

# **AGENDA**

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

Thursday, May 18, 2023 – 09:35 a.m. **OR** 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/82898987302>

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

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

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

- a. Proclamation: Leadership Monroe County 30<sup>th</sup> Anniversary – Pgs. 1-2*
- b. Citizens Flood Insurance Requirement and Risk Rating 2.0 – Mel Montagne FIRM – Pgs. 3-4*

### ***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. 04-20-2023 City Commission Regular Meeting Minutes – Pgs. 5-17*

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

- a. Marathon Fire/EMS – Marathon Fire Chief*
- b. Police Department – Chief DiGiovanni*
- c. Building Department – Building Official Leggett*
- d. Public Works – Public Works Department Head Guarino*
- e. City Clerk – City Clerk Gransee*
- f. Code Enforcement Officer – Code Officer Goldman*
- g. Beautification Committee*
- h. Planning & Zoning Board*
- i. Recreation Committee – Chair Report*
- j. Utility Board*

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

- a. Discussion/Approval of the 16<sup>th</sup> Annual Key Colony Beach Fishing Derby on June 14<sup>th</sup>, 2023*
- b. Discussion/Approval to Changes to the Personnel Policy regarding Vacation/Sick-time Buyouts & Carry-overs. – Pg. 18*
- c. Discussion/Approval on IEMO Training – Pg. 19*
- d. Discussion/Approval of Special Magistrate Code Compliance Procedures - Pgs. 20-36*

**8. City Administrator Items for Discussion**

- a. City Hall Update
- b. Safety Meeting Report
- c. Update on Survey for additional Pickleball/Tennis Courts
- d. Update on Fiber Optics for the City of Key Colony Beach

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

- a. Treasurer's Report March 2023 – Pg. 37
- b. Approval of Warrant 0423 in the amount of \$389,565.54 – Pg. 38

**10. City Attorney's Report**

- a. Update on FMIT Coverage pertaining to Sunshine Law
- b. Report on Florida Statutes on Remote Public Meeting Attendance and Voting
- c. Report on Exemptions for City Hall Building Plans
- d. Code Enforcement Mitigation Proposal
- e. Update on Restructuring Alternatives for Volunteer Boards

**11. Ordinances & Resolutions**

- a. **First Reading** of Ordinance No. 2023-484: An Ordinance of the City of Key Colony Beach, Florida; amending Chapter 5 of the Code of Ordinances Related to “Boats, Boat Trailers, Marine Facilities and Waterways”, Article III, “Marine Construction and Improvements, Docking of Boats”, Division 3 “Docks, Piers, and Mooring Equipment”, Section 5-43, Entitled “Elevator Lifts” to increase the maximum lifting capacity for elevator boat lifts within the city; providing for codification; repealing any inconsistent provisions; providing for severability; and providing an effective date. – **Pgs. 39-41**
- b. **Resolution No. 2023-04:** A Resolution of the City Commission of the City of Key Colony Beach, Florida, urging the Florida Legislature to appoint a resident of Key Colony Beach/Monroe County to the Board of Governors of Citizens Property Insurance Corporation of Florida; providing for an effective date. – **Pgs. 42-43**
- c. **Resolution No. 2023-06:** A Resolution by the City of Key Colony Beach, Florida, adopting Special Magistrate Code Compliance Procedures. – **Pgs. 44-45**

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

- a. Commissioner Harding
  - i. Wastewater Sampling Update – **Pgs. 46-47**
  - ii. Flood Risk – City Hall from Storm Surge – **Pgs. 48-49**

**13. Adjournment**

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

*This meeting will be held in person at 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/82898987302>

Meeting ID: 828 9898 7302

One tap mobile

+13052241968,82898987302# US

+16469313860,82898987302# US

Find your local number: <https://us02web.zoom.us/j/82898987302>



# City of Key Colony Beach Proclamation



Leadership Monroe County 30<sup>h</sup> Anniversary

May 18, 2023

**Whereas**, Leadership Monroe County is a non-profit, community leadership organization that has been educating and informing County leaders for 30 years; and

**Whereas**, Leadership Monroe County's long-term goals of the program are to develop strong, dedicated leaders working for a sense of community throughout Monroe County; and

**Whereas**, since its creation in 1992, more than 650 leaders from the Florida Keys business community, educational institutions, governmental entities, health care facilities and practices, arts organizations, and other professions have graduated from the program; and

**Whereas**, current and former City of Key Colony Beach members, employees and citizens are attending and have graduated from the program; and

**Whereas**, the citizens of the City of Key Colony Beach and Monroe County have benefitted greatly from the educational information provided by Leadership Monroe County to its graduates; and

**Whereas**, Leadership Monroe County Class XXX and fellow alumni has celebrated their Graduation on April 29, 2023; and

**Now, therefore, I, Patti Trefry, Mayor of the City of Key Colony Beach, Florida, do hereby congratulate Leadership Monroe County on its thirtieth anniversary of teaching and linking leaders of the Florida Keys, and commend this organization for its outstanding efforts to improve our community through education and information exchange.**

*City of Key Colony Beach, Florida*

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

Attested \_\_\_\_\_  
*Silvia Gransee, City Clerk*



## Class XXX

**Rachel Bowman**, Bar Manager, Keys Fisheries

**Kerry Cosme**, ReStore Manager, Habitat for Humanity

**Lauren Dunn**, Realtor, Coldwell Banker Schmitt Real Estate

**Sarah Fangman**, Superintendent, Keys National Marine Sanctuary

**James Hager**, Sergeant, Monroe County Sheriff's Office

**Dwight Hill**, Market President, First Horizon Bank

**Christian Kellenberger**, Lieutenant, Monroe County Sheriff's Office

**Cary Knight**, Director, Project Management, BOCC

**Kate Koler**, Owner, Sweet Savannah's

**Christine Limbert-Barrows**, Assistant County Attorney, Monroe County Attorney's Office

**Kevin Macaulay**, Office/Property Mgr., Key by The Sea Condo

**Jim Marquardt**, General Manager, The Gardens Hotel

**Craig McBay**, Owner, Florida Keys Brewing

**Rolando Monteagudo**, Mortgage Loan Officer, Tewes Mortgage

**Andrew Morawski**, Director, Hemingway Home and Museum

**Alex Rickert**, Editor, Keys Weekly, Marathon

**Chris Rivett**, VP, Residential Lending, First State Bank of the Florida Keys

**Robyn Still**, Owner, The Tackle Box/Marathon Councilwoman

**Leah Stockton**, Keys Area President, United Way of Collier and the Keys

**Cheryl Sullivan**, Director, Solid Waste Management, BOCC

**Dakin Weekley**, Manager, Fausto's Food Palace



Rank	State	Community	ZIP Code*	Average Current Cost of Insurance (Legacy Rate)	Average Risk-based Cost of Insurance (Risk Rating 2.0)	Premium Increase %
1	FL	Naples	34102	\$ 2,228	\$ 8,067	262%
2	FL	Boca Grande	33921	\$ 1,681	\$ 7,766	362%
3	FL	Belleair Beach	33786	\$ 3,087	\$ 7,690	149%
4	FL	Marco Island	34145	\$ 1,601	\$ 7,553	372%
5	FL	Clearwater Beach	33767	\$ 2,999	\$ 7,402	147%
6	FL	Key Biscayne	33149	\$ 3,423	\$ 7,097	107%
7	FL	Longboat Key	34228	\$ 2,358	\$ 7,058	199%
8	FL	Captiva	33924	\$ 2,437	\$ 6,987	187%
9	LA	Des Allemands	70030	\$ 784	\$ 6,677	752%
10	FL	Cocoa Beach	32931	\$ 771	\$ 6,638	761%
11	FL	Sarasota	34242	\$ 2,871	\$ 6,453	125%
12	FL	Fort Pierce	34949	\$ 1,112	\$ 6,428	478%
13	FL	Saint Petersburg	33706	\$ 2,988	\$ 6,426	115%
14	FL	Sarasota	34236	\$ 2,561	\$ 6,386	149%
15	HI	Hilo	96720	\$ 1,251	\$ 6,019	381%
16	FL	Islamorada	33036	\$ 1,960	\$ 6,016	207%
17	FL	Saint Petersburg	33715	\$ 1,170	\$ 6,003	413%
18	FL	Key Colony Beach	33051	\$ 2,412	\$ 5,938	146%
19	FL	Indian Rocks Beach	33785	\$ 2,100	\$ 5,847	178%
20	FL	Anna Maria	34216	\$ 2,108	\$ 5,793	175%
21	FL	Fort Myers	33901	\$ 1,229	\$ 5,722	366%
22	FL	Bradenton Beach	34217	\$ 2,539	\$ 5,717	125%
23	FL	Naples	34103	\$ 1,554	\$ 5,706	267%
24	FL	Tampa	33606	\$ 2,207	\$ 5,693	158%
25	FL	Stuart	34996	\$ 1,009	\$ 5,692	464%
AVG	USA	ALL STATES AND TERRITORIES	ALL	\$ 888	\$ 1,808	103.5%

\*Includes ZIP Codes with over 250 policies in force

Source: FEMA, "Cost of Flood Insurance for Single-Family Homes under Risk Rating 2.0," <https://www.fema.gov/flood-insurance/work-with-nfip/risk-rating/single-family-home>



Rank	State	County*	Average Current Cost of Insurance (Legacy Rate)	Average Risk-based Cost of Insurance (Risk Rating 2.0)	Premium Increase %
1	LA	PLAQUEMINES PARISH	\$ 842	\$ 5,431	545.3%
2	LA	ST. MARY PARISH	\$ 1,074	\$ 5,226	386.3%
3	FL	FRANKLIN COUNTY	\$ 1,664	\$ 5,195	212.3%
4	FL	MONROE COUNTY	\$ 1,759	\$ 4,622	162.7%
5	CA	SONOMA COUNTY	\$ 1,404	\$ 4,464	217.9%
6	ME	YORK COUNTY	\$ 1,128	\$ 4,247	276.4%
7	FL	COLLIER COUNTY	\$ 1,053	\$ 3,980	277.9%
8	FL	LEE COUNTY	\$ 1,285	\$ 3,965	208.6%
9	LA	LAFOURCHE PARISH	\$ 929	\$ 3,909	320.6%
10	FL	CHARLOTTE COUNTY	\$ 1,428	\$ 3,687	158.2%
11	LA	VERMILION PARISH	\$ 1,035	\$ 3,673	254.7%
12	CA	MARIN COUNTY	\$ 1,413	\$ 3,652	158.5%
13	LA	TERREBONNE PARISH	\$ 873	\$ 3,536	304.9%
14	CA	SANTA CRUZ COUNTY	\$ 1,408	\$ 3,502	148.7%
15	HI	HONOLULU COUNTY	\$ 1,549	\$ 3,377	118.1%
16	CT	NEW HAVEN COUNTY	\$ 1,635	\$ 3,259	99.3%
17	FL	PINELLAS COUNTY	\$ 1,538	\$ 3,258	111.9%
18	NJ	PASSAIC COUNTY	\$ 1,826	\$ 3,162	73.1%
19	LA	IBERIA PARISH	\$ 918	\$ 3,160	244.2%
20	FL	CITRUS COUNTY	\$ 1,492	\$ 3,147	111.0%
21	CT	NEW LONDON COUNTY	\$ 1,598	\$ 3,081	92.8%
22	CT	MIDDLESEX COUNTY	\$ 1,678	\$ 3,080	83.6%
23	CT	FAIRFIELD COUNTY	\$ 1,620	\$ 2,970	83.3%
24	SC	COLLETON COUNTY	\$ 1,003	\$ 2,932	192.4%
25	NJ	MERCER COUNTY	\$ 1,332	\$ 2,814	111.3%
AVG	USA	ALL STATES AND TERRITORIES	\$ 888	\$ 1,808	103.5%

\*Includes counties with over 1,000 policies in force

Source: FEMA, "Cost of Flood Insurance for Single-Family Homes under Risk Rating 2.0," <https://www.fema.gov/flood-insurance/work-with-nfip/risk-rating/single-family-home>



# MINUTES

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

Thursday, April 20, 2023 – 10:30 a.m.

Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach  
& Virtually via Zoom Conferencing

**1. Call to Order, Pledge of Allegiance, Prayer, Roll Call:** *Call to Order, Pledge of Allegiance, Prayer, Roll Call: The Key Colony Beach City Commission Regular Meeting and Public Hearing was called to order by Mayor Trefry at 10:30 am followed by the Pledge of Allegiance, Prayer, and Rollcall. Present: Vice-Mayor Ramsay-Vickrey, Commissioner Harding, Commissioner Foster, Commissioner Raspe, Mayor Trefry. Also Present: City Administrator Dave Turner, Fire Chief Mike Card, Building Official Lenny Leggett, Police Chief Kris DiGiovanni, Police Corporal Jamie Buxton, Code Enforcement Officer Barry Goldman, Public Works Department Head Mike Guarino, Administrative Assistant Tammie Anderson, City Attorney Dirk Smits, City Attorney Roget Bryan.*

*Public Attendance: 17*

**2. Agenda Additions, Changes & Deletions:** *None.*

**3. Special Request:** *None.*

**4. Citizen Comments and Correspondence:** *City Clerk Gransee informed on having received the following citizen correspondence:*

*Roy Virost, 80 7<sup>th</sup> Street, in reference to the City Hall Summary Cost Comparison.*

*Chuck Gijonto, thanking the City Administrator for his support of 'The 7-meter Bridge Run'.*

*Fred & Laurie Swanson, 620 9<sup>th</sup> Street, in reference to the new City Hall building.*

*Dick Harper, in reference to the new City Hall building and community concerns.*

*City Clerk Gransee informed of technical difficulties with Zoom.*

*The following citizens provided public comment:*

*Tom DiFransico, 171 8<sup>th</sup> Street, spoke on communications and feedback from the Commission as well as receiving communications and information from City Hall.*

*Mayor Trefry addressed Tom DiFransico's comments and stated, with the Commission's consent, to change the format of the meeting.*

*Joe Schmidt, 430 4<sup>th</sup> Street, objected to the meeting location and read a letter from former Building Official Ed Borysiewicz to the Commission. The Commission agreed to give Mr. Schmidt additional time to finish addressing the Commission.*



*Chat Dunn, 101 E. Ocean Drive, spoke on the topic of having a boat ramp to use for residents and voiced concerns about the new City of Marathon Ordinance regarding the use of boat ramps. Chat Dunn further commented on City Hall, and the job of the City Administrator.*

*Dave McKeehan, 2 7<sup>th</sup> Street, thanked the Commissioners and commented on the City Administrator performance review, and concerns about the City and communications.*

*Laurie Swanson, 620 9<sup>th</sup> Street, spoke to the Commission on open and transparent government and gave thoughts on the Code Enforcement Board and Recreation Committee, and a new City Hall.*

*Fred Swanson, 620 9<sup>th</sup> Street, thanked the Commissioners for their service and gave comments on the existing Marble Hall, the Post Office, City Hall offices, and the Smart City concept.*

*There were no further Citizen comments in person. Virtual comments were paused due to technical difficulties.*

*Mayor Trefry asked for the Commission's agreement to have the citizen comments addressed at this point. The Commission agreed.*

*City Administrator Dave Turner confirmed that communications will improve and he will look into questions on boat ramp fees and the use of the city's boat ramp. City Administrator Turner further informed on following directions on City Hall from the City Commission.*

*Commissioner Harding informed that updates are being provided at every meeting. City Clerk Gransee informed on where to find meeting agendas and minutes on the website. Vice-Mayor Ramsay-Vickrey informed where to find information regarding City Hall on the website.*

*Commissioner Raspe gave further comments on residents impression of the cities website.*

*Sandy Bachman, 171 8<sup>th</sup> Street, spoke on the possibility of having a meeting between residents and the Commission on City Hall.*

*Mayor Trefry stated that the Commission will have a discussion on another possible Townhall meeting as the bid process continues.*

*City Administrator Turner advised that the City Hall bid was posted and will close on June 5<sup>th</sup> at 4 pm.*

*Fred Swanson, 620 9<sup>th</sup> Street, received approval from the Commission to speak a second time. Fred Swanson spoke on difficulties of obtaining information from the website.*

*Commissioner Harding suggested for the City Clerk to send out information on how to navigate the website. City Clerk Gransee agreed.*

*Don Mintz, 560 9<sup>th</sup> Street, spoke on the letter from Ed Sims on City Hall repairs.*

*City Administrator Turner continued updating on the bid process and the Post Office. City Administrator Turner further advised on the anticipated move and lease terms for the Post Office.*

*Don Mintz, 560 9<sup>th</sup> Street, posed a question on the Post Office move with questions surrounding the rebuild.*

*Mayor Trefry reminded of decorum and asked for a civil dialogue and order.*

*City Administrator Turner repeated his answer on the previous question.*

*Technical difficulties continued.*

*Florence Roseboro, 430 4<sup>th</sup> Street, asked why Commissioners are not able to answer questions during a meeting.*

*City Attorney Smits explained the rules of order that operates by Roberts Rules of Order. City Attorney Smits voiced his discomfort by the disruption by the audience to the Dias and City Staff. City Attorney Smits further advised that interactions can be held during interactive workshops but not at the City's business meetings. Mayor Trefry agreed.*

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

**a. 03-16-2023 Regular Meeting & Public Hearing Minutes:** *Commissioner Raspe questioned wording in the minutes which Mayor Trefry explained. City Clerk Gransee further explained her inability to change the content. There was no further discussion about the minutes and they were accepted as written.*

**b. 03-08-2023 Code Board Hearing Minutes:** *There were no requested changes and Mayor Trefry accepted the minutes as written.*

*Mayor Trefry called for a brief recess at 11:21 am to reconvene at 11:30 am.*

*The meeting reconvened at 11:30 am.*

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

**a. Marathon Fire/EMS –** *City Administrator Turner reported for Fire Chief Mike Card. City Administrator Turner reported concerns with the water pressure and the Fire Department having conducted testing in the City which provided good results*

**b. Police Department – Chief DiGiovanni.** *Commissioner Harding spoke to Chief DiGiovanni on receiving data on noise complaints for a 12-month timeframe. Chief DiGiovanni confirmed the ability to obtain a report. Mayor Trefry expressed her preference for a quarterly report. Chief DiGiovanni confirmed. Mayor Trefry continued talking on the importance of water safety and community outreach and the possibility of an email blast to property managers. Commissioner Raspe voiced support. Chief DiGiovanni informed of obtaining more pamphlets. The Commission*

continued talking on the subject. Chief DiGiovanni further talked on the importance of education before citation.

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.** *Commissioner Foster asked on the possibility of receiving code infractions similar to what Chief DiGiovanni provides. City Administrator Turner confirmed to research the request with the Code Officer and Citizenserve to pull the data. Mayor Trefry informed on improvements on Citizenserve verifying vacation rental licenses.*

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 8<sup>th</sup> Street in the amount of \$8,165.00:** *City Administrator Turner explained this invoice to pertain to flood insurance for the Public Works building and the increase in the rate. Commissioner Harding suggested looking into raising the deductible for the building. Discussion followed by the Commission on the timeline to renew. Commissioner Harding suggested reaching out to the insurance company for possible options.*

*Mayor Trefry called for a motion to approve the Wright Insurance Company Renewal Notice for the Flood Insurance Policy for 460 8<sup>th</sup> Street in the amount of \$8,165.00.*

**MOTION:** *Motion made by Commissioner Foster to approve the payment of the invoice. Commissioner Harding seconded the motion.*

**DISCUSSION:** *None.*

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

b. **Discussion/Approval on moving and rescheduling the December 21, 2023, City Commission Public Hearing & Regular Meeting to December 1<sup>st</sup>, 2023:** *The Commission discussed the rescheduling of the December 21<sup>st</sup> meeting. Mayor Trefry asked for a motion.*

**MOTION:** *Motion made by Commissioner Foster to approve the rescheduling of the December 21, 2023, meeting to December 14, 2023. Commissioner Harding seconded the motion.*

**DISCUSSION:** *None.*

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

c. **Discussion/Approval of the Installation of a new 33K Elevator Boat Lift attached to an existing dock at 660 9<sup>th</sup> Street:** *Building Official Leggett informed that all requisite documents*

were received and asked for approval from the Commission to move forward. Mayor Trefry asked for a motion for approval.

**MOTION:** Motion made by Commissioner Harding to approve the boat lift for 660 9<sup>th</sup> Street. Vice-Mayor Ramsay-Vickrey seconded the motion.

**DISCUSSION:** Building Official Leggett confirmed that upon approval by the City Commission the application will be reviewed for any violations.

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

**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.**

Recreation Chair Ted Fischer addressed the Commission with his concerns on liability for the Volunteer Committee in correlation to violations with the Sunshine Law.

City Attorney Smits explained insurance coverage and how the liability is applied.

Commissioner Harding explained the Committees liabilities on recommendations and the Commissioners liabilities.

Mayor Trefry gave an example of a violation of the Sunshine law. City Attorney Smits explained consequences of a violation and how to cure it. City Smits further explained fact finding in correlation with Sunshine Law, and exemptions.

Ted Fischer continued addressing the Commission on the possibility of forming a club and answered questions from Mayor Trefry.

Commissioner Foster gave concerns on losing the City's volunteer groups and losing the identity of the city. Commissioner Foster voiced his opinion of not supporting the idea of dissolving the Committee.

Commissioner Harding agreed with Commissioner Foster's comments and cautioned on the workload for the City. Commissioner Harding gave further comments in support of keeping the Committee.

Vice-Mayor Ramsay-Vickrey gave her thoughts on allowing the Committee to restructure as a club without the stipulations of the Sunshine Law. Vice-Mayor Ramsay-Vickrey gave further information on the Monroe County Library Board and the restructuring of the Board for similar reasons discussed today. Vice-Mayor Ramsay-Vickrey suggested the consideration of the Committee's wish to regroup.

Commissioner Raspe spoke on the Committee's raised concerns on indemnification and inefficiency, and voiced his concerns on the Committee's budget and point persons were the Committee is dissolved. Ted Fischer recalled prior protocol, the enforcement of the sunshine law, and how to move forward. Ted Fischer confirmed his request to dissolve the Recreation Committee. Mayor Trefry recalled experiences with prior Committees and violations of Sunshine Law and explained that the Commission felt that better training for Volunteer Boards was needed.

Commissioner Foster recommended for the City Attorneys to research the possibility of restructuring the Committee.

City Administrator Turner stated staff to be neutral on the topic.

***e. Discussion/Approval of Recommendation by the Recreation Committee to the City Commission to Sunset the Recreation Committee.***

*The Commission and City Attorney discussed on how to go forward.*

*Mayor Trefry explained the process of calling for a motion and consequences of no motion made.*

*Mayor Trefry asked for a motion to approve the recommendation by the Recreation Committee to the City Commission to sunset the Recreation Committee.*

*There was no motion.*

*The Commission directed City Attorney Smits to bring alternatives to restructure the Volunteer Committee. Ted Fischer stated his wish to work with the City Attorney on a possible restructuring.*

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

***a. City Hall Update:*** *See under Item 4 - Citizen Comments & Correspondence*

***b. Safety Meeting Report:*** *City Administrator Turner informed on all Departments holding their safety meetings.*

***c. Vacation Rollover Reduction Recommendation:*** *City Administrator Turner reported on the Commission's direction to provide a reduction for vacation rollover and asked the Commission for questions. Commissioner Foster voiced his disagreement with the proposed change and explained his problems with the suggestion. Commissioner Foster gave further concerns on the FMLA requirements in the personnel employee handbook and stated opposition.*

*Commissioner Harding stated no comment.*

*Vice-Mayor Ramsay-Vickrey stated no comment.*

*Commissioner Raspe stated concerns on the accumulated vacation time carryover change and stated his disagreement with it.*

*After a brief discussion, the Commission gave direction to staff to make this a votable agenda item for the next Commission meeting.*

***d. Update on Landscape Architect Consultation for additional Pickleball/Tennis Courts:*** *City Administrator Turner informed the Commission on the estimated consultation cost and that plot plans are currently being developed. Commissioner Harding suggested for visual plans to be provided.*

***e. Update on Fiber Optics for the City of Key Colony Beach:*** *City Administrator Turner updated on AT&T and Comcast's ability to provide services for the City and suggestions on how to move forward.*

*City Administrator Turner informed of the Key Colony Beach Community Association reaching out inquiring of making a large donation to the City to replace the Tiki Hut at Sunset Part. City Administrator Turner asked the Commission for approval to go forward. The City Commission agreed.*

*Commissioner Harding asked for Commission agreement to start the process on a Wastewater study in the Fall. The Commission agreed.*

*The City Administrator updated the Commission on the status of the AED devices. There were no further questions.*

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

*a. **Treasurer's Report March 2023:** Commissioner Harding gave the Treasurer's Report for March 2023 including status on legal fees, subscriptions, EMS payments, and code violations. Commissioner Harding suggested revisiting the Business Tax Fee Schedule after July 1<sup>st</sup>. A brief discussion followed for the appropriate time for review.*

*Commissioner Harding continued informing on the Stormwater budget and payments made to Haack for the 10<sup>th</sup> Street Project. Commissioner Harding further informed on Wastewater income, expenses, special charges in the March warrant, static screen replacement, and expectations of the year's end budget.*

*b. **Approval of Warrant 0323 in the amount of \$985,564.80:** Commissioner Harding asked Mayor Trefry for a motion to approve. Mayor Trefry asked for a motion to approve Warrant 0323 in the amount of \$985,564.80.*

***MOTION:** Motion made by Commissioner Harding to approve the warrant. Vice-Mayor Ramsay-Vickrey seconded the motion.*

***DISCUSSION:** None.*

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

*The Commission had no additional questions.*

*Mayor Trefry called for a lunch recess at 12:39 pm to reconvene at 1:09 pm.*

*The meeting reconvened at 1:09 pm.*

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

*a. **Direction by the City Commission regarding an amendment to Ordinance No. 464-2020 on increasing Boat Lift capacities:** City Attorney Smits introduced the agenda item to the Commission. Building Official Leggett spoke on increasing the approved weight and width of boat lifts and suggested a consideration in a change to percentages. Discussion followed on procedure, prior approvals, and to what weight to increase the capacity too.*

*Commissioner Foster asked if the Charter currently holds percentage requirements for boat lifts in canals which Commissioner Raspe confirmed. Discussion followed on current ordinances, lift dimensions with raised arms, and a possible review by the Planning & Zoning Board after a certain threshold. Building Official Leggett recalled past approvals and recommended an increase to 30,000 pounds. After further Commission discussion, the Commission agreed upon an increase to 31,000 pounds.*

City Attorney Smits recapped directions from the City Commission. There were no other questions.

## **11. Ordinances & Resolutions**

### **a. Second/Final Reading of Ordinance No. 2023-482: Traffic Regulation Amendment**

**i. Proof of Publication:** Included in the agenda packet.

**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.

City Clerk Gransee confirmed the proof of publication.

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

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve Ordinance No. 2023-482. Commissioner Harding seconded the motion.

**DISCUSSION:** Commissioner Foster asked for the purpose of enforcement and fines for minors. Chief explained the purpose of the ordinance and intent of education being the main purpose. Commissioner Foster agreed with the purpose of education and concern on children's safety. Mayor Trefry stated the Police Departments discretion on citations and understanding Commissioner Foster's concern. Chief DiGiovanni further informed on the intent of the ordinance to address motorized scooters and the Police Department issuing helmets for free. Commissioner Foster expressed agreement to follow the Police Departments discretion at this time to follow up at a later point if necessary. There was no further discussion.

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

### **b. Second/Final Reading of Ordinance No. 2023-483: R-2B Pool Side Setback Amendments**

**i. Proof of Publication:** Included in the agenda packet.

**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.



Mayor Trefry provided the second and final reading of the Ordinance and asked for a motion to approve.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve the Ordinance. Commissioner Foster seconded the motion.

**DISCUSSION:** None.

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

**c. Resolution 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 an Administrative Law Judge; authorizing the City Mayor to execute the contract; and providing for an effective date.

**i. Resolution:** City Attorney Smits read the proposed Resolution. Mayor Trefry asked for a motion.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve the Resolution. Commissioner Harding seconded the motion.

**DISCUSSION:** Commissioner Harding explained that most meetings are anticipated to be on Zoom and travel costs should not be part of the cost. City Attorney Smits further advised on cost for the prosecution and anticipated most meetings to be virtual, as well as the other Monroe County municipalities having a positive experience using the DOAH.

**ON THE MOTION:** Rollcall vote. Vice-Mayor Ramsay-Vickrey – yes. Commissioner Harding – yes. Commissioner Foster – no. Commissioner Raspe – yes. Mayor Trefry – yes. The motion passed.

**ii. Service Contract between the City of Key Colony Beach and the State of Florida:** Mayor Trefry introduced the agenda item and asked for a motion to approve the service contract with DOAH.

**MOTION:** Motion made by Vice-Mayor Ramsay-Vickrey to approve the service contract. Commissioner Raspe seconded the motion.

**DISCUSSION:** None.

**ON THE MOTION:** Rollcall vote. Commissioner Foster – no. Commissioner Raspe – yes. Vice-Mayor Ramsay-Vickrey – yes. Commissioner Harding – yes. Mayor Trefry – yes. The motion passed.

**e. Resolution 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.

**i. Ordinance 2021-467 adopted 10-28-2021 “Updated Schedule of Violations & Penalties”**

**ii. Resolution 2023-03 & Exhibit A “Schedule of Violations & Penalties”**

*Mayor Trefry introduced the agenda item and asked City Attorney Smits for any additional comments. City Attorney Smits explained the purpose of Ordinance No. 2021-467 and the reason for the amendment. City Attorney Smits further clarified irreparable fines for renting without a license. Commissioner Harding commented on the violation of discharge into waters and associated fines, and other counties handling of these violations. City Attorney Smits confirmed the fine for repeat violations and interpretation of language. City Attorney Smits suggested for staff the ability to mitigate code infractions. The City Commission gave a head nod to move forward.*

*Mayor Trefry asked for a motion to approve Resolution No. 2023-03 and Exhibit A: Schedule of Violations & Penalties.*

**MOTION:** *Motion made by Vice-Mayor Ramsay-Vickrey to approve the Resolution and Schedule of Violations and Penalties. Commissioner Harding seconded the motion.*

**DISCUSSION:** *None.*

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

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

### **a. Commissioner Foster**

**i. Request City Administrator Update on 2<sup>nd</sup> Phase of Stormwater Project:** *Commissioner Foster informed on the current standing of the project. City Administrator Turner updated on available monies in grants, budget, and Stewardship monies, and what monies have to be used first. Commissioner Harding gave further information on the benefits of completing the Injection wells first and cautioned on cash flow for the project. City Administrator Turner informed of current contractors to be aware of the reimbursement process. Commissioner Foster informed on having identified discharge into canals and recommended a check for check valves and outflows. Commissioner Foster confirmed it to be on 10<sup>th</sup> and 11<sup>th</sup> Street. Commissioner Foster gave additional comments on future bid processes. Commissioner Harding informed on not enough money in grants and an anticipated shortfall which will require additional state funds grants.*

### **ii. Report on attending the Legislative Action Days in Tallahassee**

*Commissioner Foster updated on attending the Legislative Action Days in Tallahassee and informed on knowledge gained including quorum requirements and remote voting. Commissioner Foster further spoke on having received information on IEMO training and recommended looking into attending classes. Mayor Trefry agreed with the importance of the training and directed City Clerk Gransee to research upcoming seminars and Commissioners' interest in attending.*

*Commissioner Foster reported on having received information on the benefit of grouping cities and counties. Mayor Trefry informed of prior experiences and supported the suggestion. Commissioner further informed on current House and Senate Bills on Short-Term Vacation Rentals and cautioned on making changes to ordinances.*

*City Attorney Smits confirmed being grandfathered as long as existing ordinances are not changed. Further conversation continued on the topic.*

*Commissioner Foster continued informing on meeting requirements and Sunshine Law, acknowledging requests for documents, and Form 6 requirements. City Attorney Smits stated to reach out to him for assistance with the document.*

*Mayor Trefry informed that the bill will go into effect in January 2024. Commissioner Foster closed by stating this to be a very informative trip.*

**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:** *Commissioner Raspe introduced the agenda item to the Commission and informed on Citizen requests for a repair bid for the old City Hall building. Commissioner Raspe stated to look for a vote and discussion on the matter for the citizens that have expressed concern to him. Commissioner Raspe informed of a letter from a general contractor and asked it to be read into the record. Mayor Trefry agreed. Commissioner Raspe read the letter into the record. Commissioner Raspe continued by expressing his thoughts on obtaining bids for repairs. City Attorney Smits cautioned on the proper bidding process for contractors attending the meeting.*

*Mayor Trefry asked on the recommendation from staff from the February meeting. City Administrator Turner advised on costs for engineering plans and architect drawings. Commissioner Harding cautioned on not having complete information, the size of the old building, and the building having degraded over the last five years. Commissioner Harding referred to his February study with estimates and concerns on the old building being below flood level and significant increases in flood insurance. Commissioner Foster spoke on the building having sustained damage from Irma, and his views on what it requires to put back together as well as charter requirements. Commissioner Foster suggested what repairs are needed as well as mold mitigation and asbestos removal. Commissioner Foster continued talking on FEMA and ADA requirements. City Attorney Smits informed on the need to have ADA requirements completed. Discussion continued on requirements.*

*Vice-Mayor Ramsay-Vickrey advised to wait for the bid to close in June before spending further monies. Vice-Mayor Ramsay-Vickrey voiced agreement with Commissioner Harding on the need for an engineer and architect, concerns on the building being in a flood zone, and hurricane emergency operations.*

*Mayor Trefry spoke on adding the topic to the May agenda if there was a consensus for a vote. City Attorney Smits spoke on how to go forward and will advise at the next meeting.*

*Mayor Trefry asked for a consensus from the Commission on how to proceed.*

*Commissioner Foster supported a bid to go out.*

*Commissioner Harding agreed with Vice-Mayor Ramsay-Vickrey to wait until June and gave further thoughts.*

*Vice-Mayor Ramsay-Vickrey agreed with Commissioner Harding.*

*Commissioner Raspe supported for a bid to go out and gave further thoughts.*

*Mayor Trefry gave concerns on insurance increases and to continue with the bid package for a new City Hall. Mayor Trefry talked further on the bid opening, holding a special meeting, and bid procedures.*

*Mayor Trefry spoke on the Commissioners consensus on three to two not wanting to go forward. City Attorney Smits gave options on how to proceed.*

*The Commission continued discussion on how to move forward including the option of a referendum. City Attorney Smits advised on a special election process. Commissioner Foster asked on alternates to obtain answers to a non-binding question. City Attorney Smits gave his opinion on the suggestion and further discussion followed.*

*Mayor Trefry asked for consensus on having a bid package as a votable item in June.*

*Vice-Mayor Ramsay-Vickrey confirmed preference to wait until June.*

*Commissioner Harding stated yes.*

*Commissioner Foster stated support for a bid package without engineering and architect plans and voiced concerns on the building being demolished.*

*Mayor Trefry gave direction to staff to bring back the topic in May with information on a vote, cost, and timeframe.*

*The Commission continued discussion on a poll, public records, and residents concerns on repercussions for a support of a new City Hall.*

**c. Commissioner Harding**

***i. Wastewater sampling results:** Commissioner Harding updated on Wastewater sampling for Covid and Monkeypox. Commissioner Harding informed on costs and reimbursement opportunities, results, and the ability to follow spikes. Commissioner Harding continued explaining data and the reasoning behind the program.*

*Commissioner Harding further updated on a meeting with FDOT related to grants and funding for the 2024 budget. Commissioner Harding informed about National Hurricane Awareness week on April 30<sup>th</sup> - May 6<sup>th</sup> with a special event at the Marathon Airport on May 5<sup>th</sup> and attending the South Florida Regional Planning Council Meeting.*

*Mayor Trefry directed staff to publish the flyer on the May 5<sup>th</sup> event.*

**d. Vice-Mayor Ramsay-Vickrey:** *Vice-Mayor Ramsay-Vickrey reported on participating in the St. Patrick's Day Parade, attending the March Beautification Award, the Rotary luncheon, the County FEMA meeting, listening to the Recreation Committee meeting, attending the Library Advisory Committee, the Chamber of Commerce Luncheon, and attending the National Marine Sanctuary Meeting with an update on the Sargassum situation. Vice-Mayor Ramsay-Vickrey informed of the expected sargassum influx and informed on details on size, weight, and expected effect on sea turtle hatchlings. Vice-Mayor Ramsay-Vickrey informed on the expected arrival at mid-summer and current conditions in Key Colony Beach. Vice-Mayor Ramsay-Vickrey asked for staff to publish the Florida Department of Health Public Health Warning on Sargassum. Mayor Trefry agreed. Vice-Mayor Ramsay-Vickrey thanked staff for the Sea Turtle season advisory that was shared with the Public.*

**e. Mayor Trefry:**

*Mayor Trefry congratulated Building Official Lenny Leggett on having passed his exam on Code and Standards on his first attempt as the first student ever and thanked him for all his work. Mayor Trefry further informed that the Sheriff Rick Ramsay donated a surplus vehicle to replace the Code Officer's vehicle and thanked the Sheriff for the donation.*

*Mayor Trefry further informed on attending the Volunteer Board meeting and the Animal Shelter fundraiser.*

**i. City Administrator Performance Review Summary:** *Mayor Trefry informed on the on the results of the performance review and asked for any additional questions.*

*Commissioner Foster asked for the addition of the City Administrator's phone number to the website.*

*Commissioner Harding commented on having a good review and discussion with City Administrator Turner.*

*Mayor Trefry thanked the Commissioners for the insights provided.*

*City Administrator Turner informed that Representative Jim Mooney and his girlfriend were in an accident and to keep both in prayers.*

**13. Adjournment:** *The meeting adjourned at 02:49 pm.*

*Respectfully submitted,*

*Silvia Gransee*

*City Clerk*

## Comparison of existing policy and changes

### 3.5 of handbook Vacation Leave

Now states 1 to 5<sup>th</sup> year for police earns 84 hours new policy **no change**.

1 to 5<sup>th</sup> 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.**

# IEMO I (Tampa)

- **Dates:** 06 – 07 Oct, 2023
- **Time:** 8:00 AM to 5:30 PM

**Dates:** October 6-7, 2023

**Time:** 8:00 AM to 5:30 PM

Location:

Embassy Suites by Hilton Tampa Airport Westshore  
555 N. Westshore Boulevard, Tampa FL 33609

Hotel Room Rate: \$155.00++

Registration Member Rate: \$300.00

Registration (coming soon)



## **SPECIAL MAGISTRATE CODE COMPLIANCE PROCEDURES**

### ***I. Definitions***

- A. "Agenda" means the list of cases scheduled to be heard by a Special Magistrate.
- B. "Attorney" means a person admitted to practice law in the State of Florida, and who is a member in good standing with the Florida Bar.
- C. "City" means the City of Key Colony Beach, Florida. When the context indicates the party prosecuting the case on behalf of the City, the term refers to either the City Attorney, the Inspector, or both, as the context or circumstances may warrant.
- D. "City Attorney" means the office of the City Attorney, the City Attorney, or an attorney representing the City, as the context or circumstances warrant.
- E. "Clerk" means the Clerk assigned to coordinate cases to be heard by the Special Magistrate for Code Compliance, City of Key Colony Beach.
- F. "Code" means the City of Key Colony Beach Code of ordinances, and the South Florida Building Code, Monroe Edition, or any other Code incorporated within the foregoing Codes, when the context so indicates. The term also includes any ordinance of Monroe County, or law of the State of Florida, which the City of Key Colony Beach has authority to enforce by the code compliance procedure.
- G. "Compliance date" means the date upon which a Respondent is required to bring the subject property into compliance with respect to one or more violations.
- H. "Counsel" means an attorney.
- I. "Department" refers to the Division or Department or other Agency of the City of Key Colony Beach, having the authority to enforce or prosecute Code violations.
- J. "Division" refers to the Division or Department or other Agency of the City of Key Colony Beach, having the authority to enforce or prosecute Code violations.
- K. "Inspector" means an authorized agent or employee of the City whose duty includes inspecting for, and reporting, violations of the Code.

- L. "Judicial Notice" is the acceptance or recognition of a fact or matter as being true or as having been established, without the necessity of independent proof. Laws, matters of common knowledge, and records of the Special Magistrate are typical subjects of "judicial notice".
- M. "Notice of Hearing" means any paper served on a respondent, when the paper includes notice that a hearing will be held on a specific date, at a specific time and at a specific location. The term includes Orders which contain a provision continuing a hearing to, or setting a hearing on, a particular date.
- N. "Owner" means the person or persons reflected as the property owner in the most recently certified real property ad valorem tax rolls of Monroe County, or other official documentation contained within the public records of the City of Key Colony Beach or Monroe County. Additionally, in the case of multiple or joint ownership, notice to one owner shall be considered as notice to all multiple or joint owners.
- O. "Penalty Hearing" means a hearing at which evidence may or may not be taken, but at which a Special Magistrate may assess a fine or penalty.
- P. "Property" means the property on which, or with respect to which, a violation occurs.
- Q. "Recurring Violation" means a violation of a provision of the Code or an ordinance which:
  - (1) was previously cited against a respondent, and (2) was corrected (or otherwise brought into compliance) without an Order being entered reciting the existence of the violation, and (3) the same violation was allowed to again occur on the same property by the same respondent.
- R. "Repeat Violation" means a violation of a provision of the Code or of an ordinance by a person who has been previously found through Special Magistrate or County Judge to have violated, or who has admitted violating the same provision within five (5) years prior to the violation, notwithstanding that the violations occur at different locations.
- S. "Representative" means any person, other than an attorney, who appears on behalf of a respondent.
- T. "Respondent" see definition of "Owner".
- U. "Special Magistrate" means a Special Magistrate of Code Compliance, duly appointed by the Key Colony Beach City Commission.

- V. "Tax Roll Address" means the address of the property owner, as reflected in the latest copy of the Monroe County Real Property Ad Valorem Tax Roll, for the property which is the subject of a violation.
- W. "Violation Hearing" means an evidentiary hearing at which a Special Magistrate may determine that a violation has occurred.
- X. "Working Day" means a day which is neither a Saturday, nor a Sunday, nor a holiday observed by the City by closing of nonessential services and departments.

## **II. General**

- A. Copies of notices, Orders and other communications other than the initial service of Notice of the Violation Hearing, may be personally served on respondent, but otherwise shall be mailed to respondent at the tax roll address unless:
  - 1) The City determines a different address should be used, and the address used satisfies requirements of due process and notice;
  - 2) The respondent was served at an address different from the tax roll address, in which case the address of service may be used if it satisfies the requirements of due process and notice;
  - 3) Respondent shall have specified in writing another address to which items should be sent, the specified address shall be used.
- B. Hearings may not commence prior to the time specified in the Notice of Hearing, unless all parties are present and do not object.
- C. Agendas are maintained by, and compiled by, the Clerk.
- D. Under every proceeding by or before the Special Magistrate, fundamental due process shall be observed.
- E. All copies of notices, motions, Order, pleadings, and other papers which are furnished to the City or required to be served upon the City shall be sent to or served on the Clerk for the Special Magistrate, unless the City Attorney shall request otherwise.
- F. In all proceedings in which the city may have the right under federal or state statutory or case law, or by contract, to seek reimbursement for attorney's fees, charges, or other costs incurred by the city attorney's office personnel, the city attorney shall actively pursue obtaining a judgment in favor of the city for such fees, charges, and costs. The basic

hourly rates for services rendered by city attorney's office attorneys and staff for which reimbursement is sought shall be established in accordance with the hourly rates in the city attorney's contract.

### **III. Violation Hearing**

#### ***Notice:***

- A. ***Required Notice.*** The Clerk shall provide the respondent with at least seven (7) business days' written notice of the hearing.
- B. ***Notice to Reflect Violations.*** The notice shall either recite the nature of the violation and the code section or ordinance violated or reflect that a copy of the Notice of Violation is attached.
- C. ***Other Notice Requirements.*** The notice shall contain, or have attached, the following statement:

"If you wish to be represented by an attorney, you or your attorney should provide written notification to the Clerk at least three (3) business days before the scheduled hearing date, giving the name, address and phone number of your attorney. Failure to do so may result in your case not being called for hearing on the date or time scheduled."
- D. ***Abatement and Repair.*** The notice shall contain a statement that if a violation is found and determined to present a serious threat to the health, safety, and welfare of the community, an Order abating or repairing the violation by City forces may be made with charges to the property owner.
- E. ***Notice to Contain Possibility of Fine.*** The notice shall contain an admonition that a fine may be imposed at the Violation Hearing, or may be deferred to a Penalty Hearing, and shall recite the maximum fines which may be imposed.
- F. ***Recurring Violations.*** If the alleged violation is a recurring violation, the Notice of Hearing must recite that the alleged violation is a recurring violation, and if the property is again brought into compliance before the hearing, the Special Magistrate shall make a determination that future findings of the same violation shall make said violations eligible to be fined in the amount of repeat violations.
- G. ***Service.*** The initial Notice of Violation Hearing shall be served:
  - 1) by hand delivery to the respondent; or

- 2) by leaving the notice at the respondent's usual place of residence with a person residing therein who is above 15 years of age, and informing that person of the contents of the notice; or
- 3) by Certified Mail, with evidence of delivery; or
- 4) by publication, as provided in Chapter 162, Florida Statutes, provided a copy shall also be mailed to respondent by U.S. First Class Mail; or
- 5) by posting as provided in Chapter 162; or
- 6) by any other method allowed by law.

H. ***Individuals Authorized to Serve Process.*** Unless otherwise provided, service by delivery or substitute service may be accomplished by:

- 1) any Sheriff or other Law Enforcement officer; or
- 2) any Inspector; or
- 3) any duly licensed and authorized process server.

I. ***Subpoenas.***

The Department or the respondent or the attorney for either may request that witnesses be subpoenaed or that records, or other tangible items be subpoenaed for the Hearing.

- 1) Subpoenas shall be prepared by the Clerk for issuance by the Special Magistrate. The Special Magistrate may require a showing of good cause as a condition before a Subpoena will be issued.
- 2) Subpoenas may be served by Key Colony Beach Police officers, or by any other party authorized by law to serve subpoenas.
- 3) An Affidavit of Service shall be completed for each subpoena served and shall be retained in the Clerk's files.
- 4) Respondent shall pay to the City a fee of \$25.00 for each subpoena to be served or to be attempted to be served on behalf of the respondent, and shall furnish the Clerk a pre-stamped, pre-addressed envelope if respondent wishes a copy of the Affidavit of Service, or a note that service was not obtained.

J. ***Purpose.*** The Special Magistrate will hear and shall consider the testimony and the other evidence presented. Following presentation of testimony and other evidence, the Special Magistrate may render a decision and enter such Orders as shall be appropriate and just.

**K. *Calling of Cases on Agenda.***

- 1) The cases *on* the agenda shall be called at the direction of the Special Magistrate, and cases may not necessarily be called in the Order in which the cases appear on the agenda.
- 2) Cases involving attorneys may be specially set at the discretion of the Special Magistrate.

**L. *Procedure***

Hearings will be generally conducted as follows:

- 1) Opening statements (about what each side expects the evidence to show) may be permitted by the Special Magistrate but are not required. When permitted, the City Attorney or the Inspector explains what the City expects to show, and the respondent or the respondent's attorney explains what the respondent plans to show.
- 2) Case in chief: The City is expected to present its case, and the respondent may cross-examine the city's witnesses. "Cross-examine" means to ask questions of the witness, and does not mean to argue with the witness, nor to explain why you may disagree with the witness.
- 3) Defense: Respondent may put on its defense to the alleged violation(s), and the City may cross-examine the Respondent's witnesses.
- 4) Rebuttal: The Special Magistrate may permit the City to rebut the respondent's case and to present additional evidence; and the Special Magistrate may, under special circumstances, permit the respondent to respond to the City's rebuttal evidence and to present additional evidence.
- 5) Closing arguments and recommendations: The Special Magistrate may permit the City to summarize its case, argue issues of fact and law, and make a recommendation as to the disposition of the case. The Special Magistrate may, and if the City is permitted to make closing argument, the Special Magistrate shall, permit the respondent or its attorney to summarize its case, argue issues of fact and law, and make a recommendation as to the disposition of the case.
- 6) Disposition by the Special Magistrate: The Special Magistrate may, at his or her discretion and depending upon the relevant circumstances, take a case under advisement and enter an Order at a later date and time.

**M. Rules.**

- 1) The Special Magistrate may, at any time, interject questions, either as to the facts or as to matters of law and procedure.
- 2) Parties may object to questions whether posed by the other party or by the Special Magistrate.
- 3) The Special Magistrate may permit deviations from these hearing procedures, if he deems it appropriate, provided he may never deny a respondent an opportunity to be heard before ruling against the respondent.

**N. Evidence.**

While the Florida Evidence Code does not apply to Code Compliance hearings, basic principles of objections and exclusion of evidence may be followed when evidence offered lacks probative value.

- 1) In general, evidence which is relevant will be admitted if, in the opinion of the Special Magistrate, it is the type of evidence upon which reasonable and responsible person would normally rely in the conduct of everyday business and other affairs. Relevant evidence is evidence which tends to prove or disprove a matter in issue.
- 2) Irrelevant, repetitious, and other evidence with lacks probative value may be excluded.
- 3) Hearsay evidence, while admissible, will normally be, accepted for the purpose of supplementing or explaining direct evidence, but hearsay evidence is not normally considered sufficient to support a finding or decision unless such evidence would be admissible as *an* exception to the Hearsay Rule under the Florida Evidence Code.
  - a) Proceeding in Absentia - If written notice of the Hearing has been duly served upon a respondent, the Special Magistrate may, upon review of the file, conduct the hearing in absentia, and may render Orders in the same manner as if the respondent were present and standing mute.
  - b) At the conclusion of the presentation of each case, the Special Magistrate may make such findings of fact and conclusions of law as may be appropriate and issue an Order which may dismiss the case, reach a decision in accordance with the purpose of the Hearing, continue the case to a date certain or indefinitely until reset, or provide for such other action as may be appropriate and proper.



c) Standard of Proof - The standard of proof which will be used is the greater weight of the evidence.

d) Recurring Violations - If the alleged violation is a recurring violation, the City shall present evidence at the violation hearing to support the allegation that the violation is a recurring violation. The Special Magistrate may take "judicial notice" of matters in previous cases and other City files.

e) Repeat Violations - if the alleged violation is a repeat violation, the City shall present evidence at the penalty hearing to support the allegation that the violation is a repeat violation. The Special Magistrate may take "judicial notice" of matters in previous cases and other City files.

f) Dismissals - The City Attorney or the assigned Inspector may at any time move to dismiss a case. The Special Magistrate may make an appropriate inquiry prior to exercising discretion to grant a Motion to Dismiss.

g) Stipulations:

1. At any time prior to a case being called, a respondent may enter into a stipulation with the City agreeing to any matter, including but not limited to the following:

a. That the respondent has, in fact, committed a violation, or that a violation has occurred on respondent's property.

b. That the violation shall be corrected on or before a specific date, subject to approval by the Special Magistrate.

c. That the penalty for allowing the violation to continue beyond the specified date shall be fixed at a given amount, subject to approval by the Special Magistrate.

2. A stipulation for a compliance date may be disapproved if the Special Magistrate finds it to be excessively liberal or restrictive, and a penalty agreement may be disapproved if the special Magistrate finds it to be grossly excessive or grossly insufficient. The Special Magistrate may, but has no obligation, suggest a modification which will be acceptable. Upon disapproval of any portion of a stipulation, the respondent or the City may;

a. Withdraw the stipulation, preserving the right to appeal on the ground that the Special Magistrate abused his or her discretion in disapproving the stipulation.

b. Allow any remaining portion of the stipulation to stand, and either proceed to hearing on the remainder, or submit the penalty provisions to the Special Magistrate to make such decision as he deems proper.

#### **O. Orders.**

1. All Orders shall be signed by the Special Magistrate who makes the determination that the Order should be entered. If an Order is based on evidentiary matters, it must be signed by the Special Magistrate who hears the subject evidence.

2. Copies of Orders shall be furnished to respondent and to the Department.

3. In the event the Special Magistrate determines the Findings of Fact support the Conclusion of Law that a violation exists, the Final Order:

a) Shall reflect the Findings of Fact which support the Conclusions of Law that a violation exists or, for recurring violations, that a violation has occurred, was corrected, and allowed to recur.

b) May mandate that the respondent take whatever steps are necessary to correct the violation and bring the subject property into compliance by a time certain as set forth in the Final Order. The Final Order will normally specify the date for the Penalty Hearing at which the special Magistrate will determine what, if any, fine should be imposed for the violation; or a penalty may be predetermined in the Final Order without the necessity of a subsequent Penalty Hearing.

c) Should, in situations where the respondent must have a ruling that there is a violation, as a prerequisite to applying for or obtaining a variance, provide for a period of time for the respondent to apply for a variance. The Order should further provide that if a variance has been sought within or before the specified time, the compliance date will be extended until a fixed period of time following final disposition of the variance request.

d) If the violation is not a repeat violation or a violation that has been determined as a recurring violation, the Final Order may recite that a fine of up to two hundred fifty dollars (\$250.00) may be imposed for each day beyond the compliance date the violation is not corrected. In

the event the violation is a repeat violation or had been previously determined to be a recurring violation, the Final Order may recite that a fine of up to five hundred dollars (\$500.00) may be imposed for each day the repeat violation continues beyond the compliance date.

e) The preceding fine amounts shall not apply if a Key Colony Beach ordinance or code section specifically provides for a fine amount for that violation of the ordinance or code section.

f) If the fine is predetermined in the Final Order, the fine assessed for each violation shall not exceed the foregoing limitations.

g) No fine shall become effective or commence without further specific action by the special Magistrate. If the fine is predetermined in the Final Order, a separate "Order of Imposition of Fine and Claim of Lien" must nevertheless be entered, actually imposing the fine(s).

h) Re-Inspection of the violation to Determine Compliance with the Requirements Set Forth in the Final Order. After the expiration of the time limit set for compliance in the Final Order, the Inspector shall re-inspect the location where the violation occurred to determine if the Final Order has been complied with.

If compliance has occurred, within the compliance period, the Inspector shall complete an Affidavit of Compliance and submit the Affidavit to the Clerk who shall place the Affidavit into the file and close the case. A copy of the affidavit shall be mailed or delivered to the respondent. Otherwise, the Inspector shall notify the Clerk who shall insure the case remains on the Agenda for Hearing.

i) The Special Magistrate shall assess an administrative cost of \$360.00 for each case brought before the Special Magistrate where at least one violation has been found against a violator plus the cost of prosecution. The Special Magistrate, in his discretion, may reduce said administrative cost where he finds extraordinary circumstances to do so.

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#### **IV. Penalty Hearings.**

A Penalty Hearing shall be held if a penalty is to be considered or assessed based on non-compliance with a Final Order or if a penalty is to be considered or assessed for a repeat violation.

##### **A. Notice.**

1) A copy of the Final Order and, if applicable, a copy of the Notice of Hearing to Impose Fine, shall be served as provided in Section II(A), (unless the case involves a repeat violation) not fewer than seven (7) business days before the hearing.

2) If the case involves a repeat violation, a copy of the Notice of Hearing to impose Fine for a repeat violation shall be served as provided in Section II(A), not fewer than seven (7) business before the hearing.

The Clerk shall send copies of the Notices of Penalty Hearings to the Department.

##### **B. Purpose.** The Special Magistrate shall consider the case to determine:

1) Whether there has been compliance with the Final Order or if the violation is a repeat violation and what, if any, penalty should be imposed.

2) If health, safety and welfare is threatened, whether city forces should repair or abate the violation found.

##### **C. Procedure.** The procedure for a Penalty Hearing shall be:

1) The case shall be called at the direction of the Special Magistrate.

2) The Clerk of the Special Magistrate shall introduce the case.

3) The City shall present any additional evidence which it believes may bear on the case, which may include the failure of the respondent to comply by the specified deadline, *or* which may bear on what penalty, if any, should be imposed. The City and the Inspector may argue or comment on the nature and severity of the violation, and may recommend what, if any, penalty should be imposed.

4) The respondent may present evidence which is believed to bear on the violation and the penalty, if any, to be imposed, and may argue or comment on the nature and severity of the violation, on what if any penalty should be imposed, and on comments by the city and Inspector.

- 5) At the conclusion of the presentations, the Special Magistrate should determine;
  - a) whether compliance has occurred;
  - b) what, if any, penalty would be imposed;
  - c) whether any changes or modifications should be made to the Final Order;
  - d) if there is sufficient grounds for the penalty hearing to be continued;
  - e) whether the violation is serious enough such that City forces should repair or abate same authorizing a lien for reasonable expenses on the property;
  - f) In emergency situations, if City forces have already repaired or abated a violation, the Special Magistrate may confirm the right of the City to have done same, authorizing a lien for reasonable expenses on the property.
- 6) The Special Magistrate shall consider all factors which bear on what a fair and just penalty should be, but must consider the following factors;
  - a) the gravity of the violation, and
  - b) any actions taken by the respondent to correct the violation, and
  - c) any previous violations committed by the respondent.

**D. Orders.**

- 1) If the Special Magistrate determines that there has been satisfactory compliance, then the Special Magistrate shall enter a finding of compliance. If he finds that a penalty is not warranted, he shall so direct, and the Clerk shall close the case with a notation to that effect.
- 2) If the Special Magistrate determines that compliance has not occurred, that compliance did not occur within the compliance period, or that the violation was a repeat violation, or that a penalty should be imposed notwithstanding subsequent compliance, the Special Magistrate may:
  - a) Issue an Order of Imposition of Fine and Claim of Lien, which Order shall be notarized; and the Clerk shall forward a copy of the Order of

Imposition of Fine and Claim of Lien to the respondent and owner, if applicable.

b) Allow an additional amount of time to remedy the violation if the Special Magistrate determines the respondent has initiated appropriate steps for compliance, or that such action is otherwise justified.

c) Continue or reset Hearing.

d) If the violation presents a threat to the public health, safety, and welfare, require the City Administration to make all reasonable repairs or abate the violation such to bring the property into compliance and charge the violator with reasonable cost of repairs along with the fine imposed. Same to be notarized and forwarded to respondent and owner as provided in Section 4(B)1 above.

e) Order such other and further relief as may be proper, within his power.

f) Do any combination of the foregoing.

3) Copies of Orders shall be served as provided *in* Section II-A.

E. Lien Documentation and Recording - The original Order shall be submitted to the Monroe County Clerk of Court, to be recorded among the Public Records of Monroe County, Florida with a copy to be retained in the file pending return of the recorded Order.

F. Satisfaction of Liens - The total fine and/or cost of repairs shall be computed from the date set forth in the Final Order, as subsequently imposed by the Special Magistrate in his Order of Imposition of fine and claim of Lien, through the date on which compliance has been determined to have occurred.

1) Upon payment of the fine, and/or costs of repairs, as calculated above, or upon other termination or satisfactory disposition of the fine, the Clerk shall have a Satisfaction, or Release, of Lien recorded in the Public Records of Monroe County, Florida.

2) Payment may be made by any means acceptable to the City. Payments are received subject to clearance, and the Satisfaction or Release of Lien will not be recorded until cleared funds are verified by the City.

G. Foreclosing Lien - The Special Magistrate may request that the City foreclose upon any Claim of Lien pursuant to Chapter 162, Florida Statutes.

## **V. Applications for Relief**

### **A. Reconsideration Hearing.**

- 1) **Application.** A signed application for relief from any Order imposing a fine by a Special Magistrate or by a prior Code Enforcement Board including an Order of Imposition of Fine and Claim of Lien may be filed with the Clerk for the Special Magistrate. In order for the Clerk to process an application for relief, all the violations in the original case must be in compliance and the application must include:
  - a) Name and address of applicant. If represented by an attorney, the name and address of the attorney must also be given, and the attorney must either file a Notice of Appearance, or must sign the application.
  - b) Address or brief legal description, or both, of the property on which the violation occurred.
  - c) Sufficient information (which should include nature of violation, date or approximate date on which violation occurred, date, or approximate date on which finding of violation was made or on which penalty was imposed, and file number) for the Clerk to identify the file. A copy of the Order should be attached.
  - d) A brief explanation of the relief sought, and why such relief should be granted.
- 2) **Initial Consideration.** The Clerk shall refer the application to the Special Magistrate. The Special Magistrate may either summarily deny the application, or may refer the application to the City for response, in which case the copy of the application shall be sent to City Attorney and to the Department, which may, within ten (10) calendar days of the referral, file a response, mailing a copy of the response to the attorney for the applicant, or to the applicant if there is no attorney. Normally if an application is incomplete, relief will be summarily denied (without prejudice, meaning it can be refiled or amended).
- 3) **Hearing.** After expiration of the response time, or upon filing the response, the Special Magistrate may consider the application and the City's response. The Clerk shall notify the attorney for the applicant, or the applicant if there is no attorney, by U.S. First Class Mail, and the City, both not less than seven (7) business days prior to the scheduled hearing.
- 4) **Determination.** The Special Magistrate shall enter an Order denying or granting the requested relief, or such relief as the Special Magistrate may deem proper, and may direct such action as may be appropriate to effect the

ordered relief. If relief is denied because the property is not currently in compliance, such denial shall be without prejudice to refile the application. Copies of the Order shall be without prejudice to refile the application. Copies of the Order shall be furnished both to the City and to the respondent, and may be served by U.S. First Class mail.

- 5) **Appeal.** Relief under this section is strictly discretionary by the Special Magistrate, and the Special Magistrate's disposition might not be deemed appealable.

**B. Expedited Reconsideration Request.**

- 1) Relief under this section may only be considered for properties with a real estate closing scheduled for prior to the next available Special Magistrate hearing.
- 2) An application shall be completed as indicated in A(1) above.
- 3) The City Attorney with the concurrence of the Mayor and City Administrator may negotiate a reconsideration amount to the applicant.
- 4) The reconsideration Order shall be transmitted to the Special Magistrate for review and shall be subject to his/her approval.

**C. Settlement of Code Enforcement and Other Liens.**

The city attorney shall have the authority to compromise or settle any code enforcement lien or other lien imposed in favor of the city that has been imposed pursuant to law. Such settlement or compromise shall be upon such terms and conditions, and in such amount, as the city attorney deems just and appropriate under the particular circumstances. If a settlement or compromise is agreed to by the person or entity legally obligated to pay the lien, the city attorney may execute, on behalf of the city, any document that may be required for recording in the public records of the county to satisfy or release the lien as imposed. If no agreement can be reached, the matter shall be placed by the city attorney on the Special Magistrate agenda for reconsideration.

**VI. Appeal.**

Orders of the Special Magistrate determining the existence of a violation, determining that a violation is a repeat violation, directing corrective action, imposing a fine or penalty, or abatement or repairs by the City, are deemed to be final administrative Orders, subject to the right of an aggrieved party, including without limitation, the City or the respondent or owner, to appeal a Final Order of the Special Magistrate to the Circuit Court of the Sixteenth Judicial Circuit of Florida in and for Monroe County, Florida. An appeal must be filed within thirty (30) days of the rendition of the Order to be appealed. An Order is deemed to have been rendered when signed. An appeal of a Final Order directing corrective action shall not deprive the Special Magistrate of jurisdiction to conduct a penalty hearing or to impose a fine or penalty, or require abatement or repairs unless the Circuit Court hearing the appeal shall issue a stay Order, and a certified copy of the stay Order shall be delivered to the Clerk or to the Special Magistrate prior to the penalty hearing.



## **VII. Internal Special Magistrate Rules**

A. General. All hearings and related matters shall be conducted in accordance with the provisions and proceedings set forth in applicable City Ordinance and State Statutes.

B. Access by Public. All hearings and related proceedings of the Special Magistrate shall be open to the public.

C. Schedule. All regular hearings will be scheduled by the City. Hearings involving attorneys, relief from Final Orders, and other hearings may be specially set as may be permitted by the Special Magistrate.

D. Recording of Hearings. Hearings are recorded and any minutes or recordings may be kept by the Clerk. However, parties wishing a transcript for purposes of appeal or otherwise must supply their own Court Reporter.

E. Protocol. The proper reference to a Special Magistrate is "Sir" or "Ma'am", or by referring to the Special Magistrate by his or her name ("Mr. Smith" or "Ms. Jones"), or Mr. or Ms. Magistrate.

F. Ex parte Proceedings. Respondents, attorneys for respondents, inspectors, and the City Attorney are not normally permitted to contact the special Magistrate for the purpose of making ex parte communications (communications intended to be heard by the Special Magistrate but not by the opposing parties). Ex parte communications are permitted only in unusual circumstances when the Special Magistrate or the Clerk receives a communication which does not include a certificate or other indication that a copy had been furnished to the opposing party, a copy will normally be furnished by the Special Magistrate or Clerk to the opposing party.

### **G. *Disqualification.***

#### **1. *Permissive:***

The Special Magistrate shall promptly disclose to both the City and to the respondent any relationship he or she has or had had with the respondent, which either the City or the respondent may reasonably challenge as giving rise to prejudice for or against the City or the respondent.

If there is or was any relationship which exceeds usual business or incidental social contacts, the Special Magistrate shall afford both the City and the respondent an opportunity to disqualify him; and the case reset for the next available hearing by another Special Magistrate.

## **2. *Mandatory:***

If Special Magistrates are not satisfied that they can impartially hear and make a fair and just determination of a matter, or if they determine that they have a conflict of interest for which they should be disqualified, they shall announce the basis or nature of the basis for such prejudice, and they shall disqualify themselves. Nevertheless, upon disclosure of the relevant, upon request by both the City and the respondent, thus waiving the conflict or other impediment, the Special Magistrate may consider and determine that matter.

The City or a respondent may, not less than three (3) working days prior to the first hearing, file a verified motion to disqualify the Special Magistrate scheduled to hear that case.

a) The verified motion shall be promptly referred to the scheduled Special Magistrate, who shall promptly rule on the sufficiency, but not the merits, of the motion. If the motion is granted, another Special Magistrate shall be summoned to hear the case, and if necessary, the hearing shall be rescheduled.

b) Except as otherwise provided, the basis for disqualification shall be the same basis and procedure upon which judges would be disqualified, under Sections 38.01 - 38.10, Florida Statutes.

c) The time for filing the verified motion for disqualification may be extended by the Special Magistrate for good cause shown, but once a Special Magistrate shall have commenced a hearing on any matter requiring the presentation of evidence, even if the same shall be continued, he shall not thereafter be disqualified, except upon his own motion, nor shall he thereafter permit the filing of a disqualification motion.

3. Once a party has waived the right to disqualify the Special Magistrate, that party may not thereafter disqualify the Special Magistrate, unless the Special Magistrate shall make the findings required pursuant to F.S. 38.10.

**City of Key Colony Beach**

**Treasurer's Report – May 18, 2023**

✓ **April 2023 financial summary – General Fund**

- April financial summary not received yet for review, update to be sent out after financial summary is provided.

**Wastewater:**

- Total Income slightly below budgeted plan for 7<sup>th</sup> month, 3.7 % below targeted budget amount
- Expenses above budgeted amount by 1.6 %
  - Electricity above budgeted amount by 34%
  - Capital expense of \$167,476.37 not included yet for static screen balance and stainless-steel upgrade.
- Predicted expectation for end of fiscal year to be negative at this time.

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

**CITY OF KEY COLONY BEACH**

Warrant Number	0423
Items paid from to	April 1, 2023 April 30, 2023
General Fund Checking Account - 6871	\$231,776.15
Escrow Account - 5537	-
Payroll Account - 2942	\$78,535.57
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	\$9,750.00
Sewer Account - 6006	<u>\$68,203.82</u>
 TOTAL DISBURSEMENTS	 <u><u>\$389,565.54</u></u>

ORDINANCE 2023-484

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES RELATED TO “BOATS, BOAT TRAILERS, MARINE FACILITIES AND WATERWAYS”, ARTICLE III, “MARINE CONSTRUCTION AND IMPROVEMENTS, DOCKING OF BOATS”, DIVISION 3 “DOCKS, PIERS, AND MOORING EQUIPMENT”, SECTION 5-43, ENTITLED “ELEVATOR LIFTS” TO INCREASE THE MAXIMUM LIFTING CAPACITY FOR ELEVATOR BOAT LIFTS WITHIN THE CITY; 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, Florida (the “City”) requires review and approval by the City Commission of certain boat lift installations within the City, and

WHEREAS, the City Commission of the City of Key Colony Beach, Florida (the “City Commission”) desires to amend Section 5-43 of the Code of Ordinances, which sets criteria for which boat lift installations require City Commission approval; and

WHEREAS, the City Commission finds it in the best interest of the City to modify its Code of Ordinances to increase the maximum boat lift capacity; and

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

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, that:

**Section 1. Recitals.** That the above declarations are true and correct and incorporated herein; and

**Section 2. Amendment.** Section 5-43 of the Code of Ordinances for the City of Key Colony Beach, Florida is amended as follows:

~~Strikethrough~~ = deletion

**Bold underline** = addition

**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~~ **thirty-one** thousand (16,000 **31,000**) pounds. Lifts with capacities greater than ~~sixteen~~ **thirty-one** thousand (16,000 **31,000**) 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.~~

**Section 3: 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 4: 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 5. Effective Date.** This Ordinance shall become effective upon final adoption by the City Commission.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK;  
SIGNATURE PAGE TO FOLLOW]**

**FIRST READING** by the City of Key Colony Beach City Commission this 18<sup>th</sup> day of May, 2023.

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

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

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

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

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

\_\_\_\_\_  
Attest: Silvia Gransee, City Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Dirk M. Smits, City Attorney

\_\_\_\_\_, 2023 1st Reading  
\_\_\_\_\_, 2023 Date of Notice, Florida Keys Weekly  
\_\_\_\_\_, 2023 Second Reading

**RESOLUTION NO. 2023-04**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO APPOINT A RESIDENT OF KEY COLONY BEACH/MONROE COUNTY TO THE BOARD OF GOVERNORS OF CITIZENS PROPERTY INSURANCE CORPORATION OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Monroe County, Florida has among the highest property insurance premium rates in the State of Florida, despite having one of the strictest building codes in the State; and

**WHEREAS**, according to Fair Insurance Rates In Monroe (FIRM), property owners within Monroe County (the “County”) and the City of Key Colony Beach, Florida (the “City”) have paid Citizens Property Insurance (“Citizens”) over \$850 million in premiums since 2004, thereby averaging \$50 million/year in excess revenue (profit) to Citizens; and

**WHEREAS**, many property owners within the County and City rely on Citizens and the National Flood Insurance Program (NFIP) as insurers of last resort, and should have representation on the Board of Governors of Citizens Property Insurance Corporation of Florida (“Board of Governors”); and

**WHEREAS**, the terms of at least five members of the Board of Governors expire this year, and it would be of great benefit to the citizens of the City and Monroe County to have representation by the appointment of a local property owner/resident to one of the anticipated vacancies on that Board.

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

**Section 1.**     **Recitals.**     The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Urging Local Appointment to the Board of Governors of Citizens.**     The Key Colony Beach City Commission urges the Florida Legislature to appoint a resident of Monroe County/City of Key Colony Beach to the Board of Governors of Citizens Property Insurance Corporation of Florida.

**Section 3.**     **Transmittal.**     The City Clerk is hereby authorized to transmit a certified copy of this Resolution to Governor Ron DeSantis, Representative James “Jim” Mooney, Jr., and Senator Ana Maria Rodriguez.

**Section 4.**     **Effective Date.**     This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

(The remainder of this page has been intentionally left blank)



**PASSED AND ADOPTED** by the City Commission of the City of Key Colony Beach, Florida, at its regular meeting held on May 18, 2023.

**FINAL VOTE AT ADOPTION  
CITY COMMISSION OF KEY COLONY BEACH**

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

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

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

(City Seal)

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Dirk Smits, City Attorney

**RESOLUTION NO. 2023-06**

**A RESOLUTION BY THE CITY OF KEY COLONY BEACH,  
FLORIDA, ADOPTING SPECIAL MAGISTRATE CODE  
COMPLIANCE PROCEDURES.**

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**WHEREAS**, the City of Key Colony Beach, Florida (hereinafter "City") desires uniform procedures to provide guidance and structure to the City's Code Enforcement process; and

**WHEREAS**, the City Commission of the City of Key Colony Beach (the "City Commission") finds rules of procedure promotes efficiency with regard to conducting Code Enforcement of the City; 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 creates new Special Magistrate Code Compliant Procedures as reflected in **Exhibit A**, which is attached hereto and incorporated herein.
- Section 3.** The City Clerk is authorized to record this Resolution in the appropriate record book upon its adoption.
- Section 4.** 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.
- Section 5.** 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.

**PASSED AND ADOPTED** by the City Commission of the City of Key Colony Beach, Florida,  
at its regular meeting of the City held on May 18, 2023.

FINAL VOTE AT ADOPTION  
CITY COMMISSION OF KEY COLONY BEACH

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

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

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

(City Seal)

Approved as to form and legal sufficiency:

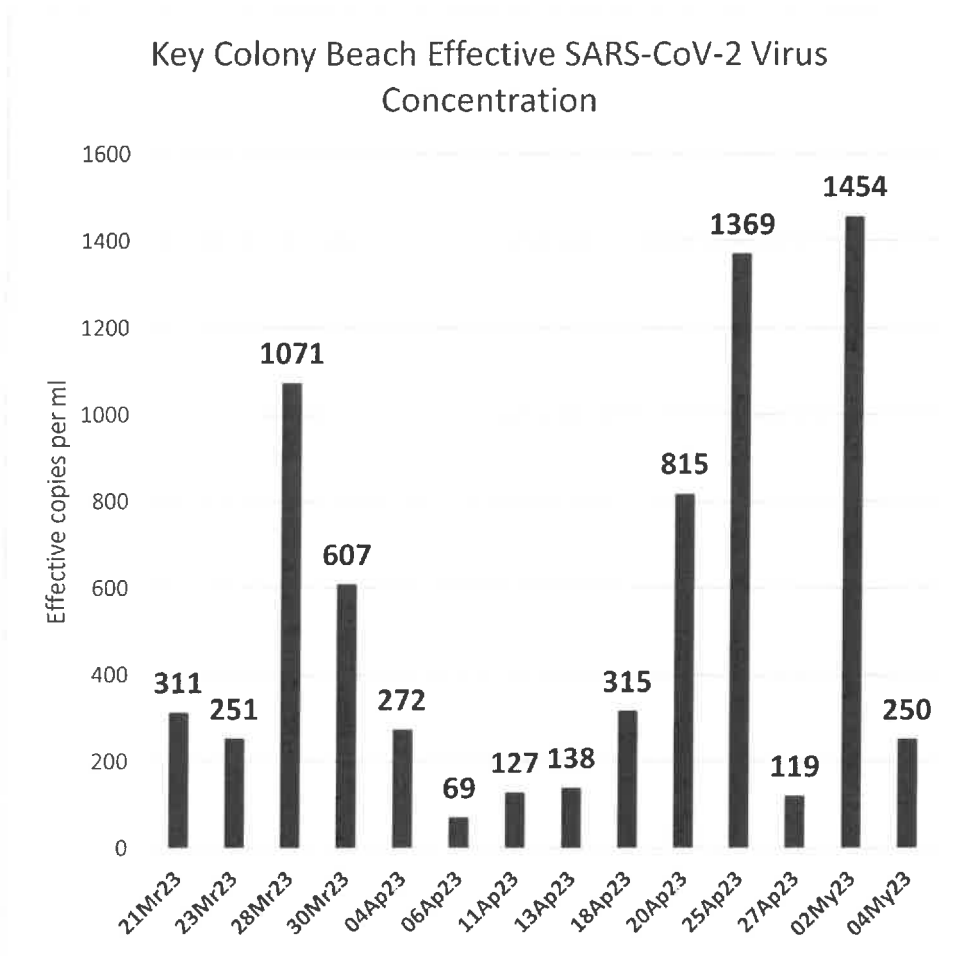
\_\_\_\_\_  
**Dirk Smits, City Attorney**

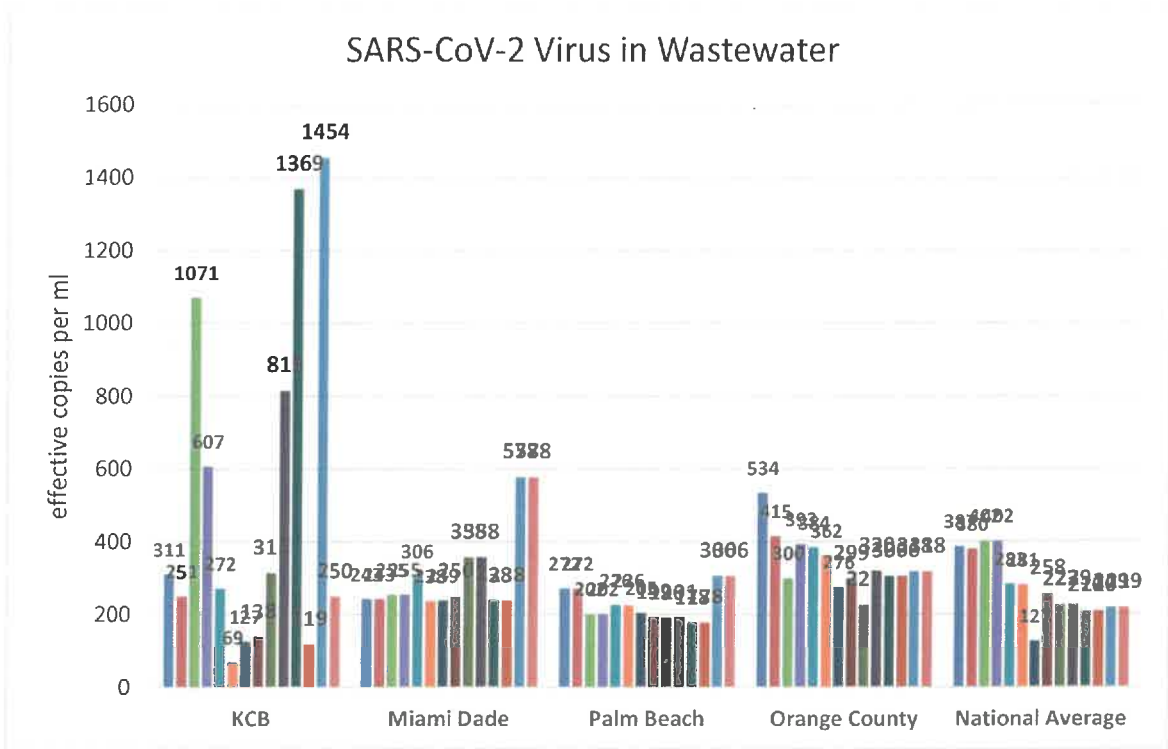
**City of Key Colony Beach**

**Wastewater Sampling Update for Concern Virus's – May 18, 2023**

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

- Total samples collected and analyzed to date - 14.
  - Estimated costs to date, \$2,100, awaiting April billing for labor costs from US Water.
- Plot of Key Colony Beach results to-date and comparison to other Florida Counties and the National Average:





- ✓ Mpx virus (Monkeypox) virus in Wastewater samples
  - Samples to-date have shown no detection of the Mpx virus in Key Colony Beach
  - Updated dashboard results showing a significant reduction throughout the United States in Dec 2022. Current rates for the United States South region are 1-2%, with overall United States down to 6-16 cases per week in the last 3 months.

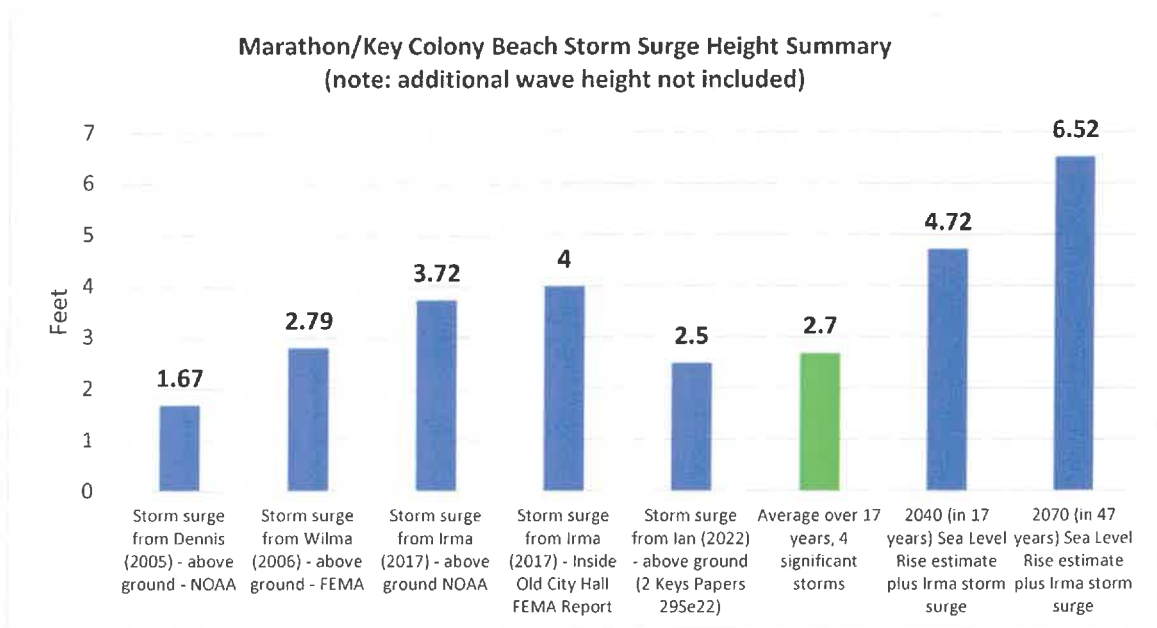
Summary Report by Tom Harding, based on Biobot/CDC data. 09My23

## City of Key Colony Beach

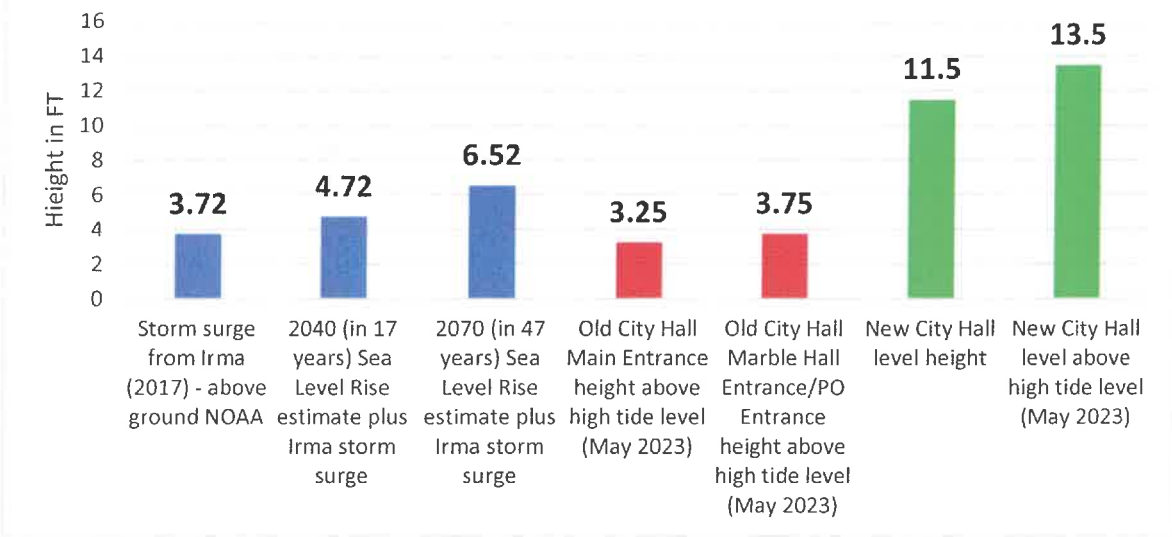
### Flood Risk – City Hall from Storm Surge – May 18, 2023

✓ Summarize Storm Surge Heights After Major Storm Events:

- Below plots summarize actual major storm surge heights, these values do not include the additional water height from wave action driven by hurricane storm winds.



### Key Colony Beach Height Comparison - Flood Risk



- ✓ Thus, the current City Hall is highly suspect to continued flooding in a major storm event and the flooding risk is aggravated by the expected Sea Level rise data approved by Monroe County for floodplain management.
  - Potential flooding concerns: three entry doors for the Post Office, south and north facing windows.
  - Potential flooding concerns: three entry doors for City Hall, two entrance windows, and a north facing window.
- ✓ New Proposed City Hall height is to the current KCB Building Codes with additional height protection to stay consistent with the Community Rating System (CRS) flood insurance cost saving recommendations. Thus, protecting for flood risk, including the wave action heights expected from hurricane storm winds.

Compiled by T. Harding with supporting data from the National Weather Service, 10My23.