUBBLE NL 109 87"(W) TO F.C.P. 五日 77"51'00" W 110.00'(P) DOCUM COLIC 9th CO STREET) (2 STORY C.M.U.S. RESIDENCE) NOTES:
1) LEGAL DESCRIPTION AS FURNISHED BY CLIENT OR THEIR REPRESENTATIVES.
2) NO LEGAL DESCRIPTION FURNISHED FOR UTILITIES, UTILITY LINES, POWER POLES, GUY WIRES, WATER METERS AND SEWER HOOKUPS, WHERE APPLICABLE, MAY HAVE ACQUIRED PRESCRIPTIVE BASEMENTS AND THEREFORE ARE NOT SHOWN AS ENCORCIMENTS
3) ENCROACHMENTS OR EXCROACHMENTS AS SHOWN HEREON ARE BASED ON VISUALLY
0BSERVED POSSESSION AND ARE SUBJECT TO REVIEW IF PROVEN OTHERWISE, UNDERGROUND ENCROACHMENTS IF ANY ARE NOT LOCATED,
4) NORTH ARROW AND BEARING BASIS S 12*0*00* E AS PER PLAT AS NOTED.
5) THIS SURVEY SKETCH OR COPIES THEREOF ARE NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, ADDITIONS OR DELETIONS TO THIS SURVEY SKETCH BY OTHERS THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
6) DIMENSIONS (MEASUREMENTS) ARE SHOWN TO THE NEAREST ONE HUNDREDTH OF A FOOT (0.00) AS MEASURED HORIZONTALLY IN ACCORDANCE WITH UNITED STATES STANDARD (0.00). AND ANY NOT BE SHOWN, DEARINGS ARE SHOWN TO THE NEAREST ONE SECOND, WHERE REQUIRED ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
7) THE EXPECTED USE OF THIS PROPERTY, AS CLASSIED IN THE MINIMUM TECHNICAL STANDARDS (51-17.05) OF THE STATE OF FLORIDA. IS RESIDENTIAL, THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS ONE FOOT IN 2.500 FEET, THE ACCURACY WAS ACHIEVED BY A REQUINDARY OF THEIL MEASUREMENTS AND CALCULATIONS OF A CLOSED GEOMETRIC FIGURE BY COMPUTER MAPPING TECHNOLOGY AND WAS FOUND TO EXCEED THE STATE REQUIREMENT.
8) INTERIOR HEDGES, PLANTERS AND LANDSCAPING NOT SHOWN AT THIS TIME TO REDUCE CLUTTER.
9) ALL MONUMENTATION HAVE NO DENTIFICATION EXCEPT AS NOTED. EN 4 Permit Number 44-337596-005-EE Southeast District 0 OCEAN DRIVE (50'R/W) CLUTTER
9) ALL MONUMENTATION HAVE NO IDENTIFICATION EXCEPT AS NOTED.
10) THIS SURVEY IS NOT ASSIGNABLE. THIS SURVEY SUBJECT TO A TITLE SEARCH.
11) ELEVATION BASIS IS GEODETIC BENCH MARK OR NATIONAL GEODETIC SURVEY MONUMENT NO. 3999 TIDAL 1 PID NO. AADJ? . ELEVATION 6.20'. ELEVATIONS AS SHOWN HERON ARE NATIONAL GEODETIC VERTICAL DATUM OF 1979 (NGVD29), BASED ON CLOSED LOOP HAVING APPLICABLE ACCURACY STANDARD.
12) FLOOD ZONE INFORMATION DERIVED FROM FLOOD INSURANCE RATE MAP NUMBER 12087C1387K. COMMUNITY 125121, REVISED 02/18/05. APPLICABLE 100 YEAR FLOOD ZONE ELEVATION FOR THE SUBJECT PROPERTY IS AE EL. 7'. Q ABBREVIATIONS Dale Survey completed_ BOUNDARY SURVEY FOR THE BENEFIT OF: 05/19/15 = CONCRETE MASONRY UNIT STRUCTURE C.M.U.S . AERIAL POWER, TELEPHONE, AND/OR CASLE LINES -P-T-C-A.W.H.W.L. ROD J. KIELTY APPROXIMATE MEAN HIGH WATER LINE ELEVATIONS (SHOWN THUS X # ##") EL. = ELEVATION

AR COUDITIONER

ALSO KNOWN AS

BALCONY

CANTILEVER

CENTERLINE HOUS X E.EET

ERLY

DENTIFICATION

POINT OF COMMENCEMENT

POINT OF GEGINNING

POINT OF LIRE

POINT OF INTERSECTION

POINT OF TANGENT

REFERENCE MONUMENT

SIGHT-OF-WAY

SQUARE

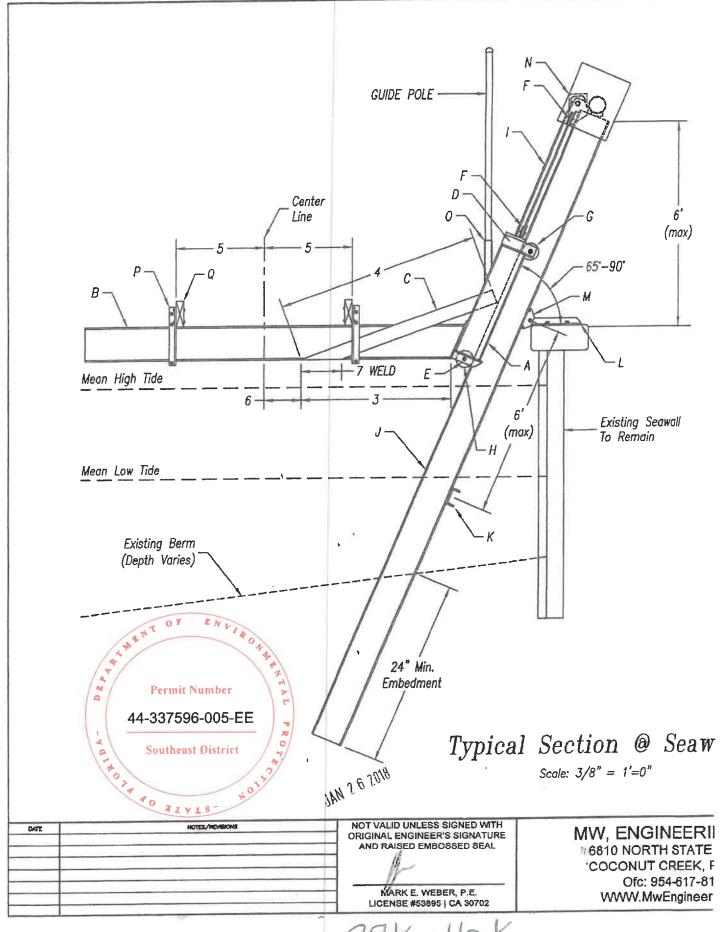
BENCH MARK 'LY. I.D. P.O.C. P.O.B. P.C. 8 CANT. C.L.F. CONC. SNC. (CO) CHAIN LINK FENCE CONCRETE ENCROACHMENT N TUCHTIW DILAY TON SIGNATURE AND THE R/W SO. I.B.M. TYP. CALCULATED DEED/DESCRIPTION PLAY DRIGINAL RASIED SEAL BENCH MARK TEMPORARY BENCH MARK 5.0 OF A FLORIDA LICENSED = MEASURED SURVEYOR AND MARPER LEGEND ** **OUND CONTROL POINT 606 NAIL/PR/NUT = SET CONTROL POINT ES SCREW/DISC/4906 = FOUND 3/4" PIPE SET 3/4" PIPE SET 3/4" PIPE FUUND 5/8 REBAR /SIZE/CAP TYPE 25.cf ORIN PAUL GRIMIS, III, REGISTEREN FORIDA SURVEYOR - N. PER, Nº 1906 MONUMENT SCALE 0,, LP. GRIMES, SURVEYOR AND MAPPER P.O 80% 518403 #14 6th STREET KEY COLONY BEACH FL 33051-0403 PM (305) 743-4517 FAN (305) 743-3277 POWER POLE

/LS#4906

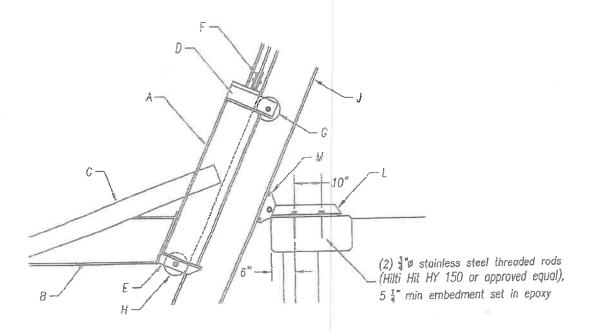
= BROKEN LINE (NOT TO SCALE)

= IMPLICATES CONCRETE THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

30



27K-40K



General Notes:

Design in accordance with Florida Building Code, 5th Edition (2014).

• This lifting structure has been designed to withstand wind loads associated with speeds of V (ult) = 175 MPH, (3 Second Gust) Exposure 'D' without a boot on the lift per ASCE 7-10 using above ground sign/wall method. The lifting structure including boot has been designed to withstand wind speeds of V (ult) = 73 MPH in Exposure 'D'.

Boats shall not be stored on lift during high wind events.

Do not scale drawings for dimensions.

Licensed Contractor to verify location of existing utilities prior to commencing work.

The Licensed contractor to install and remove all shoring and bracing as required for the proper installation of

Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.

Aluminum: Material 6061 T6 Aluminum, all welds are min. 1" full fillet weld using 5556 filler alloy, all welding must conform to AISC steel construction manual 14th ED as inspected and verified by others. The contractor is responsible to insulate aluminum members from dissimilar metals to prevent electrolysis.

Aluminum members in contact with concrete and wood shall be protected by "Koppers Bituminous Paint" or Polyethylene Tape UHMW (ultra high molecular weight). 11.7 mils (0.30 mm) min. total thickness in accordance

with current Florida Building Code.

All anchors to be Hilti Brand or Approved Equal. All bolts shall be hot dipped galvanized or stainless steel & meet the requirements of ASTM A304 with hardened washers and hex nuts. Washers shall be used between wood & bolt head & between wood & nut. Where generic fasteners are labeled in details, capacities shall be equal to or greater than Hilti Kwik Bolt II or Red Head thru bolts SAE Grade 5 or better. Embedment depths specified herein are depths into solid substrate and do not included thickness of other finishes.

MW Engineering has no control of the manufacturing, performance or installation of this product. These generic plans were engineered in accordance with accepted engineering practices and data provided by the

manufacturer.

			SCALE: 32
NC	Proposed Elevators	NEPTUNE BOAT LIFTS	DATE: 05.12.2015
	228 SW 21 Terrace	DRAWN BY: WRT	
7	(0	Fort Lauderdale, Florida 33312	CHECKED ISC: WM
73		Phone: 954-524-3616	198 No. Bengto 32.dwg
•	40,000 lb	Fax: 954-524-2604	Sheet 1

Permit Number 44-337596-005-EE utheast Distric

		Co	mpor	nents	
	Lift Capacity (In Pounds)	27,00	00	33,000	40,000
Α	Carriage Boom (2 Required per Lift Arm)	AS C 10*	×5.3	AS C 12"x7.4	AS C 12"x7.4
В	Cradle Arm	AA I 10*x1	0.286	AA I 12"x11.7	AA i 12"x14.3
С	Gusset Plate (2 Required per Lift Arm)	½"x5" Flat	Bar	½"x6" Flat Bar	½"x6" Flat Bar
D	Upper Carriage Angle (2 Required per Lift Arm)			3/x3"x4" Angle	
E	Lower Carriage Angle (2 Required per Lift Arm)	³ / ₈ "x3"x4" A	ngte	3 "x4"x6	" Angle
F	Pulley Plate (2 Required per Lift Arm)	½"x7" Flat	½"x7" Flat Bar ½"x8" Flat Bar		lat Bar
G	Upper Guide Wheel (4 Required per Lift Arm)	6" Diameter			
Н	Lower Guide Wheel (1 Required per Lift Arm)	6" Diameter			
i	Cable Size (Stainless Steel)	7/16" Diameter 7x19 SS 304			
J	Guide Track	AA i 10"x1	0.286	AA I 12"x11.7	AA I 12"x14.3
K	Guide Track To Guide Track Brace		AA CS 6*x2.8		
L	Attachment Bracket	(2) 3"x3"x3" Angles Thick Inner	s with welded ½" (1) ½"x3"x3" Angle and (1) ½"x3"x4" Angle Welded er Plate Together with Welded ½" Thick Inner Plate		
М	Track Mount Connector (2 Required per Lift Arm)	₹"x3"x4" Angle	gle & 🚰 Bolts ½"x3"x6" Angle & 🛣 Bolts		ie & 🚰 Boits
N	Motor Size (Horse Power/Voltage)	· Aluminum Housing			
0	Guide Post Socket	3" Diameter Schedule 80 Pipe			
Р	Bunk Bracket Support (2 Each Side of Lift Arm)			{"x2"x2"	
Q	Bunk Boards			2" Pressure Treated thern Yellow Pine #1	AT OF ENVIRO

AN JE SOIB

DATE NOTES/NEVISIONS

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

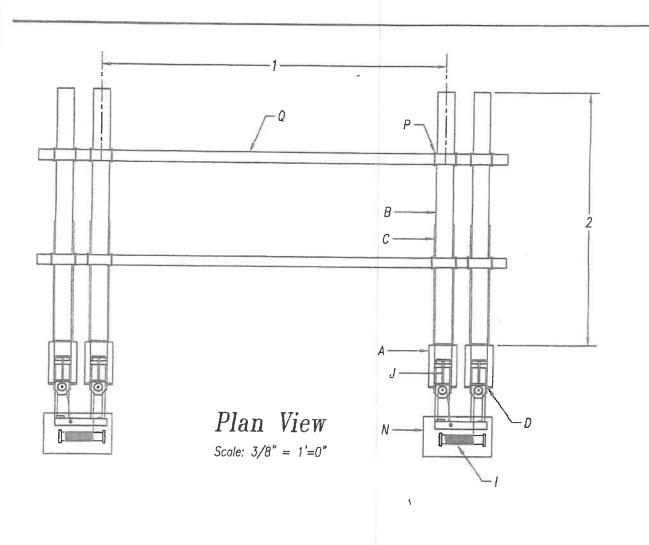
MARK E. WEBER, 'P.E. LICENSE #53895 | CA 30702

MW. ENGINEERII 6810 NORTH STATE COCONUT CREEK, F Ofc: 954-617-81 WWW.MwEngineeri

Permit Number 44-337596-005-EE

Southeast District

40 STATE





INC 0.7 173

Proposed Elevators 27,000 lb to 40,000 lb

NEPTUNE BOAT LIFTS

228 SW 21 Terrace Fort Lauderdale, Florida 33312 Phone: 954-524-3616 Fax: 954-524-3604 DATE: 05.12.2016
DRAWN BY: WRT
CHECKED BY: WM
JOB No: Elevator 32.dwg
Sheet 3 of 3

To: Mayor Trefry, Vice Mayor Ramsay-Vickery, Secretary/Treasurer Harding, Commissioner Raspe and Commissioner Foster

Dave Turner sent you an email last week with my suggestions for a better way to manage recreational activities rather than using a city-chartered Recreational Committee which is subject to requirements of the FL Sunshine Act. The Recreation Committee met on 4/10/2023 and confirmed by majority vote (3-2) to recommend to the Commission to sunset the Recreation Committee. I'd like to expand on our logic and more clearly describe the alternative proposed to oversee recreational activities within the city including Tennis, Pickleball, Golf, Bocce, Shuffleboard and Horseshoes.

Logic:

- Over the past year, members of the Recreation Committee have become increasingly aware of the FL Sunshine Law Requirements imposed on our "advisory" committee and have tried to diligently comply.
- 2. The people who currently serve on the Recreation Committee have volunteered because they have the time, talent, and interest to ensure our city's recreational facilities are and continue to be a major attraction and asset for our residents and visitors.
- 3. Unfortunately, requirements such as not being able to discuss issues facing the committee other than in public meetings or even holding informal workshops without public notice and following strict parliamentary meeting processes have greatly retarded our progress in resolving issues and stifled both creativity and synergy among committee members.
 - a. Meetings are at best only held monthly and then only with extensive public notice, agendas, and meeting minutes.
 - **b.** The format of those meetings is awkward and not conducive to thorough consideration of the topics raised and alternative approaches.
 - c. Public participation is severely restricted to the "Citizen's Comments and Correspondence" items at the beginning of the meeting, so if topics come up which would benefit from additional public input, it frequently isn't allowed.
- 4. The city staffing + attorney's fees to monitor and "coach" this committee into compliance must be costly since most meetings involve the City Manager, two City Clerks, and frequently an outside attorney.
- 5. In addition, at our last 4-hour training (6 hours for chairmen) the city attorney made it clear that our committee members are subject to all the requirements of the FL Sunshine Law without any indemnification from the city. We have already had one committee member resign and 3-4 more have indicated without this indemnification they are also inclined to resign.

Alternative:

- 1. Citizens involved in a specific recreational activity would be encouraged to create a "citizens interest group" and appoint a "point person" to be their primary contact with the City Manager and/or Commission.
- 2. Each group could then choose to be established as a formal club or just come together informally as necessary <u>depending on the degree of operational or maintenance management required</u> e.g., KCB Pickleball Club (more formal), Women's Tennis Round-Robin group and Bocce group (less formal).

- 3. The city would retain responsibility for maintenance and capital improvement of its recreational facilities, but day to day operations and procedures would be delegated to these citizen interest groups.
- **4.** Annually these groups and/or their point persons would contact the City Administrator to submit their budgetary operating, maintenance, or capital needs to the city.
- 5. If a group formed a club which required membership fees, an agreement could be put in place to use some of these fees to offset some of the city's maintenance expense or accrue for future repairs or expansions.
- 6. These groups could independently pursue new initiatives which would not require city funding.
- 7. Where funding would be required, the groups could present well-developed proposals to the City Manager and/or the Commission for their approval and funding.
- **8.** The groups could also pursue mixed public/private funding alternatives as agreed to with the City Administrator or the Commission.

The Recreation Committee is an advisory committee making no final decisions, just recommendations to the City Administrator or Commission, so why incumber it with the rigor and potential liabilities of the Sunshine Law and reduce the potential for faster progress and better solutions recommended to the City Administrator and Commission for approval and implementation.

Comparison of existing policy and changes

3.5 of handbook Vacation Leave

Now states 1 to 5th year for police earns 84 hours new policy no change.

1 to 5th years non-police earn 80 hours new policy no change

If an officer takes off 84 hours they would be off for 16 days based on 12hr shifts

If non-police takes off 80 hours they would be off for 16 days based on 8hr shifts

Vacation Leave Accumulation

First, vacation leave accumulation has nothing to do with taking time off, it's how much time you can carry over or be paid for at the time of leaving employment with KCB.

To keep it fair across staffing you may accumulate 84 hours and carry them over to the next year, with the intent of using them in the first 3 months of the year carried into.

A plan must be submitted to the City Administrator to approve use of the time carried over. No change

3.6 Sick Leave

Changes

- 2. remove 320 hours and insert maximum dollar \$8,000.00
- 3. remove 640 hours and insert \$12,000.00

No sick leave is taken away, so it is available as it is called "sick leave."

Reason fiscally responsible to the taxpayer

Buyout cost reduced substantially.

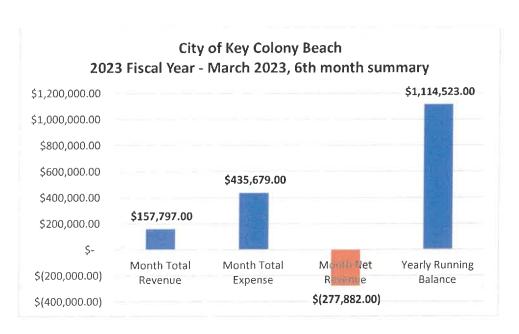
Anyone with time over the new amounts must submit a plan to use such time within this calendar year.

City of Key Colony Beach

Treasurer's Report - April 20, 2023

✓ March 2023 financial summary – General Fund

- o 6th month of 2023 fiscal year budget
 - Ad Valorem Tax income at 93% of the annual budget for the end of March.
 - General cash accounts are in excellent condition, at \$3,266,057.
 - Restricted cash accounts are in excellent condition, at \$3,323,168.00.
 - Infrastructure at \$2,247,690.00
- o Expenses exceeded income for this month, per the plot below. Reminder, March had three pay periods, thus expenses were higher this month.
- O The overall running balance for the General Fund is positive, and in line with predicted Year-to-Date Budget expectations. At this time, it appears we will have limited funds for roll-over into next year, I will continue to monitor monthly. Line items from this month to highlight:
 - Legal fees (514-010), payments completed for 4 months of the 6 months of the budget year based on billing to-date. Currently over the 6-month budgeted amount by \$1,985.00 with 4 months of billing complete. Expected we will be over budget by \$57,000.00 at this time, projecting out to the end of the budget year.
 - Dues and Subscriptions Adm (513-080) charges applied for Deckard
 Technologies (Vacation Rental Monitoring), overall, over budget for this line item.
 - Payment made for Ambulance and Rescue Services of \$137,500 (526-010) in line with the planned budget.
 - Code violations income for this month, \$35,503. Resulting above projected 6month budget amount (351-200)
- Request Commission support to re-visit the Business Tax Fee Schedule working with the City Administrator and City Staff for the 2024 Budget Year. The intent would be to verify proper reimbursement for city expenditures. The last review was completed in CY 2021.
- Monthly tracking file has been updated with February 2023 including actual results, with summary plot below.



Stormwater:

- Income at 93% of budgeted income at the end of March
- Expenses over budget due to 10th street project, but reimbursements are in process with approved State of Florida grant.
- The March Warrant includes 3rd payment to Haack Excavating for 10th street project, \$208,741.50.

Wastewater:

- Income at projected six-month targeted budget values
- Expenses 6% higher than projected six-month budget values.
- The March Warrant includes the following special charges.
 - o Semi-annual FDEP loan payment
 - o 1st payment for Static Screen replacement project
- Expectation for end of year to be negative balance, with no rollover amount, due to expenses exceeding income, mainly driven by Capital expense of the Static Screen replacement approved in January (\$141,950.00) and overall expenses exceeding budgeted amounts.

Financial summary - Jen Johnson and Pat Hyland, Summary report compiled by Tom Harding

CITY OF KEY COLONY BEACH

Warrant Number	0323	
Items paid from to	March 1, 2023 March 31, 2023	
General Fund Checking Account - 6871	\$431,594.81	
Escrow Account - 5537	-	
Payroll Account - 2942	\$111,844.93	
Infrastructure Account - 8644	-	
Road Reserve Account - 8677	-	
Impact Fees Account - 8669	\$1,300.00	
First State Bank - 3703	-	
Sewer Money Mkt - 0301	-	
Stormwater Account - 0128	\$217,047.50	
Sewer Account - 6006	\$223,777.56	
TOTAL DISBURSEMENTS	_	\$985,564.80

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER FIVE OF THE CODE OF ORDINANCES, ENTITLED ELEVATOR LIFTS, ARTICLE III, MARINE CONSTRUCTION AND IMPROVEMENTS, DOCKING OF BOATS, SECTION 5-43, FIRST PARAGRAPH, ELEVATOR LIFTS, PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, for the maintenance of good relations among neighbors, the City of Key Colony Beach requires review and approval by the City Commission of certain boat lift installations within the City, and

WHEREAS, the City of Key Colony Beach, by this ordinance amends the first paragraph of Section 5-43, which sets criteria for which boat lift installations require City Commission approval;

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the ordinance are <u>underlined</u>; deletions are erossed out.)

Sec. 5-43. - Elevator lifts.

Elevator lifts may be installed and used in and adjacent to canals or waterways of the city subject to the following conditions:

(1) Maximum lifting capacity published by the manufacturer is sixteen thousand (16,000) pounds. Lifts with capacities greater than sixteen thousand (16,000) pounds require approval of the city commission. For single family residences only, permit applications for lifts with capacities greater than sixteen thousand (16,000) pounds but no greater than twenty thousand (20,000) pounds, shall not require approval of the city commission if written consent of both adjacent property owners is provided with the permit application.

Thomas D. Wright, City Attorney

This Ordinance shall become effective August 1, 2020.

Attest: Rebecca Todd, City Clerk

Approved as to form and legal sufficiency:

July 9, 2020 1st Reading

July 9, 2020 Date of Notice, Florida Keys Weekly

July 23, 2020 Second Reading

S:\City Commission\Ordinances\Chapter 5, 464-2020 Elevator Lifts

MOTION: Motion made by Commissioner Foster, seconded by Commissioner Raspe, to approve the boat lift.

DISCUSSION: Discussion followed on the actual weight of the boatlift.

Commissioner Harding commented on current ordinances on boat lifts and associated costs for variances. Commissioner Harding recommended updating the ordinance and lift limit to 41,000 pounds and below. Mayor Trefry stated inclination with Commissioner Harding. Commissioner Raspe stated his belief that the current threshold was just increased and also that boat lifts do not go through the Planning & Zoning Board. Commissioner Foster agreed. Mayor Trefry stated inclination to a 30,000-pound boat lift. Commissioner Harding suggested raising the limit to over 30,000 pounds from history of boat lift approvals. City Administrator Turner stated this will be addressed further under his report.

ON THE MOTION: Rollcall vote. Unanimous approval.

f. Discussion/Approval of Static Screen Replacement Quote by Reynolds Construction: City Administrator Turner reported on the proposal and recommended approval by the City Commission.

Mayor Trefry asked for a motion.

MOTION: Motion made by Commissioner Harding, seconded by Commissioner Foster, to approve the quote by Reynolds Construction in the amount of \$141,950.00.

DISCUSSION: Commissioner Foster asked who the company is who will do the pick plan for the crane which City Administrator stated his belief to be Mittauer. City Administrator Turner stated he will ask if they will be on site or remote. Commissioner Foster asked for the marine certifications and pick plan to be verified and current. The City Administrator agreed. Commissioner Harding asked for the engineering drawings for the plant to be updated for documentation and commented on receiving only one bid for the project. City Administrator Turner further explained the bidding process through Demand Star. Commissioner Raspe asked about maintenance on the screen which was answered that it will be done by US Water.

ON THE MOTION: Rollcall vote. Unanimous approval.

g. Discussion on Travel to the 'Florida Keys Days' February 22, 2023, and 'Legislative Action Days' April 3-5, 2023, both to be held in Tallahassee.

Mayor Trefry reported on the agenda item and stated estimated costs for Commissioners to attend the meetings. The Commission discussed which Commissioners are interested in attending the upcoming events. Commissioner Harding suggested for financial prudence that the Florida League of Cities in September is a good event but suggested fewer Commission members in attendance. Commissioner Harding gave further thoughts on attendance and comparisons to Monroe County and the City of Marathon. Mayor Trefry agreed and gave further thoughts. The Commission further discussed Commissioner attendance of different conferences. Vice-Mayor Ramsay-Vickrey gave her thoughts on the purpose of each conference and which ones are most beneficial to attend. Mayor Trefry gave further input on the Legislative Action Days conference. Commissioner Foster stated his interest of attending



Published Weekly Marathon, Monroe County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

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

April 6, 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 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 . April 2023 (SEAL)

Notary

TERRY PATTERSON
MY COMMISSION # HH 189834
EXPIRES: December 17, 2025
Bonded Thru Notary Public Underwriters

CITY OF KEY COLONY BEACH NOTICE OF CODE AMENDMENT HEARING SECOND/FINAL HEADING OF ORDINANCE NO. 2023-482 NOTICE IS HEREBY GIVEN that the City Commission of the City of Key Colony Beach, Florida, will hold the following Public to hear amend Thursday, April 20th, 2023, 9:35 am OR at the conclusion of the Public Hearing Location Located at the Tempory Meeting Place for the City of ry Colony Beach, at the Key Colony Inn Banquet Room 700 W. Ocean Drive, Key Colony Beach
The proposed Ordinance
to be heard by the City
Commission is [ORDINANCE
NO. 2023-482], entitled An
ORDINANCE OF THE CITY OF
KEY COLONY BEACH, FLORIDA
AMENDING CHAPTER 17 OF
THE CODE OR ORDINANCES THE CODE OF ORDINANCES OF THE CITY OF KEY COLONY BEACH, FLORIDA RELATED TO TRAFFIC REGULATIONS, SPECIFICALLY AMENDING NANCES TO PRO THE OFERATION OF MO SCOOTERS, MOTORIZED THER MICROMOBILITY
SWITH IN THE CIT
PRODUCT OF THE CIT
OF THE CIT NING FOR THE REPEAL ONG FOR THE REORDINANCES OF
THE F FOUND TO BE
COT, PROVIDING FOR
ABILITY REPEAL
ATION IN THE CO
ORDINANCES, AND PRO
OR BEFECTIVE DATE intered Pd parties may an east the meeting and be how in respect to the proposed ordinance. Copies of the proposed Ordinance are available for inspection at the Gty Hall of Key Colony Beach. If any person decides to eppeal any decision made by the Key Colony Beach City any matter considered a the Code Amendment Hearing that person will need a recor of the proceeding and for such purpose may need to ensure that a verbatim record of the record includes the testimony and evidence upon which the If you are unable to attend the Public Hearing on Thursday, April 20, 2023, but wish to constant. direct correspondence to City Commission, P.O. Box 510141 Key Colony Beach, FL 33051, and your commen be entered into the record Key Colony Beach, Florida April 6, 2023

The Weeldy Newspapers

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, TO TRAFFIC **REGULATIONS:** RELATED FLORIDA SPECIFICALLY AMENDING SECTIONS 17-1 OF THE CODE OF ORDINANCES TO PROVIDE UPDATED REGULATIONS THE OPERATION OF MOTORIZED SCOOTERS, MOTORIZED **HOVERBOARDS** AND SKATEBOARDS, **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 micro mobility 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, a mobility device (such as scooters, hoverboards (with or without a seat), or skateboards) 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 operating of recreational devices is permissible upon all multi-use and/or shared use paths a bicycle may legally travel, located on or within City of Key Colony Beach limits, with restrictions as follows:

- (i) Recreational 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 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 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 17-1 (b) and/or (c) shall be penalized, subject to prosecution and fines under civil citation procedures as provided in section 1-10. Each violation will be \$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 March 2023.	of Key Color	y Beach Cit	y Comm	ission this <u>16</u>	5^{th} day of
Mayor Patricia Trefry	NO	YES	X		
Vice-Mayor Beth Ramsay-Vickrey	NO	YES	X	_	
Commissioner Freddie Foster	NO	YES	X	_	
Commissioner Tom Harding	NO	YES	X	_	
Commissioner Joey Raspe	NO	YES_	X	_	
SECOND READING AND DU Commission on this 20 th day of April 20		ED by the C	ity of Ke	y Colony Be	ach City
Mayor Patricia Trefry	NO	YES	10		
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 ADOPT OF KEY COLONY BEACH, FLORII				ON OF TH	E CITY
	Patricia T	refry, Mayor			
Silvia Gransee, City Clerk					
Approved as to form and legal sufficienc	<i>y:</i>				
Dirk M. Smits, Esq. B.C.S., City Attorne	ey .				



Published Weekly Marathon, Monroe County, Florida

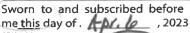
PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

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

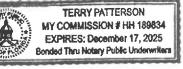
April 6,2023

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 this advertisement securina 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.



(SEAL)

Notary



CITY OF KEY COLONY REACH NOTICE OF CODE AMENDMENT SECOND/FINAL READING OF ORDINANCE NO. 2023-483 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. Thursday, April 20th, 2023 9:30am OR at the conclusion of the Public Hearing Location: Located at the Temporary Meeting Place for the City of Key Colony Beach at the Key Colony Inn Banquet Boom, 700 W. Ocean Drive, Key Colony The proposed Ordinance to be heard by the City Commission is ORDINANCE NO. 2023 483, entitled: "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 FARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL AND CODIFICATION 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 and evidence upon which the appeal is to be based.
If you are unable to attend the Public Hearing on Thursday, April 20, 2023, but wish to conment please direct correspondence to City Commission, P.O. Box 510141. Key Colony Beach, FL 33051, and your comments will tered into the record City of Key Colony Beach, Florida The Weekly Newspapers

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 RESIDENTIAL **POOLS**; **SPECIFICALLY** SETBACKS **FOR** 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 $8'0" \times 8'0" \times 3'0"$ 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 Co. 2023.	olony Beach C	ity Comn	nission this 16th day of March
Mayor Patricia Trefry	NO	_YES	_X
Vice-Mayor Beth Ramsay-Vickrey	NO	_YES	_X
Commissioner Freddie Foster	NO	_YES	_X
Commissioner Tom Harding	NO	_YES_	_X
Commissioner Joey Raspe	NO	YES	X
SECOND READING AND DULY ADO		City of Ke	y Colony Beach City
Commission on this <u>20th</u> day of April 2023	•		
Mayor Patricia Trefry	NO		
Vice-Mayor Beth Ramsay-Vickrey	NO		
Commissioner Freddie Foster	NO		
Commissioner Tom Harding	NO		
Commissioner Joey Raspe	NO	YES	
DULY PASSED AND ADOPTED BY KEY COLONY BEACH, FLORIDA, thi			
	Patricia Trefi	y, Mayor	
Silvia Gransee, City Clerk			
Approved as to form and legal sufficiency:			
Dirk M. Smits, Esq. B.C.S., City Attorney	27		

CITY OF KEY COLONY BEACH, FLORIDA RESOLUTION NO. 2023-02

A RESOLUTION BY THE CITY OF KEY COLONY BEACH, FLORIDA, APPROVING THE CONTRACT BETWEEN THE CITY OF KEY COLONY BEACH, FLORIDA AND THE STATE OF FLORIDA, DIVISION **OF ADMINISTRATIVE HEARINGS** ("DOAH") CONTRACTING DOAH FOR THE SERVICES **OF** ADMINISTRATIVE LAW JUDGE; AUTHORIZING THE CITY MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the "City") Commission held a meeting on March 16, 2023 (the "City Commission Meeting") where a discussion regarding the use of a Special Magistrate for Code Enforcement proceedings occurred;

WHEREAS, a Motion to move to a Special Magistrate for Code Enforcement proceedings passed at the City Commission Meeting;

WHEREAS, a Motion to obtain a Special Magistrate through the State of Florida, Division of Administrative Hearings ("DOAH") passed at the City Commission Meeting;

WHEREAS, the City Commission finds that approval of the Contract with DOAH and authorization for the City Mayor Chair to execute said contracts for the services of an Administrative Law Judge is in the best interest of the City.

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

- Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this Reference.
- Section 2. Approval of Contract. The City Commission hereby approves the Administrative Law Judge Services Contract.
- <u>Section 3. Authorization of Fund Expenditures.</u> The City staff is hereby authorized to expend budgeted funds for the Administrative Law Judge Services mentioned above.

Resolution No. 2023-02 Page No. 2

Section 4. Execution of Contract. The City Mayor is authorized to execute the Administrative Law Judge Services Contract with DOAH on behalf of the City of Key Colony Beach, Florida, to execute any required documents to implement the terms and conditions of the contract, and to execute any extension and/or amendments to the contract, subject to approval as to form and legality by the City Attorney.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its regular meeting of the Commission held on April 20, 2023.

YES:	
DES:	
SENT:	
STAIN:	
	Patricia Trefry, Mayor
via Gransee, City Clerk	
ty Seal)	
	Approved as to form and legal sufficiency:
	Dirk Smits, City Attorney

ADMINISTRATIVE LAW JUDGE SERVICES CONTRACT

This CONTRACT is between the City of Key Colony Beach, Florida (hereinafter the "City"), and the State of Florida, Division of Administrative Hearings (DOAH).

WHEREAS, Section 120.65, Florida Statutes, authorizes DOAH to provide Administrative Law Judges (ALJs) on a contract basis to any governmental entity;

WHEREAS, the City desires to use the services of DOAH's ALJs to conduct hearings for any administrative matters for which ALJs may adjudicate administrative disputes; and

NOW, THEREFORE, the parties, for valuable consideration and the mutual promises between them, agree as follows:

- Scope of Services. The foregoing Recitals are hereby incorporated herein as if
 fully restated. DOAH agrees to make ALJs available to the City. The ALJs
 will be full-time judges employed by the State of Florida, Division of
 Administrative Hearings, and are experts in the adjudication of administrative
 disputes.
- 2. Compensation. The fiscal year 2003-2004 General Appropriation Act, Chapter 2003-397, Laws of Florida, requires DOAH to renegotiate its contracts for ALJ services annually so that the hourly rate charged is based on a total cost recovery methodology. The rate has been determined to be \$180.00 per hour beginning October 1, 2022. DOAH will notify the City of the amended hourly rate on or about the first day of September of each year. That rate will become effective on the first day of October of that same year. The City agrees to compensate DOAH for each hour actually worked, and subsequently, at the hourly rate determined in accordance with the Florida Legislature's directive. This rate will apply for ALJ services in preparing for hearings, traveling to hearings, conducting hearings, and preparing Recommended Orders.
- 3. Expenses. The City agrees to pay the actual travel expenses of the assigned ALJ in the amount provided pursuant to Chapter 112, Florida Statutes. DOAH will submit invoices monthly and the City agrees to remit payment monthly in accordance with Chapter 218, Part VII, Florida Statutes. DOAH agrees to provide the City an itemized statement of the charges and costs in

ADMINISTRATIVE LAW JUDGE SERVICES CONTRACT

the invoice.

- 4. <u>Contract Management</u>. Megan Silver, Executive Director & Administrative Law Judge, and Patricia Kenyon, Operations Manager, will provide contract management services under this agreement for DOAH.
- 5. Term. This contract is for a term of one (1) year and will automatically renew for succeeding yearly periods one year from the date last signed. This contract may be amended from time to time by mutual agreement of the parties, and may be terminated by either party for the convenience of that party upon thirty (30) days' written notice.
- 6. Request for Services. To initiate a proceeding, the City shall send a letter to the Chief Judge, Division of Administrative Hearings, requesting the assignment of an ALJ and shall include with such request a copy of the relevant agency action letter, claim asserted and/or request for hearing, as well as any code provisions or other local procedure that governs the type of hearing requested. DOAH shall assign an ALJ promptly after receipt of the letter.
- Effective Date. This Contract will become effective on the date the last signature is made.
- 8. <u>Notices</u>. All notices required or permitted by this Contract shall be in writing, and shall be deemed to have been duly given if mailed first-class, certified postage prepaid, addressed as follows:

To the City
City of Key Colony Beach, Florida
c/o Dirk M. Smits, Esq., City Attorney
81990 Overseas Highway, 3rd Floor
Islamorada, FL 33036

ADMINISTRATIVE LAW JUDGE SERVICES CONTRACT

State of Florida, Division of Administrative Hearings	
Attn: Patricia Kenyon, Operations Manager	
1230 Apalachee Parkway	
Tallahassee, FL 32399	
850-488-9675	
WHEREUPON, the parties have executed this Agreement as follows:	
STATE OF FLORIDA, DIVISION OF ADMINISTRATIVE HEARINGS	
Megan S. Silver Executive Director & Administrative Law Judge	
THE CITY OF KEY COLONY BEACH, FLORIDA	
Patricia Trefry Mayor of the City of Key Colony Beach, Florida	

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

To: DOAH

ORDINANCE NO. 2021-467

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH FLORIDA, AMENDING CHAPTER 1 – GENERAL PROVISIONS, SECTION 1-10 – ORGANIZATION OF CODE ENFORCEMENT; PROVIDING FOR AN UPDATED SCHEDULE OF VIOLATIONS AND PENALTIES; REPEALING CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key Colony Beach is charged with the administration of a wide variety of municipal issues, including code enforcement to promote, protect and improve the health, safety and welfare of the citizens of the City of Key Colony Beach, Florida, by providing an equitable, expeditious effective and inexpensive method of enforcing the ordinances of the City of Key Colony Beach, Florida; and

WHEREAS, the City of Key Colony Beach is authorized by Florida law to levy fees and charges that are a true and accurate reflection of the actual cost of providing such code enforcement services to its residents; and

WHEREAS, the City of Key Colony Beach Commission wishes to amend the schedule of violations and penalties that may be charged by the City to its residents for various municipal code violations, and to have the flexibility to update such penalties and fines as needed to provide for full cost recovery based on the amount of time required by City staff to fully and appropriately review and process resident requests and in support thereof, states as follows;

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

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

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

Section 3: Amendment

Section <Chapter 1> of the City of Key Colony Beach Code of Ordinances shall be amended to read as follows:

Sec. <1-10(g)(2)> - Schedule of Violations and Penalties.

- (a) Establishment of Schedule of Violations and Penalties: All violations, fines, and penalties establish by the City Commission shall be set forth in a "Schedule of Violations and Penalties" which shall be adopted, and may be amended from time to time, by resolution of the City Commission based on upon the recommendation of the Planning and Zoning Board. All violations, fines, and penalties in the Schedule of Violations and Penalties are adopted as a reflection of the actual cost of providing the applicable services, and are intended to recoup only the City's actual costs involved with the administration and enforcement of such services.
- (b) Reservation. The City Commission shall have the right to amend the Schedule of Violations and Penalties on an annual basis to reflect the correct, true, and accurate cost of enforcement of the relevant provisions of the Code contained therein.

(c) Conflicting Provisions. In the event of a conflict between a violation and penalty set forth in the Code of Ordinances and those set forth in the Schedule of Violations and Penalties set forth in the Schedule of Violations and Penalties shall govern, regardless of the date of enactment of the conflicting provision of Code.

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:

FIRST READING by the City of Key Co	olony Beach City Commis	sion this 23rd day of September 2021.
Mayor Ron Sutton	NO	YESX
Vice-Mayor Patti Trefry	NO	YESX
Commissioner Kathryn McCullough	NO	YESX
Commissioner John DeNeale	NO	YESX
Commissioner Tom Harding	NO	YESX
SECOND READING AND DULY ADO this 28th day of October 2021.	<u>OPTED</u> by the City of Ke	ey Colony Beach City Commission on
Mayor Ron Sutton	NO	YESX
Vice-Mayor Patti Trefry	NO	YESX
Commissioner Kathryn McCullough	NO	YESX
Commissioner John DeNeale	NO	YESX
Commissioner Tom Harding	NO	YESX

Ron Sutton, Mayor

(SEAL)

RESOLUTION NO. 2023-03

A RESOLUTION BY THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING THE SCHEDULE OF VIOLATIONS AND PENALTIES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida Code of Ordinances Chapter 1, Section 1-10(2) provides, "All violations, fines, and penalties establish by the city commission shall be set forth in a "schedule of violations and penalties" which shall be adopted, and may be amended from time to time, by resolution of the city commission based on upon the recommendation of the planning and zoning board"; and

WHEREAS, the City Commission of the City of Key Colony Beach, Florida (the "City Commission") finds the Schedule of Violations and Penalties complies with Chapter 162, Florida Statutes; and

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

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

- **Section 1.** The above recitations are hereby adopted and incorporated herein.
- Section 2. This Resolution adopts the Schedule of Violations and Penalties marked as Exhibit A.
- <u>Section 3.</u> The City Clerk is authorized to record this Resolution in the appropriate record book upon its adoption.
- <u>Section 4.</u> If any clause, section, or other part of this Resolution shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and shall in no way affect the validity of the remaining portions of this Resolution.
- <u>Section 5.</u> All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.
- **Section 6.** This Resolution shall become effective immediately upon adoption.

Resolution No. 2023 -03 Page No. 2

regular meeting of the City held on April 20, 2023.

AYES:
NAYS:
ABSENT:
ABSTAIN:

Patricia Trefry, Mayor

Silvia Gransee, City Clerk

(City Seal)

Dirk Smits, City Attorney

Approved as to form and legal sufficiency:

PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its

CITY OF KEY COLONY BEACH "UPDATED" SCHEDULE OF VIOLATIONS AND PENALTIES PURSUANT TO SECTION 1-10

Fall 2022Revised April 20, 2023 Exhibit A

*CITY CODE SECTION	ITEM IN VIOLATION	*PENALTY AMOUNT
4-6	Animals running at large	\$100.00 per violation
4-8	Noisy animals	\$100.00 per violation
4-9	Vicious, dangerous animals	\$100.00 per day
4-10	Removal of animal defecation	\$50.00 per violation
5-1	Prohibited vessel operations	\$250.00 per violation
5-4	Vessels as commercial establishments	\$250.00 per day
5-5	Anchoring limitations	\$250.00 per day
5-6	Rafting of vessels	\$250.00 per day
5-7	Discharge into waters	\$ 500.00 250.00 per day
5-9	Fishing on Sadowski Bridge and Sunset Pier	\$100.00 per violation
5-11	Diving and snorkeling prohibitions during "mini" season	\$ 500.00 250.00 per violation
5-15	Living aboard vessels	\$ 500.00 250.00 per day
5-40	Exceeding overall boat length at waterfront property	\$200.00 per day
5-80	Boat and trailer parking	\$100.00 per day
5-82	Boats and trailers parked in City right-of-way	\$100.00 per day
6-6	Working without building permit	\$250.00 per day
6-10	Permitted working days and hours	\$250.00 per violation
6-50	Display street numbers on buildings	\$100.00 per day
6-56	Buildings and property maintenance	\$250.00 per day
6-59	Limitations on parking trailers and recreational vehicles	\$100.00 per day
7-2	Garbage and trash accumulation	\$100.00 per day
7-5	Use garbage cans	\$50.00 per day
7-6	Garbage cans specifications	\$50.00 per day

7-7	Location and placement of	\$50.00 per day
	garbage cans	
7-12	Dumping and littering	\$ 500.00 250.00 per day
8-6	Lots maintained in mowable condition	\$250.00 per day
9-4	Doing business without a license	\$500.00250.00 per day
9-20	Rental property owner's tax	\$ 500.00 250.00 per day
9-25	Exceeding rental occupancy	\$500.00 <u>250.00</u> per day
10-2	Loud or disturbing noise	\$250.00 per violation
10-3	Specific noise prohibitions	\$250.00 per violation
11-2	Camping prohibition	\$100.00 per day
11-4	False fire alarms: (1st violation) (2nd and subsequent	Warning \$250.00 per day
11-5	violations) False burglar alarm (1 st violation) (2 nd violation) (3 rd violation)	Warning \$100.00 per day \$250.00 per day
	(4 th and subsequent violations)	\$500.00 per day \$500.00250.00 per day
12-9	City parking open hours	\$250.00 per day
14-4	Damaging sewer facilities	\$ 500.00 250.00 per day
14-10	Prohibited discharges (sewer and storm drains)	\$ 500.00 250.00 per day
17-1	City Street Speed Limit 25mph.	Per Florida Statutes
17-6	Parking prohibited without owner's permission	\$50.00 per day
101-26(8)	Nuisance lighting	\$50.00 per day
101-31	Garage sale	\$25.00 per violation
101-32(3)	Burning of refuse	\$100.00 per day
101-34	Home occupations	\$250.00 per day
101-35	Inoperative vehicles	\$100.00 per day
101-55	Illegal parking (Commercial and recreational vehicles)	\$100.00 per day
101-55(3)	Prohibition on use of vehicles, motorhomes, trailers and campers as residence	\$100.00 per day
101-67	Landscape maintenance	\$50.00 per day
101-131	Prohibited signage	\$50.00 per violation

101-136	Temporary signage	\$50.00 per day
101-137	Sign maintenance	\$50.00 per day
F.S. §316.1955.57	Parking in handicapped space	\$250.00 per day violation
***F.S. §316.2065(7)	Bicycle safety requirements	\$64.50 per violation
***F.S. §316.2065(d)	Bicycle helmet requirement	\$64.50 per violation
1.5. §510.2005(d)	for passengers under 16yoa	φο 1.3ο per violation
^New	Short term vacation rental w/out license	\$ 500.00 250.00 per day
^New	Short term vacation rental less than 7 days	\$ 500.00 250.00 per day
^New	Short term rental w/ excessive number of tenants	\$ 500.00 250.00 per day
^New	Short term rental – cleaning not acceptable	\$250.00 per day
^New	2 nd violation for short term vacation property	\$500.00250.00 per day, and license suspension for 30 days.
^New	3 rd violation for short term vacation property	\$500.00250.00 per day, and license suspension for 1 year.
^New	Dangerous structures posing safety risk	\$ 500.00 250.00 per day
^New	Violation of recreation vehicle parking ordinance	\$100.00 per day
^New	Long term vacation rental w/out rental license	\$ 500.00 250.00 per day
^New	Long term vacation rental w/ excessive number of tenants	\$ 500.00 250.00 per day
^New	Long term rental – cleaning not acceptable	\$250.00 per day
^New	2 nd violation for long term vacation property	\$500.00250.00 per day, and license suspension for 30 days.
^New	3 rd violation for long term vacation property	\$500.00250.00 per day, and license suspension for 30 days.
^New	Subleasing dock space	\$250.00 per day
^New	Permit fee for Solar Panel Installation	\$ 500.00 250.00 **additional 2.5% State surcharge
^New	Notary Fees	Non-residents, not related to city business \$10.00 per seal (maximum of 2 seals per day) Notary Services are provided for City-related business at no

	cost. No other Notary Services will be provided.
^New	

^{*}Sec.1-10(g)(2) sets maximum fine of \$500250.00 per day; See also, FL ST \$162.09(2)(a) (setting maximum fine shall not exceed \$250.00 for first violation or \$500.00 per day for repeat violation).

**All violations/penalties set forth herein are subject to an administrative fee of \$338.00 plus cost of prosecution. Violations that are irreparable or irreversible in nature may have a fine imposed not to exceed \$5,000 per violation.

^{***}An additional fine of \$2.50 will be assessed exclusive of the penalty set forth above, to be paid to the State's General Fund for safety programs.



P.O. Box 510266 - Key Colony Beach, FL 33051 edsimsdevelopment@gmail.com - CGC1517338

4/10/23

To whom it may concern,

This letter should serve as a confirmation of discussions that I had numerous times with numerous council people and the city manager in late 2017 and early 2018. I was approached and asked about the condition of city hall and whether, in my professional opinion, it could be repaired.

I told the then sitting commissioners that I believed that the building could be repaired for \$300,000 and could be occupied within a 3-month time frame. This included repairing electrical, plumbing, drywall, installing pin piles to stabilize the floor, and floating the floor back to a safe & level condition. Although prices have risen since that time, the building could still be repaired for well under the 50% threshold. Structurally, in my opinion, the building has not moved. The settlement in the floors was a well-known fact prior to hurricane Irma.

Any questions please feel free to contact me, thank you.

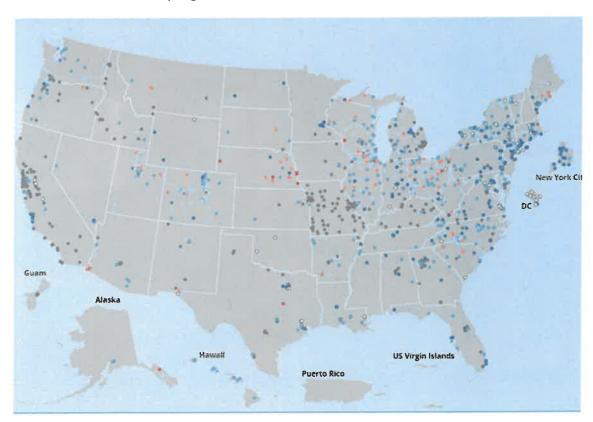
Ed Sims State-certified General Contractor CGC1517338 (305) 360-7299 edsimsdevelopment@gmail.com

City of Key Colony Beach

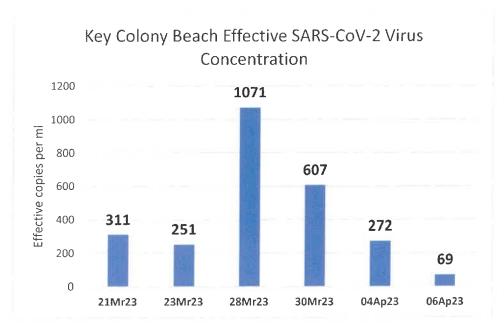
Wastewater Sampling Update for Concern Virus's - April 20, 2023

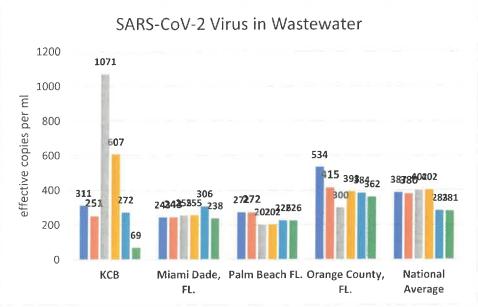
✓ SARS-CoV-2 Virus In Wastewater – Covid -19

- Sample data collected over four weeks to-date for Key Colony Beach; samples collected twice per week; results provided 2-3 days after sample is received.
- 1475 cities/counties collected throughout the United States
- Key Colony Beach is the only city in Monroe County that is part of the CDC program.
- Can readily compare Key Colony Beach to other cities and counties within the United States. Map below showing the areas being sampled as part of the CDC program.



- Summary of results to-date:
 - Key Colony Beach results listed below and a comparison to other counties within Florida.
 - Several other counties have seen similar spikes in the data from March/April timeframe (Counties in ME, RI, OK, OR, AK, WI,MA,SC,NH).





- ✓ Mpox virus (Monkeypox) virus in Wastewater samples
- o Samples to-date have shown no detection of the Mpox virus in Key Colony Beach Summary Report by Tom Harding, based on Biobot/CDC data. 20Ap23.

Administrator's Performance Evaluation

Individual Characteristics	3.8	
Professional Skills and Status	3.88	
Relations with Members of the	Elected Body	3.76
Policy Execution	4.12	
Reporting	3.76	
Citizen Relations	2.92	
Staffing	3.84	
Supervision	3.96	
Fiscal Management	4.12	
Community	3.6	
Duties	4.03	
	Professional Skills and Status Relations with Members of the Policy Execution Reporting Citizen Relations Staffing Supervision Fiscal Management Community	Professional Skills and Status 3.88 Relations with Members of the Elected Body Policy Execution 4.12 Reporting 3.76 Citizen Relations 2.92 Staffing 3.84 Supervision 3.96 Fiscal Management 4.12 Community 3.6

This evaluation form presents ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the manager's performance.

- **5 = Excellent** (almost always exceeds the performance standard)
- **4 = Above average** (generally exceeds the performance standard)
- 3 = Average (generally meets the performance standard)
- 2 = Below average (usually does not meet the performance standard)
- 1 = Poor (rarely meets the performance standard)