

MINUTES

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

Thursday, June 9, 2022 – 9:30 a.m.

City Hall Auditorium & Virtually Via Zoom Conferencing

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

Present: *Mayor Trefry, Vice-Mayor Harding, Commissioner Sutton, Commissioner Beth Ramsay-Vickrey, Secretary-Treasurer DeNeale* **Also Present:** *City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Dirk Smits, City Attorney Ryan Benninger, Public Works Supervisor Mike Guarino, Building Inspector Gerald Leggett, Corporal Jamie Buxton, Code Enforcement Officer Stacy Stahl, Fire Chief John Johnson, Administrative Assistant Christine McLeod.*

Public: *7 Marble Hall, 9 Virtual*

2. Administration of Oath to Witnesses: *City Clerk Gransee read the Oath of Witness to all planning on testifying.*

City Attorney Dirk Smits advised Mayor Trefry to add an item to the agenda. Mayor Trefry stated that under agenda item 3 a. she will entertain a motion to refer the variance to a Special Master. The Commission had no objection.

3. Citizen Comments: *City Clerk Gransee reported on not having received any citizen correspondence or comments.*

Paul Savage, Attorney with Law Offices at 2555 Ponce-de-Leon Boulevard, Coral Gables, Florida, representing Casa-del-Sole. Mr. Savage stated that he has the house at 711 West Ocean Drive and that he received the notice of variance application as a property owner within 300 feet. Mr. Savage commented on hearing a motion, that the case may not be heard today and wanted to make sure that they were notified and that all variance procedures are followed including the findings of hardship. Mr. Savage concluded that they want to monitor any variances in the area and would appreciate any guidance from the city attorney on where the case is going next.

City Attorney Dirk Smits stated that if this case is referred to Special Master the procedures of notice will be followed. Commissioner DeNeale questioned the address that Mr. Savage had given at 711 West Ocean, which Mr. Savage corrected as his property being at 721 West Ocean and that he had a variance case concerning 711 West Ocean and thanked the Commissioner for the correction in record. Commissioner DeNeale stated that the property is outside of 300 feet which Mayor Trefry agreed to, and asked City Attorney Smits if this is for information purposes. City Attorney Dirk Smits stated that it depends on the outcome of the motion and if the case gets deferred to a Special Master, and the issue of standing can be addressed then.

A. *Mayor Trefry stated, that on advice of counsel, she is calling for a motion to refer the variance*

for 200 15th Circle in its entirety to a Special Master as selected by the City Attorney.

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to refer the variance for 200 15th Circle in its entirety to a Special Master as selected by the City Attorney.

DISCUSSION: Vice-Mayor Harding asked City Attorney Dirk Smits to explain the current proceedings. City Attorney Dirk Smits explained that at the last time the variance was in front of the Commission, two Commissioners expressed on the record that there would be an issue with being fair and unbiased. City Attorney Smits further explained that because of the requirements of a change to the recommendation from the Planning & Zoning Board, which requires four out of five votes, which the Commission currently does not have, is the purpose behind the Special Master. City Attorney Dirk Smits elaborated that the applicant is entitled to due process in accordance with quasi-judicial proceedings and will need to get due process by other means. City Attorney Smits further explained that a Special Master will make a report of recommendation and finding of fact and conclusions of law which will come back before the Commission for approval. The City Attorney continued saying that the Commission will give the Special Master's report great deference and make their decision based on that. City Attorney Smits stated that the bias will be eliminated, and due process will be afforded to the applicant which is the reason behind today's proceedings. City Attorney Dirk Smits stated that legal recommended this process and that a memo is available for reading.

ON THE MOTION: Roll call vote. Unanimous approval.

4. Adjournment: Mayor Trefry asked for a motion to adjourn.

MOTION: Motion made by Commissioner Ramsay-Vickrey, seconded by Vice-Mayor Harding, to adjourn the meeting.

ON THE MOTION: Mayor Trefry called the meeting adjourned.

The meeting adjourned at 9:37 a.m.

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: June 23, 2022

Silvia Gransee

City Clerk