

AGENDA

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, September 8, 2022 – 9:30 A.M
Temporary City Hall & Virtually via Zoom Conferencing
Zoom Meeting ID: 401 598 6999
<https://us02web.zoom.us/j/4015986999>

- 1. *Call to Order, Pledge of Allegiance, Prayer, Roll Call***
- 2. *Citizen Comments and Correspondence***
- 3. *Approval of Minutes***
 - A. 05-24-2022 Townhall Meeting Minutes - Pgs. 1-5*
 - B. 08-25-2022 Public Hearing Minutes – Pgs. 6-7*
 - C. 08-25-2022 Regular & Public Meeting Minutes – Pgs. 8-17*
- 4. *Agenda Additions, Changes, Deletions***
- 5. *Special Requests***
 - A. Proclamation: Childhood Cancer Awareness Week: September 25-October 1,2022- Pg.18*
- 6. *Committee and Staff Reports:***
 - A. Marathon Fire/EMS – Marathon Fire Chief.*
 - B. Recreation Committee – No report.*
 - C. Beautification Committee – No report.*
 - D. Disaster Preparedness Committee – No report.*
 - E. Planning & Zoning Board - No report.*
 - F. Code Enforcement Board – No report.*
 - G. Utility Board – No report.*
 - H. Police Department – Report submitted.*
 - I. Building Department – Report submitted*
 - J. Public Works – Report submitted.*
 - K. City Secretary/Treasurer – No report.*
 - L. City Clerk – Report submitted.*
 - M. Code Enforcement Officer – No report.*
 - N. City Administrator – Report submitted.*
 - a) City Hall Update*
- 7. *Commissioner Items for Discussion/Approval – None***
- 8. *Approval of Warrants – None***

“Members of the public may speak for three minutes and may only speak once unless waived by a majority vote of the commission.”

Letters submitted to the city clerk to be read at the Commission Meeting will be made part of the record but not read into record. Persons who need accommodations in order to attend or participate in this meeting should contact the city clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

9. ORDINANCES & RESOLUTIONS

A. Ordinances - First Reading

a) *Legal proof of Publications – Pgs. 19-20*

b) *Ordinance No. 2022-473 Building Recertification: An Ordinance Of City Of Key Colony Beach, Florida, Relating To The Establishment Of A Certification And Recertification Process For Existing And Future Multistory Structures By Adding Section 6-37, As Authorized By Florida Law; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances; Providing For Severability, Repeal, Codification, And An Effective Date. – Pgs. 21-23*

c) *Ordinance No. 2022-479 Chapter 2 Amendment: An Ordinance Of City Of Key Colony Beach, Florida, Amending Chapter 2, Article VII, Sections 2-86, 2-88, And 2-93 Of The Code Of Ordinances Of The City Of Key Colony Beach Related To Meetings Of The City Commission; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability, Repeal, And Codification; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date. – Pgs. 24-27*

B. *Ordinances – Second/Final Reading: None*

C. *Resolutions: None.*

10. Commissioner's Reports or Comments

11. City Attorney

12. Adjourn

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TOWNHALL MEETING MINUTES
Tuesday, May 24, 2022 – 9:30 A.M.
City Hall Auditorium & Virtually via Zoom Conferencing

1. Welcome & Introduction

City Administrator Dave Turner opened the Townhall meeting by stating that today's meeting is an informational meeting and questions will be answered at the end of the meeting.

2. Flood Insurance Update by FIRM

Representative Mel Montagne from FIRM, Fair Insurance Rates in Monroe, gave a presentation on National Flood Insurance changes. (Please contact cityclerk@keycolonybeach.net for a copy of the presentation.)

City Administrator Turner asked the representative how much of an increase he sees for a home on the ground. Mr. Montagne stated that the increase has a cap of 18% with an average of \$240.00 a year, however, on the declaration pages of the new policies it will state where the premium will ultimately be. Mr. Montagne explained that after x number of years the premium will end at x amount of dollars. Mr. Montagne cautioned that the number might not be 100% correct as FEMA will continued rate increases over the years. Mr. Montagne advised to obtain an elevation certificate to help with premium rates.

City Administrator Turner further asked Mel Montagne's recommendation on if a homeowner has a policy and thinks about dropping it. Mr. Montagne stated that under no circumstances should a policy be dropped. Mr. Montagne explained that the flood policy is the only policy that is assumable, which is important if the home will be sold in the future. Mr. Montagne further explained that if a homeowner wants to sell his home in the future the buyer can assume the rates of the flood policy. A home without a flood policy will be assessed at a full risk rate at "astronomical premiums" and some real estate transactions do not get closed.

City Administrator Turner asked what happens if a homeowner does not have a policy. Mr. Mel Montagne suggested to obtain a flood premium quote and as well as an elevation certificate.

Mr. Mel Montagne gave the website to obtain a copy of the white paper as well as a database of Risk Rating 2.0 at firmkeys.org.

Mr. Montagne further explained that when looking at the preliminary flood maps of Key Colony Beach the area of 7 and 8th Street is marked with a dark line which represents the new FEMA flood zone designated as Coastal A Zone. Mr. Montagne explained that the properties within that area that sustain damage will have to be rebuilt to VE construction standards, the highest rate flood zone there is. Mr. Montagne stated that the preliminary maps are being challenged and no answers have been given to the challenges.

City Administrator Turner asked Mr. Montagne to confirm that the proposed changes come from the Federal Government and FEMA which was confirmed.

An audience member asked a question on insurance rate increases for a property he would like to purchase and difference in quote in premiums. Mr. Montagne explained that the difference in premiums might differ due to how the agent put information in regarding rebuilding, however, did not understand an increase in the existing policy, Mr. Montagne offered to look at the case after the meeting.

Mr. Montagne further explained that the percentage is 50% of damage in the Coastal A Zone for

rebuilding.

An audience member asked if there is a difference in insurance premiums for properties at different heights. Mr. Montagne stated that there is no difference in premiums with different heights, however, advised to built higher to mitigate possible flood dangers.

Mr. Montagne encouraged residents to visit Firmkeys.org for further information and also for the ability to ask further questions.

A virtual audience member asked for available publications or guidelines on acceptable mitigation other than what the building code says. Mr. Montagne explained that there is none available for residential properties, however, for commercial property mitigation credits can be obtained with installations of flood panels among other things.

City Administrator Turner thanked Mel Montagne for joining the Townhall meeting. Mr. Montagne thanked the City Administrator and asked for anyone with questions to reach out and to visit FIRM's website at www.firmkeys.org for more information and contact information.

3-14. City Administrator/Building Official & Audience Questions & Discussion

City Administrator Turner explained that the city is working as much as possible with CRS, the Community Ratings System. The City Administrator further explained the ratings system and reported the city being rated currently at a 7. City Administrator Turner explained that the number presents a percentage of premium reduction and the work surrounding it. The City Administrator explained that some staff, a Commissioner, the Building Official, himself, in addition to some residents, are involved with the work surrounding the CRS rating. City Administrator Turner further explained the CRS requirements and the intention of being at the same ratings level as the County. The City Administrator continued saying that the city is working on following and partnering with the county to not incur any costs. City Administrator Turner said that it takes a lot of work to lower the rating and that FEMA is continuing to raise the rates with no explanations. The City Administrator explained that this one of the hurdles the City of Key Colony is trying to help its residents, in addition to raising the height of structures in the city. City Administrator Turner updated that Monroe County passed the new height ordinance of 40 feet throughout the county, and the City of Marathon went to 42 feet on residential properties according to Building Official Roussin, and the City of Layton and Key West are currently working on updating their height ordinances as well. City Administrator Turner explained that the Keys are a critically concerned area and that everyone is going up in heights. City Administrator Turner further stated that the newly passed Property Bill of Rights has to be considered as well, that states certain rights of a property owner.

Building Official Gerard Roussin recounted the history of the proposed FEMA Flood Maps which started in December 2018 at the Marathon Government Center. Building Official Roussin explained that in 2019 the topic was discussed during one of the Commission Meetings with the thought that these changes have to be addressed in the city's LDR's and height regulations. The Building Official explained the original modeling of the maps regarding water and the center of the island. Building Official further explained the changes in the new mapping and how various zones have changed and how building standards changed accordingly. Building Official Roussin continued explaining changed elevation levels throughout the island and gave an example of the Public Works Building and how much higher it would have to be built with new standards. The Building Official explained discounts on insurance rates in correlation with CRS and what the city

is trying to establish with LDR changes. Building Official Roussin described that in the beginning on height discussions multiple meetings were held with the Planning & Zoning Board in early 2020 to establish what the city and residents could accomplish. Building Official Roussin stated that residents of the R2B zoning made it clear that they wanted to be equitable to the rest of the city. Building Official Roussin explained the current zoning for the R2B zone as a single-story building with 20-feet of overall height. The Building Official recalled the feedback received was that residents in the R2B zone wanted to be able to rebuild to the same height as residents in other parts of the city. Building Official Roussin explained how the proposed new height was achieved with the Building Department and Planning & Zoning Board. The Building Official continued explaining zoning and building codes and that there was reasoning behind establishing a 40-foot height. Building Official Roussin gave an example of a property on 7th Street and explained the building codes that property would have to abide by. Building Official Roussin explained that residents wishes, the Property Right Bill, and proposed flood maps were taken in consideration when the proposed building height changes were worked on.

An audience member asked if property owner could rebuilt on 7th Street with a two-story building in the before mentioned scenario. Building Official Roussin explained that at a 40-foot height he would not be able to have 12-foot ceilings but rather approximately 9-foot ceilings with 5- or 6-foot roof height. The Building Official confirmed exact measurements of 10-foot ceilings and an 8-foot roof, with a starting point of the first finished floor at approximately 13.5 foot with a 43.5-foot overall building height with less than 3.5 foot for the elevation of the road which puts it at an overall 40-foot building height. Building Official Roussin explained that this would stretch most properties to the max with 10-foot ceilings on the first floor. The Building Official further confirmed that a 40-foot height would enable to rebuild on 7th Street a potential 2-story building. An audience member asked what would happen if a duplex was damaged on 7th Street and the owners do not agree on building up. Building Official Roussin explained that unfortunately the city has experienced that type of scenario, and the Planning & Zoning Board would have to conduct a Harmonious Review for a recommendation to the City Commission for approval. The Building Official explained that there are steps to address the situation and that the city will see more of those scenarios in the future.

City Administrator Turner asked the Building Official to explain substantial damage and how many years the rule goes back. Building Official Roussin explained that the current substantial damage look-back period is a 3-year window, which includes any and all work that occurred during that time. The Building Official continued saying if a house gets damaged more than 50 percent of the value of the house, not the property, than the house needs to be brought up to today's standards regarding all building codes. Building Official Roussin stated that once a house is substantially damaged, the house has to be rebuilt to what is required by flood insurance and building codes. Building Official Roussin confirmed that a pool is included in the calculations on the look-back period with current regulations. Building Official Roussin continued explaining the substantially damage determination and stated that if a property is substantially damaged it is time to bring it up to current property standards.

An audience member asked how the current value of the property is being calculated. Building Official Roussin explained that in general the value of the property gets taken of the property appraisers office but the Building Department has no problem accepting independent appraisals. An audience member asked if there are plans to place the damage of burden to the adjacent property. Building Official Roussin answered that this goes more towards litigation, but that owners usually work with each other, however, the code states that when doing construction, the

surrounding property has to be protected. Upon questioning, Building Official Roussin stated that the Building Department will take under consideration that a structural engineer can advise on potential structural damage.

An audience member asked if a pool is counted as a structure to the house. Building Official Roussin stated that a pool is counted as an improvement of value to the property. City Administrator explained that the land value is taken out of the value of the property. Further discussion on value and structures ensued.

An audience member asked what the advantage would be on a substantially determined damaged house, to which the Building Official replied that he could not think of a scenario unless it is a house that is 60 years old and went through its life cycle, and an owner would want to improve the house with help of insurances and or loans.

City Administrator Turner stated that if a home is on the ground the owner would be required to build up with any kind of assistance loans.

Upon questioning, City Administrator Turner and Building Official Roussin explained that a driveway could only be built as high as the allowable fill. Building Official Roussin further explained the rules on elevations for outside structures.

An audience member asked how condominiums will be affected. Building Official Roussin explained that buildings will be looked at in its entirety unless separated by tax records. Building Official Roussin further explained flood zone perimeters and changes.

An audience member asked if garages will be allowed if mandated to rebuild. Building Official Roussin explained that garages are always allowed, but rules apply to above or below flood designations. The Building Official stated that the amount of fill will be restricted on a property as well as the height of a pool since no flood water can be impeded.

An audience member asked on the anticipated implementation of the proposed height changes.

City Administrator Turner stated that the city will take all of the new information received from residents and absorb the feedback received. The City Administrator continued saying that the main goal is for everyone's property rights to be protected, and to do the right thing for everyone in the city as a whole. The audience member asked on direction for future designs as an architect. Building Official Roussin stated that upcoming flood maps are being explained to any new construction applicants, and that variance requests have been granted by the Planning & Zoning Board between 4 to 6 feet for height. The Building Official stated that this direction will continue with a case-by-case determination through a variance request.

An audience member asked how the height relates to ADA codes. Building Official Roussin explained that everything will still be handled the same way and that all codes like ramps, stairwells, etc. have to be compliant.

Audience member Joey Raspe stated to City Administrator Turner that complaints have been received of not being able to log into Zoom. City Clerk Gransee explained that one hundred participants were counted earlier in the meeting.

Building Official Roussin stated that the office is always open for any resident.

An audience member asked on the resale value of a property and the capping of insurance benefits at \$250,000.00. Building Official Roussin confirmed that rebuilding costs have to come out of the owner's pocket after the insurance benefits are paid. City Administrator Turner explained the resale value of a one-story house compared to a 2-story house. City Administrator Turner further explained the flood zone changes and stated the importance the everyone is treated fairly. City Administrator Turner continued saying that the city will work through these changes and the biggest concern is that everyone has the value of their property. Building Official Roussin

reminded everyone that these changes are FEMA driven and not local and driven by money. Building Official Roussin explained density versus occupancy and their difference. City Administrator Turner asked the Building Official to explain if a person would build out his entire property, on how many people he could put into the house. Building Official Roussin explained that an average lot on 7th street is 2,250 square feet for a single-family home which has ten people maximum per rental unit. The Building Official further explained occupancy calculations for vacation rentals and non-rentals. Building Official Roussin confirmed that a 4,400 square foot house with six bedrooms would only allow an occupancy of ten people in a short-term rental. Building Official Roussin confirmed that this rule is part of the city ordinance.

Audience member Dave McKeehan spoke to the audience in support of a 32-foot height limit. Mr. McKeehan explained his views on a 40-foot building height, conformity, and urged the Commission to find a balance and neighborhood stability.

Audience member Ron Foster spoke to the audience in opposition to the proposed 40-foot height restriction. Mr. Foster explained his main issues of occupancy concerns and stated his support for a 30-foot height restriction.

City Administrator Turner explained that the R2B zone consists of Sadowski Causeway, Clara and Coral, and 7th Street, and the proposed height would be across the board and a difficult process. The City Administrator stated that the city will be moving very slowly with the topic and observe if other changes on flood maps will be made.

An audience member asked a question on square footage on a half-duplex which Building Official Roussin confirmed that a duplex could be rebuilt at 2,200 square feet for a half-duplex.

An audience member asked on FEMA damage repairs and what FEMA would support in case of damages. City Administrator Turner stated that FEMA would most likely take the claim but the owner would be forced to build up after.

Audience member Greg Burke asked how the sewage plant would be affected. Building Official Roussin explained that this question has been taken under consideration and that a new study most likely will have to be conducted. The Building Official stated that the utilities have to be looked at what they can manage, as well as evacuation zones. City Administrator Turner explained that this is one of the reasons the state reviews the proposed height change.

City Administrator Turner thanked everyone for attending.

Contact cityclerk@keycolonybeach.net for a video recording of the Townhall Meeting.

Silvia Gransee

City Clerk

City of Key Colony Beach, Florida

MINUTES

KEY COLONY BEACH CITY COMMISSION PUBLIC HEARING

**Thursday, August 25, 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 of the City of Key Colony Beach was called to order by Vice-Mayor Harding at 9:30 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry (virtual), Vice-Mayor Harding, Commissioner Sutton, Commissioner Ramsay-Vickrey. Absent: Commissioner DeNeale*

Also Present: *City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Ryan Benninger, Public Works Department Head Mike Guarino, Building Official Lenny Leggett, Chief Kris DiGiovanni, Accountant Jen Johnson, Administrative Assistant Christine McLeod.*

Public: *8 Marble Hall, 15 Virtual*

Vice-Mayor Harding entertained a motion to allow Mayor Trefry to vote remotely for being ill at home. The Commission agreed with the Vice-Mayor's motion.

2. Approval of Minutes: *The City Commission Public Hearing Minutes from July 14, 2022, were accepted as written.*

3. Administration of Oath to Witnesses: *City Clerk Silvia Gransee administered the Oath of Witness to all planning on testifying.*

4. Citizen Comments and Correspondence: *City Clerk Gransee reported not having received correspondence pertaining to the variance request. Audience member Greg Burke asked what the variance request pertains to which Vice-Mayor Harding explained to be a pool setback request.*

5. Disclosure of Ex-Parte Communication – None.

6. Proof of Publications: *Proof of publications were accepted as legally sufficient.*

7. VARIANCE REQUEST: 551 8th Street – Owner: Charles Wiemer

Applicant requests a Variance to Land Development Regulations Chapter 101, Section 91, Code of Ordinances Chapter 6, Section 1, setback by 5 feet. Current setback requirements are 10 feet.

a. (b) Presentation of Variance Request: *Building Official Leggett reported on the variance request that was received and stated that these type of variance requests have been granted in the past and was passed by the Planning & Zoning Board with a 3:1 approval. Building Official Leggett stated that he recommends the approval of the variance.*

b. (a) Statement by Applicant: Mr. Charles Wiemer explained his variance request to the Commission including the layout of the house and setback requirements.

c. Planning & Zoning Board Recommendation: Planning & Zoning Board Chair Joey Raspe stated to the City Commission that the Planning & Zoning Board heard the request in July and the request was approved with a vote by 3:1. Chair Joey Raspe stated that the pool is an L-shaped pool and the Commission has received all pertaining documents in their agenda packet. The City Commission had no additional questions for Chair Raspe.

d. Planning & Zoning Board Meeting Minutes – 07-20-2022

MOTION: Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner Sutton, to approve the Variance Request for 551 8th Street – Owner: Charles Wiemer.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

8. Any Other Business: Commissioner Ramsay-Vickrey suggested adding an additional question to the applicants 'Question and Response' sheet that asks: If this variance is granted will it increase the occupancy rate? Commissioner Ramsay-Vickrey stated that she understands that in this case the variance deals with a pool, however, the question on occupancy should be noted in a variance request. The Commissioner asked for a head nod to add this question to the application. Vice-Mayor Harding asked Planning & Zoning Chair Joey Raspe for input to the suggestion. Chair Joey Raspe stated that in this particular variance request a property with a pool will be rented more than a property without a pool. Chair Raspe continued saying that the actual occupancy per week would not increase with a pool variance, however, he follows Commissioner Ramsay-Vickrey's suggestion on adding the question on occupancy and knowing the density. Chair Joey Raspe agreed with Commissioner Ramsay-Vickrey on the importance of density knowledge. City Attorney Ryan Benninger confirmed that the ordinance pertaining to the questionnaire will need to be updated and go through the process of Planning & Zoning and Commission approval. Vice-Mayor Harding stated that Commissioner Ramsay-Vickrey can make the request to legal which can be presented at a future regular meeting. City Attorney Benninger accepted the request and stated he will put together a draft.

Vice-Mayor Harding and Building Official Leggett confirmed to Mr. Wiemer that his variance request was approved.

9. Adjourn: The meeting adjourned at 9:42 a.m.

Respectfully Submitted,

Silvia Gransee

City Clerk

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, August 25, 2022 – 9:47 a.m.

City Hall Auditorium & virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, Prayer, Roll Call: *The Regular City Commission Meeting of the City of Key Colony Beach was called to order by Vice-Mayor Harding at 9:47 a.m. followed by the Pledge of Allegiance, Prayer, and Roll Call.*

Present: *Mayor Trefry (virtual), Vice-Mayor Harding, Commissioner Sutton, Commissioner Ramsay-Vickrey. Absent: Commissioner DeNeale.*

Also Present: *City Administrator Dave Turner, City Clerk Silvia Gransee, City Attorney Ryan Benninger, Public Works Department Head Mike Guarino, Building Official Lenny Leggett, Chief Kris DiGiovanni, Accountant Jen Johnson, Administrative Assistant Christine McLeod.*

Public: *8 Marble Hall, 15 Virtual*

Vice-Mayor Harding asked the Commission on agreement for Mayor Trefry to vote via virtual attendance due to illness. The Commission agreed.

2. Citizen Comments and Correspondence: *City Clerk Silvia Gransee reported receiving correspondence from Mr. Oreo Sanchez, Ms. Ally Kelley, Mrs. Barbara Ziegler, and Mr. Edwin Erosa, in response to the letter that was send out by City Administrator Dave Turner. The City Clerk further reported receiving correspondence from Mrs. Marie Flood in response to the new Code Enforcement Office, and Mrs. Judi Virost regarding FEMA monies, the next Townhall meeting, and previous Townhall Meeting minutes. The City Clerk reported that all correspondence was shared with the Commission. (Please email the City Clerk at cityclerk@keycolonybeach.net for a copy of all citizen correspondence).*

There was no public comment online or in the audience.

3. Approval of Minutes: *The Regular & Public Hearing Minutes from 7-14-2022, 07-28-2022, and Budget Workshop Minutes from 07-25-2022 were approved as written.*

4. Agenda Additions, Changes, Deletions: *City Administrator Dave Turner asked for the addition of APS invoice #22-0674-2 in the amount of \$19,347.00 to the agenda for storm drain cleaning services. The Commission agreed to add the item to the agenda.*

5. Special Requests: *Superintendent Sarah Fangman from the Florida Keys National Marine Sanctuary appeared before the City Commission and gave a presentation on 'Restoration Blueprint'. (Please contact the City Clerk at cityclerk@keycolonybeach.net for a copy of the PowerPoint presentation.) The Commission thanked Superintendent Sarah Fangman for her presentation.*

City Administrator Dave Turner introduced Barry Goldman as the new Code Enforcement Officer for the City of Key Colony Beach.

6. Committee and Staff Reports:

- A. Marathon Fire/EMS – No Report.*
- B. Recreation Committee – No report.*
- C. Beautification Committee - No report.*
- D. Disaster Preparedness Committee – No report.*
- E. Planning & Zoning Board - No report.*
- F. Code Enforcement Board – No report.*
- G. Utility Board – No report.*

H. Police Department – Staff report submitted. Vice-Mayor Tom Harding asked Chief DiGiovanni if additional staff will be receiving the ‘Active Shooter’ training to which the Chief explained that himself and two additional officers have been trained and are able to provide in-house training on a monthly basis.

I. Building Department – Staff report submitted.

a) Permit request to install a 50,000 lb. boat lift at 1245 Coury Drive, Key Colony Beach: Building Official Lenny Leggett reported on the received permit request. Commissioner Sutton stated his support for the request and made a motion to approve the boat lift.

MOTION: *Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve the permit request to install a 50,000 lb. boat lift at 1245 Coury Drive.*

DISCUSSION: *None.*

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

J. Public Works – Staff report submitted. Vice-Mayor Harding asked Public Works Department Head Mike Guarino how the driveway cleaning was done, which the Department Head explained was done with a sweeper as well as by hand. Vice-Mayor Tom Harding thanked Public Works Department Head Mike Guarino for doing a great job in the city which Commissioner Sutton agreed upon.

K. City Secretary/Treasurer – Mrs. Jen Johnson from Bishop Rosasco & Co. gave a brief overview on the City’s 10-month financial report with details on revenues, expenditures, road funds, impact fees, building department revenues and expenditures, wastewater revenues and expenditures, as well as stormwater revenue and expenditures. The Commission had no questions for Jen Johnson.

L. City Clerk – Staff report submitted.

M. Code Enforcement Officer – No Report

N. City Administrator Dave Turner

a) City Hall Update: *see under c)*

b) Approval for McCourt, Construction Inc. Proposal for the West Tennis Court Resurfacing in the amount of \$9,800.00: City Administrator Dave Turner stated that the Recreation Committee had previously approved the resurfacing of the West Tennis Court and the money has been allocated for it. City Administrator Turner asked for approval of the estimate from the Commission.

MOTION: Motion made by Vice-Mayor Tom Harding, seconded by Commissioner Ramsay-Vickrey, to approve the funding of \$9,800.00 for the West Tennis Court resurfacing.

DISCUSSION: City Administrator Turner explained that \$10,00.00 were allocated for the project and the proposal came in under budget.

ON THE MOTION: Rollcall vote. Unanimous approval.

a) & c) Approval of LIVS Associates Invoice No. 12-201913 in the amount of \$84,006.95 for new City Hall Services: City Administrator Dave Turner reported to the Commission that questions have come in on the new construction of city hall and allegations of overspending. City Administrator Turner explained, that with his background in construction, in the initial phases of drawings he downsized many features to more of a government style building. The City Administrator further explained that Marble Hall will be nice but by no means a Taj-Mahal, however, he cannot predict the final cost with the current construction rates. City Administrator Dave Turner continued explaining the process of receiving the drawings, approval by the building department, approval by the state, and putting the project out to bid. The City Administrator further stated that additional decisions can be made after construction bids have been received on additional downsizing. City Administrator Turner added that he has questions on the Post Office as no new lease has been signed yet with the current lease expiring in one year. The City Administrator explained that the current building is on the ground and needs to be compliant for code, zoning, and flood maps, and reiterated that the new building will not be extravagant. City Administrator Turner confirmed that FEMA support would not be given a second time and asked for homeowners to obtain flood insurance at the current rates. City Administrator Turner further explained what type of repairs would be necessary on the current building and stated that even then, the question of obtaining flood insurance would be questionable. Commissioner Ramsay-Vickrey asked City Administrator Turner if insurance rates for residents would increase potentially up to 15 % if the old city hall would remain as is, which the City Administrator confirmed as having to do with the CRS rating for the city as a whole. City Administrator Dave Turner continued saying that the tower that was initially illustrated in the old drawings was taken out due to liability and cost. The City Administrator further stated that he is watching the budget closely and hoping to place more money into reserves and anticipates on ending the year under budget again. City Administrator Turner stated that the Architect Company LIVS has been a great partner for the city and has provided a set of drawings that are now under review with the building department. Vice-Mayor Tom Harding asked if the current prints are usable to be put out to bid which the City Administrator confirmed as after the building department and state have approved them. City Administrator Turner asked for approval of the LIVS invoice.

MOTION: Motion made Vice-Mayor Harding, seconded by Commissioner Sutton, to approve the LIVS invoice in the amount of \$84,006.95.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

d) Approval of 3rd Generation Plumbing Invoice No. 12144054 in the amount of \$8,827.41 for work performed on the Post Office Trailer: City Administrator Turner asked for approval of payment for the work completed on the post office/city hall trailer. The City Administrator explained that the current temporary city hall trailer will be used by the Post Office as their temporary trailer once they move. City Administrator Turner explained that city hall will be using the trailer until the Post Office is ready to move to save cost on rent for the city. City Administrator Turner further explained that the old police trailer will be removed due to ongoing repair issues, as soon as the police complete their move into the new police trailer.

MOTION: Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve payment of the 3rd Generation invoice in the amount of \$8,827.41.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

e) Approval of Arlington Electric South Estimate in the amount of \$10,252.44 for work on the W. Ocean Gazebo and Park Lights: City Administrator Dave Turner asked for approval of the estimate for work on the lights and stated that the money is available out of the infrastructure fund.

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner Ramsay-Vickrey, to approve the Arlington Estimate in the amount of \$10,252.44.

DISCUSSION: Vice-Mayor Tom Harding asked if some of the damage is Hurricane Irma related which Public Works Department Head Mike Guarino confirmed, and further stated that the new electric panel will be installed above flood height. City Administrator Turner stated that he can put these repairs to the Irma damage files for documentation. The City Administrator continued saying that he is reviewing the lights by the pickleball and tennis courts and considering taking them down due to rotting supports.

ON THE MOTION: Rollcall vote. Unanimous approval.

f) Approval of Willscot Invoice No. 9014849873 in the amount of \$16,194.21 for the new Police Trailer: City Administrator Turner asked for approval of payment of the invoice for the new police trailer and the old one being removed.

MOTION: Motion made by Commissioner Ramsay-Vickrey, seconded by Commissioner Sutton, to approve the Willscot invoice in the amount of \$16,194.21.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

g) Approval of Atlantic Pipe Services Invoice No. 22-0674-1 in the amount of \$14,563.00 for Catch Basin and Storm Pipe Cleaning AND Atlantic Pipe Service Invoice #22-0674-2 in the amount of \$19,347.00 (additional agenda item).

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner Ramsay-Vickrey, to approve payment of the Atlantic Pipe invoices in the amount of \$14,563.00 and \$19,347.00.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Commissioner Sutton reported to the Commission that he understands that City Administrator Turner did invest in the purchase of laptops for the Commission, however, he still would like to receive paper copies of materials provided. Commissioner Ramsay-Vickrey agreed with Commissioner Sutton and stated, that she appreciates having the laptop but still likes having hard copies of materials provided to be able to make notes on paper. Vice-Mayor Harding stated that he appreciates the challenge that comes with going electronic and said that he does not need any hard copies. Mayor Trefry stated that she is willing to continue to work with the laptop but agrees with Commissioner Sutton and Commissioner Ramsay-Vickrey on the use of paper copies. The Commission thanked City Administrator Turner for his understanding.

7. Commissioner Items for Discussion/Approval:

a. 2022/2023 Budget Workshop Discussion on Expenditures

(Tentative Budget Hearing 09-08-2022 & Final Budget Hearing 09-22-2022)

City Administrator Dave Turner presented the proposed budget for 2022-2023. City Administrator Turner explained that the millage rate will remain the same from the previous year and continued explaining the details of the proposed budget. The City Administrator continued saying that no real changes occurred in the numbers but that he created a road maintenance fund per Commission recommendation from the first workshop. City Administrator Turner further stated that he added additional contingency monies for storm emergencies which hopefully will not have to be used. The City Administrator explained the homesteaded versus non-homesteaded properties tax calculations and stated that a full-time resident will see a substantially lower increase compared to a property owner that does not live in the city full time.

City Administrator Turner stated that he had followed former Commissioner McCullough's wish for changes to salaries and that salaries have been adjusted for an increase between 9 to 12 percent. The City Administrator Turner stated the increase is comparable throughout and will help with staff retention. The City Administrator explained that a lot of people are moving to the mainland due to the cost of living in the Keys.

City Administrator Turner explained that no changes will be done to the general budget before the first public hearing but changes to health insurance costs will be reflected in the complete budget. The City Administrator further explained that some building insurances still have to remain due to FEMA requirements until the buildings are demolished. City Administrator Turner continued saying that FEMA has not released the final numbers yet but stated that the 2.2 Million Dollar Hardening Grant has been secured for the new city hall building. City Administrator Turner

explained that no ad-valorem millage can be spent to build a city building, which means that taxes will not go up due to the new building. City Administrator Turner continued explaining that taxpayers will not find a \$600.00 sur-charge next year to pay for the building since it is illegal and cannot be done.

City Administrator Turner continued his presentation by explaining the proposed Utility budget and explained that the sewer rate will not be changing, and neither the stormwater rate which has not gone up since the year 2013. Vice-Mayor Harding stated that it is important to note the reason on why the rates have not gone up is because the State of Florida has been helping the city with yearly grants. City Administrator Turner agreed and stated that the city is looking into securing more grants and also is working with an outside company to do an assessment on billing. City Administrator Turner stated that he is working on that proposal for the Utility Board and Commission to look at. The City Administrator stated that Utility is in good shape but he wants to make sure enough money is in reserves for emergencies.

City Administrator Turner stated that the millage for the city will remain the same and no increases in Utility will occur.

8. Approval of Warrants – Warrant No. 0722 in the amount of \$324,794.22

MOTION: *Motion made by Commissioner Sutton, seconded by Commissioner Ramsay-Vickrey, to approve Warrant No. 0722 in the amount of \$324,794.22.*

DISCUSSION: *None.*

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

Commissioner Sutton asked on the tentative and final public hearing dates which City Clerk Gransee confirmed for September 8, 2022, at 5:05 p.m. for the first public hearing and September 22, at 5:05 p.m. for the second and final public budget hearing. The Commission confirmed the dates for both hearings.

9. ORDINANCES & RESOLUTIONS

A. Ordinances - First Reading

a) Ordinance No. 2022-478 Smoking Ordinance: *An Ordinance Of The City Of Key Colony Beach, Florida, Relating To The Establishment Of Designated Smoking Areas Within Municipal Parks And Beaches; Amending Article II, Chapter 12 Of The Code Of Ordinances Adding A New Section 12-10 Prohibiting Smoking, As Authorized By Florida Law Except Within Designated Smoking Areas Of A Municipal Park Or Municipally Controlled Beach And Beach Park; Providing Severability, Repeal, Codification And An Effective Date.*

City Attorney Ryan Benninger presented the proposed Ordinance to the Commission. The Commission had no comments or edits to the proposed ordinance.

MOTION: *Motion made by Vice-Mayor Harding, seconded by Commissioner Sutton, to approve the first reading of Ordinance No. 2022-478.*

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Gransee confirmed the second reading of the proposed Ordinance for September 22, 2022.

B. Ordinances – Second Reading – None.

C. Resolutions

a) Re-Adaptation of Resolution No. 2022-05: 2022/2023 Annual Stormwater Utility Special Assessment: A Resolution of the City of Key Colony Beach, Florida, Imposing the Annual Stormwater Utility Special Assessments for Fiscal Year Commencing October 1, 2022; Approving the Assessment Roll; Providing for Collection of the Assessments; and Providing for an Effective Date;

MOTION: Motion made by Vice-Mayor Harding, seconded by Commissioner Sutton, to approve Resolution No. 2022-05 Annual Stormwater Utility Special Assessment.

DISCUSSION: Vice-Mayor Harding explained that this assessment presents the traditional \$65.00 yearly assessment which rates have not changed. City Administrator Turner stated that members of the public can go online to the city's code of ordinances and review section 15-3 and 15-4 on how this assessment was formed, as well as the schedule of rates which has not changed since the year 2013.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. Commissioner's Reports or Comments

a) South Florida Regional Planning Council Convenes Regional Solid Waste Management Conversation: Vice-Mayor Harding reported that the South Florida Regional Planning Council, which includes Miami-Dade, Broward, and Monroe County, will be holding a Solid Waste Management Discussion on October 21, from 10:00 a.m. - 4:00 pm for elected officials and representatives from the Treasure Coast.

Vice-Mayor Harding further updated that the grant for the flood panels for the maintenance building is moving along, having attended two FEMA mitigation classes in Miami, and as well as the Florida League of Cities Conference. The Vice-Mayor further reported on working alongside City Administrator Turner on two potential grants through the Florida Resilient Funding, one for raising the lift station control boxes, and an additional grant for improving erosion protection at Sunset Park and Sadowski Causeway.

Commissioner Ramsay-Vickrey reported having attended National-Night-Out and thanked the KCBPD for their participation. The Commissioner further reported on having attended a Condo Association Manager's Luncheon to discuss city's recommendations for turtle and beach lighting, as well as the Florida League of Cities Annual Conference, and the KCB Utility Board Meeting. Commissioner Ramsay-Vickrey congratulated Toni Appell and Greg Burke for their appointments to the board as chair and vice-chair. The Commissioner reported attending the Chamber of

Commerce Luncheon which featured the presentation by Sarah Fangman on Restoration Blueprint, meeting with County Mayor David Rice, and touring the city's sewer plant with Operations Manager Dave Evans and Greg Burke.

Commissioner Sutton reported attending the Florida League of Cities and the value learned from seminars attended. Commissioner Sutton stated that the lesson of 'More is less' and partnering with other cities and the county will help with going through tough times. The Commissioner continued talking about the importance of mental health at the workplace and how it relates to employee changeover. Commissioner Sutton further stated that he will share information with City Administrator Turner on an outside company that can help with employee evaluations.

Mayor Trefry reported on attending the Florida League of Mayors and the Florida League of Cities Conference. Mayor Trefry reported that the Mayors Conference concentrated on cyber security and broadband issues. The Mayor updated on attending the Marathon Chambers of Commerce Luncheon which featured Sarah Fangman's 'Restoration Blueprint'.

11. City Attorney

*a) **Review/Discussion of Ordinance No. 2022-479 Chapter 2 Amendment:** An Ordinance Of City Of Key Colony Beach, Florida, Amending Chapter 2, Article VII, Sections 2-86, 2-88, And 2-93 Of The Code Of Ordinances Of The City Of Key Colony Beach Related To Meetings Of The City Commission; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability, Repeal, And Codification; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.*

City Attorney Ryan Benninger reported on the proposed ordinance amendment and its purpose. Vice-Mayor Harding reminded the Commission on the main proposed changes and asked if any edits or changes are requested.

MOTION: *Motion made by Vice-Mayor Harding, seconded by Commissioner Ramsay-Vickrey, to schedule the first reading of Ordinance No. 2022-479*

DISCUSSION: *None.*

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

*b) **Review/Discussion of Ordinance No. 2022-480 Noise Ordinance:** An Ordinance Of The City Of Key Colony Beach, Florida Amending Part II, Chapter 10 Of The Code Of Ordinances Of The City Of Key Colony Beach, Florida, Establishing Regulations For The Control Of Noise Within The City Limits In Order To Provide For The Abatement, Prevention, And Prohibition Of Excessive And Unnecessary Noise So As To Protect The Health, Safety, And General Welfare Of The Residents Of The City Of Key Colony Beach, Florida; Providing For Exemptions; Providing For Temporary Noise Permits; Providing For Enforcement, Infractions, Violations, And Penalties; Providing For Severability, Repeal, Codification, And An Effective Date.*

City Attorney Ryan Benninger reported on the proposed ordinance amendment and its purpose. City Attorney Benninger updated on proposed changes that were incorporated in the amendment and asked the Commission for input and discussion.

Commissioner Ramsay-Vickrey explained, in response to Commissioner DeNeale's correspondence, that the timeframe for responding to a noisy animal has to be at least 20 minutes due to the SPCA rules in correlation to the county contract. Commissioner Ramsay-Vickrey explained that an animal has to bark for 20 minutes uninterrupted and unprovoked before the SPCA will intervene. Commissioner Ramsay-Vickrey explained that the time frame can be changed to twenty minutes but not ten. Vice-Mayor Harding asked if the city should be consistent with the county and change the time frame to twenty minutes which Commissioner Ramsay-Vickrey agreed with. City Attorney Ryan Benninger stated he will rewrite the section for first read. Vice-Mayor Harding asked in regard to Section 10.4 (c) which states time specifications, that the time should be stated as 24 hours a day. City Attorney Benninger stated he will make that change as well as the working hour change in section 10.4 (k). Vice-Mayor Harding confirmed with Building Official Leggett that contractor's hours are from 7:30 a.m. to 6:00 p.m. The Commission continued discussing working hours for homeowners and what should be allowed. The Commission agreed to keep the hours consistent across the board. Mayor Trefry stated that the connectivity issue over Zoom made it very hard to follow the discussion. Mayor Trefry further stated that Commissioner DeNeale is online to add his comments to the discussion. Commissioner DeNeale had connectivity problems as well and called in via cell phone to participate in the discussion. Commissioner DeNeale asked why this ordinance is needed which City Attorney Benninger explained that the current ordinance is not working. Commissioner DeNeale explained his view on time restrictions for noisy animals and loud boats in the canals. Commissioner Ramsay-Vickrey explained the contract between the SPCA and the county, and the county wide noise ordinance that has to be followed. Commissioner DeNeale expressed his disagreement with the rule on time requirements before a noise complaint on an animal can be followed up with. Commissioner Ramsay-Vickrey explained that the city has the choice to opt out of the county contract and enact their own animal control. Commissioner DeNeale stated that he will follow up with the topic when he is back in town. The Commission continued its discussion on the county ordinance on animal control and how the city falls under it. City Attorney Benninger stated that he will have to do further research on the topic. City Attorney Benninger explained further concerns on who has control on waterways and noise enforcement and stated that he will follow up on the topic.

Vic-Mayor Harding asked the Commission if a first reading should be scheduled or to ask the City Attorney to come back with another draft. Mayor Trefry stated that she is not comfortable with a first reading at this point. Vice-Mayor Harding asked City Attorney Benninger to come back with an updated draft and an answer to the previous legal questions.

Code Enforcement Officer Goldman asked City Attorney Benninger on the legality of issuing citations to animals as well as boats on the water. City Attorney Benninger stated that the answers are unclear at this time and will be researched. Code Enforcement Officer Goldman had further questions on ordinance enforcements which were agreed upon to be discussed at a separate time.

c) Review/Discussion of Ordinance No. 2022-473 Building Recertification: An Ordinance Of City Of Key Colony Beach, Florida, Relating To The Establishment Of A Certification And Recertification Process For Existing And Future Multistory Structures By Adding Section 6-37, As Authorized By Florida Law; Providing For The Repeal Of All Ordinances Or Parts Thereof Found

To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances; Providing For Severability, Repeal, Codification, And An Effective Date.

City Attorney Benninger reported on the proposed ordinance amendment and its purpose. City Attorney Benninger updated on proposed changes that were incorporated in the amendment and asked the Commission for input and discussion.

Vice-Mayor Harding if the Commission had any edits. Commissioner Ramsay-Vickrey clarified with City Attorney Benninger the definition on 'authorize' which was agreed upon to leave as is. Vice-Mayor Harding asked for a motion to bring back the proposed ordinance for first reading.

MOTION: *Motion made by Vice-Mayor Harding, seconded by Commissioner Ramsay-Vickrey, to bring back the ordinance for a first reading.*

DISCUSSION: *City Clerk Gransee asked for the Motion to be amended to include the second reading as well. The Commission agreed.*

ON THE MOTION: *Rollcall vote, including the amendment of bringing back the ordinance for a second reading. Unanimous approval.*

12. Adjourn: *The meeting adjourned at 11:27 A.M.*

Respectfully Submitted,

Silvia Gransee

City Clerk



Proclamation
Childhood Cancer Awareness Week
September 25 – October 1, 2022

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection reports cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 16,000 of our country's young people every year. An estimated 400,000 children and adolescents are diagnosed with cancer globally each year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded nearly thirty years ago by Steven Firestein, a member of the philanthropic Max Factor cosmetics family, the American Cancer Fund for Children, Inc., Kids Cancer Connection, Inc. and Lions Clubs International, are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Nicklaus Children's Hospital in Miami, Baptist Health South Florida Miami Cancer Institute, UM Sylvester Comprehensive Cancer Center, Holtz Children's Hospital at the UM Jackson Memorial Medical Center, Miami Pediatric Hematology Oncology Associates, Joe DiMaggio Children's Hospital in Hollywood, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor toy distributions, family sailing programs, Laughternoon - Laughter is Healing, positive appearance programs, pet-assisted therapy, KCC Supercar Experience, educational programs, and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Commission of the City of Key Colony Beach, Florida, hereby proclaim September 25 to October 1, 2022, as Childhood Cancer Awareness Week, and recognize the dedication of all involved battling the disease of childhood cancer.

Silvia Gransee, City Clerk

Patricia Trefry, Mayor



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

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

September 1, 2022

Affiant further says that the said WEEKLY NEWSPAPERS is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this 1 day of Sept, 2022.
(SEAL)

Charlotte Hruska
Notary



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

NOTICE IS HEREBY GIVEN that the City Commission of the City of Key Colony Beach, Florida, will hold the following Public Hearings to hear amendments to the City's Code of Ordinances.
Public Hearing First Reading: September 8, 2022, 9:30 A.M.
Public Hearing Second/Final Reading: September 22nd, 2022, 9:35 A.M. OR at the conclusion of the prior Public Variance Hearing.
Location: Temporary City Hall, 600 W. Ocean Drive, Key Colony Beach, FL 33051

The proposed Ordinance to be heard by the City Commission is [ORDINANCE NO. 2022-473], entitled "AN ORDINANCE OF CITY OF KEY COLONY BEACH, FLORIDA, RELATING TO THE ESTABLISHMENT OF A CERTIFICATION AND RECERTIFICATION PROCESS FOR EXISTING AND FUTURE MULTISTORY STRUCTURES BY ADDING SECTION 6-37, AS AUTHORIZED BY FLORIDA LAW; PROVIDING FOR THE

REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, REPEAL, CODIFICATION, AND AN EFFECTIVE DATE." Interested parties may appear at the meetings and be heard with respect to the proposed ordinance. Copies of the proposed Ordinance are available for inspection at the City Hall of Key Colony Beach. If any person decides to appeal any decision made by the Key Colony Beach City Commission with respect to any matter considered at the Code Amendment Hearing, that person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you are unable to attend the Public Hearings on Thursday, September 8, 2022, and/or Thursday, September 22nd, 2022, but wish to comment, please direct correspondence to: City Commission, P.O. Box 510141, Key Colony Beach, FL 33051, and your comments will be entered into the record.

To be published: On or before September 1, 2022
City of Key Colony Beach
Publish:
September 1, 2022
The Weekly Newspaper



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

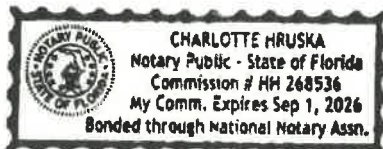
Before the undersigned authority personally appeared JASON KOLER who on oath, says that he is PUBLISHER of the WEEKLY NEWSPAPERS, a weekly newspaper published in Marathon, in Monroe County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of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

September 1, 2022

Affiant further says that the said WEEKLY NEWSPAPERS is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this 1 day of Sept, 2022.
(SEAL)

Charlotte Hruska
Notary



**CITY OF KEY COLONY BEACH
NOTICE OF CODE AMENDMENT
HEARINGS
"READING DATES OF ORDINANCE
NO. 2022-479"**

NOTICE IS HEREBY GIVEN that the City Commission of the City of Key Colony Beach, Florida, will hold the following Public Hearings to hear amendments to the City's Code of Ordinances.
Public Hearing First Reading: September 8, 2022, 9:30 A.M.
Public Hearing Second/Final Reading: September 22nd, 2022, 9:35 A.M. OR at the conclusion of the prior Public Variance Hearing.
Location: Temporary City Hall, 600 W. Ocean Drive, Key Colony Beach, FL 33051

The proposed Ordinance to be heard by the City Commission is [ORDINANCE NO. 2022-479], entitled "AN ORDINANCE OF CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII, SECTIONS 2-86, 2-88, AND 2-93 OF THE CODE OF ORDINANCES OF THE CITY OF KEY COLONY BEACH RELATED TO MEETINGS OF THE CITY COMMISSION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE." Interested parties may appear at the meetings and be heard with respect to the proposed ordinance. Copies of the proposed Ordinance are available for inspection at the City Hall of Key Colony Beach. If any person decides to appeal any decision made by the Key Colony Beach City Commission with respect to any matter considered at the Code Amendment Hearing, that person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you are unable to attend the Public Hearings on Thursday, September 8, 2022, and/or Thursday, September 22nd, 2022, but wish to comment, please direct correspondence to: City

Commission, P.O. Box 510141, Key Colony Beach, FL 33051, and your comments will be entered into the record.
To be published: On or before September 1, 2022
City of Key Colony Beach
Publish:
September 1, 2022
The Weekly Newspaper

ORDINANCE NO. 2022 - 473

AN ORDINANCE OF CITY OF KEY COLONY BEACH, FLORIDA, RELATING TO THE ESTABLISHMENT OF A CERTIFICATION AND RECERTIFICATION PROCESS FOR EXISTING AND FUTURE MULTISTORY STRUCTURES BY ADDING SECTION 6-37, AS AUTHORIZED BY FLORIDA LAW; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, REPEAL, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the “City”), is a Florida Municipal Corporation with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, *Florida Statutes*, and

WHEREAS, Chapter 166, *Florida Statutes*, grants the City, broad municipal home rule powers to provide for the health, safety, and welfare of its residents, business owners, and visitors by enacting regulations for the protection of the public; and

WHEREAS, in light of the recent deadly collapse of the Champlain Tower, it has become readily apparent that there is a significant danger posed by failing to more frequently review and inspect older structures; and

WHEREAS, municipalities across the State of Florida are taking action to strengthen their building inspection and certification protocols to help combat such dangers; and

WHEREAS, to promote the health and safety of the citizens of the City, and further help prevent any similar such disasters that could be caused by a failing structure, a certification and re-certification process must be implemented; and

WHEREAS, on May 26, 2022, during the Special Legislative Session, the Governor signed into law, Senate Bill 4D, filed in the Florida Legislature in response to the Surfside collapse that occurred last year, which effectively modifies Chapters 553, 718, 719, and 720, *Florida Statutes*; and

WHEREAS, Senate Bill 4D establishes a statewide structural inspection program, requiring condominium and cooperative associations to conduct milestone structural inspections of their respective buildings and to further perform structure integrity reserve studies in order to ensure that condominiums, cooperative buildings, and other multi-story buildings are safe for their continued intended use; and

WHEREAS, Senate Bill 4d became effective law on June 29, 2022, and the City Commission of the City of Key Colony Beach, Florida (the “City Commission”), has determined a public health and safety need to establish a certification and recertification process for existing and future multi-story buildings located within the city limits; and

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

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

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1: Recitals

The above recitals are true and correct and are hereby incorporated by reference.

Section 2: Effective Date

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

Section 3: Amendment

That Section < **Chapter 6, Article II, Section 6-37** > is hereby added to the Code of Ordinances of the City of Key Colony Beach, Florida, and read as follows:

Sec. 6-37. –Certification and recertification of existing and future multi-story structures.

The City Commission hereby adopts the regulations for the establishment of a certification and recertification process for existing and future multi-story structures located within the city limits of the City of Key Colony Beach, Florida, as AUTHORIZED by Florida Law, SB 4d, as adopted in the 2022 Special Legislative Session, and further codified in the Chapter 2022-269, Laws of Florida.

Section 4: Severability and Conflict

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

Section 5: Inclusion in the Code of Ordinances and Land Development Regulations

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

-/Remainder of Page Left Intentionally Blank/-

Section 6: Effective Date

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

FIRST READING by the City of Key Colony Beach City Commission this 8th day of September 2022.

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

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 22nd day of September 2022.

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

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 22nd day of September 2022.

Patricia Trefry, Mayor

Silvia Gransee, City Clerk

Approved as to form and legal sufficiency:

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

ORDINANCE NO. 2022-479

AN ORDINANCE OF CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII, SECTIONS 2-86, 2-88, AND 2-93 OF THE CODE OF ORDINANCES OF THE CITY OF KEY COLONY BEACH RELATED TO MEETINGS OF THE CITY COMMISSION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the “City”), is a Florida Municipal Corporation with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 166, Florida Statutes, grants the City broad municipal home rule powers to enact ordinances which represent official legislative action of the City Commission and are enforceable as a matter of law; and

WHEREAS, the City Commission of the City of Key Colony Beach (the “City Commission”) wishes to amend Chapter 2, Article VII, Secs. 2-86; 2-88; and 2-93 of the City’s Code of Ordinances (the “Code”) of in order to promote efficiency and costs savings with regard to conducting official business of the City; and

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

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

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1: Recitals

The above recitals are true and correct and are hereby incorporated by reference.

Section 2: Effective Date

This Ordinance shall become effective upon approval and adoption by the City Commission. This Ordinance shall sunset six (6) months after the effective date.

Section 3: Amendment

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

Sec. 2-86. – Agenda.

The ~~mayer~~ **Mayor** with the advice of the ~~city clerk~~ **City Clerk** and ~~commissioners~~ **Commissioners**, shall prepare an agenda of subjects to be acted on for each meeting. ~~The agenda shall be made available to the commissioners at least one (1) business day before every city commission hearing.~~ **The agenda shall be made available to the Commissioners by the Friday immediately prior to any regular commission meeting or four (4) days before any special or emergency meeting, time permitting.** The order of the agenda may be changed during a meeting by a majority vote of the ~~city commission~~ **City Commission**. A new subject that requires urgent attention may be added to the agenda during a meeting by a majority vote of the ~~city commission~~ **City Commission**.

(Ord. No. 353-2003, 2-13-03; Ord. No. 2022-____, _____)

....

Sec. 2-88. – Order of business.

All regular meeting of the city commission should follow an established order of business. The order is as follows:

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

(Ord. No. 353-2003, 2-13-03; Ord. No. 2022-____, _____)

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Sec. 2-93. – Organizational and Regular meetings.

An organizational meeting of the City Commission will be held on the third Thursday of November of each year, unless the organizational meeting falls on a legal holiday, at which time the organizational meeting shall be rescheduled by either (1) a majority vote of the City Commission or (2) a showing of exceptional circumstances in a writing directed to the Mayor no less than three (3) business days before the organizational meeting of the City Commission is scheduled to take place. All organizational meetings of the City Commission shall be held in the City Hall of the City of Key Colony Beach or such other appropriate designated place.

~~Regular meetings of the city commission~~ **City Commission** shall be held at 9:30 a.m. ~~on the second and fourth Thursdays of each month unless rescheduled by vote of the city commission.~~ **All regular meetings shall be held in the City Hall of the City of Key Colony Beach, on the third Thursday of each month unless the regular meeting falls on a legal holiday, at which time the regular meeting shall be rescheduled at the discretion of the City Commission. All regular meetings of the City Commission may be moved and rescheduled by either (1) a majority vote of the city commission or (b) a showing of exceptional circumstances in a writing directed to the Mayor no less than three (3) business days before the regular meeting of the City Commission is scheduled to take place. All regular meetings of the City Commission shall be held in the City Hall of the City of Key Colony Beach or such other appropriate designated place.**

(Ord. No. 353-2003, 2-13-03; Ord. No. 366-2003, 12-11-03; Ord. No. 2022-___, _____)

Section 4: Severability and Conflict

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

Section 5: Inclusion in the Code of Ordinances of Key Colony Beach, Florida

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

FIRST READING by the City of Key Colony Beach City Commission this 8th day of September, 2022.

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

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 22nd day of September, 2022.

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

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 22nd day of September, 2022.

Patricia Trefry, Mayor

Silvia Gransee, City Clerk

Approved as to form and legal sufficiency:

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