

AGENDA

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, September 18th, 2025 – 9:30 AM
Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

[Zoom Login Information at the end of this Agenda](#)

- 1. Call to Order, Pledge of Allegiance, Prayer, and Roll Call**
- 2. Approval of the Agenda** *(Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote)*
- 3. Special Requests**
 - a. Presentation by Vice-Mayor Colonell on recent accomplishments and improvements in the City
 - b. Special request from the KBCA to use Marble Hall for the annual Welcome Back Party on November 20th, 2025.
 - c. Special Request from the KBCA for permission to hold a Food Truck Jamboree at 7th Street Park on February 10th, 2026.
- 4. Citizen Comments and Correspondence – Pgs. 1-2**
- 5. Committee and Department Reports** *(written reports provided; Staff and Board Chairs available for questions)*
 - a. Marathon Fire/EMS – Marathon Fire Chief James Muro – **Pgs. 3-8**
 - b. Police Department – Chief DiGiovanni – **Pgs. 9-13**
 - c. City Administrator – John Bartus
 1. Administrator’s Report – **Pgs. 14-15**
 2. Early Alert Memo – **Pg. 16**
 3. Discussion/Approval for an Agreement with Ron Book for Lobbyist Services for \$50,000.00 – **Pg. 17**
 4. 2025 Legislation – SB 180 Administrative Tasks & Deadlines – **Pgs. 18-19**
 5. Potential Canal Project – **Pgs. 20-39**
 - d. Building/Code Department – Building Official Loreno – **Pgs. 40-41**
 - e. Public Works – Public Works Department Head Guarino – **Pgs. 42-44**
 - f. City Hall – City Clerk Roussin – **Pgs. 45-46**
 - g. Beautification Committee – Chair Sandy Bachman
 - h. Planning & Zoning Board – Chair George Lancaster
 - i. Recreation Committee – Chair Cindy Catto
 - j. Utility Board – Chair Fred Swanson
- 6. Consent Action Items** *(Under the consent agenda, all action items will be voted on after one motion, and a second will be required to approve them without discussion. If a Commission member wants any action item discussed or voted on separately, the Commission member, at the beginning of the open session, must ask that the action be moved to the discussion action item section.)*

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

- a. Approval of the following City Commission Meeting Minutes:
 - 1. Regular Meeting & Public Hearing 07-17-2025 – **Pgs. 47-54**
 - 2. Public Hearing 07-17-2025 – **Pgs. 55-56**
 - 3. Special Meeting 07-17-2025 – **Pgs. 57-58**
 - 4. Budget Workshop #1 07-10-2025 – **Pgs. 59-60**
 - 5. Budget Workshop #2 07-14-2025 – **Pg. 61**
 - 6. Special Meeting 08-18-2025 – **Pgs. 62-63**
 - 7. Public Hearing 08-21-2025 – **Pgs. 64-65**
 - 8. Regular Meeting & Public Hearing 08-21-2025 ****TBA****
- b. Approval of Warrant No. 0825 for \$669,513.78 – **Pg. 66**

7. Discussion Action Items

- a. Reintroduction of an Ordinance designating all City Roads for the use of Golf Carts and low-speed Vehicles – **Pgs. 67-71**
- b. Discussion/Approval of an Interim Lease Extension for the Golf Course Lease – **Pgs. 72-97**
- c. Discussion/Approval of the implementation of Fishing Rules, per the recommendation of the Recreation Committee – **Pg. 98**

8. Ordinances & Resolutions

- a. **SECOND/FINAL READING OF ORDINANCE NO. 2025-500:** An Ordinance of The City of Key Colony Beach, Florida; Amending Chapter Fourteen of The Code of Ordinances, Entitled Sewers and Sewage Disposal, Section 14-6 Monthly Rates and Charges, And Providing for Codification; Repealing Any Inconsistent Provisions; Providing for Severability; And Providing an Effective Date.
 - 1. Ordinance 2025-500 – **Pgs. 99-101**
 - 2. Business Impact Statement – **Pgs. 102-103**
 - 3. Proof of Publication – **Pg. 104**
- b. **SECOND/FINAL READING OF ORDINANCE NO. 2025-503:** An Ordinance of The City of Key Colony Beach, Florida, Amending Code of Ordinance, Chapter 12 Parks and Recreation Section 12-2 Recreation Committee Continued, 12-6 Meetings, Reports of Committee, 12-8 Powers and Duties Of Committees, and 12-9 Limitations On Use Of Certain City Park Property; Repealing Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.
 - 1. Ordinance 2025-503 – **Pgs. 105-109**
 - 2. Business Impact Statement – **Pgs. 110-112**
 - 3. Proof of Publication – **Pg. 113**
- c. **SECOND/FINAL READING OF ORDINANCE NO. 2025-504:** An Ordinance of The City of Key Colony Beach, Florida, Amending Article XIII Development Review Committees Section 101-186 Beautification Committee; Repealing Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.
 - 1. Ordinance 2025-504 – **Pgs. 114-117**
 - 2. Business Impact Statement – **Pgs. 118-119**
 - 3. Proof of Publication – **Pg. 120**

d. SECOND/FINAL READING OF ORDINANCE NO. 2025-505: An Ordinance of The City of Key Colony Beach, Florida, Amending Article XIII Development Review Committees Section 101-185 Planning and Zoning Committee, Section 101-170 Appeals from Administrative Hearings, Section 101-171 Variances, And Section 101-172 Amendment To This Code; Repealing Conflicting Ordinances; Providing For Severability; and Providing for an Effective Date.

1. Ordinance 2025-505 – **Pgs. 121-129**
2. Business Impact Statement – **Pgs. 130-131**
3. Proof of Publication – **Pg. 132**

e. SECOND/FINAL READING OF ORDINANCE NO. 2025-506: An Ordinance of The City of Key Colony Beach, Florida, Amending Code of Ordinance, Chapter 14 Sewers and Sewer Disposal, Article III Utility Board, Section 14-47 Membership And 14-49 Meetings; Repealing Conflicting Ordinances; Providing for Severability; And Providing for an Effective Date.

1. Ordinance 2025-506 – **Pgs. 133-136**
2. Business Impact Statement – **Pgs. 137-138**
3. Proof of Publication – **Pg. 139**

9. Secretary-Treasurer’s Report

- a. August 2025 Financial Summary – **Pgs. 140-143**

10. City Attorney’s Report

- a. 2025 Legislation – SB 180 Legal Tasks & Deadlines – **Pgs. 144-145**

11. Commissioner’s Reports & Comments

- a. Commissioner Tom Harding
 1. Wastewater Sampling Summary Report of September 15th, 2025 ****TBA****
 2. Dry Flood Proofing Update
- b. Commissioner Kirk Diehl
- c. Commissioner Tom DiFransico
- d. Vice-Mayor Doug Colonell
 1. Recommendation on a new Plan Copier Lease
- e. Mayor Freddie Foster

12. Citizen Comments

13. Adjournment

***This meeting will be held at the City Hall Auditorium ‘Marble Hall’,
600 W. Ocean Drive, Key Colony Beach, Florida 33051,
and via Zoom***

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/81315465493?pwd=tMm9fyROlxIDu1E1y5hoNVi476fJzV.1>

Passcode:481689

Phone one-tap:

+13052241968,,81315465493#,,, *481689# US
+13126266799,,81315465493#,,, *481689# US (Chicago)

Join via audio:

+1 305 224 1968 US
+1 312 626 6799 US (Chicago)
+1 646 931 3860 US
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 309 205 3325 US
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
Webinar ID: 813 1546 5493
Passcode: 481689

Silvia Roussin

From: Gregory Burke <gregburkesr@gmail.com>
Sent: Saturday, September 6, 2025 9:38 AM
To: KCB Mayor; Doug Colonell; Kirk Diehl; Tom DiFransico; Tom Harding; John Bartus; Silvia Roussin; letters@peopleareasking.org
Subject: Fishing

I would like to voice my opinion on fishing at sunset park . I am against it and I think it would cause more problems , especially to the residents who live close to the park. I am a resident of KCB.

Sent from my iPad

Silvia Roussin

From: Ken and Leah Baranowski <kenleahbar@gmail.com>
Sent: Saturday, September 6, 2025 6:12 PM
To: KCB Mayor; Doug Colonell; Kirk Diehl; Tom DiFransico; Tom Harding; John Bartus; Silvia Roussin; letters@peopleareasking.org
Subject: Sunset Park fishing

Sunset Park has been a beautiful spot for relaxing and watching sunsets, photos, weddings, concerts, and is one of our “lovely” spots in KCB. Putting fishing out on the pier as the backdrop for things mentioned above is going to ruin what we now have. People are not always going to “clean up” and I’m sure we will eventually find fish bones, carcasses, blood, and maybe even trash on our beautiful pier. Please do not allow something that could cause our city to have clean up, enforcement, and other issues in the future. There are more than enough areas to fish in the Keys without having to bring it to our beautiful park.



CITY OF MARATHON FIRE RESCUE

8900 Overseas Highway, Marathon, Florida 33050
Phone: (305) 743-5266 Fax: (305) 289-9834

Memorandum

Date: 9/2/2025
To: Honorable Mayor and City Council members
From: James E. Muro, Fire Chief
Through: George Garrett, City Manager
Subject: August Month End Report

OPERATIONS

Fire Officer Training- No updates were provided for this section for the current period.

Further information will be provided in next month's report.

EMS/Fire Training- No updates were provided for this section for the current period.

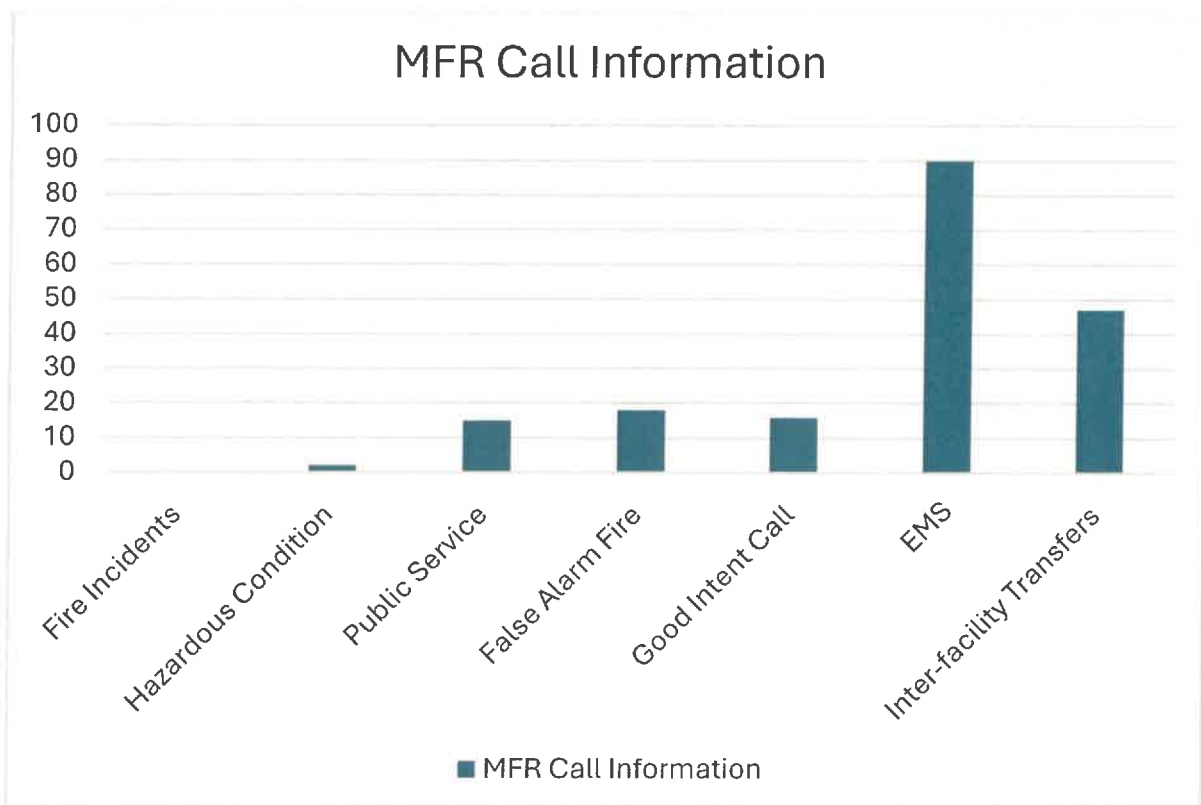
Further information will be provided in next month's report.

Combined Training- No updates were provided for this section for the current period.

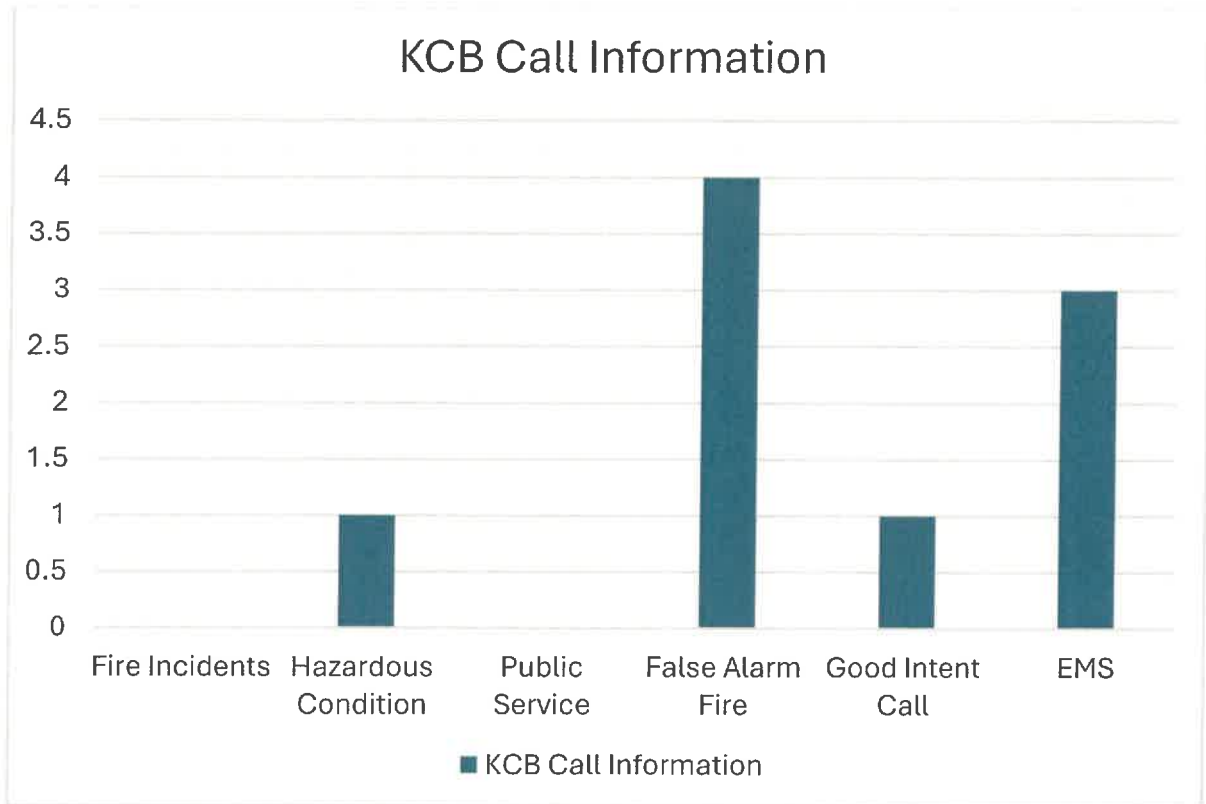
Further information will be provided in next month's report.

MARATHON & KCB CALL INFORMATION

MARATHON RESPONSES	August
Fire Incidents	0
Hazardous Condition	2
Public Service	15
False Alarm Fire	18
Good Intent Call	16
EMS	90
Inter-facility Transfers	47
Total for Month:	188
Total Calls for Calendar 2025:	1,720



KCB RESPONSES	August
Fire Incidents	0
Hazardous Condition	1
Public Service	0
False Alarm Fire	4
Good Intent Call	1
EMS	3
Total for Month:	9
Total Calls for Calendar 2025:	95



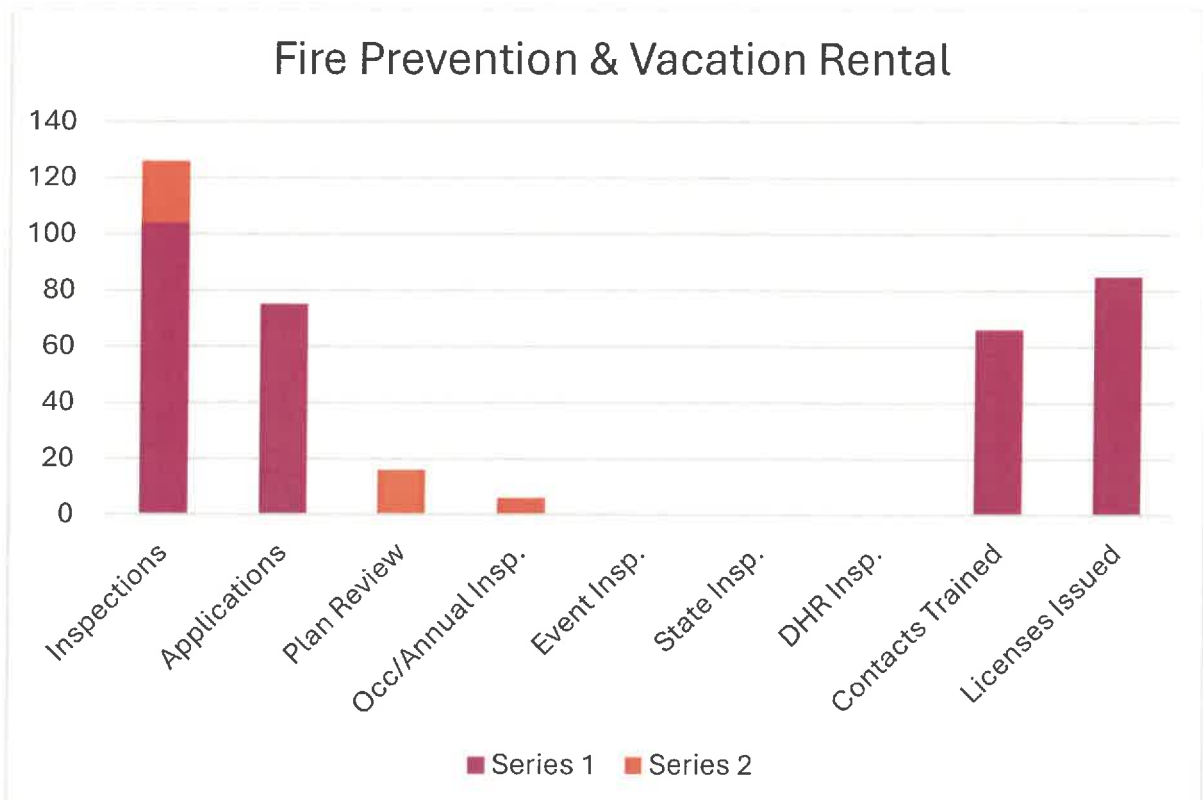
COMMUNITY OUTREACH/RECOGNITION

No updates were provided for this section for the current period. Further information will be provided in next month's report.

FIRE PREVENTION & VACATION RENTAL

FIRE PREVENTION	August
Fire Inspections	22
Fire Safety Plan Review	16
Occupational or Annual License Inspections	6
Event Inspections	0
Annual State Inspections	0
DHR Follow-Up Inspections	0

VACATION RENTALS	August
Total Applications Processed	75
Vacation Rental Inspections	104
Total VR Fees Collected	\$71,675.00
Agent/Local Contacts Trained	66
Total VR Licenses Issued	85



BENEVOLENT FIREFIGHTER SERVICES

No meeting for the month of August.

ACTIVITIES ATTENDED IN AUGUST

Kirk of the Keys

National Night Out

Fire Drill – Stanley Switlik

City of Marathon Food Truck Jamboree

MHS Football

Hawks Cay 5k Marathon – Chief

**Commission Meeting Report
Key Colony Beach Police Department
August 21, 2025, to September 11, 2025
Chief Kris DiGiovanni**

A. REPORTS

1. 8/31/2025

Report Number KCBP25OFF000027

E Ocean Dr

Trespassing Business

Result: Notice to Appear in Court was issued to the subject.

2. 9/01/2025

Report Number: KCBP25OFF000028

Circle K

Battery

Result: Arrest Made

B. MEDICAL/ALARM CALLS

Total Calls: 1

C. CALLS FOR SERVICE

Total Calls: 27

8/23/2025-Welfare Check-10th St-Reference a female had wandered into the wrong yard. Assisted in finding the correct rental home.

8/24/2025-Suspicious Activity-Coral Lane-Reference subjects wrestling on the ground- They were gone upon the officer's arrival.

8/24/2025-Disabled Vehicle-Sadowski Cswy.-Vehicle broke down. A tow truck was called to get the vehicle off the roadway.

8/24/2025-Disabled Vehicle-Sadowski Cswy.-The officer assisted with jump-starting the vehicle's battery. The vehicle was then moved off the roadway.

8/25/2025-Flagdown-W Ocean Dr-Reference suspicious activity on the water. Unfounded.

8/25/2025-Traffic Assist-E Ocean Dr-Assist Public Works with traffic control while repairing the roadway.

8/26/2025-Traffic Offense-A vehicle was parked in the bike lane. The vehicle was moved.

8/27/2025-Assist Citizen-The citizen requested a patch and a coin.

8/27/2025-Neighbor Problem-15th Circle- A neighbor was anchored near the caller's vessel. The vessel was gone on arrival.

8/27/2025-Residential Trespassing-7th St- The caller thought her electricity was being taken by a van. It was a boat mechanic next door. They were not using the electricity.

8/27/2025-Assist Business-8th St-Driver with Landstar was delivering a large tank to Public Works. The driver left the City and returned in the morning to help offload the tank.

8/28/2025-Assist Citizen-600 W Ocean Dr-Questions for the officer.

8/28/2025-Assist Citizen-600 W Ocean Dr-Patch exchange request.

8/29/2025-Fire: Power Line-15th Circle-Palm frond touching the power line. Negative on immediate hazards. The Co-Op was notified to assist with the trimming of the tree.

8/29/2025-Traffic Offense-Illegal boat parking-Warning Issued.

8/29/2025-Suspicious Activity-E Ocean Dr-Unsecure door at a business. Door secured. Key holder notified.

8/30/2025-Assist Citizen-Sadowski Cswy-A mattress floated into a resident's dock. The mattress was removed from the water and disposed of.

8/30/2025-Trespassing Business-E Ocean Dr-Trespassing (fishing) on Jetty-Trespass warning issued.

8/30/2025-Resource Check-Sunset Park- Subjects were in the park after hours. The subjects left the park at the request of the officer.

8/31/2025-Trespassing-E Ocean-subjects fishing off the jetty. Subjects left at the request of the officer.

8/31/2025-Assist Citizen-Sadowski Cswy.-Questions about debris removal.

8/31/2025-Suspicious Vehicle-1st St-In Park after hours. The vehicle and the subjects were checked. The subjects left at the request of the officer.

9/01/2025-Flagdown-W Ocean Dr-Reference subjects fishing off the jetty. The Subjects were gone upon arrival.

9/05/2025-Assist Citizen-7th St-A vessel was submerged at a dock-No Hazards-Towboat responded and removed the vessel.

9/05/2025-Reckless - Driver-Sadowski Cswy-Vehicle speeding and honking-Unable to locate.

9/09/2025 – E. Ocean Dr. and 3rd Street – The transformer was sparking – Sgt. Burden stayed on scene until FKEC/electric company arrived.

9/09/2025 – 201 E. Ocean Dr. - Suspicious vehicle – Subjects were trespassing/fishing without permission – subjects were trespassed from the property.

SPECIALTY UNIT PATROL

Officer Buckwalter

08/26 25

Bike patrol

1300-1500

No issues. Several Community police contacts

12.4 miles

08/29/25

Bike Patrol

1500-1700

No police issues

12.6 miles

08/30/25

Ranger Patrol

City patrol. No issues

Washed machine

Officer Bethard

8/31/2025

Patrolled the Canals

4-Vessels to slow down

1-Dive flag violation

9/01/2025-

Patrolled the Canals

No Violations

9/02/2025

Patrolled with FWC

Patrolled the Canals

Checked all vessels east of Causeway

5 Citations issued

Sgt. Burden

09/09/2025

Assist MCSO with a missing person at sea – Person returned safely.

D. TOTAL WATCH ORDERS/NON-RESIDENTS

Total: 145

E. PROVIDED BACK-UP/ASSISTANCE TO MCSO, FHP, FWC, COAST GUARD OR U.S. BORDER PATROL

Total: 9

F. CITATIONS/WARNINGS

1. Traffic Citations: 5
2. Traffic Warnings: 22
3. Code Citations: 0
4. Code Warnings: 3
5. Resource Checks/Marine Life: 1

G. ADDITIONAL EVENTS IN THE POLICE DEPARTMENT

- Labor Day Weekend - The Police Department had extra officers for the Holiday weekend. There were no significant police involved incidents.
- The used Ford F-150 pickup truck has been delivered and will soon be marked with police decals.
- The new Ford F-150 that was approved at the March commission meeting is in Jacksonville and will be in KCB after October 1st.
- Officer Ronald Schlegel completed his first year of probation as a Key Colony Beach Police Officer.
- We have purchased new optic sights for the police handguns.
- Sunset Park – On August 15th, Officer John Buckwalter, Sgt. Jamie Buxton, Sgt. Joe Burden and I greeted community members as they joined us for the *Cookout with the Cops*. City Commissioners were guests at this event and were able to enjoy hot dogs and hamburgers with the residents and visitors of KCB.
- Please join us at the next cookout, which is planned for Sunday, September 28th.
- August 30 – Ofc. Bethard and Sgt. Buxton attended the “Hawk’s Cay Heroes Salute. Ofc. Bethard placed 1st Place in his age group running the 5K while Sgt. Buxton greeted visitors at the event and invited them to explore the new police truck.
- We held interviews for the part-time Code Officer position.
- September 11 – KCB City Commissioners and KCBPD attended the “September 11th Remembrance” hosted by the City of Marathon Fire Rescue.

SAFETY MEETING AGENDA

Key Colony Beach Police Department

Date: 9/08/2025

Time: 4:00 PM

Location: PD Trailer

Dial-in Number: 305-481-8597

Meeting Lead: Chief Kris DiGiovanni

ATTENDANCE

Attendees: Ofc. Buckwalter, Chief DiGiovanni – Information has been sent to ALL Officers via email and will be discussed at this month's police meeting.

ITEMS & DISCUSSION

ITEM: ADDRESS SAFETY TOPIC(S):

PPE/Personal Protection Equipment: Gloves

Discussion: Gloves (Rubber) are worn by officers for protection against dangerous substances (biohazards), bodily fluids from subjects, and to avoid contamination of crime scenes.

Gloves are provided for each officer.

The officers are provided with a glove pouch along with their equipment.

Gloves should be carried and worn when working on the previously mentioned occasions or anytime deemed appropriate by the officer.

City of Key Colony Beach

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



Date: September 10, 2025

To: Mayor & Commissioners

Subject: City Administrator Report

From: John Bartus, City Administrator

1. The 100% bid-ready drawings were approved, the construction and contract details were hammered out, and the bid process for our City Hall Hardening and Reconstruction Project is open! Bids are to be accepted until October 14, 2025.
2. After the deadline to submit this report, two important events are to take place: the bid opening for ITB 2025-07, City Hall Columns and Beams project, and the site visit for ITB 2025-06, our City Hall Hardening and Reconstruction project. Both events are scheduled for Monday, September 15.
3. Attended Beautification, Recreation, and Utility Board meetings as well as the Legal meeting discussing issues being considered today.
4. Continued my dialogue with Ron Book and Kelly Mallette with the Ron Book lobbying firm; my recommendation is attached to this report.
5. Worked with our attorneys, Building Official Tony Loreno, and FDEM consultant Rebecca Quinn on refining our floodplain ordinances. Concerns about SB 180 may impact these and we are looking at this as well.
6. Worked with the Mayor and City Clerk to refine our grant finding, writing, management, and financial processes and our specific roles throughout the process.
7. Continuing Education: I attended an ICMA (International City/County Management Association) webinar workshop on Community Engagement in Small Towns. I am continuing to take FEMA courses on municipalities and emergency management; the most recent courses are IS-2200 (EOC Functions) and IS-908 (Emergency Management for Senior Officials).
8. Worked with our attorneys to outline necessary municipal responses to SB 180 and other legislation from this past year's session. We will present task lists at this meeting.
9. I met with Marathon City Manager George Garrett to discuss working together on several issues that we share.
10. I am continuing to work with other municipalities and the County on resiliency and our Vulnerability Assessment process that will open the door to future resiliency grants. I received a

draft copy of the Watershed Management Plan for Key Colony Beach – upon state approval, this will become another valuable planning tool that will open doors for future grant funding.

11. Still working with Marathon Planning Director Brian Shea (and others) to help address the ORC (Objections, Recommendations, Comments) report from Florida Commerce on our recent Comprehensive Plan amendment.

12. Met with William Wagner, principal of Early Alert. They offer a variety of emergency management services that will help us with preparation, response, and recovery. My recommendation regarding working with them is attached to this report for possible consideration at the October Commission meeting.

13. Met (via Zoom) with the Mayor and Sandy Walters about using SWIG technology for a canal restoration pilot project that may qualify for an upcoming EPA grant.

14. Along with Chief DiGiovanni, Officer Buckwalter, Vice Mayor Colonell, and Commissioners Diehl, DiFransico, and Harding, represented the city at Marathon Fire Station 14 for the 9/11 Remembrance. I was honored to speak at the event, as was our Police Chief.

John Bartus
City Administrator, Key Colony Beach

City of Key Colony Beach

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



Date: September 10, 2025

To: Mayor & Commissioners

Subject: Early Alert Emergency Management Services

From: John Bartus, City Administrator

As we are now in the Atlantic Hurricane Season, it's best that we be totally prepared in the event of a storm or other disaster. I worked with Early Alert during my time with the City of Marathon, and my personal experience with its founders goes back even further.

William and Hans Wagner (sons of Monroe County's legendary emergency manager Billy Wagner) are the principals of Early Alert. Hans was Marathon's Fire Chief while I was Mayor during the 2005 hurricane season, where we were hit by four storms (including Wilma). William also served as Fire Chief for both Marathon and Islamorada. With Early Alert, they have assembled a nationwide team of emergency management professionals ready to help local governments and organizations with assistance in preparation, response, and recovery from disasters.

Early Alert can assist us with the following:

- National Incident Management System (NIMS)
- Incident Command System (ICS)
- Homeland Security Exercise and Evaluation Program (HSEEP)
- FEMA Public Assistance Program
- Hazard Mitigation Assistance
- Florida Division of Emergency Management (FDEM), including the Florida Recovery Obligation Calculation (F-ROC)
- Monroe County Emergency Management Program and Requirements
- Florida Statutes §252.38(2) Emergency Management Powers of Political Subdivisions

I have met and spoken with William. I see us having a relationship with Early Alert like the one they have with Marathon. Their services are generally billed on a pay-as-you-use-them basis, and their expertise is invaluable during a disaster and recovery. I will have a more detailed proposal for the October Commission meeting.

City of Key Colony Beach

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



Date: August 1, 2025

To: Mayor & Commissioners

Subject: Lobbying Services – Ron Book

From: John Bartus, City Administrator

At the Mayor's direction, I reached out to lobbyist Ron Book to inquire about his services and how they might work for Key Colony Beach. I have previous experience with Mr. Book and his team from my years on Marathon's City Council, and I know him as a very capable and productive lobbyist. I look at his addition to our lobbying team in Tallahassee as an investment that will pay dividends far beyond the cost of his contract. Mr. Book's firm works very well with The Southern Group and Kate DeLoach, our current lobbyist. They formulated a great working relationship with the City of Marathon, and I know they will do the same here.

Mr. Book has 30 years of experience in the inner workings of Tallahassee. He represents clients before the State Legislature, Governor's Office, and the myriad state agencies. His firm is expert in the appropriations process, responsible for literally billions of dollars in grants, programs, and earmarks for his clients. As an innovator in local government representation, Mr. Book and his team craft relationships – they are already familiar with the leadership of the House and Senate for the next upcoming sessions. They are a bipartisan firm that enjoys and cultivates relationships on both sides of the aisle in Tallahassee, and this allows them to be effective in the current political climate.

In addition to the City of Marathon and other South Florida municipalities, Ron Book represents Miami-Dade, Broward, Brevard, and Seminole Counties. Mr. Book was named Appropriations Lobbyist of the Year in 2021 and 2023, and received a News Service of Florida Impact Award in 2024.

I recommend entering into an agreement with Ron Book for lobbying services. His firm will work well with our current lobbyist, and will help us with the issues we face now and in the future in Tallahassee.

City of Key Colony Beach

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



Date: September 8, 2025

To: Mayor & Commissioners, Legal, Department Heads

Subject: SB 180 Tasks & Deadlines

From: John Bartus, City Administrator

I spent some time compiling a list the tasks and deadlines associated with SB 180. During a conversation with Rebecca Quinn, DEP Consultant, she referred to SB 180 Guidance that has yet to be published. That may affect some of the following tasks.

1) City's Emergency Contact – May 1 (every year): notify FDEM about the city's designated emergency contact and alternate. These contacts should likely be the Mayor and myself.

2) City Website: City is required to publish on website a Frequently Asked Questions page related to emergency response and preparedness, and public relief. The page **MUST** include answers to questions about: resident evacuations; safety tips; generator; food and drinking water; wastewater/stormwater safety; damage assessment; debris cleanup; accessing assistance through the Federal Emergency Management Agency and this state; building recovery; natural emergency guidance; applicable laws; and what to do before, during, and after an emergency. The next items **MUST** also be published: A disaster supply list and a list of emergency shelters; links to information about flood zones; checklist for residents explaining next steps to take during post-disaster recovery; information specific to persons with disabilities, including, but not limited to, guidelines for special needs shelter registration; an explanation of how to register for special needs shelters and where to obtain assistance with that process; guidelines as to the level of care that is or is not provided at a special needs shelter as well as situations when either a general population shelter or hospital should be considered; and any other post-disaster assistance or resources available to affected persons with disabilities impacted by a disaster.

Much of this information is easily available online or relatively simple to put together. This will take some staff time to compile and then format it for our website. We will likely be able to cut & paste a lot of the information, as well as link to appropriate page sources at the County's Emergency Management website.

3) Post-Storm Permitting Plan – ensure sufficient staff for inspection, permitting, enforcement tasks: This will take Building Department staff time to implement some of these changes and new procedures. Plan must be updated annually before May 1 of each year. The city must also publish on its website a Hurricane / Tropical Storm Recovery Permitting Guide for residential and commercial properties. This must include repair types the require a permit and applicable fees, types that do not require a permit, post-storm permit application process with any modifications that will expedite said process, local rebuilding requirements (including NFIP elevation requirements following substantial damage/improvement, as well as any local amendments to the Florida Building Code). This again must be updated and published by May 1 of each year.

Post-storm, the city must publish on its website (as soon as feasible) any updates to the permitting process, including any fee waivers or reductions. For 180 days post-storm, the city may not increase building permit or inspection fees. As soon as is practicable, the city must use best efforts to open a permitting office for at least 40 hours a week.

The city must provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters. The city must allow homeowners to provide an e-mail address where they can receive digital copies of such letters. These efforts will take a bit of staff time to compile and publish.

4) Cooperate with the Department on Priority Infrastructure Report: By September 1, 2026, the Department must submit a Flood Inventory and Restoration Report to FDEM on local government stormwater and other flood-prone priority infrastructure. The Department is required to work with local governments and other entities to accomplish this task.

5) Prohibitions on local government actions post-hurricane: For 1 year after a hurricane makes landfall, the city may not propose or adopt any moratoria, more restrictive amendments to our Comp Plan or LDRs, or more restrictive or burdensome development review procedures.

6) Debris Management Site: City must apply to Department for authorization of at least one debris management site and must annually seek preauthorization for any previously approved debris sites. City may jointly apply with County or adjacent municipality if they develop an MOU (which must also be approved annually).

7) Effective Date: SB 180 mandates that unless other dates are specified in the text, the effective date of this legislation is “the date this act becomes a law.” That was July 1, 2025.

There are a multitude of legal aspects and requirements under this and other legislation; these are being provided under separate cover from our legal team. These include restrictions on local governments’ ability to manage growth, (re)development, and Comprehensive Plan/LDR passage.

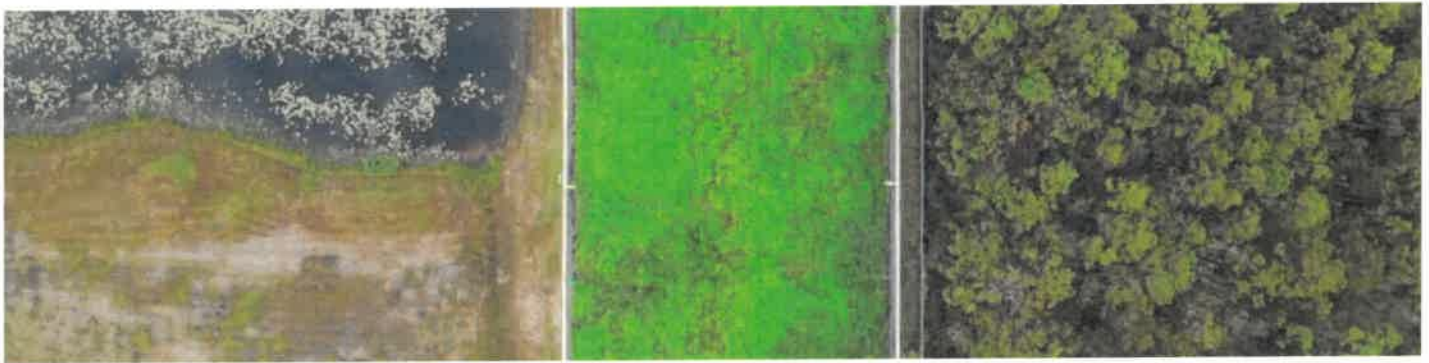
Sustainable Water Infrastructure Group, LLC (SWIG)

Overview of SWIG Technologies

SWIG's nature-based treatment technologies are based on its Phosphorus Elimination System (PES, which removes a wide array of contaminants including nutrients (phosphorus, nitrogen), color, PFAS, metals, pathogens, and various organics (e.g., herbicides, pesticides). These systems are built on engineered media blends using recycled aluminum-based water treatment residuals (WTRs) and other non-toxic amendments, forming a vertical flow-through design. Applications include stormwater treatment, wastewater polishing, aquifer recharge, agricultural runoff, impaired waters restoration, nutrient credit trading, and compliance with surface water quality standards. The summary below provides findings from ongoing full-scale system operations and research. SWIG continues to conduct state-of-the-art research to refine technological performance.

DOCTORS LAKE ADVANCED PHOSPHORUS REMOVAL PROJECT

ANNUAL REPORT 2024 CLAY COUNTY, FLORIDA



Prepared for

St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32178
Contract 33472

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May 6, 2025



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Executive Summary

The Phosphorus Elimination System (PES) has been operational since June 2020, treating over a billion gallons of wastewater effluent, removing 80% of the remaining phosphorus and preventing over 7,000 pounds of phosphorus from entering the Doctors Lake watershed (Table 1). The system continues to rely on robust data gathered by 24-hour composite samplers with daily observations. This facility was constructed in less than 9 months in 2020 (during COVID lock downs), and the system has demonstrated a simple, flexible approach to construction and operation that can be easily scaled and replicated in other Florida watersheds requiring nutrient removal. The project follows a pay-for-performance contracting model.

Table 1: Overall PES Performance Scorecard

Doctors Lake SWIG PES Performance Scorecard - 12/31/2024		
	<u>PTD*</u>	<u>YTD**</u>
Period	2020-2024	2024
# of days	1459	279
Average Daily Flow Rate (GPD)	1,255,843	1,119,194
Total Flow (Gallons)	1,832,275,243	312,255,000
Average Daily Influent P (mg/L)	0.582	0.366
Average Daily Effluent P (mg/L)	0.110	0.116
Average Daily P Available for Removal (lbs)	6.1	3.4
Average Daily P Removed (lbs)	4.9	2.3
Total P Available for Removal (lbs)	8923	954
Total P Removed (lbs)	7230	653
Total P Removed (%)	81.1%	68.4%
Note: Phosphorus values based on DEL Lab reports		

* Project to Date (PTD)

** Year to Date (YTD)

Introduction

This report summarizes the operations of the Doctors Lake Phosphorus Elimination System (PES) from January 1, 2024, through December 31, 2024. This is a St. Johns River Water Management District (District) project, which was awarded to Sustainable Water Infrastructure Group, LLC (SWIG) in 2019. The contract was structured as a pay for performance contract which required SWIG to design, permit, construct, and operate the PES. Clay County Utility Authority (CCUA), a project partner, has leased land to SWIG to operate their PES facility at a CCUA Fleming Island Regional Wastewater Treatment Facility.

Project History

Doctors Lake, part of the Lower St. Johns River system is located south of Jacksonville on Fleming Island in Clay County. Over the last several decades, Doctors Lake has experienced algal blooms, fueled by excessive nutrients from stormwater runoff. In the past year, there were 8 observations of blue-green algae blooms (FDEP 2024) at one or more sampling stations on Doctors Lake. This is 3 less events than the eleven events reported in 2022. They occurred on the following dates:

January 31
July 19
July 24
July 27
August 1
August 24
September 12
September 25

The project will continue to reduce the phosphorous concentration in the watershed, and to help improve water quality in Doctors Lake and the Lower St. Johns River Basin (that portion of the river in north Florida).

Site Location

The project is located at the CCUA Fleming Island Regional Wastewater Facility (WWTF) on Fleming Island (Section 5 Township 5 South, Range 26 East) southwest of the intersection of Routes 220 and 15 (Figure 1).



Figure 1
Vicinity Map

Goals and Objectives

The objective of the Doctors Lake Advanced Phosphorus Removal Project was to demonstrate innovative advanced nutrient removal technologies through a pay for performance contract model. The primary benefits included:

Provide enhanced nutrient removal - This project is designed to remove residual phosphorus in the WWTF effluent discharge to assist in furthering water quality improvements in the Doctors Lake Basin within the Lower St. Johns River Basin.

Conduct daily water quality sampling - This project employs direct monitoring to meet long-term water quality goals within the constraints of this particular watershed.

Demonstrate technology constructability and scalability – The project continues to demonstrate the capability of permitting and constructing a project in under 18 months. Simple construction methods will allow for easier technology deployment throughout Florida. A modular design (both flexible footprint and size) is preferred to meet a full range of future water quality project needs.

Understand the dynamics of a Pay for Performance model – Use of this contract model provides additional security to the District when funding the demonstration of new innovative technologies because it shifts the risk for non-performance to the contractor.

Project Description

The PES operates by means of two pump stations (PSs) which pull water from the WWTF's ductile iron 36-inch effluent main. The supply PS applies the WWTP effluent over the surface of the PES media, which is divided into 6 cells and covers a total of approximately 46,500 square feet (roughly 1.1 acre). The cells are dosed by a water distribution system which consists of an 8-inch manifold that rings the perimeter of the media bed (**Figure 2**). Discharges are controlled by timer actuated valves along the manifold so that an equal volume is applied to each of the 6 cells. Cell dosing is controlled by a pump timer and float control system. Due to the varying inflows and minor influence from intense rain events, dose timing and duration vary daily. The inclusion of valve timers also helps to optimize treatment efficiencies.

Based on available state funding, the anticipated project lifetime for this project is 6 years through January 2026. Thus, the media blend and depth was based on this assumption. If funding is extended, the media can be replaced to extend the project's lifetime and improve P removal efficiencies.

The treated water is returned to the WWTF effluent line and then chlorinated and discharged by CCUA. Much of this discharge enters the CCUA's water reclamation system where it is used for irrigation and other non-potable water uses. Uses of this reclaimed water are within the Doctors Lake watershed (**Photo 1**). Since operations, CCUA has experienced zero discharge permit violations to date attributable to PES operations.



Photo 1. Pump Controls and refrigerated box with ISCO samplers.

Sampling

The flow meters provide instantaneous flow readings to two ISCO 6712 samplers. These are triggered to take flow-weighted 100-ml aliquots at approximately every 105,000 gallons. Given total pumped inflows of approximately 1.2 -1.4 mgd, this comes to 12-14 aliquots each 24-hour sample collection period. The samplers are enclosed in a chest refrigerator to maintain 4°C temperatures (per EPA Standard 365.3: Phosphorous in Water, Ascorbic Acid Colorimetric Method) during this collection interval (**Photo 2**).



Photo 2. Pump Controls and refrigerated box with ISCO samplers.

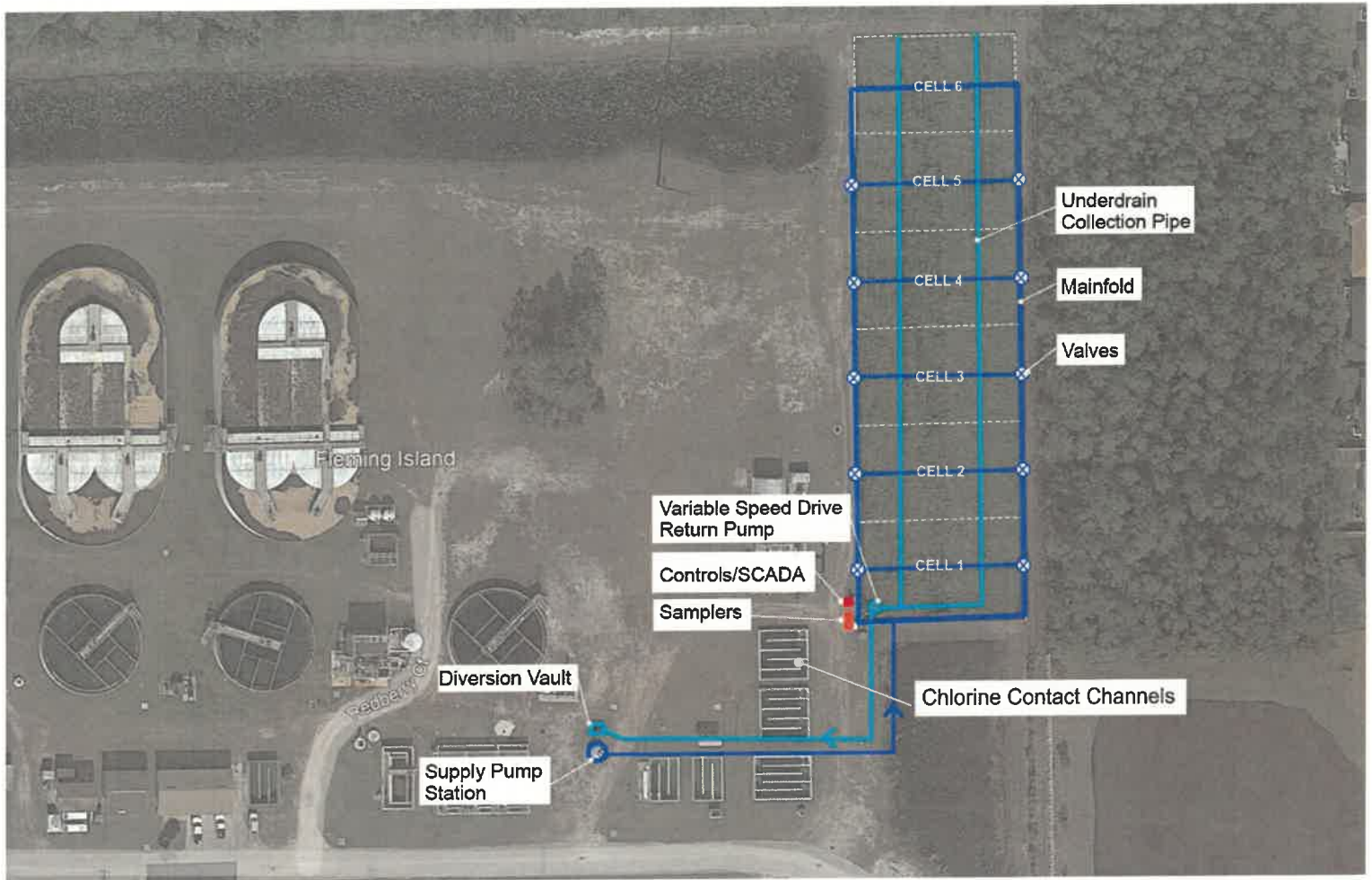


Figure 2
Layout Map

The ISCO 6712 multi-bottle sampler is configured with eight 2-liter bottles. After each collection period, the sampler switches to the next bottle. This sampling regime lasts one week. The eighth bottle is used to collect any additional aliquots that may occur if the samples are picked up past their 24-hour period. Each week, a 250 ml subsample of the composited 2L volume for each 24-hour period is collected by SWIG personnel and brought to a NELAP certified laboratory based in Jacksonville. The sample collection bottles are then thoroughly rinsed with deionized (DI) water and replaced for next week's sample collection. During the sample collection day, the sample being collected in the eighth bottle represents the current day. This would be picked up the next week's collection, so all aliquots from the entire 24-hour period of the previous week's collection day are collected. The collected composited subsamples are then analyzed for unfiltered TP according to standard methods. SWIG has also added total nitrogen (TN) monitoring since November 2021. Unlike TP, TN is a single weekly composited sample.

System Performance

To date, average flow weighted inflows were 0.582 mg/L TP which is a decline from the previous year of 0.626 mg/L TP. The outflows averaged 0.116 mg/L TP which remain low and similar to 2023 (0.111 mg/L TP). Total flow weighted lifetime removal is still high at 81.1% (Table 1). Average influent P concentration of 0.582 mg/L is still 32% below the original value (0.93 mg/L) presented in the 2019 District's Request for Proposal (RFP). The higher average effluent concentration presented in the RFP was skewed due to wetter than average precipitation events in 2019. The daily responses over the entire record are presented in Figure 3.

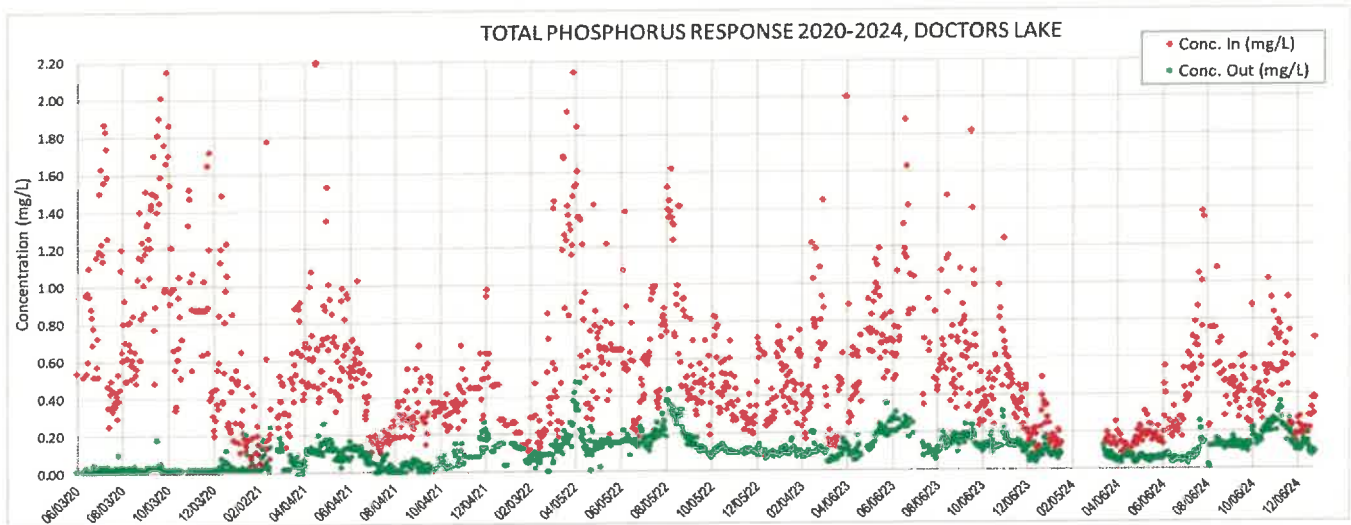


Figure 3. Daily composite samples of influent (red) and effluent (green) (April 2020-Dec 2024).

For comparison to the entire record, the 2024 results are displayed in **Figure 4**. As expected, average effluent concentrations have slowly increased as the system ages. Average flow weighted inflows were 0.366 mg/L TP, while outflows averaged 0.116 mg/L TP. This represents a flow weighted removal rate of 68.4% in 2024.

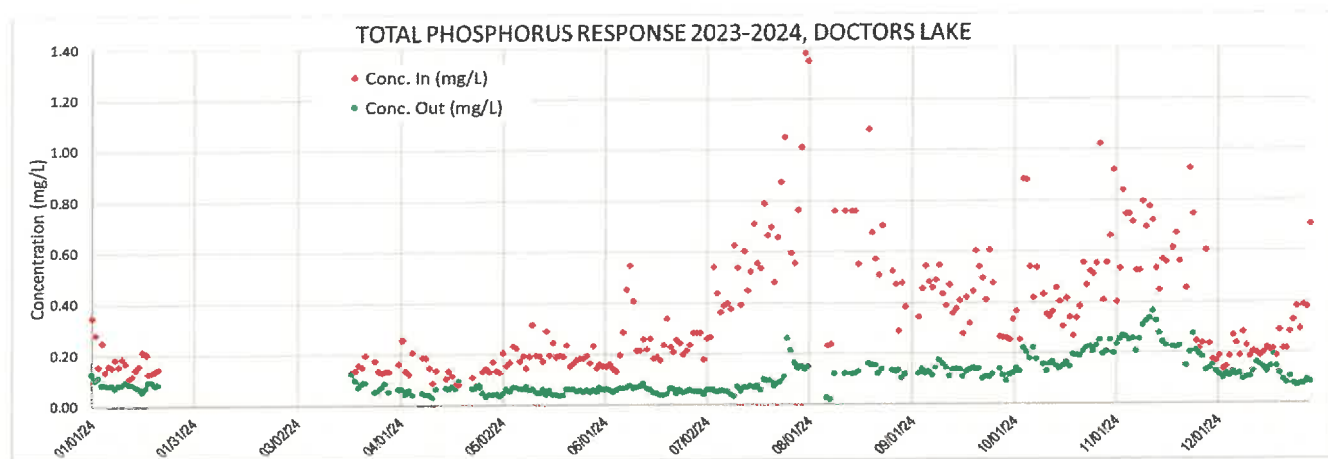


Figure 4. Daily composite samples of influent (red) and effluent (green) (Jan 2024-Dec 2024).

It should be noted that the data gap in January through March was the result of a failed pump controller and that resulted in a lack of operations for that period.

Phosphorus Trends Analysis

Phosphorus concentrations vary throughout the year. Based on the historical record (**Figure 3**) seasonal influence with higher TP concentrations occurring in the summer and then tapering off in the winter months. There was an exception in 2022, where late winter concentrations were even higher than the peak summertime inflows.

As mentioned previously, there was a distinct contrast to 2020, in that the concentrations in the latter half of 2021 were considerably lower than the previous year. **Figure 5** compares the responses in 2020, 2021, 2022, 2023, and 2024. **Figure 6** shows the entire period of record.

As illustrated in Figure 5, 2021 inflows were less than half that of 2020. Comparing the same period in 2022, the median flows were slightly greater, with a flow weighted average of 0.595 mg/L, still substantially lower than the RFB projection of 0.93 mg/L. In 2023, inflows increased slightly to 0.640 g/L, but lowered by almost half to half in 2024 to 0.366 mg/L. 2024 represents the lowest influent concentrations this treatment facility has received to date. That said, there is a lot of variability in P loads from year to year.

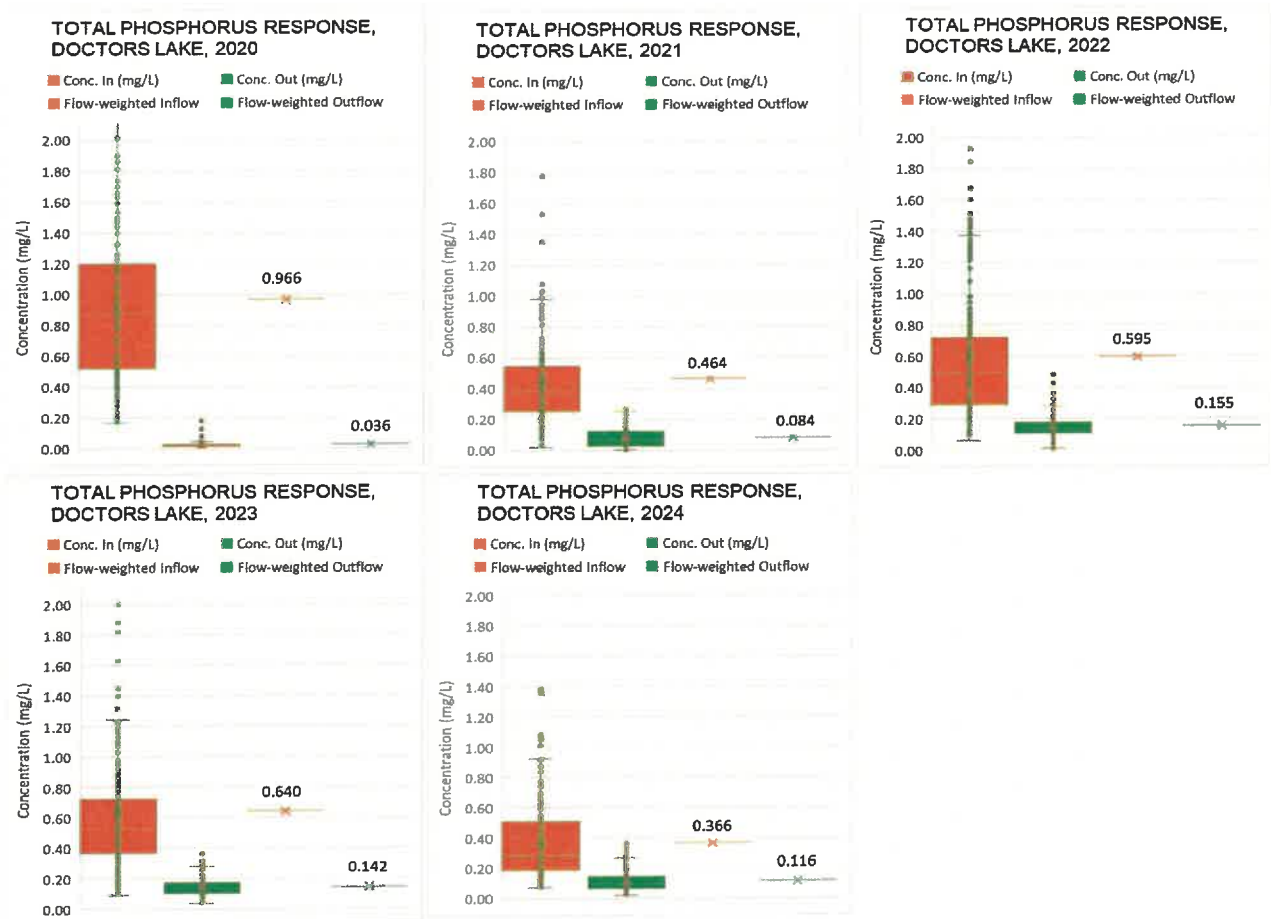


Figure 5: Flow weighted TP concentrations: 2020, 2021, 2022, 2023 and 2024

This seasonal and annual fluctuation highlights the potential pitfalls that can be experienced in a pay-for-performance contract. Nevertheless, it has also provided a very good opportunity for PES to demonstrate that it can successfully remove phosphorus to low levels over a wide range of influent concentrations

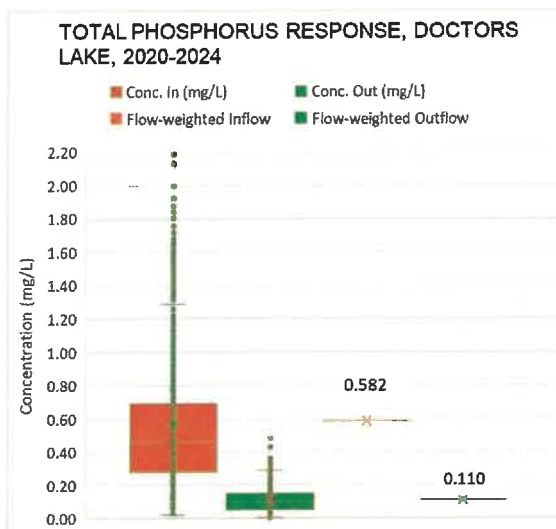


Figure 6. Comparison of influent (orange) and effluent (green) (Entire Record).

From a flow-weighted performance standpoint (Figure 6), the TP removal over the entire period of record is presently 81.1%. The flow-weighted TP removal standpoint over the 2023-2024 period declined to 68.3% due to lower average influent concentrations and increasing outflow concentrations, as indicated in Figures 3, 4, and 5.

Now that the PES has been in operation for nearly 4 years, it is instructive to compare its actual performance to the baseline outflows initially projected for the project. Figure 7 compares the results against the projected baseline results (blue line) for the entire period. Note that results are now expressed in terms of grams accumulated per kilogram of media. This is a metric that tracks removed P as a function of media P removal mass. This approach allows for tracking projected performance against that observed.

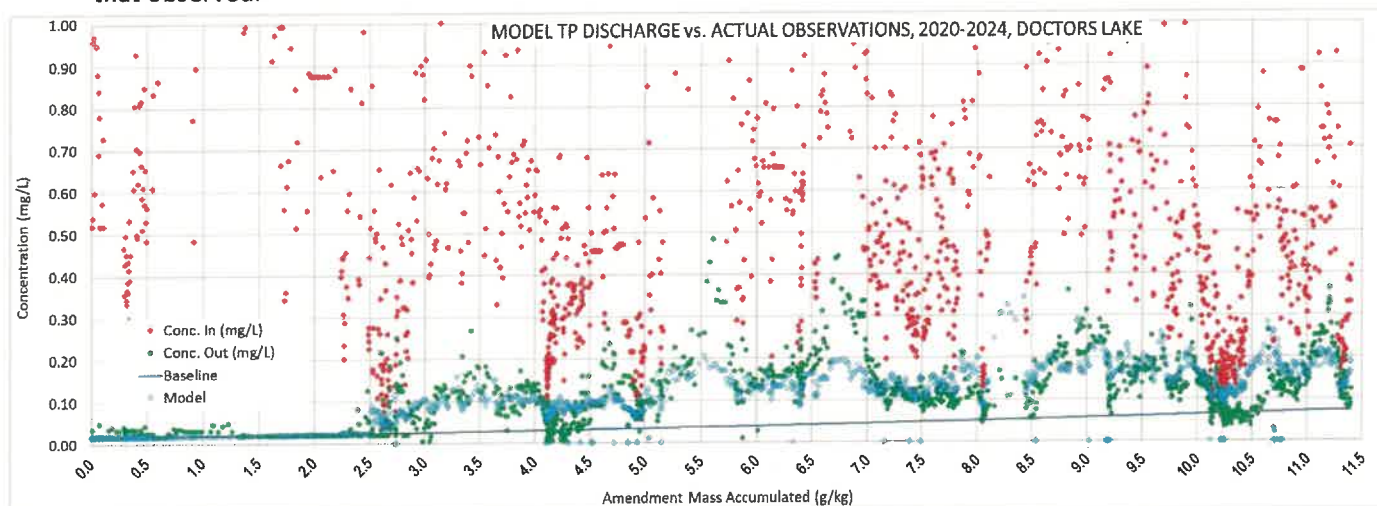


Figure 7. Comparison of influent (red) and effluent (green) and Model (blue) Entire Record).

Over the period of record displayed, it can be seen that actual performance was not as consistently low as the projected baseline performance. The effect of inflows above approximately 0.40 mg/L (approaching an order of magnitude larger than baseline) caused outflows to exceed projections (blue), even though

overall removal performance was still 81%. The later observations when inflows were below 0.40 mg/L approach the original baseline projection (blue).

As a result, the baseline projection model had to be revised to account for the excursions above baseline as a function of the ratio of inflow concentrations to baseline projections. By adding this adjustment, outflow concentrations are quite close to that predicted by the revised model. The Pearson correlation coefficient for this model was 0.710, which would be considered very high for so many observations (1652). Its bias (overall increase/decrease compared to actual observations) was only 0.7%.

These metrics give confidence that the method used to project outflow concentrations as a function of TP mass accumulated is a valid approach to project useful lifetime of the PES to continue removing TP. We think that the combination of higher input concentrations and the development of preferential flow pathways may have caused the sorption capacity of the resulting flow channels to be exceeded, resulting in elevated discharge concentrations. However, the fact that retention is still reverted to projections at lower inflow concentrations is reassuring.

Over the past four years, a total of 11.5 g/kg, or 11,500 mg/kg, of total phosphorus (TP) has accumulated in the media. To provide context, Chen and Ma (2001) conducted a comprehensive survey of TP levels in Florida's surface soils. Native soils exhibited a mean TP concentration of 60 mg/kg, while cultivated soils showed a higher mean concentration of 126 mg/kg. Agricultural topsoil, which is cultivated, has accumulated more phosphorus due to fertilization, particularly in areas with high usage. Among various soil orders, cultivated Histosols displayed the highest enrichment, with a mean TP concentration of approximately 350 mg/kg. Given the two orders of magnitude in TP content, there is a significant market for TP-rich media to support agriculture at the end of its useful life.

It is also interesting to note that when Cell 4 was renovated in March 2024 (amendment mass accumulated 10.2 g/kg), the outflows reverted to baseline until October (amendment mass accumulated 10.9 g/kg), after which the concentrations resumed their responses to inflow concentrations. This suggests that the development of macropores may have formed after 6 months creating preferential flow pathways through the media.

Nitrogen Trends Analysis

Even though not designed to specifically remove total nitrogen (TN), there was consistent ability of the PES to also reduce TN. This is partly due to plant uptake and the fact that the cycling between cells allows for alternating cycles of oxic/anoxic conditions needed for transforming and denitrifying TN. Even with the short hydraulic residence time of several hours, that is sufficiently long enough for some denitrification to occur. **Table 2** summarizes the different nitrogen species reductions.

When evaluating TN reductions, it is important to account for fundamental TN transformations. If the Organic N (ON) that dominates Total Kjeldahl N (TKN) is easily broken down (labile), it is first hydrolyzed into amino acids, and then ammonified to Ammonium (NH₄), which is then nitrified into Nitrate-Nitrite-N (NO_x). All this happens during the interevent oxic period between doses.

As a result, the inflow column in **Table 2** also includes the converted TKN as NO_x (TKN reduction + NO_x inflow) as the effective NO_x inflow, as that is a better metric to evaluate NO_x conversion to nitrogen gas by denitrification (DNF). This increases NO_x removal percentage. The resulting percentage effective NO_x removal is compared to the absolute inflow/outflow NO_x removal in the final columns to illustrate the difference of these methods. Since most of the ON in wastewater inflow is labile, this means that it will end up being transformed into NO_x, increasing effective inflow NO_x concentrations.

Table 2: Nitrogen Species Inflow, Outflows and Reduction, 2024.

PERIOD	INFLOW (mg/L)				OUTFLOW (mg/L)			REDUCTIONS (mg/L)			NITROGEN SPECIES REDUCTION (mg/L)			
	TN	TKN	NO _x	TKN Red. & NO _x IN	TN	TKN	NO _x	TN	TKN	TKN Red. & NO _x IN	TN%	TKN%	TKN Red. & NO _x IN	NO _x ONLY%
2021-2022	2.83	1.31	1.52	2.24	1.44	0.59	0.86	1.38	0.72	1.38	48.9%	55.2%	61.8%	43.5%
2023	2.34	1.27	1.07	1.70	0.97	0.64	0.33	1.37	0.63	1.37	58.5%	49.4%	80.6%	69.3%
2024	4.83	2.93	1.96	3.92	2.68	0.97	1.72	2.14	1.96	2.20	44.4%	67.0%	56.2%	12.4%
AVERAGE	3.29	1.79	1.50	2.57	1.66	0.72	0.94	1.63	1.07	1.63	49.5%	59.6%	63.4%	37.4%

Meanwhile, denitrification proceeds in the permanently saturated stone anoxic layer, in addition to that within the media during dosing. As a result, the effective NO_x concentration in 2021-2022 was reduced by 1.38 mg/L, nearly 70% of the sum of incoming NO_x with that generated by transformations in the oxic layer discussed above. As a result, overall TN removal was nearly 50%, with a TKN removal of 55.2%, while NO_x removal of inflow plus transformed TKN (or the effective amount of NO_x treated) was 61.8%. (Note that 2022 includes a few observations from 2021).

In 2023, TN reductions increased to 58.5%, while TKN removal declined to 49.5%, with effective NO_x removal increasing to 69.3%. In 2024, TN reductions decreased to 44.4%, while TKN removal increased substantially to 67.0%, while effective NO_x removal decreased to 56.2%.

Overall, TN removal was 49.5%, with 59.6% TKN and 63.4% effective NO_x removals. These are remarkably high rates of TN, TKN and NO_x removal for a system with relatively short hydraulic residence time and no carbon source added. Apparently, the carbon input from the plants and the inflows was enough to provide these high rates of TN removal.

Using this approach to evaluate the impacts of Tn transformations in TN removal, **Figures 8, 9, and 10** display the N species responses over from late 2020 (considered part of 2021) through 2024 for TKN, NO_x and TN, respectively. The percentage removals are shown in blue triangles with their axis at the right.

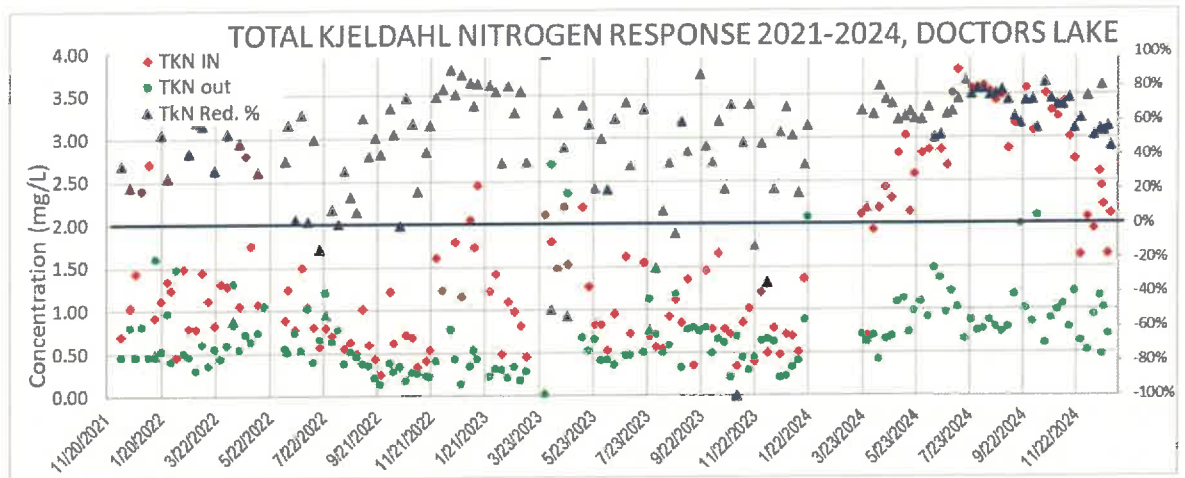


Figure 8: TKN removals at Doctors Lake, 2022-2024.

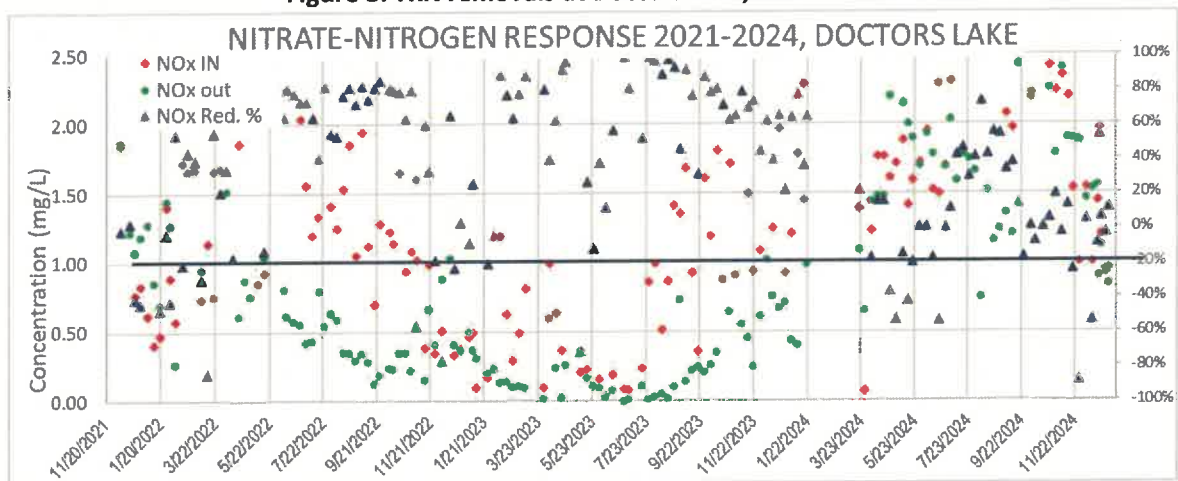


Figure 9: NO_x removals at Doctors Lake, 2022-2024

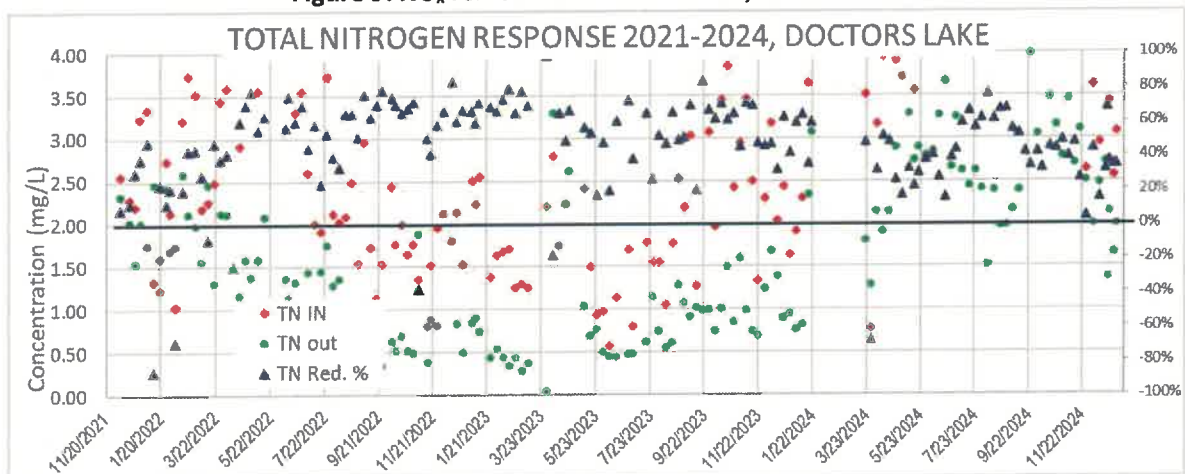


Figure 10: TN removals at Doctors Lake, 2022-2024.

These are substantial TN removals for a system operating at high PES flow rates. It is instructive to note that these results occurred after PES flow rates were throttled back 1.3 to 1.4 MGD, or 4 feet per day) from earlier higher flow rates (1.6 to 1.8 MGD, or 5 feet per day), which increased the hydraulic retention time needed for these transformations to occur. These results suggest that the PES can also be operated to remove TN quite effectively.

Maintenance Summary

SWIG field operations include weekly tasks that include sample collection, field measurement of water drawn down timing, and weed removal along the PES perimeter. Periodic checks on the pump and pump controls were coordinated with Barney's Pump based out of Jacksonville, Florida. Pipe repair services were performed by WW Gay. Below highlight additional maintenance activities that occurred over the past year.

Table 3: Maintenance Summary, 2024.

Date	Action
Jan 22– March 10	System turned off on 1/22/24 for rehab of media in Cell 5. Vegetation was removed and half of Cell 4 was replaced with new generation media for testing (Photo 5). System was operational on 3/11/24.
March 14 – March 18	<ul style="list-style-type: none"> • Pumps were off 3/14/24 - 3/18/24 because variable frequency drive (VFD) was broken and took several days to diagnose the issue. • Return pump was rewired on 3/19/24 and system was run manually until VFD could be replaced and normal operation resumed on 4/23/24.
August 2 – August 6	<ul style="list-style-type: none"> • Pumps were off on 8/2/24 - 8/6/24 because of VFD and float switch issues. • Return pump was rewired on 8/7/24 and system will be run by hand until Barneys pumps can fix issues. • Barneys came on 8/13/24 and determined that the transducer connected to the VFD was broken. Transducer was ordered and system was run by hand until 9/5/24. Barneys came on 9/5/24 and replaced the transducer and float switch. System fully operational on 9/6/24.
September 27	A new refrigerated box to store auto sampler was installed (Photo 2)



Photo 3. Next generation media being replaced in Cell 5.

Media Replacement

As part of SWIG's ongoing effort to advance research and development of better performing media blends, media in Cell 4 was replaced with a next generation media blend (**Photo 3**). This media blend is similar to media that will be used in the District's Black Creek Water Resource Development project in which SWIG is the technology provider for color and nutrient treatment. SWIG plans to study the new media capabilities over the next few years. The spent media was removed and re-purposed as an amendment for plant potting applications.

Plant Reestablishment

Annual biomass harvest is an annual maintenance element. The vegetation was mechanically cut using a skid steer equipped with a cutting blade attachment (**Photo 4**). After the vegetation was cut, the biomass was mounded and removed from the site. The plant roots were left in place. The surface media was scarified with a rake attachment to break up any compacted areas and to level the media surface.



Photo 4. Cell 2 vegetation growth after vegetation clearing in February 2024.



April



May



June



July

Photo 5. Cell 2 vegetation growth after vegetation clearing in February 2024.

In the first month, the plants began to establish themselves using existing root systems or local seeds. No new plants were introduced after the vegetation was cleared. As shown in **Photo 5**, this facility successfully re-established and maintained a healthy emergent plant population within a two-month timeframe.

Plant Survey Summary

SWIG contracted with SWCA in August 2024 to conduct a plant survey to identify species present and estimate percent cover (**Figure 11**). This is a follow up to a survey conduct in 2020. SWCA identified 25 species of plants within the treatment area (SWCA 2024). The dominant species of plant was dotted smartweed (*Persicaria punctata*) with 40% overall coverage. Indian goosegrass (*Eleusine indica*) were the second most abundant species present at approximately 21%. Other species represented substantial components of the cover combined with 25 other species covering a minimum of 90% of the treatment area. The treatment area has significant diversity that is entirely the result of natural recruitment.

Planted stock was no longer present in the treatment area. Alternatively, the quick natural growth of non-native or opportunistic vegetation can overcrowd a recently cleared area before other native species can become established.

The survey identified no species of FISC Category 1 plants (high priority for control). Previously identified invasive species - Peruvian primrose willow (*L. peruviana*) and Caesarweed (*U. lobata*), were not observed within the treatment basin during the 2024 vegetative survey.

Since the initial plantings were established in 2020, none of the original species have been sustained. In fact, there has been a complete turnover of new species since the 2020 survey. Plants within this system are naturally recruited through windblown seeds and those dispersed by wildlife.

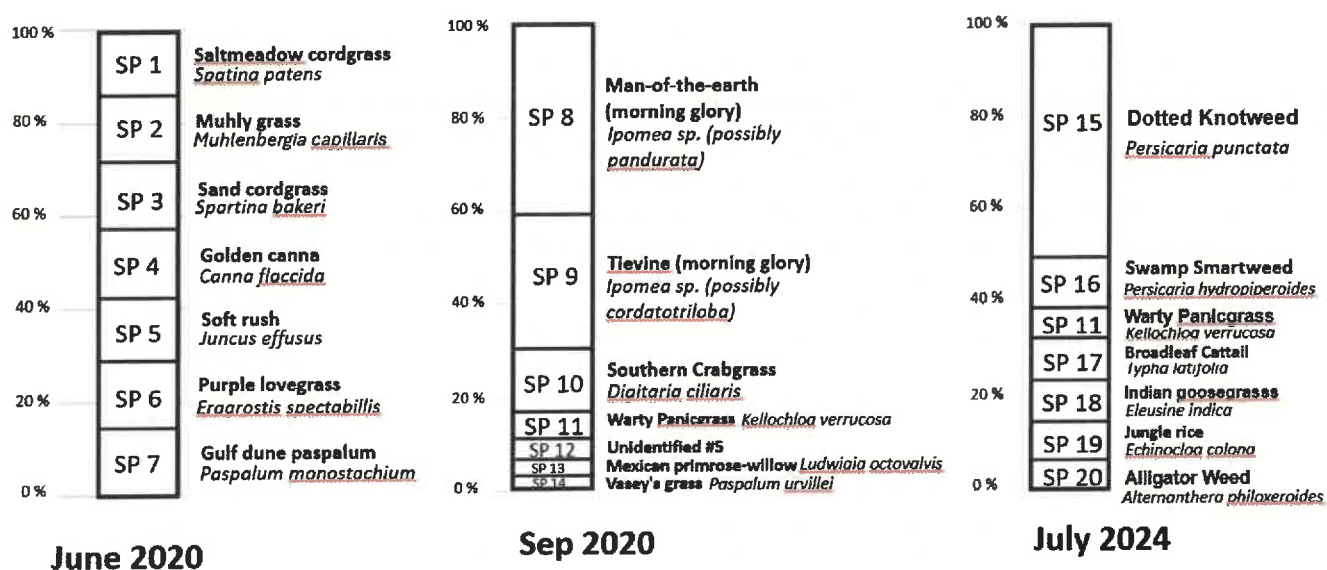


Figure 11. Plant Composition Trends since 2020.

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**Building Department Staff Report
Report for September 2025 – City Commission Meeting**

Building Official – Tony Loreno

- ❖ Inspections Completed: 98
- ❖ Plan Reviews Completed: 47
- ❖ The building department has issued 4 stop work orders for numerous projects for contractors and unlicensed contractors working without proper permit approval. We have worked with each homeowner and contractor to resolve with related fines. We have been very proactive monitoring jobsite management and erosion control for local contractors and relevant fines for being out of compliance.
- ❖ The property on the corner of 8th and Ocean is nearing initial inspection deadline for completed foundation work that is required by October 13th. At this time, we are working with this contractor to make sure it will be cleared and maintained if no construction is planned for the near future.
- ❖ Happy to report as of this week Marble Hall kitchen drywall is complete and we are moving on to painting, new cabinetry and roll down locking doors.
- ❖ We have completed newly mandated Florida DBPR filing for milestone inspection reports to be directly submitted under my license to the state for yearly review and record keeping. This will greatly enhance our reporting and state oversight to protect condo owners that all milestone inspections are complete and provide updates to the state on completion of any milestone required repairs that are required.
- ❖ Working closely with Vice Mayor “Brick” Colonel and John Bartus regarding the remodeling and addition including our plans for relocation to city hall trailer for the building department prior to construction. We had a few contractors show up for the preliminary onsite inspection for Marble Hall spalling project and expecting quite a few bids for this work. We are also getting a lot of good feedback that our RFP for city hall renovation and addition will have a good turnout for bids from local and surrounding contractors.
- ❖ We are currently working on our cities code for setback requirements for accessory structures (Specifically swimming pools) to possible help homeowners that may require a variance request due to side setbacks that can slow approval for a pool up to 3 months. This updated report will be presented to P&Z at the next meeting.
- ❖ Samatha and I continue to handle code enforcement and working with the Chief as code enforcement will now be working closely with our police department and reporting to the Chief.

Building Assistant - Samantha Rodamer

- ❖ Permits Issued: 40
- ❖ Permits Closed: 25
- ❖ Received, coordinated, and completed sewer locates with US Water.
- ❖ Shadowed the Building Official on multiple building inspections
- ❖ Scheduled the remaining vacation rental safety inspections for the month of September.
- ❖ Assisted with Code related issues and City rounds in absence of a Code Officer.

- ❖ Virtually attended the August City Commission, Utility Board, Beautification, and Recreation Committee Meetings.
- ❖ Fielded questions regarding STR/LTR/BL license renewals.
- ❖ Hosted the September Property Manager/Local Contact course.
- ❖ Worked closely with our city attorney and staff for prep work and posting of the spalling repair ITB for Marble Hall.
- ❖ Reviewed received STR, LTR, and BL applications received thus far for completion. Submitted review packets to City Clerk of those approved.
- ❖ Issued reviewed STR/LTR/BL licenses for 2025/2026 and worked with City Clerk to assist with any other licensing needs.
- ❖ Processed safety inspection results that have been completed thus far.
- ❖ Completed records requested as necessary.
- ❖ Scheduled a multitude of inspections & organized Building Official's daily inspection schedule.
- ❖ Completed multiple Contractor Registrations and updated prior registered Contractor's records.
- ❖ Aided contractors with permit-related questions.
- ❖ Assisted in coordinating plumbing and drywall work for the Marble Hall kitchen.
- ❖ Organize and submitted refund requests for building surcharge fee calculation error.
- ❖ Attended Floodplain Ordinance meeting with city staff.

Public Works Staff Report

Report for September 19th, 2025 – City Commission Meeting

Since the last City Commissioner's Meeting Public Works has:

- Scheduled bee removal on police trailer
- Repaired irrigation heads at gazebo park
- Repaired trip hazards on walking paths at Gazebo Park
- Troubleshoot electrical problem with trailer restrooms
- Continued repair of potholes citywide
- Helped LPS with street sweeping
- Worked with LPS to replant two 35ft coconut trees and braced them
- Watched over detention pond, tennis area pavers & 7th street parking lot paving contractors
- Repaired picnic table at Sunset Park
- Repaired F250 brakes and wheel speed sensors
- Re-graveled treatment plant driveway
- Designed and installed brackets for hanging planters
- Repaired delineators
- Identified electrical issues with streetlamps and had repaired
- Scrubbed and cleaned post office floor
- Worked with affordable asphalt to pave Sadowski and East Ocean radius
- Leveled two loads of sand at Sunset Park
- Obtained bids and contracted coconut pruning
- Placed barrier rocks around water meter at 7th street park
- Roughed in plumbing for the water fountain at tennis courts
- Repaired electrical at tennis court tiki
- Installed water fountain at tennis courts
- Installed new self-filling dog bowl at the dog park
- Removed dead Bismark Palm near the playground at 7th Street Park
- Had Comcast coaxial installed for the shop, golf clubhouse and pickleball courts for Wi-Fi
- Installed lattice on backside of Sunset Park sign for bougainvillea
- Treated around retention pond, 7th Street Park and East Park for fire ants
- Performed preventative maintenance on Building Dept golf cart
- Contracted, approved design and installed runner sign at Sunset Park as part of the FRDAP grant requirements
- Performed preventative maintenance on Building Department Polaris side by side.
- Relaced carburetor and perform preventative maintenance on plate compacter
- Assisted with the writing of two FRDAP grants
- Contacted McCourt on warranty repairs to pickleball court #5 and repairs on tennis court
- Repaired City Hall's AED
- Completed 2nd treatments of Sunset Park weed control and fertilizer

Thank you,

Mike Guarino

Public Works Department Head

City of Key Colony Beach
Public Works Safety Training Documentation Form

Date:	9/9/25	Location:	Shop
Time:	0700	Meeting Lead:	Mike Guarino

Attendees: Esteban Cabrera Fernandez, Jesse Petersen, Willy Dominick Justin Luisi & Mike Guarino

Absentees: N/A

Topic: Lighting Safety

1. Introduction and Presentation of Topic:

We watched a lightning safety video (Ally Safety) on the dangers of lightning.

2. Discussion, Questions and Concerns:

Discussed what one should do if they hear or see thunder or lightning. Near misses were discussed as well.

3. Conclusion

If you hear thunder or see lightning you should seek shelter in the cab of your vehicle, equipment, or inside a building and wait for half an hour after the storm has passed before returning to work.

City Hall Staff Report

Report for September 18th, 2025 – City Commission Meeting

City Clerk Silvia Roussin

- Prepared for and attended meetings of the Beautification Committee, Recreation Committee, and Utility Board, and completed the corresponding minutes.
- Completed public notices and business impact statements for the second ordinance readings, as well as the Variance Requests for the upcoming P&Z meeting.
- Attended a meeting with legal and staff to finalize the City Hall bid package and ensure compliance in all areas.
- Attended the Floodplain Ordinance meeting alongside City Administrator Bartus, Mayor Foster, and the Building Department.
- Ongoing grant management for our Shelter Bay, City Hall, and WRF Projects. The next quarterly reports are due in October alongside reimbursement requests for expenditures incurred. We are still waiting on final reimbursements for the closed-out projects at 1st Street Park and the Pickleball/Tennis Courts. Sunset Park is in the close-out process.
- Attended a meeting with our new grant management company, OVID, to discuss new grant opportunities and management.
- Alongside Commissioner Harding, I attended a meeting with Public Risk Management regarding the annual insurance renewal.
- Attended the legal meeting alongside the Mayor and City Administrator.
- Answered citizen correspondence and public records requests.
- Completed check deposits, payroll reports, ACH transactions, FRS and IRS reporting requirements, and wire transfers.
- In addition to daily general correspondence and HR tasks.

Administrative Assistant Par Darnall

- Trained with Samantha on Citizen Serve on how to issue long/short-term rental licenses.
- Trained with Cheryl to learn front desk procedures.
- Learned about short- and long-term trailer storage and how to issue permits for both.
- Learned how to answer phones and operate the phone system.
- Attended a Zoom meeting concerning Grants.
- Participated at a Zoom meeting concerning the PRM insurance.
- Organized the Flood Insurance notebook and completed a spreadsheet for flood insurance & PRM insurance.
- Learned how to complete a property transfer and property inquiry.
- Trained with Cheryl in QuickBooks, CitizenServe, and Point&Pay.
- Sat with Samantha while she hosted the property management class on September 2nd.
- Went to the garage with Tony and Samantha to help organize shredding the old records and files.
- Learned how to add a new ACH to the spreadsheet and QuickBooks

Administrative Assistant/Bookkeeper Linda Jones

- Created a daily routine of answering emails, checking bank accounts, and various income reports.
- Download daily deposit reports and match deposits to bank.

City Hall Staff Report

Report for September 18th, 2025 – City Commission Meeting

- Reconciled all bank accounts for the month of August.
- Completed two check runs for vendor payments.
- Uploaded positive pay reports to bank for operating accounts.
- Completed appropriate transfers from fund accounts to operating accounts for bill pay.
- Maintained invoice records, and attached them to entries in QuickBooks.
- Reconciled credit cards and recorded bill payment.
- Continuing training with Jen.
- Downloaded and filed all monthly bank statements.
- Recorded, trimmed and filed several Commission meetings and board meetings.
- Emailed invoices to commercial property owners for August wastewater charges.
- Recorded state income from Flair report throughout month of August.
- Created QBs templates for paying utilities and tracking by account.
- Learned to accurately account for payments by city and payments by employees for various insurance and retirement funds.
- Trained Par on Zoom equipment and recorded Beautification meeting on 9/9/25.

Administrative Assistant Cheryl Baker

- Uploaded various meeting minutes to the city website.
- Reached out to everyone on the long-term wait list.
- We are currently waiting for final paperwork and/or payment for their spots.
- Continually update City Staff and Personal Directories for website and staff needs.
- Issued boat trailer licenses for short-term renters.
- Manage Sunset Park Weddings and the collection of required forms and payments.
- Manage the Memorial Bench purchases for residents.
- Collect and distribute mail & manage the phones.
- Trained Par on front desk duties, including issuing short-term boat trailer stickers, uploading website posts, maintaining constant contact, reviewing Sunset Park rentals, and managing Memorial bench and table sales, as well as including her in KCBCA merchandise sales.

Upcoming

10-02-2025 Planning & Zoning Board Hearing
10-06 to 10-09-2025 FACC – City Clerk’s Conference
10-13-2025 Columbus Day – City Hall closed
10-14-2025 Beautification Committee Meeting
10-14-2025 City Hall Bid Opening 4:00 PM – Marble Hall
10-15-2025 Planning & Zoning Board Meeting ****tentative****
10-16-2025 City Commission Public Hearing
10-16-2025 City Commission Regular Meeting
10-20-2025 City Hall Bid Review Committee Hearing ****tentative****
10-21-2025 Utility Board Meeting
10-23-2025 City Commission Special Meeting (Award of City Hall bid) ****tentative****

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, July 17th, 2025 – 11:50 AM
Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer, Roll Call:** The Key Colony Beach City Commission Regular Meeting was called to order by Mayor Freddie Foster at 11:50 AM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster, Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Doug Colonell (via Zoom), Commissioner Kirk Diehl. **Also present:** Marathon Fire Chief James Muro, Police Sergeant Joe Burden, City Attorney Dirk Smits, Public Works Department Head Mike Guarino, City Administrator John Bartus, Administrative Assistant Linda Jones, City Clerk Silvia Roussin, Recreation Committee Chair Cindy Catto. **Absent:** Building Official Tony Loreno.

Public Attendance: 5

2. **Approval of the Agenda** (*Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote*)

City Clerk Roussin asked for the following agenda additions:

Under Item 8 for Consent Action Items

- New Item 8d. Approval of a Proposal by Decon Environmental Inc. for the City Hall Asbestos Abatement for \$15,700.00.
- A new Item 8e.: Approval to continue the Verily Wastewater Surveillance Testing Service Agreement, per the Recommendation of the Utility Board.

Under Item 9 for Discussion Action Items

- Amendment to Discussion Action Item 9b., increasing the not-to-exceed amount to \$60,000, per the Utility Board's recommendation.

Under Item 11: Ordinances & Resolutions

- Under Item 11d (1), A Recommendation by the Utility Board to remove the assessment of monthly charges for laundry machines and additional lavatories under Section 14-6 in the Code of Ordinances, per the recommendation of the Utility Board.

Under Item 12 for the Treasurer's Report

- The Addendum of the June 2025 Financial Summary

Under Item 14 for Commissioner Reports & Comments

- 14a (1) Addendum to the Wastewater Sampling Report

Mayor Foster asked for a motion to approve the agenda.

MOTION: Motion made by Commissioner DiFransico to approve the agenda. Commissioner Harding seconded the motion.

DISCUSSION: Commissioner DiFransico requested that the approval for the Asbestos Abatement be moved to Discussion Action Items. Mayor Foster agreed.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Call for Nominations for Office of Vice-Mayor and Election to That Office** (*Election Procedure: Person(s) Is/Are Nominated, the Nomination Does Not Require a Second. Votes are cast for each nominee. Vice-Mayor is elected by majority vote. A single nominee is elected by acclamation.*)

NOMINATION: Mayor Foster nominated Commissioner Colonell for the position of Vice-Mayor. There were no other nominations.

ON THE NOMINATION: Rollcall vote. Unanimous approval.

Commissioner Colonell was elected to the position of Vice-Mayor.

4. Review of City Commission Seat Applications & Tentative Appointment *(The Commission reserves the right to appoint at a later date, but no later than August 7th, 2025)*

Mayor Foster introduced Fred Swanson and Kirk Diehl as candidates for the open commission seat and invited each to speak to the Commission.

Fred Swanson addressed the Commission, expressing his understanding of the responsibilities of the position. Vice-Mayor Colonell commented on Fred Swanson's impressive utility background and highlighted the importance of the sewer plant in the city. Fred Swanson shared his past work experience and reaffirmed his commitment to the sewer plant and his ongoing service.

Kirk Diehl discussed his background in construction and government and expressed his desire to participate in city processes, emphasizing that he can be a valuable asset to the Commission. Kirk Diehl highlighted that his general contractor skills are relevant to current discussions, as well as his attention to detail.

Mayor Foster asked for a nomination for the open seat.

NOMINATION(s): Vice-Mayor Colonell nominated Kirk Diehl for the open Commission seat. Commissioner DiFransico nominated Fred Swanson for the open seat.

DISCUSSION: Mayor Foster stated that both candidates are respectable and expressed his hope for Fred Swanson to remain on the Utility Board as Chair. He also highlighted the importance of Kirk Diehl's construction background in his decision-making.

ON THE NOMINATION: City Clerk Roussin asked for a vote on Kirk Diehl's nomination. Rollcall vote. Commissioner DiFransico – no. Vice-Mayor Colonell – yes. Commissioner Colonell – yes. Commissioner Harding – yes. Mayor Foster – yes.

Kirk Diehl was appointed to the open City Commission seat.

Mayor Foster emphasized the importance of both positions and both candidates' work.

City Clerk Roussin administered the Oath of Office to Commissioner Diehl.

Mayor Foster found cause for Commissioner Diehl to attend the meeting via Zoom and asked for Rollcall.

Present: Vice-Mayor Colonell, Commissioner Harding, Commissioner Diehl, Commissioner DiFransico, Mayor Foster.

5. Special Requests

a. Recognition of Chief of Police DiGiovanni for 20 Years of Service to the City

Mayor Foster highlighted Chief DiGiovanni's 20 years of service and announced plans to formally acknowledge his contributions at next month's Commission meeting when he is present.

b. A Special Request by the Florida Keys SPCA for Approval to Host a Dog Walk Fundraiser in the City

Mayor Foster presented the request, and the Commission had no objection to the request.

6. Citizen Comments and Correspondence

City Clerk Roussin informed of the following citizen correspondence:

- On Thursday, June 26th, Sandy Bachman submitted a request to the City Commission regarding landscaping needs.
- On Wednesday, July 2nd, Cindy Catto also submitted a request to the City Commission concerning landscaping needs.
- On Saturday, July 12th, 2025, Joe Turgeon wrote to the City Commission in support of Fred Swanson's candidacy for City Commissioner.
- On Monday, July 14th, 2025, Donald Steamer expressed his support for Fred Swanson as City Commissioner in a letter to the City Commission.

There was no citizen comment.

7. Committee and Department Reports *(written reports provided; Staff and Board Chairs available for questions)*

a. Marathon Fire/EMS – Marathon Fire Chief James Muro

Marathon Fire Chief James Muro presented his statistical summary, explained cooperative mobility transfers and public assistance efforts. Chief Muro also reported on the upcoming CPR class scheduled for the end of August, confirmed that both helicopters are back in service, and mentioned that the process of finalizing the CEMP is in progress.

b. Police Department – Sgt. Joe Burden

1. Discussion/Approval for the purchase of Two License Plate Readers for \$19,700.00

Sergeant Joe Burden discussed the request for license plate readers, explaining the benefits and purpose of the purchase. He also provided updates on the outfitting of the new police truck and current vehicles in the fleet. Sergeant Burden reported on the bicycle safety conference Chief DiGiovanni attended in Key West and highlighted ongoing challenges with e-bike enforcement. Commissioner Harding expressed concern about fishing at the Sadowski Causeway bridge and raised issues regarding traffic and safety. Sergeant Burden advised to be aware of the concerns and outlined steps being taken to address the issue.

Mayor Foster asked for a motion to approve the purchase of the license plate readers.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster reported that the monthly Hot Dogs at Sunset Park event was a great success and received excellent feedback. Sergeant Burden emphasized the importance of community partnerships and noted overwhelming support for the event. Mayor Foster also commented on the closure of the Key Colony Inn and the owner's plans to reopen the restaurant.

c. City Administrator's Report – John Bartus

1. Potential Changes to FEMA

City Administrator Bartus congratulated Vice-Mayor Colonell and Commissioner Diehl on their appointments. He discussed potential FEMA changes, including updates on reimbursements, household adjustments, and impacts on the Keys, as well as potential disaster relief. Mayor Foster mentioned House Bill 180 and the importance of following up with requirements. City Administrator Bartus thanked Commissioner Harding and Jennifer Johnson for their work on the DOGE report. Commissioner Harding explained the purpose of the report, clarifying revenue expansion methods and aid provisions for residents. City Administrator Bartus also expressed appreciation for his one year with the city. Commissioner Harding requested that the Commission be copied on correspondence related to the TDC grants and drainage summaries. Commissioner DiFransico inquired about the possibility of allocating additional funds to reserves.

Commissioner Harding confirmed that income can be contributed to reserves and provided additional comments on storm planning and financial needs.

d. Building/Code Department – Building Official Loreno

e. Public Works – Public Works Department Head thanked Vice-Mayor Colonell for the OSHA-10 training and for it to be very useful in daily operations.

f. City Hall – City Clerk Roussin

g. Beautification Committee – Chair Sandy Bachman

Mayor Foster asked Commissioner DiFransico to speak about his meeting with the Recreation and Beautification Chairs. Commissioner DiFransico spoke about assembling a list of improvements for the city and gathering input from the city. Commissioner DiFransico informed that a solicitation to residents has been sent with a request for public input.

h. Planning & Zoning Board – Vice-Chair Lin Walsh

i. Recreation Committee – Chair Cindy Catto

Recreation Committee Chair Cindy Catto outlined her goals for the committee, including understanding responsibilities as defined in Section 12 of the City Charter, specifically 12-8, which details the Committee's powers and duties. Cindy Catto highlighted her concerns and emphasized the Committee's responsibility to propose future improvements to the golf course and its facilities. She commented on the suggestion to remove trees and on the Committee's non-involvement in that decision. Cindy Catto also discussed the Committee's required involvement according to the Code of Ordinances, including leases and budget matters. She stated a desire to ensure that Article 12 is followed by the Commission and that Section 12 is complied with. Mayor Foster asked for the section to be reviewed and for updates to be brought back to the Commission. Cindy Catto mentioned she is seeking discussion on the contract related to the golf course review. Mayor Foster said he is looking for updates from the group. Commissioner Harding requested updates from Cindy for budget purposes, if necessary.

j. Utility Board – Chair Fred Swanson

Mayor Foster discussed allocations by the governor for Stewardship funding in the Florida Keys and the ongoing question of how much the city will receive for improvements.

8. Consent Action Items *(Under the consent agenda, all action items will be voted on after one motion, and a second will be required to approve them without discussion. If a Commission member wants any action item discussed or voted on separately, the Commission member, at the beginning of the open session, must ask that the action be moved to the discussion action item section.)*

a. City Commission Public Hearing Minutes 06-11-2025

b. City Commission Regular Meeting Minutes 06-11-2025

c. Approval of Warrant No. 0625 for \$444,156.97

d. Approval to continue the Verily Wastewater Surveillance Testing Service Agreement, per the Recommendation of the Utility Board. ****Addendum****

Mayor Foster asked for a motion to approve the Consent Action Items.

MOTION: Motion made by Commissioner DiFransico to approve. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

e. Approval of a Proposal by Decon Environmental Inc. for the City Hall Asbestos Abatement for \$15,700.00
****Addendum****

Mayor Foster explained the purpose of the additional abatement and identified areas in Marble Hall that need the additional abatement.

MOTION: Motion made by Commissioner DiFransico to approve the proposal by Decon Environmental for \$15,700.00. Vice-Mayor Colonell seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

9. Discussion Action Items

a. Discussion/Approval for an Extension to the Interlocal Agreement for Stewardship Act Funding

Mayor Foster discussed the requested approval of the proposed Interlocal Agreement and which municipalities have already approved it. Mayor Foster provided further comments on the agreement, and City Administrator Bartus shared updates on the current stakeholders committed to maintaining it as an equal partnership. Commissioner Harding emphasized the importance of readiness for projects, including engineering plans, preparations, and estimates.

Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner DiFransico to approve. Mayor Foster asked for a second. Vice-Mayor Colonell seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. Discussion/Approval for CPH Engineer Jason Shepler to proceed with Engineering Plans for Stormwater/Wastewater Improvements, not to exceed ~~\$50,000.00~~ \$60,000.00. **Addendum**

Mayor Foster introduced the agenda item and explained the need for funding for engineering plans for Stormwater improvements on 7th, 8th, West Ocean, and 11th and 12th Streets. Mayor Foster shared additional thoughts on the generator replacement requirements and the need for small engineering guidance to determine what is required for the plant. Mayor Foster also discussed the goal of preventing further discharge into the canal and maintaining the cleanliness of the canal systems.

Mayor Foster asked for a motion.

MOTION: Motion made by Commissioner DiFransico to approve the funding. Commissioner Harding seconded the motion.

DISCUSSION: Commissioner Harding reminded of the separation of invoices for stormwater and wastewater for reimbursement purposes.

ON THE MOTION: Rollcall vote. Unanimous approval.

10. FY25/26 Budget Discussions

Commissioner Harding discussed the Stormwater Assessment for the upcoming fiscal year, with no proposed increases.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner Diehl suggested clarification on the assessment unit graph for residential units. Commissioner Harding agreed.

ON THE MOTION: Rollcall vote. Unanimous approval.

Commissioner Harding provided an update on the ongoing budget discussions, noting no current changes. He recommended the 2.82% millage rate, with the option to adjust the budget through August and waiting on the final numbers for the Fire/EMS costs.

11. Ordinances & Resolutions

- a. RESOLUTION NO. 2025-05:** A Resolution Of The City Of Key Colony Beach, Florida, Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2025; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date.

Mayor Foster provided the reading of Resolution 2025-05 and asked for a motion to approve.

MOTION: Motion made by Commissioner DiFransico to approve. Mayor Foster asked for a second. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Resolution was adopted.

- b. RESOLUTION NO. 2025-06:** A Resolution Of The City Commission Of The City Of Key Colony Beach, Florida; Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date.

Mayor Foster provided the reading of Resolution No. 2025-06 and asked for a motion to approve.

MOTION: Motion made by Commissioner DiFransico. Mayor Foster asked for a second. Commissioner Harding seconded the motion.

DISCUSSION: Commissioner DiFransico asked for clarification on the maximum millage rate. Commissioner Harding explained voting requirements for millage approval.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Resolution was adopted.

- c. SECOND/FINAL READING OF ORDINANCE NO. 2025-499:** An Ordinance Of The City Of Key Colony Beach, Florida; Amending Chapter Fifteen Of The Code Of Ordinances, Entitled Stormwater Utility System; And Providing For Codification; Repealing Any Inconsistent Provisions; Providing For Severability; And Providing An Effective Date.

1. Ordinance No. 2025-499

2. Proof of Publication

3. Business Impact Statement

Mayor Foster provided the second and final reading of Ordinance No. 2025-499 and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Mayor Foster asked for a second. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner DiFransico suggested changing the assessment of units to align with the Stormwater Resolution. Mayor Foster agreed.

ON THE MOTION: Rollcall vote. Unanimous approval.

Ordinance No. 2025-499 was adopted.

- d. **FIRST READING OF ORDINANCE NO. 2025-500:** An Ordinance Of The City Of Key Colony Beach, Florida; Amending Chapter Fourteen Of The Code Of Ordinances, Entitled Sewers And Sewage Disposal, Section 14-6 Monthly Rates And Charges, And Providing For Codification; Repealing Any Inconsistent Provisions; Providing For Severability; And Providing An Effective Date. ****New First Reading****
1. Recommendation by the Utility Board (07-15-2025 Meeting)

Mayor Foster provided the first reading of Ordinance 2025-500 and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Vice-Mayor Colonell seconded the motion.

DISCUSSION: Commissioner Harding presented his recommendation to the Commission and detailed his calculations for the assessment of fees and income. He also addressed the Utility Board's request to eliminate charges for extra washing machines, bathrooms, and sinks in recreational rooms. Commissioner Harding explained the revenue loss that would result from following the Board's recommendation and suggested tabling the Ordinance while requesting the Building Department to review the facilities for accuracy. City Attorney Smits recommended postponing the reading and the Utility Board's recommendation to the next monthly meeting.

MOTION TO POSTPONE: Mayor Foster made a motion to postpone. Commissioner Harding seconded the motion.

DISCUSSION: Commissioner DiFransico asked if a flow rate is assessed alongside the base rate. Commissioner Harding explained that assessments can vary and emphasized the importance of consistency.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the first reading of Ordinance 2025-500 will be postponed to August 21st.

- e. **SECOND/FINAL READING OF ORDINANCE NO. 2025-501:** An Ordinance Of The City Of Key Colony Beach, Florida, Amending Code Of Ordinance Article VI – Finance, Section 2-75 To Increase The Competitive Bidding Threshold To Align With Florida Statute; Repealing Conflicting Ordinances; Providing For Severability; And Providing For An Effective Date.
1. Ordinance No. 2025-501
 2. Proof of Publication
 3. Business Impact Statement

Mayor Foster provided the second and final reading of Ordinance No. 2025-501 and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: Commissioner Harding asked for a review of the federal bid requirements for expenditures over \$10,000.00. City Attorney Smits confirmed to follow up.

ON THE MOTION: Rollcall vote. Unanimous approval.

Ordinance 2025-501 was adopted.

12. Secretary-Treasurer's Report

a. June 2025 Financial Summary

Commissioner Harding presented his financial summary for June and provided details on the annual running balance and income sources for the general fund and Wastewater funds, which are in good standing.

13. City Attorney's Report

City Attorney Smits spoke on the development of a standard purchase order form and contract form to save time and money for the city as requested by Mayor Foster.

City Attorney Smits reported deleting all charges related to the development of the brick contract, and a discussion followed about the obstacles preventing the contract from being finalized. City Administrator Bartus confirmed he will collaborate with Commissioner Harding on the accounting aspects.

14. Commissioner's Reports & Comments

a. Commissioner Harding

1. Wastewater Sampling Summary Report for June 9th, 2025: Commissioner Harding provided the summary indicating low levels of COVID, along with some influenza and RSV in the previous month.
2. Monroe County Local Mitigation Work Group Meeting - 5-year plan: Commissioner Harding reported that all work on the 5-year plan has been completed, and the Monroe County Commission will now review it.
3. FDOT's planned bridge work: Commissioner Harding reported that bridge replacements have been put on hold and will be instead rehabilitation projects, providing further details on the timelines.

b. Vice-Mayor Colonell: Nothing further.

c. Commissioner Diehl: Commissioner Diehl expressed looking forward to working with the Commission, staff, and citizens of Key Colony Beach.

d. Commissioner DiFransico: Commissioner DiFransico reminded residents to submit public input for Beautification projects to be sent to City Clerk Roussin. Commissioner DiFransico commented on observing people fishing on the pier at Sunset Park and suggested enforcing existing ordinances banning fishing on the pier or swimming at the beach. Mayor Foster addressed Commissioner DiFransico's concerns and stated that the matter would be placed on the meeting agenda for next month. Mayor Foster discussed available grant funds for providing water for cleaning, creating a staging area, and sectioning off designated areas, as well as residents' ability to enjoy the park. Commissioner Harding recommended placing warning signs about the dangers of currents. Commissioner Diehl suggested using netting to keep swimmers safe. Mayor Foster stated that he does not want to encourage swimming, but rather allow water use.

e. Mayor Freddie Foster

1. **Summary of Senate Bill 180 – Emergency Management:** Mayor Foster stated there is not enough data on the House Bill and warned the Commission to be prepared for changes, which Commissioner Harding agreed with.
2. **Purchase Order Development for Goods and Services:** Mayor Foster thanked City Attorney Smits for creating purchase orders and refunding the cost associated with working on the brick contract.

Mayor Foster thanked the Commission and staff for today's meeting.

12. Citizen Comments

Doug Lipke, owner of Monte Christo Condominiums, discussed the current Golf Course lease and the continuation of management under Daryl Rice. He recommended entering into a 2-year contract with the current management. Doug Lipke also expressed appreciation to the Commission for their work during today's meeting.

Mayor Foster confirmed that an extension of the current contract is in place and stated that his is not in a position to discuss the contract further.

13. Adjournment: The meeting adjourned at 1:42 PM.

Respectfully submitted,

Silvia Roussin
City Clerk

MINUTES
KEY COLONY BEACH CITY COMMISSION
PUBLIC HEARING
Thursday, July 17th, 2025, 11:45 AM
Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer, Roll Call:** The Key Colony Beach City Commission Public Hearing was called to order by Mayor Freddie Foster 11:45 AM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster, Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Doug Colonell (via Zoom). **Also present:** Marathon Fire Chief James Jones, Police Sergeant Joe Burden, City Attorney Dirk Smits, Public Works Department Head Mike Guarino, City Administrator John Bartus, Administrative Assistant Linda Jones, City Clerk Silvia Roussin. **Absent:** Building Official Tony Loreno.

2. **Approval of Agenda** (Additions, changes, and deletions can be made via one motion and a second to approve by majority vote)

There were no changes to the Public Hearing agenda, and Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner Colonell to approve. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments & Correspondence:** None.

4. **Administration of Oath of Witnesses**

Mayor Foster asked for a motion to adopt Building Official Loreno's staff recommendation.

MOTION: Motion made by Commissioner DiFransico to approve. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

5. **Disclosure of Ex-Parte Communication:** None.

6. **Variance Request(s): A Variance Request by Sharon Power, owner of the property at 150 9th Street, Key Colony Beach, Florida 33051, for the construction of a pool that would encroach on the setback by 2 feet.**

- a. Proof of Legal Publications & Affidavits of Mailing/Posting
- b. Presentation of Variance Request – Building Department
- c. Planning & Zoning Board Recommendation
- d. Planning & Zoning Board Meeting Minutes
- e. Motion to approve, deny, or approve with conditions

Mayor Foster presented the variance request and stated that the Planning & Zoning Board recommended approval. There were no additional questions.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

7. **Other Business:** None.

8. **Adjourn:** The meeting adjourned at 11:50 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

MINUTES

KEY COLONY BEACH CITY COMMISSION

SPECIAL MEETING

Thursday, July 17th, 2025 – 9:30 AM

Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer, Roll Call:** The Key Colony Beach City Commission Special Meeting was called to order by Mayor Freddie Foster at 9:30 AM, followed by the Pledge of Allegiance, Prayer, and Rollcall. Present: Mayor Freddie Foster, Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Doug Colonell (via Zoom). **Also present:** Marathon Fire Chief James Jones, Police Sergeant Joe Burden, City Attorney Dirk Smits, Public Works Department Head Mike Guarino, City Administrator John Bartus, Administrative Assistant Linda Jones, CPH Architects Brandan DeCaro and Kyle Bechtelheimer, City Clerk Silvia Roussin.

Public Attendance: 4

2. **Approval of the Agenda** (*Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote*)

City Clerk Roussin asked for the following agenda changes:

Under Item 4 under Discussion/Approval Items:

The addition of Brandan DeCaro's comments on the received responses to the 90% Drawings, as well as the estimate for the additional scope and opinion of cost.

Mayor Foster asked for a motion to approve the agenda with changes.

MOTION: Motion made by Commissioner DiFransico to approve the agenda. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments and Correspondence:** None.

4. **Discussion/Approval Items**

- a. Presentation by CPH Architect Brandan DeCaro on the 90% Design Development Drawings

CPH Architect Brandan DeCaro introduced his team and provided a review of the 90% drawings, along with a project timeline update. Brandan DeCaro revisited the project's scope, site plan drawings, and suggested staging areas for contractors. He provided details on proposed building hardening, requested changes to the parking lot, and presented options for a proposed ADA ramp that requires approval from the Commission. Brandan DeCaro also discussed the offices for the police department and building department, and detailed the civil engineering drawings, the structural system for the building, mechanical drawings, electrical system (including generator capacity and lighting), and addressed questions about scope expansion. He covered plumbing and sanitary drawings, landscaping and irrigation design, and talked about the project schedule. Brandan DeCaro requested approval for the 90% Drawings and sought opinions on the additional scope and probable construction costs. He discussed additional scope items including Bahama shutters, ideas to enhance exterior or computer-operated

lighting, requests to switch to hand dryers in restrooms, window shades, enhanced landscaping, and card access to the building. Brandan DeCaro concluded his presentation and invited the Commission for questions.

Commissioner Colonell asked for a detailed discussion to address open questions, which Mayor Foster agreed to. The Commission addressed the outstanding questions line by line and gave Brandan DeCaro directions on how to proceed with completing the 100% drawings. Discussions included questions about exterior and interior design, landscape design and lighting, hardening of the Post Office, handicap entrance access, raising the parking lot, sewer lines, elevator and generator needs, plumbing and electrical requirements, IT needs, and EOC needs. Further discussion covered outstanding questions related to bid and contract requirements, adherence to grant requirements, early procurement, long-lead items, and the need for as-built drawings.

b. Discussion/Approval of the City Hall 90% Design Drawings

1. Opinion of Construction Cost

Mayor Foster asked for a motion to approve the 90% Drawings based on a response to the Commissioner's questions.

MOTION: Motion made by Commissioner Colonell to approve. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

CPH Architect Brandan DeCaro confirmed the goal of releasing the 100% Drawings on August 15th.

5. Any Other Business: None.

6. Adjournment: The meeting adjourned at 11:36 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

MINUTES

KEY COLONY BEACH CITY COMMISSION BUDGET WORKSHOP #1

Thursday, July 10th, 2025 - 9:30 A.M.
City Hall Auditorium – Marble Hall
600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer & Roll Call:** The Key Colony Beach City Commission Budget Workshop No. 1 was called to order by Secretary-Treasurer Tom Harding at 9:30 AM followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster (via Zoom), Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Doug Colonell. **Also present:** Public Works Department Head Mike Guarino, Building Official Tom Loreno, City Administrator John Bartus, Assistant City Clerk Danielle Spinola, City Clerk Silvia Roussin.

2. FY2025/2026 Budget Proposals

Commissioner Harding summarized the draft Budget for Fiscal Year 25/26, including details on expected CPI increases, and provided an overview of his budget for Stormwater, Wastewater, and General Funds. Commissioner Harding also shared information on funding for upcoming Engineering projects, anticipated Wastewater Capital Projects, proposed increases for Wastewater and Stormwater, and grant expectations.

The Commission discussed increases in wastewater fees, rising expenses, and yearly hikes. Further discussion included a suitable percentage increase, available and anticipated grant funds, and interest on state loans.

- a. **FY25/26 Draft General Budget**
- b. **FY25/26 Draft Utility Board Budget**
 1. **Proposed Sewer Rate Increases**

Commissioner Harding provided details on taxable value and a proposed millage increase of 2.17%, raising it from the current 2.76% to 2.82%, along with additional information on average increases for residents. He noted that he has reviewed most Department Head requests and is waiting for updates on health and Fire/EMS expenditures. Commissioner Harding also discussed expected funding through Impact and Grant programs, as well as increased funds for Parks and Recreation.

Commissioner Harding presented his estimates for City Hall building costs and project funding. Additionally, he talked about expenditures and reimbursements through grants. The Commission discussed the possibility of a loan or line of credit and reviewed the overall scope of the project.

Commissioner Harding further discussed a comprehensive insurance review and proposed cost-saving ideas from staff. The discussion included increasing funds for the Recreation and Beautification Committee, as well as the Parks and Recreation Budget, along with defining costs and planning for future Committee projects.

Further budget discussions included funding for the Golf Course maintenance and equipment, and the ability for the Recreation and Beautification Committee to work on projects in a combined effort.

Commissioner Harding further referred to the proposed Ordinance for the Wastewater fee change and the budget summary, having been included in the worksheet.

3. Commission Discussion

- a. Mayor Foster
- b. Secretary/Treasurer Harding
- c. Commissioner DiFransico
- d. Commissioner Colonell

Commissioner DiFransico commented on a high millage compared to other municipalities in the county,

Mayor Foster explained the differences in fee structures and the inability to generate income from tourism compared to other cities, as well as the need for state funding to support the city. Commissioner Harding recalled discussions regarding license fees and the capacity to generate revenue from business taxes, and mentioned dependency on grants and rising costs for the city. The discussion continued around calculations of fees, revenue, expenditures, and cost recovery, with plans to review license fees for the upcoming fiscal year.

Commissioner Harding provided additional comments on rising costs and the need for adjustments through cost savings and potential fee increases. Building Official Loreno discussed staff time spent on maintaining rental licenses and inspections, including cancellations. Commissioner Harding also commented on the costs of Fire/EMS services and ongoing grant reimbursements. The Commission continued discussing the use of reserves, cash flow capabilities, and the expected schedule of payments for contractors and grants, along with potential cost savings to offset the increased expenses.

Commissioner Harding asked the Commission to send comments to City Clerk Roussin to make any edits if needed.

The Commission further discussed the Hardening Grant, reimbursement requests, project costs, the ability to accept donations, and questions about the outstanding brick contract and attorney's costs on the matter.

4. Adjournment: The meeting adjourned at 10:36 AM.

Respectfully submitted,

Silvia Roussin
City Clerk

MINUTES

KEY COLONY BEACH CITY COMMISSION BUDGET WORKSHOP #2

Monday, July 14th, 2025 - 9:30 A.M.

City Hall Auditorium – Marble Hall

600 W. Ocean Drive, Key Colony Beach

& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer & Roll Call:** The Key Colony Beach City Commission Budget Workshop No. 2 was called to order by Secretary-Treasurer Tom Harding at 9:30 AM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster (via Zoom), Commissioner Tom Harding, Commissioner Tom DiFransico. **Absent:** Commissioner Doug Colonell. **Also present:** City Administrator John Bartus, Building Official Tony Loreno, Assistant City Clerk Danielle Spinola, City Clerk Silvia Roussin, Public Works Department Head Mike Guarino.

City Clerk Roussin reminded that the meeting is a Workshop only, with no physical quorum requirements.

2. **FY25/26 Budget Discussions: Review of 07-10-2025 Budget Workshop #1 and suggested changes**

Commissioner Harding presented his summary report and suggested revisions after Budget Workshop No. 1 on July 10th, 2025. Commissioner Harding outlined increases in revenue and expenses and projected a negative year-end balance for the general budget. Commissioner Harding mentioned that he is still waiting on the final figures for Fire/EMS costs and has included an estimated amount at this point.

3. **Commission Discussion**

- a. Mayor Foster
- b. Secretary/Treasurer Harding
- c. Commissioner DiFransico
- d. Commissioner Colonell

The Commission had no questions regarding Commissioner Harding's review and his recommendation of a 2.82 millage rate, which includes some tax increases, some use of reserves, and a conservative estimate of costs for City Hall. Commissioner Harding clarified that impact fees can be increased yearly, with the next cycle starting in the new fiscal year. Mayor Foster agreed that a review of business taxes is necessary after the budget process concludes and expressed appreciation for Commissioner Harding's work on the DOGE report.

There was no further comment.

4. **Adjournment:** The meeting adjourned at 9:43 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

MINUTES

KEY COLONY BEACH CITY COMMISSION

SPECIAL MEETING

Monday, August 18th, 2025 – 9:30 AM

Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer, Roll Call:** The Key Colony Beach City Commission Special meeting was called to order by Vice-Mayor Doug Colonell at 9:30 AM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster (via Zoom), Vice-Mayor Colonell, Commissioner Harding, Commissioner DiFransico, Commissioner Diehl. **Also present:** Police Kris DiGiovanni, Public Works Department Head Mike Guarino, Building Official Tony Loreno, Administrative Assistant Linda Jones, City Clerk Silvia Roussin, CPG Architect Brandan DeCaro.

Public Attendance: 7

Vice-Mayor Colonell found good cause for Mayor Foster to attend via Zoom. City Clerk Roussin announced that Vice-Mayor Colonell will preside over today's meeting for Mayor Foster.

2. **Approval of the Agenda** (*Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote*)

City Clerk Roussin informed about the addendum to the 100% Drawings and Final Opinion of Cost, which were released on Friday. City Clerk Roussin also requested guidance on the Commission's desire to discuss the approval of the CPH contract. Vice Mayor Colonell agreed to leave the contract approval on Thursday's Regular Commission agenda and to remove the approval under Item 4d.

MOTION: Motion made by Commissioner DiFransico to approve the agenda with changes. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments and Correspondence:** City Clerk Roussin reported receiving correspondence on August 12th, 2025, from Laurie Swanson with various comments on the release of the 100% drawings.
4. **Discussion/Approval Items**
 - a. **Presentation by CPH Architect Brandan DeCaro**

Brandan DeCaro presented the release of the 100% construction documents, which included changes incorporated from the 90% drawings, along with details on construction and potential occupancy of the building. Brandan DeCaro provided a timeline of approvals, submittals, and a schedule of events.

Brandan DeCaro detailed several changes made to the project, including landscaping, irrigation, Bahama shutters, landscape lighting, a card access system, a new flagpole, and after-hours building access. He also addressed the electrical conduits installed for various purposes. Additionally, Brandan DeCaro clarified that certain items were not included in the project, such as the tankless water heater, painting of exposed ducts, and pavers around the patios.

Brandan DeCaro discussed the updated staging plan, which included the location of the construction fence, landscape drawings, and irrigation plans, and noted no significant changes to the floor plans. Brandan DeCaro

further elaborated on the card access system and ADA accessibility, emphasizing that while furniture is depicted in the drawings, it is not included in the general contractor's bid.

Brandon DeCaro discussed the current schedule and the upcoming bid release in two weeks, outlining meeting dates for the bidding process and target dates for the project. He talked about the grant reimbursement process and its final deadlines. Brandon DeCaro concluded by sharing his final thoughts on the costs, confirming the project remains on schedule, and displaying a rendering of the project.

Vice-Mayor Colonell spoke about the necessary preemptive work that needs to be done and expressed gratitude to CPH for all their efforts.

b. Discussion/Approval of the Final Opinion of Construction Cost

The Commission discussed the price per square foot for the new addition and renovation, the costs for the generator and elevator, and the option to deduct alternates from the bid package, such as pergolas or patios, to allow for future construction. Vice-Mayor Colonell commented on the schedule and projected project costs, stating that the numbers are good estimates and goals.

Vice-Mayor Colonell asked for a motion to approve the final opinion of construction cost.

MOTION: Motion made by Mayor Foster to approve. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

c. Discussion/Approval of the City Hall 100% Design Drawings

Vice-Mayor Colonell asked for a motion to approve the 100% Design Drawings.

MOTION: Motion made by Mayor Foster to approve. Commissioner Diehl seconded the motion.

DISCUSSION: Mayor Foster discussed the ability to address laydown during the pre-construction period. Brandon DeCaro confirmed that there is no need for a sprinkler system, and Commissioner Harding suggested including smoke detectors in the scope of work for Marble Hall. Brandon DeCaro clarified that smoke detectors are not currently included, but can be added if requested. Commissioner Harding also noted that Marble Hall and the Post Office are not presently part of the fire alarm system and, in addition, asked for confirmation about adding a 220-volt, 30-amp line to the EOC Center, suggesting routing it to the Police IT closet so that no change order would be needed later. Brandon DeCaro confirmed the addition and mentioned that the internet capability could be added at the Commission's discretion. He also explained the card access system for the building and its ability to restrict door access.

ON THE MOTION: Rollcall vote. Unanimous approval.

d. Discussion/Approval of the Final Bid Package & Contract: Tabled until Thursday, August 21, 2025.

Vice Mayor Colonell confirmed to Brandon DeCaro that some additional comments will be given before the meeting.

5. **Any Other Business:** Mayor Foster thanked Vice-Mayor Colonell for his time and efforts on the project. Vice-Mayor Colonell recognized Commissioner Diehl to the Commission.
6. **Adjournment:** The meeting adjourned at 10:14 AM.

Respectfully submitted,

Silvia Roussin. City Clerk

MINUTES

KEY COLONY BEACH CITY COMMISSION

PUBLIC HEARING

Thursday, August 21st, 2025, 9:30 AM

Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer & Roll Call:** The Key Colony Beach City Commission Public Hearing was called to order by Vice-Mayor Doug Colonell, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster (via Zoom), Vice-Mayor Doug Colonell, Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Kirk Diehl. **Also present:** Marathon Fire Chief James Muro, Police Chief Kris DiGiovanni, Public Works Department Head Mike Guarino, Building Official Tony Loreny, Building Assistant Samantha Rodamer, City Attorney Dirk Smits, Administrative Assistant Linda Jones, City Clerk Silvia Roussin, Planning & Zoning Board Chair George Lancaster.

Public Attendance: 5

Vice-Mayor Colonell found good cause for Mayor Foster to attend the meeting via Zoom.

City Clerk Roussin informed that Vice-Mayor Colonell will preside over the day's meeting proceedings.

2. **Approval of Agenda** (Additions, changes, and deletions can be made via one motion and a second to approve by majority vote)

There were no changes to the agenda, and Vice-Mayor Colonell asked for a motion to approve.

MOTION: Motion made by Commissioner DiFransico to approve. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments & Correspondence:** None.

4. **Administration of Oath of Witnesses:** City Clerk Roussin administered the Oath of Witness to the applicant and the Building Official.

5. **Disclosure of Ex-Parte Communication:** None.

6. **Variance Request(s)** **Variance Request from Dale and Jennifer Hamill, owners of the property at 150 11th Street, Key Colony Beach, Florida 33051, for the construction of a pool that would encroach on the setback by 5 feet.**

- a. Proof of Legal Publications & Affidavits of Mailing/Posting
- b. Presentation of Variance Request – Building Department
- c. Planning & Zoning Board Recommendation
- d. Planning & Zoning Board Meeting Minutes
- e. Motion to approve, deny, or approve with conditions

Vice-Mayor Colonell presented the variance request and asked Building Official Loreno to elaborate. Building Official Loreno explained that the request was typical and that the Planning & Zoning Board will review a change to the setback requirements at their upcoming meeting. Planning & Zoning Board Chair Lancaster advised that the Board had unanimously approved the requested variance and confirmed that the discussion would be on the agenda for the next meeting.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico seconded the motion.
DISCUSSION: Building Official Loreno confirmed the material of the surface surrounding the pool.
ON THE MOTION: Rollcall vote. Unanimous approval.

7. **Other Business:** None.
8. **Adjourn:** The meeting adjourned at 9:37 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

CITY OF KEY COLONY BEACH

Warrant Number 0825

Items paid from August 1, 2025
to August 31, 2025

First Horizon Checking Account - 6871 \$329,551.97

(includes all vendor payments for general,
road, building and infrastructure)

Escrow Account - 5537 -

Payroll Account - 2942 \$127,117.39

Infrastructure Reserve Account - 8644 -

Road Reserve Account - 8677 -

Impact Fees Reserve Account - 8669 -

First State Bank Reserve Account - 3703 -

Sewer Money Mkt - 0301 -

Stormwater Checking Account - 0128 \$26,325.00

Sewer Account - 6006 \$186,519.42

TOTAL DISBURSEMENTS \$669,513.78

ORDINANCE NO. 2025-XXX

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; ADDING CHAPTER EIGHTEEN TO THE CODE OF ORDINANCES ENTITLED GOLF CARTS; PROVIDING FINES AND PENALTIES; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida, in Chapter 166, Florida Statutes, has granted municipalities the authority to adopt ordinances and regulations to protect the public health, safety, and welfare of their residents; and

WHEREAS, the City of Key Colony Beach, Florida recognizes the increasing popularity of golf carts as a mode of transportation within residential areas and recreational zones; and

WHEREAS, the City Commission acknowledges the need to regulate the operation of golf carts on public roads to ensure public safety, promote responsible use, and reduce potential hazards; and

WHEREAS, the City Commission seeks to create a Chapter in the City's Code of Ordinances that ensures golf carts can be used in a manner that is safe for both operators and pedestrians while providing clear guidelines for their use, registration, and enforcement of safety standards; and

WHEREAS, The City Commission seeks to create a chapter in the city's code of ordinances that permits golf carts on all city roads, provided they adhere to safety regulations and state laws; and

WHEREAS, the City Commission finds that implementing regulations for the operation of golf carts on designated roads will enhance safety, reduce accidents, and support sustainable transportation options within the community; and

WHEREAS, the City of Key Colony Beach, Florida is committed to fostering a safe, accessible, and sustainable community for all residents, including those who choose to operate golf carts as a means of local transportation; and

WHEREAS, the City of Key Colony Beach, Florida will be regularly reviewing and updating its policies related to the operation of golf carts to ensure they remain aligned with evolving transportation trends and safety standards; and

WHEREAS, the City Commission finds that the implementation of standardized requirements for golf cart registration, safety equipment, and operational rules will contribute to the overall safety and quality of life in the City.

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

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

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

Section 3: Amendment

Chapter 18 of the City of Key Colony Beach, Florida Code of Ordinances shall read as follows:

Chapter 18 – GOLF CARTS

Sec. 18-1. - Findings.

(a) The City Commission finds that golf carts provide residents an alternative mode of transportation within communities, reducing vehicle emissions and gasoline consumption. Separate pathways for golf cart usage within public and private rights-of-way can provide connections between local roads, allowing travel between residential, retail, and workplace areas without the need for automobiles.

(b) The City Commission finds that having uniform standards for the designation of roads and streets for golf cart use and the operation of golf carts is necessary to protect the health, safety, and general welfare of the public.

(c) The City Commission designates all City Roads for the use of Golf Carts in addition to Low Speed Vehicles registered insured in accordance with F.S. § 302.02, and titled pursuant to F.S. Ch. 319.

(d) F.S. § 316.212 authorizes local governments to designate public municipal roads and streets for use by golf carts.

Sec. 18-2. - Definitions.

For purpose of this Section, the following definitions shall apply:

(a) *Authorized Utility Vehicle* means a Golf Cart of the City of Key Colony Beach, Florida Police Department vehicles and Utility Vehicles of other City departments, public service corporations operated by private corporations, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection, the Florida Department of Health, the Florida Department of Transportation, and the Florida Department of Corrections as are designated or authorized.

(b) *City* means the City of Key Colony Beach, Florida.

(c) *City Commission* means the City Commission for the City of Key Colony Beach, Florida.

(d) *Designated Road* means a Road, or portion thereof, that, consistent with this Section, has received approval from the City for the use of Golf Cart. Designated Road shall include Roads currently in existence or Roads planned for construction.

(e) *Golf Cart* is defined as, "A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of 20 miles per hour."

(f) *Low-Speed Vehicle* or *LSV* means any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 35 miles per hour, including, but not limited to, neighborhood electric vehicles and modified Golf Carts. LSVs must comply with the safety standards in 49 C.F.R. Section 571.500 and F.S. § 316.2122.

(g) *Road* means, a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

(h) *Sidewalk* means a paved area intended primarily for use by pedestrians.

Sec. 18-3. - Golf Cart Equipment.

(a) No Golf Cart or LSV shall be operated in a reckless or careless manner.

(b) The operation of a Golf Cart or LSV upon any Sidewalk is prohibited.

(c) A Golf Cart or LSV may be operated on a Road only between sunrise and sunset, unless the Golf Cart is equipped with headlights, tail lights, brake lights, turn signals and a windshield.

(d) A Golf Cart or LSV may not be operated upon a Road by any person under the age of 16. LSV Operators must possess a valid license. To operate a Golf Cart, individuals must be at least 16 and possess a valid driver's license, or 18 years or older with a valid photo ID.

(e) Any person operating a Golf Cart or LSV on a Road shall yield the right-of-way to pedestrians and bicycles at all crosswalks, slowing down or stopping as necessary.

(f) A Golf Cart or LSV operating on a Road must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear. Additionally, a Golf Cart operating on a Road must be equipped with a horn or other warning device required by F.S. § 316.271.

(g) An LSV operating on the City of Key Colony Beach, Florida's must be registered and insured in accordance with F.S. § 302.02 and titled pursuant to F.S. Ch. 319.

(h) The City may use Golf Carts or LSVs upon any Road or Sidewalk in accordance with the provisions of this Chapter 18, as applicable, and of F.S. § 316.2126(1) and (4).

(i) Notwithstanding any provision of this Part to the contrary, any Authorized Utility Vehicle may operate on any Road or sidewalk while carrying out official duties and in accordance with F.S. § 316.21265.

(j) In addition to the above provisions, the Florida Uniform Traffic Control Law (F.S. Ch. 316) shall apply where applicable, as per Florida law.

Sec. 18-4. - Enforcement and Penalties.

Violations of this Part may be enforced by the Key Colony Police Department.

(a) The Chief is authorized to stop persons whom he or she reasonably suspects are in violation of the provisions of this Chapter and may detain such persons as long as is reasonably necessary to determine whether they are in violation of this Chapter.

(b) The Sixteenth Judicial Circuit shall have jurisdiction to hear charges of violations herein.

(c) The enforcement provisions of this Chapter are supplemental in nature and are not intended to prohibit the City from seeking any remedy available at law or equity.

FIRST READING by the City of Key Colony Beach City Commission this ____ day of _____ 2025.

Mayor Freddie Foster	NO _____	YES _____
Vice-Mayor Doug Colonell	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Kirk Diehl	NO _____	YES _____

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this ____ day of _____, 2025.

Mayor Freddie Foster	NO _____	YES _____
Vice-Mayor Doug Colonell	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Kirk Diehl	NO _____	YES _____

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this ____ day of _____, 2025.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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

City of Key Colony Beach

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



INTERIM LEASE EXTENSION

THIS INTERIM LEASE EXTENSION is made and entered into the date last written below, by and between the City of Key Colony Beach, Florida ("City"), and **D. Rice Management, Inc.** ("Management Group"), in order to extend the Interim Lease Agreement between the parties dated **April 9, 2025** (original Interim Lease Agreement date), a copy of which is attached hereto and incorporated by reference.

1. The City agrees to extend the Interim Lease Agreement, attached hereto as Exhibit A.
2. The Interim Lease Agreement shall be extended for an additional sixty (60) days beginning on October 9, 2025.
3. All other terms and conditions of the Interim Lease Agreement shall remain in full force and effect.

NOTE: A copy of the Interim Lease Agreement must accompany this extension.

IN WITNESS WHEREOF, the parties have executed this Interim Lease Extension on this _____ day of _____, 2025.

Signature of Mayor

Date

Signature of Representative

Date

EXHIBIT A

INTERIM LEASE AGREEMENT

This Interim Agreement is made on the 9 day of April 2025 (the "Effective Date"), by and between the **City of Key Colony Beach, Florida**, 600 W. Ocean Drive, Key Colony Beach, FL 33051 (the "City") and **D. Rice Management, Inc**, 2357 Overseas Highway, Suite 100, Marathon, FL 33050 (the "Management Group") (collectively, the "Parties") as follows:

WHEREAS, the City entered into a Lease Agreement (the "Original Lease Agreement") with the Management Group on August 1, 2021 for period of two years; and

WHEREAS, the Original Lease Agreement expired on August 1, 2023 and the Management Group continued to provide services in accordance with the terms of the Original Lease Agreement; and

WHEREAS, at its Commission Meeting on April 17, 2025, the City discussed the need to produce a Request for Proposals to evaluate prospective Management Groups interested in leasing the City's Golf Course; and

WHEREAS, pending the City's solicitation and evaluation of proposals, the City desires to enter into an Interim Agreement with the current Management Group to continue services until a new lease is awarded; and


NOW, THEREFORE, in consideration of the mutual agreements set forth hereafter and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties agree that the Management Group will continue to provide services in accordance with the Original Lease Agreement, attached hereto as Attachment A.

1. D. Rice Management, Inc. shall continue to serve as the lessee of the Golf Course located in the City of Key Colony Beach, Florida.
2. This Interim Agreement shall become effective on the date of the last signature affixed hereto. It shall remain in effect for a period of three (3) months and shall automatically renew for an additional three (3) month term if the City has not selected a new Management Group pursuant to its solicitation process or the City wishes to take over operations for the Golf Course.
3. The Management Group shall maintain all insurance coverage as required under the Original Lease Agreement and shall provide the City with an updated Certificate of Insurance.
4. The Management Group shall provide the City with executed copies of the affidavits attached hereto as Attachment B.
5. Except as expressly modified by this Interim Agreement, all terms and conditions of the Original Lease Agreement shall remain in full force and effect.

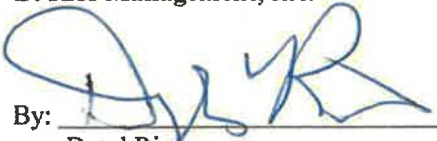
[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective authorized officers as of the Effective Date.

City of Key Colony Beach, Florida

By: 
Freddie Foster, Mayor

D. Rice Management, Inc.

By: 
Daryl Rice

ATTACHMENT A

CITY OF KEY COLONY BEACH
GOLF COURSE LEASE

**THIS INDENTURE, made and entered into as of the 1st day of
October 2021, between the CITY OF KEY COLONY BEACH,
FLORIDA, party of the first part, hereinafter designated as the
LESSOR, and D. RICE MANAGEMENT, INC.
party of the second part, hereinafter designated as the LESSEE,**

WITNESSETH:

1. The first party hereto, the Lessor, in consideration of the rents hereinafter reserved and of the covenants and agreements herein expressed on the part of the second party, the Lessee, to be kept, performed and fulfilled, has demise and leased and by these presents does demise and lease unto the Lessee all of the following described property situate, lying and being in the City of Key Colony Beach, County of Monroe and State of Florida, to wit:

The Key Colony Beach Golf Course situated in the City of Key Colony Beach, Florida, and having approximately fourteen (14) acres together with all the improvements thereon, including the Pro Shop Building, one-half of the City of Key Colony Beach Service Building (located at 460 8th Street, Key Colony Beach), and including inventory of tools and maintenance equipment as attached hereto and identified as Exhibit A.

TO HAVE AND TO HOLD the above-described property unto the Lessee for and during the term of two (2) years commencing on the 1st day of October 2021 and ending on the last day of September 2023. Lessee and Lessor, provide Lease is not in default of any provision in this lease, may extend this lease for an additional one (1) year period, at anytime prior to the four (4) month's ending date of the lease.

Each year after the first-year lease, rent will increase 3% of the previous year's rent.

2. Lessee, in consideration of the leasing of the property aforesaid, does hereby covenant and agree to and with Lessor to pay rent as follows:

\$32,000.00 per year plus sales tax for the year, payable in equal monthly payments. Rent is to be paid on the first (1st) day of each month as rent for that month. If rent is not paid by

GOLF COURSE LEASE

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the 10th day after the due date, there will be a 6% late charge. The late charge, together with applicable sales tax, shall be remitted with the late payment.

The Lessee, at his sole discretion, may notify the Lessor in writing his intent to terminate the lease upon ninety (90) days advance notice prior to October 1 of any year of the lease. If the Lessee terminates the Lease as provided above, the Lessee agrees to stay on as Lessee until the Lessor finds a trained replacement. During this time the Lessor retains all revenues from operations of the Golf Course.

3. Within two business days of signing this lease, Lessee shall place and pledge with Lessor a Bank Certificate of Deposit in the amount of \$20,000.00 (unless already executed), the interest paid by the bank from which shall be for the benefit of Lessee. This certificate is a rent guaranty damage and security deposit to be held by Lessor until this lease shall be terminated. No part of this deposit shall, without consent of Lessor, be considered as rent payment of any nature. The deposit is further a guarantee for those who have purchased memberships at the golf course. The certificate shall be held by Lessor and shall not be utilized unless and until it may become necessary to protect the memberships purchased from Lessee by third parties, in which event said funds shall be used on a pro-rata basis to refund the unused portions of the membership fees to those who have previously paid. The certificate may also be used at the termination of this lease to compensate Lessor for damage caused to the premises or city-owned personal property or equipment by the actions or omissions of the Lessee.

4. Lessee shall provide liability insurance protecting the interest of Lessor and Lessee to the sum of \$1,000,000 for each incident, and proof of this insurance shall be provided to Lessor on each renewal of such coverage. Workers' Compensation insurance is to be carried and proof of such coverage provided to the City. Any breach of this requirement shall be a default under this lease.

5. Lessee shall maintain golf course equipment, as set forth in Exhibit "A", in the same condition as when taking possession and, upon termination of this lease, it shall be surrendered to Lessor in the same condition as first tendered, reasonable wear and tear excepted.

In the event that replacement or reconditioning, (complete disassembly, replacement of worn parts, cleaning, rust removal and painting, so that the equipment is as near mechanically equal to a new piece of equipment as possible) is necessary of a piece of equipment, Lessee will obtain estimates for parts necessary for replacement or reconditioning, and parts expense shall be paid by Lessor. All expenses of labor shall be paid by Lessee.

GOLF COURSE LEASE

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Equipment such as hand tools, weed eaters and small rotary lawn mowers shall be purchased by Lessee and shall remain the property of Lessee.

6. The sale by lessee of anything other than golf related supplies and equipment or vended snacks shall not be permitted without the prior consent of Lessor. Lessee shall be permitted to place no more than two (2) vending machines on the property.

7. The golf course shall be maintained in the same or better condition as at the start of this lease, at the expense of Lessee, except as otherwise provided in this lease. Plantings suggested by Lessee, if approved by Lessor, shall be the responsibility of the Lessor.

The irrigation system (pipes extending onto and off of the course) shall be maintained by Lessee. Any parts needed for irrigation, such as sprinkler heads, etc., shall be paid by Lessor. The pumping station shall be maintained by the Lessor. Repairs that are Lessee's responsibility shall be at Lessee's expense other than capital improvements to the water system, which shall be submitted to Lessor for approval). Lessee hereby consents to modifications or upgrades to the system to be performed by Lessor mandated by any governmental authority. The cost for FKAA water used for irrigation of the golf course is at Lessee's expense. Lessor shall provide, if equipment is operating properly, reverse osmosis water for irrigation at no cost to the Lessee.

8. The golf course shall be maintained in good and playable condition on a year-round basis, save for acts of God.

9. The golf course starter, at a minimum, shall perform the following daily duties as noted below, if not this shall show as a discharge of this Lease.

- a. Open By 7:30 a.m. Daily
- b. Make Sure Clubs & Carts Are in Order
- c. Restroom Garbage Empty
- d. Restroom Cleaned and Sanitized
- e. Outside Walkways Free of Debris
- f. Ashtrays Cleaned Out
- g. Always Be a Starter
- h. Sweep & Clean Inside of Pro Shop
- i. Open until 5:00 p.m.
- j. Always Dress Appropriately

GOLF COURSE LEASE

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Course maybe closed Thanksgiving Day, Christmas Day. The course will remain available to members for play and an honor box will be placed for other players.

Lessee shall, at a minimum, complete the following duties / obligations under this lease, if not this shall show as a discharge of this Lease.

- a. Cut Greens as needed**
- b. Change Hole Locations Weekly**
- c. General Pick Up of Coconuts Daily**
- d. Rake Sand traps Twice Weekly**
- e. Check Tees and Sweep Mats Daily**
- f. Cut Shoulders A Minimum of Once a Week**
- g. Cut Fairways A Minimum of Once a Week**
- h. Treat For Weeds When Needed**
- i. Treat For Ants When Needed**
- j. Clean Service Building as needed – Lessor to provide paper products**
- k. Empty Trash on Whole Course as needed**
- l. Trim Trees and Shrubs When Needed**
- m. Test Sprinkler System A Minimum of Once A Month**

10. In the event the golf course is seriously damaged by an act of God, then any repairs to the course, leased buildings or equipment shall be at the expense of Lessor, and rent shall be suspended until the course is playable.

11. Lessor has a City Administrator who will act as the City's agent of the City of Key Colony Beach who shall verify the status of maintenance and all other matters concerning the course at maximum 90-day intervals and note any deficiencies and notify the Lessee for immediate correction (within 36 hours). If not corrected in this time period, the lessor will correct the issue and charge Lessee for such correction.

All promotional and invitational events that interfere with public use shall be presented for approval by the City Commission not less than 30 days in advance of such event.

12. All tax obligations in connection with this lease and the operation of the golf course, including sales tax, but excluding real property taxes on the subject property shall be an expense of Lessee, and failure to pay them when due shall constitute a default of this lease.

13. Lessee shall not assign this lease nor sublet the premises, or any part thereof, nor permit the same or any part thereof, to be used for any reason. All additions, except movable furniture, shall become the property of Lessor and shall remain upon the premises as a part thereof and be surrendered with the premises at the termination of this lease.

14. All of Lessee's personal property placed in or on the premises shall be at the risk of the Lessee.

15. Lessor shall not be liable for any damage to said personal property or to the Lessee arising from the bursting or leaking of water pipes, or any other cause.

16. Lessee shall comply with all statutes, ordinances, rules, orders, regulations and requirements of federal, state and city government.

17. Prompt payment of rent for said premises upon the dates named and the faithful observance of all covenants of this lease are the conditions upon which the lease is made and accepted, and any failure on the part of Lessee to comply with the terms of said lease or any of its covenants shall, at the option of Lessor, constitute a forfeiture of this lease and all the rights of Lessee hereunder.

In the event of a breach of this agreement by Lessee, other than failure to pay rent or utilities as set forth in paragraph 2 and 19, Lessor shall give written notice of the breach and Lessee shall have ten (10) business days to cure the breach. If a breach is not remedied within the time specified, Lessor shall have the right to terminate this lease.

18. If Lessee shall abandon or vacate (defined herein as failure to operate the course for three (3) consecutive business days) said premises before the end of the term of this lease, Lessor may, at his option, cancel said lease or he may enter said premises as the agent of Lessee without being liable in any way therefore, and relet the premises with or without any furniture that may be therein, at such price and upon such terms and for such duration of time as Lessor may determine, and receive the rent, applying the same to the payment of the rent due by this lease, and if the full rental herein provided shall not be realized by Lessor over and above the expenses to Lessor in such re-letting, then said

Lessee shall pay any deficiency.

19. In any litigation resulting from the alleged breach of this lease, the prevailing party shall recover the court costs and reasonable attorney's fees including appellate attorney's fees.

20. Lessee shall pay all charges for water and electricity, except as stated herein. Lessor shall pay for one-half of electricity used in the Service Building. Lessee shall maintain the Service Building in neat and proper condition, including the rest rooms and other areas. Should said charges for rent, electricity or water herein provided for at any time remain due and unpaid for ten (10) days after the same shall have become due, Lessor may, at its option, consider said Lessee a tenant at sufferance and immediately reenter upon said premises and the entire rent for the rental period then next ensuing shall at once be due and payable and may forthwith be collected by distress or otherwise.

21. If Lessee shall become insolvent or if bankruptcy proceedings shall be begun by or against Lessee, Lessor is hereby irrevocably authorized, at its option, to cancel this lease. Lessor may elect to accept rent from such receiver, trustee, or other judicial officer during the term of occupancy in their fiduciary capacity without affecting Lessor's rights as contained in this lease. No receiver, trustee or other judicial officer shall have any right, title, or interest in or to described property by virtue of this lease.

22. It is understood and agreed between the parties hereto that written notice by registered mail or Federal Express or delivered to the premises leased hereunder shall constitute sufficient notice to Lessee and written notice mailed or delivered to the office of Lessor shall constitute sufficient notice to Lessor, to comply with the terms of this lease.


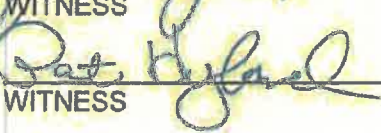
23. The rights of Lessor under the foregoing shall be cumulative and failure on the part of Lessor to exercise promptly any rights given hereunder shall not operate to forfeit any of said rights.

24. It is hereby understood and agreed that any signs or advertising to be used on the premises, including awnings, shall be first submitted to Lessor for approval.

25. Hours of operation of the golf course shall be limited to natural light hours, and, unless otherwise approved by Lessor, Lessee shall not place outdoor lights on the golf course.

26. This lease shall not be recorded in the county public records.

IN WITNESS WHEREOF, the parties hereto have hereunto executed this instrument for the purpose herein expressed, the 12th day of August, 2021.


WITNESS

WITNESS

CITY OF KEY COLONY BEACH

By: 
Ronald A. Sutton, Mayor

By: 
City Administrator

D. RICE MANAGEMENT, INC.

By: 
Daryl Rice, President

NOTARY FOR LESSOR: CITY OF KEY COLONY BEACH

STATE OF FLORIDA
COUNTY OF MONROE

Before me, a Notary Public in and for said State and County, personally appeared

(LESSOR) Ronald A. Sutton, Mayor for City of Key Colony Beach

personally, known to be the person named in the foregoing lease, and he acknowledged that he executed the same for the purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the 18th day of August, 2021.

Sara V. Guibert
NOTARY PUBLIC

My commission expires:



NOTARY FOR LESSEE:

STATE OF FLORIDA
COUNTY OF MONROE

Before me, a Notary Public in and for said State and County, personally appeared

(LESSEE) Daryl Rice, President of D. Rice Management, Inc.

personally, known or ID provided to be the person named in the foregoing lease, and he/she acknowledged that he/she executed the same for the purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the 5th day of August, 2021.

Sara V. Guibert
NOTARY PUBLIC

My commission expires:



ATTACHMENT B

DEBARMENT CERTIFICATION

"The bidder certifies that, neither the firm nor any person associated therewith in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, and/or position involving the administration of federal funds:

(a) Is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions, as defined in 2 CFR Chapter 180, by any federal department or agency;

(b) Has within a three-year period preceding this certification been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or public contract; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Is presently indicted for or otherwise criminally or civilly charged by a federal, state, or local Governmental entity with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) Has within a three-year period preceding this certification had one or more federal, state, or local government public transactions terminated for cause or default.

The bidder certifies that it shall not knowingly enter into any transaction with any subcontractor, material supplier, or vendor who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this project by any federal agency.

Dated this _____ day of _____, 20_____.

By _____
Authorized Signature/Contractor

Typed Name/Title

Contractor's Firm Name

Street Address

City/State/Zip Code

Area Code/Telephone Number

DRUG FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that:

(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection CO, notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 (Florida Statutes) or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, or any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Date: _____

Applicant's Signature

THE CITY OF KEY COLONY BEACH, FLORIDA

E-VERIFY AFFIDAVIT

Beginning January 1, 2021, Florida law requires all contractors doing business with the the City of Key Colony Beach, Florida to register with and use the E-Verify System in order to verify the work authorization status of all newly hired employees. The City requires all vendors who are awarded contracts with the City to verify employee eligibility using the E-Verify System. As before, vendors are also required to maintain all I-9 Forms of their employees for the duration of the contract term. To enroll in the E-Verify System, vendors should visit the E- Verify Website located at www.e-verify.gov.

In accordance with Florida Statute § 448.095, IT IS THE RESPONSIBILITY OF THE AWARDED VENDOR TO ENSURE COMPLIANCE WITH ALL APPLICABLE E-VERIFY REQUIREMENTS.

By affixing your signature below, you hereby acknowledge that Florida Law requires you to register with and use the E-Verify System to verify the work authorization status of all newly hired employees. Furthermore, by signing this affidavit you affirm, under penalty of perjury, that you have complied with all applicable E-Verify requirements as of the effective date below.

Date

(Signature of Authorized Representative)

STATE OF _____, COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority, _____
_____, who, ☐ being personally known or ☐
having produced _____ as
identification, and after first being sworn by me, affixed his/her signature in the space provided above on
this _____ day of _____
_____ 20_____.

Signature, NOTARY PUBLIC

My commission expires:

STAMP/SEAL

BUSINESS/PERSONAL RELATIONSHIP DISCLOSURE AFFIDAVIT

I, _____, of the City/Township/Parrish of _____, State of _____, and according to law on my oath, and under penalty of perjury, depose and say that;

1) I am the authorized representative of the company or entity making a proposal for a project described as follows: (Name of company/vendor): _____
and (Nature of services presently being offered to The City of Key Colony Beach, Florida): _____

2) I have _____ have not _____, at any time, excluding the instant proposal, had a business or personal relationship with any member of The City of Key Colony Beach Board of Commissioners, and/or with any employee of The City of Key Colony Beach, Florida.

• The details of my or my company's present and/or former relationship, excluding the instant proposal, are: *{include particular Board member or employee's name(s), position held by such member or employee and relevant date(s); use reverse for space if needed}*

3) The statements contained in this affidavit are true and correct, and made with full knowledge that The City of Key Colony Beach, Florida relies upon the truth of the statements contained in this affidavit in awarding contracts for the subject project.

(Signature of Authorized Representative) Dated: _____

Print: _____

STATE OF _____,
COUNTY OF _____
PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, being personally known, ___ or having produced _____
as identification, and after first being sworn by me, affixed his/her signature in the space provided above on this _____ day of 20____.

NOTARY PUBLIC

My commission expires

THE CITY OF KEY COLONY BEACH, FLORIDA

NON-COLLUSION AFFIDAVIT

I, _____ of the city/township/parrish
of _____, according to law on my oath, and under penalty of perjury, depose
and say that;

1) I am _____, the bidder making the Proposal for the project
described as follows:

2) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

3) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to bid opening, directly or indirectly, to any other bidder or to any competitor; and

4) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit, or not to submit, a bid for the purpose of restricting competition;

5) The statements contained in this affidavit are true and correct, and made with full knowledge that The School Board of Monroe County, Florida, relies upon the truth of the statements contained in this affidavit in awarding contracts for said project.

(Signature of Bidder)

DATED: _____

STATE OF _____,

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority,

_____ who, after first being sworn by me, (name of individual signing) affixed his/her
signature in the space provided above on this

_____ day of _____, 20_____.

NOTARY PUBLIC

My commission expires:

**SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a), FLORIDA
STATUTES ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER
OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to _____
(print name of the public entity)
by _____ for _____
(print individual's name and title) (print name of entity submitting sworn statement)

whose business address is _____ and (if applicable) its Federal
Employer Identification Number (FEIN) is _____. *(If the entity has no FEIN,
include the Social Security Number of the individual signing this sworn statement:*
_____.)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

3. I understand that "convicted" or "conviction" as defined in paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt of a conviction of public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment of information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea guilty or nolo contendere.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
(a). A predecessor or successor of a person convicted of a public entity crime; or
(b). An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133 (1) ©, Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, that statement which I have marked below is true in relation to the entity submitting this sworn statement. (Indicate which statement applies.)

_____ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with any convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting the sworn statement on the convicted vendor list. (Attached a copy of the final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Signature)

(Date)

STATE OF _____
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first sworn by me, affixed his/her signature in the space provided above on this _____ day of _____, 2024.

(name of individual signing)

NOTARY PUBLIC

My commission expires:

State of Florida
Affidavit Regarding the Use of Coercion for Labor and Services

Respondent Vendor Name: _____
Vendor FEIN: _____
Vendor's Authorized Representative Name and Title: _____
Address: _____
City: _____ State: _____ ZIP: _____
Phone Number: _____
Email Address: _____

Section 787.06(13), Florida Statutes requires all nongovernmental entities executing, renewing, or extending a contract with a governmental entity to provide an affidavit signed by an officer or representative of the nongovernmental entity under penalty of perjury that the nongovernmental entity does not use coercion for labor or services as defined in that statute.

As the person authorized to sign on behalf of Respondent, I certify that the company identified does not:

- Use or threaten to use physical force against any person;
- Restrain, isolate, or confine or threaten to restrain, isolate, or confine any person without lawful authority and against her or his will;
- Use lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
- Destroy, conceal, remove, confiscate, withhold, or possess any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
- Cause or threaten to cause financial harm to any person;
- Entice or lure any person by fraud or deceit; or
- Provide a controlled substance as outlined in Schedule I or Schedule II of s. 893.03 to any person for the purpose of exploitation of that person.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.	
By: _____	AUTHORIZED SIGNATURE
Print Name and Title: _____	
Date: _____	

ATTACHMENT B

State of Florida

Affidavit Regarding the Use of Coercion for Labor and Services

Respondent Vendor Name:	drice management inc		
Vendor FEIN:	27-1155452		
Vendor's Authorized Representative Name and Title:	Darryl Rice Pres.		
Address:	2357 Overseas Hwy		
City:	Monrother	State:	Fla. ZIP: 33050
Phone Number:	305 - 481 - 3198 cell		
Email Address:	drice519@aol.com		

Section 787.06(13), Florida Statutes requires all nongovernmental entities executing, renewing, or extending a contract with a governmental entity to provide an affidavit signed by an officer or representative of the nongovernmental entity under penalty of perjury that the nongovernmental entity does not use coercion for labor or services as defined in that statute.

As the person authorized to sign on behalf of Respondent, I certify that the company identified does not:

- Use or threaten to use physical force against any person;
- Restrain, isolate, or confine or threaten to restrain, isolate, or confine any person without lawful authority and against her or his will;
- Use lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
- Destroy, conceal, remove, confiscate, withhold, or possess any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
- Cause or threaten to cause financial harm to any person;
- Entice or lure any person by fraud or deceit; or
- Provide a controlled substance as outlined in Schedule I or Schedule II of s. 893.03 to any person for the purpose of exploitation of that person.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

By: [Signature]
AUTHORIZED SIGNATURE

Print Name and Title: Darryl Rice President

Date: 5/6/2025

DEBARMENT CERTIFICATION

"The bidder certifies that, neither the firm nor any person associated therewith in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, and/or position involving the administration of federal funds:

(a) Is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions, as defined in 2 CFR Chapter 180, by any federal department or agency;

(b) Has within a three-year period preceding this certification been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or public contract; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Is presently indicted for or otherwise criminally or civilly charged by a federal, state, or local Governmental entity with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) Has within a three-year period preceding this certification had one or more federal, state, or local government public transactions terminated for cause or default.

The bidder certifies that it shall not knowingly enter into any transaction with any subcontractor, material supplier, or vendor who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this project by any federal agency.

Dated this 5 day of Mar, 2025.

By [Signature]

Authorized Signature/Contractor

Darryl Rice President

Typed Name/Title

DRICE Management Inc

Contractor's Firm Name

2357 o/s Hwy

Street Address

Murphy, Fla. 33050

City/State/Zip Code

305-481-3198 ext 1 office 305 289 9859

Area Code/Telephone Number

DRUG FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that:

(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection CO, notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 (Florida Statutes) or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, or any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Date:

5/5/2025


Applicant's Signature

Fishing Rules

Fish only in designated area

Florida Fishing Rules Apply (License Required)

Fishing Hours: 6:00AM until (Hour before sunset)

Clean up after yourself

Only one rod or handline per person

No more than five people fishing

No fish cleaning on the pier

No chairs or umbrellas on pier

No glass containers on pier

ORDINANCE NO. 2025-500

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER FOURTEEN OF THE CODE OF ORDINANCES, ENTITLED SEWERS AND SEWAGE DISPOSAL, SECTION 14-6 MONTHLY RATES AND CHARGES, AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach provides sewer facilities and bills residential property owners for those services quarterly and commercial customers monthly; and

WHEREAS, the quarterly and monthly rates were increased in October 2024; and

WHEREAS, the City Commission deems it necessary to increase commercial wastewater billing rates to promote fairness and ensure the financial responsibility of the City's wastewater utility; and

WHEREAS, the City Commission desires that the sewer treatment plant and system operate in a financially responsible manner and not deplete current reserves; and

WHEREAS, the City Commission desires to protect the health and safety of the citizens through routine maintenance of the sewer treatment plant and infrastructure.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the ordinance are underlined; deletions are ~~crossed-out~~.)

Section 1: Recitals

The above recitals are true and correct.

Section 2: Amending Section 14-6 of the Code of Ordinances

Section 14-6 of the Code of Ordinances for the City of Key Colony Beach, Florida, are hereby amended as follows:

CHAPTER 14. SEWERS AND SEWAGE DISPOSAL

Section 14-6. Monthly rates and charges.

The monthly rates and charges for the services and uses of the city sewer facilities will be as follows:

Residential living unit . . .	\$71.00 (\$213.00/quarter) — <u>\$75.00 (\$222/quarter)</u>
Apartment and condominium living unit.	\$71.00 (\$213.00/quarter) <u>\$75.00 (\$222/quarter)</u>

Laundry machines, commercial, standard load (that are a part of apartments and condominiums)	\$32.00
Laundry machines, commercial, large load (that are a part of apartments and condominiums) . . .	\$97.50
Recreational buildings (that are a part of apartments or condominiums) . . .	\$80.00
All commercial accounts, per 100 gallons of water consumed	\$2.47
Or a minimum of 64.00 \$75.00 per unit monthly, whichever is greater.	
User of sewer system facilities not otherwise listed above to be determined by use factors.	

Monthly rates and charges listed above shall be effective October 1, 2024 **2025**.

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 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 its final adoption by the City of Key Colony Beach, Florida Commission.

FIRST READING by the City of Key Colony Beach City Commission this 21st day of August 2025.

Mayor Freddie Foster	NO <u> x </u>	YES <u> </u>
Vice-Mayor Doug Colonell	NO <u> </u>	YES <u> x </u>
Commissioner Tom Harding	NO <u> x </u>	YES <u> </u>
Commissioner Tom DiFransico	NO <u> </u>	YES <u> x </u>
Commissioner Kirk Diehl	NO <u> </u>	YES <u> x </u>

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 18th day of September 2025.

Mayor Freddie Foster	NO _____	YES _____
Vice-Mayor Doug Colonell	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Kirk Diehl	NO _____	YES _____

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 18th day of September 2025.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of Key Colony Beach, Florida's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: 2025-500 An Amendment to Monthly Sewer Rates and Charges

The City of Key Colony Beach, Florida (hereinafter "City") is of the view that the following exception(s) to the Business Impact Estimate requirement apply that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☒ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER FOURTEEN OF THE CODE OF ORDINANCES, ENTITLED SEWERS AND SEWAGE DISPOSAL, SECTION 14-6 MONTHLY RATES AND CHARGES, AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

The minimum monthly charge for commercial businesses will increase by \$11.00 per month.

3. Estimate of direct compliance costs that businesses may reasonably incur:

None.

4. Any new charge or fee imposed by the proposed ordinance:

An increase of \$11.00 for commercial rates and \$4.00 for residential units and condominiums per month.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

Estimated increase in revenues: \$11,489.00

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

9

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: the City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on the City's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):



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 4, 2025

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 4 day of SEPT, 2025.
(SEAL)


Notary



CITY OF KEY COLONY BEACH
NOTICE OF CODE
AMENDMENT HEARING
"SECOND/FINAL READING OF
ORDINANCE NO. 2025-500"
NOTICE IS HEREBY GIVEN that
the City Commission of the
City of Key Colony Beach,
Florida, will hold the following
Public Hearing to hear
amendments to the City's
Code of Ordinances.
DATE/TIME: Thursday,
September 18th, 2025, 9:30
am
LOCATION: City of Key Colony
Beach, Marble Hall, 600 W.
Ocean Dr., Key Colony Beach.
The proposed Ordinance to be
heard by the City Commission
is [ORDINANCE NO. 2025-500],
entitled: "AN ORDINANCE OF
THE CITY OF KEY COLONY
BEACH, FLORIDA, AMENDING
CHAPTER FOURTEEN OF
THE CODE OF ORDINANCES,
ENTITLED SEWERS AND
SEWAGE DISPOSAL,
SECTION 14-6 MONTHLY
RATES AND CHARGES,
AND PROVIDING FOR
CODIFICATION; REPEALING
ANY INCONSISTENT
PROVISIONS; PROVIDING
FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE
DATE."
The Business Impact
Statement is available for
review on the City of Key
Colony Beach's website at
www.keycolonybeach.net and
at City Hall at 600 W. Ocean
Drive, Key Colony Beach.
Interested parties may appear
at the meeting and be heard
with respect to the proposed
ordinance. Copies of the
proposed Ordinance are
available for inspection at the
City Hall of Key Colony Beach.
If any person decides to
appeal any decision made
by the Key Colony Beach City
Commission with respect to
any matter considered at the
Code Amendment Hearing,
that person will need a record
of the proceeding and for
such purpose may need to
ensure that a verbatim record
of the proceedings is made,
which record includes the
testimony and evidence upon
which the appeal is to be
based.
If you are unable to attend the
Public Hearing on Thursday,
September 18th, 2025, but
wish to comment, please
direct correspondence to the
City Clerk, 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 8th, 2025
City Clerk
City of Key Colony Beach,
Florida
Publish:
September 4, 2025
The Weekly Newspapers

ORDINANCE NO. 2025-503

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CODE OF ORDINANCE, CHAPTER 12 PARKS AND RECREATION SECTION 12-2 RECREATION COMMITTEE CONTINUED, 12-6 MEETINGS, REPORTS OF COMMITTEE, 12-8 POWERS AND DUTIES OF COMMITTEES, AND 12-9 LIMITATIONS ON USE OF CERTAIN CITY PARK PROPERTY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Recreation Committee serves as an advisory body that assists the City Commission in preserving and enhancing community assets and quality of life; and

WHEREAS, the City Commission of Key Colony Beach has determined that it is necessary to amend Chapter 12, “Parks and Recreation,” Sections 12-2, 12-6, 12-8, and 12-9 to modify the residency requirements, meeting procedures, responsibilities of advisory or oversight committees related to the City’s parks and recreational resources, and prohibited activities at Sunset Park; and

WHEREAS, the City Commission finds that periodic updates to the composition, duties, and operating procedures of its committees help eliminate redundancies and better align their work with the City’s long-term goals and priorities; and

WHEREAS, the City Commission has reviewed the proposed ordinance and determined that its adoption is in the best interests of the public health, safety, and welfare of the residents of Key Colony Beach, Florida.

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

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

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

Section 3: Amendment

Chapter 12, “Parks and Recreation”, of the City of Key Colony Beach, Florida Code of Ordinances shall be amended to read as follows:

~~Strikethrough~~ = deletion

Bold underline = addition

Sec. 12-2. Recreation area committee continued.

The recreation area committee is hereby continued and shall be referred to hereinafter as the recreation area committee. Sec. 12-3. Composition of committee; qualifications, compensation; removal of members.

The recreation committee shall consist of five (5) regular members and may consist of two (2) alternate members who are appointed by the city commission no later than the second regular meeting of the city commission in the month of April. Each member must be a resident of the City of Key Colony Beach. No city commissioner or city employee shall serve as a member of the recreation area committee. Each member shall serve without remuneration. Members shall serve their terms or until their successors are appointed, whichever comes last. Any member may be relieved of his duties by a majority vote of the city commission at its sole discretion. If any member fails to attend two (2) of three (3) successive meetings, without cause and without prior approval of the chairman, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. Alternate members shall serve as full members in the absence of a regular member. The city commission may waive the residency requirements for membership of the committee in the case of unforeseen and unusual circumstances that are in the best interest of the city. Sec. 12-4. Appointment, terms of committee members; filling vacancies.

The members shall serve for terms of two (2) years. The terms of two (2) members and one (1) alternate shall expire in even-numbered years, and the terms of three (3) members and one (1) alternate shall expire in odd-numbered years. In the event of a vacancy caused by the expiration of a term, the city commission shall appoint a person to serve thereon for a period of two (2) years. In the event of a vacancy created other than by expiration of a term, the city commission shall appoint a person to serve thereon for the remainder of the unexpired term.

Sec. 12-6. - Meetings, reports of committee.

The recreation area committee shall hold a regular meeting once every month unless there is no business to conduct. It will meet at such other times as the chair or city commission may direct. Minutes of all meetings shall be taken and copies shall be filed immediately with the city clerk. **If the Board is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the Board.**

Sec. 12-8. Powers and duties of committee.

The recreation area committee shall have the following duties:

- (1) ~~Propose~~ **Recommend** to city commissioners:
 - a. Future improvements to the golf course and attendant buildings.
 - b. Area reserved for recreational uses, and activities to be conducted thereon.
 - c. Area reserved for municipal uses, and facilities to be developed thereon.
- (2) Subject at all times to city commission approval, it shall **observe and report to City regarding recreational activities** ~~supervise the recreational uses of this area.~~ It shall not supervise or be responsible for any municipal use to be conducted in said area. **The Recreation Committee shall not supervise self-funded groups or other entities operating under contractual agreements with the City.**

- ~~(3) In the event that all or any part of this area shall be leased for a recreational use, it shall insure the protection of the city's interest in the drawing of the lease and the operation and performance of the lessee.~~
- (4) It shall assist the beautification commission with the plans of the latter for the beautification of the area.
- (5) Annually, at the time of preparation of the city budget, it shall present to the city commission a list of ~~proposed~~ **recommended** activities and improvements, together with an estimate of the cost thereof.
- (6) Upon direction by the city commission, it shall plan, supervise and implement any activity or improvement which may be assigned to it by the city commission.
- (7) It shall have such other powers and duties as may be assigned to it from time to time by the city commission.

Sec. 12-9. Limitations on use of certain city park property.

- (a) Use of the park property of the City of Key Colony Beach as described in section 12-1 shall be limited to the time from 6:00 a.m. to 10:00 p.m. each day unless otherwise posted. Persons on the subject properties during the prohibited hours shall be subject to penalties as set forth in section 1-9 of the Key Colony Beach Code.
- (b) Sunset Park rules and regulations:
 - (1) Sunset Park shall be open from 6:00 a.m. to one-half hour after sunset. The time of sunset is defined as the moment when the trailing edge of the sun's disk disappears below the horizon.
 - (2) Special events must be pre-registered at City Hall forty-eight (48) hours in advance, and permits are subject to availability.
 - (3) Dog waste is a threat to public health and can transmit disease, therefore persons must leash and clean up after their dogs.
 - (4) Swimming **and snorkeling**, ~~snorkeling, or wading in the park~~ is prohibited. ~~No persons are allowed into the water at any time.~~ Crocodiles live in the coastal water of South Florida, and swift currents exist in the area immediately surrounding the park area, making the water unsafe.
 - (5) ~~No fishing is permitted from or in the water's edge or observation deck.~~ **Fishing is permitted only in the designated areas of the pier.**
 - (6) No shrimp, crab or lobster trapping/netting is permitted from the water's edge or the observation deck.
 - (7) ~~Entry into the water from the observation deck is prohibited.~~ **Jumping off the observation deck is prohibited.**
 - (8) Docking is prohibited.
 - (9) No floating vessels shall launch or port from the water's edge, including but not limited to, boats of any kind, kayak, jet-ski, paddleboard, surfboard or windsurfing board.
- (c) Use of tennis or pickleball courts owned by the City of Key Colony Beach shall be limited to the time from 7:30 a.m. to sunset each day unless otherwise posted.

Section 4: Severability and Conflict

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

Section 5: Inclusion in the Code of Ordinances

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

Section 6: Effective Date

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

FIRST READING by the City of Key Colony Beach City Commission this 21st day of August, 2025.

Mayor Freddie Foster	NO _____	YES _____ x _____
Vice-Mayor Doug Colonell	NO _____	YES _____ x _____
Commissioner Tom Harding	NO _____	YES _____ x _____
Commissioner Tom DiFransico	NO _____	YES _____ x _____
Commissioner Kirk Diehl	NO _____	YES _____ x _____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 18th day of September, 2025.

Mayor Freddie Foster	NO _____	YES _____
Vice-Mayor Doug Colonell	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Kirk Diehl	NO _____	YES _____

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 18th day of September, 2025.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of Key Colony Beach, Florida's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **ORDINANCE 2025-503 – CHAPTER 12 PARKS AND RECREATION**

The City of Key Colony Beach, Florida (hereinafter "City") is of the view that the following exception(s) to the Business Impact Estimate requirement apply that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CODE OF ORDINANCE, CHAPTER 12 PARKS AND RECREATION SECTION 12-2 RECREATION COMMITTEE CONTINUED, 12-6 MEETINGS, REPORTS OF COMMITTEE, 12-8 POWERS AND DUTIES OF COMMITTEES, AND 12-9 LIMITATIONS ON USE OF CERTAIN CITY PARK PROPERTY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

NONE.

3. Estimate of direct compliance costs that businesses may reasonably incur:

NONE.

4. Any new charge or fee imposed by the proposed ordinance:

NONE.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

NONE.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

NONE.

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: the City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on the City's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

NONE.



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

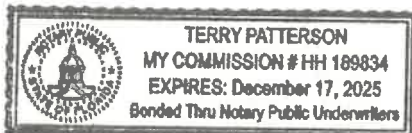
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: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

September 4, 2025

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 4 day of SEPT, 2025.
(SEAL)

Notary



CITY OF KEY COLONY BEACH
NOTICE OF CODE
AMENDMENT HEARING
"SECOND/FINAL READING OF
ORDINANCE NO. 2025-503"
NOTICE IS HEREBY GIVEN that
the City Commission of the
City of Key Colony Beach,
Florida, will hold the following
Public Hearing to hear
amendments to the City's
Code of Ordinances.
DATE/TIME: Thursday,
September 18th, 2025, 9:30
am.
LOCATION: City of Key Colony
Beach, Marble Hall, 600 W.
Ocean Dr., Key Colony Beach.
The proposed Ordinance
to be heard by the City
Commission is [ORDINANCE
NO. 2025-503], entitled: "AN
ORDINANCE OF THE CITY
OF KEY COLONY BEACH,
FLORIDA, AMENDING CODE
OF ORDINANCE, CHAPTER
12 PARKS AND RECREATION
SECTION 12-2 RECREATION
COMMITTEE CONTINUED;
12-6 MEETINGS, REPORTS OF
COMMITTEE, 12-8 POWERS
AND DUTIES OF COMMITTEES,
AND 12-9 LIMITATIONS
ON USE OF CERTAIN
CITY PARK PROPERTY;
REPEALING CONFLICTING
ORDINANCES; PROVIDING
FOR SEVERABILITY; AND
PROVIDING FOR AN
EFFECTIVE DATE."
The Business Impact
Statement is available for
review on the City of Key
Colony Beach's website at
www.keycolonybeach.net and
at City Hall at 600 W. Ocean
Drive, Key Colony Beach.
Interested parties may appear
at the meeting and be heard
with respect to the proposed
ordinance. Copies of the
proposed Ordinance are
available for inspection at the
City Hall of Key Colony Beach.
If any person decides to
appeal any decision made
by the Key Colony Beach City
Commission with respect to
any matter considered at the
Code Amendment Hearing,
that person will need a record
of the proceeding and for
such purpose may need to
ensure that a verbatim record
of the proceedings is made,
which record includes the
testimony and evidence upon
which the appeal is to be
based.
If you are unable to attend the
Public Hearing on Thursday,
September 18th, 2025, but
wish to comment, please
direct correspondence to the
City Clerk, 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 8th, 2025
City Clerk

City of Key Colony Beach,
Florida
Publish:
September 4, 2025
The Weekly Newspapers

ORDINANCE NO. 2025-504

**AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA,
AMENDING ARTICLE XIII DEVELOPMENT REVIEW COMMITTEES
SECTION 101-186 BEAUTIFICATION COMMITTEE; REPEALING
CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Beautification Committee serves as an advisory body that assists the City Commission in preserving and enhancing community assets and quality of life; and

WHEREAS, the City Commission of Key Colony Beach has determined that it is necessary to amend Article XIII, "Development Review Committees," specifically Section 101-186 of the City's Land Development Code, to modify the responsibilities and meeting procedures for the City's Beautification Committee; and

WHEREAS, the City Commission recognizes that periodic updates to committee structure, responsibilities, and procedures help reduce redundancy and ensure that advisory activities align with the City's long-term goals and priorities; and

WHEREAS, the City Commission has reviewed the proposed ordinance and determined that its adoption is in the best interests of the public health, safety, and welfare of the residents of Key Colony Beach, Florida.

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

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

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

Section 3: Amendment

Section 101-186 "Beautification Committee" of Article XIII, "Development Review Committees" of the Land Development Regulations, of the City of Key Colony Beach, Florida be amended to read as follows:

~~Strikethrough~~ = deletion

Bold underline = addition

Sec. 101-186. - Beautification committee.

- (1) *Membership*. The beautification committee shall consist of seven (7) persons who shall be appointed by the city commission no later than the second regular meeting of the city commission in the month of April. The city commission may, in its discretion, appoint two

- (2) alternate members who shall serve as full members in the absence of a regular member. Members and alternate members shall serve their terms or until their successors are appointed, whichever comes last.
- (2) *Qualifications.* Each member must be a resident of the city. No member or alternate members shall be an elected official or employee of the city.
- (3) *Attendance and vacancies.* If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. In the event of a vacancy created other than by the expiration of a term, the city commission shall appoint a person to serve for the remainder of the unexpired term.
- (4) *Terms.* The members shall serve for terms of two (2) years. The terms of three (3) members and one (1) alternate member shall expire in odd-numbered years, and the terms of four (4) members and one (1) alternate member shall expire in even-numbered years.
- (5) *Officers.* At the beautification committee's first meeting in May, it will elect a chair, a vice-chair and a secretary from among its regular members, for a term of one (1) year or until their replacements are elected.
- (6) *Meetings.* The beautification committee shall hold a regular meeting once every month unless there is no business to conduct. It will meet at such other times as the chair or city commission may direct. Minutes of all meetings shall be taken and copies shall be filed immediately with the city clerk. **If the Board is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the Board.**
- (7) *Responsibilities.* The committee shall have the following powers and duties:
- (a) *Planning:* From time to time it shall make recommendations to the city commission concerning projects or programs to beautify or in any way improve the appearance of the city.
 - (b) *Litter:* It shall observe the implementation of rules and regulations concerning cleanup and maintenance, and report to the city commission any violation thereof, and from time to time recommend any improvement or change in said rules and regulations.
 - (c) *Budget:* Annually, at the time of preparation of the city budget, it shall present to the city commission a list of recommended beautification or maintenance programs or projects to be undertaken during the next fiscal year, together with an estimate of the cost thereof.
 - (d) *Projects:* With prior approval of the city commission and prior submission of plans, it shall supervise and carry out programs or projects of beautification or maintenance of city-owned properties including the expenditure of assigned funds thereon.
 - (e) *Plan review:* It shall review all landscape plans and amendments thereto in accordance with article VI and make recommendations thereon to the city commission or building official, depending upon the type of development.
 - (f) *Education:* It shall encourage the city residents, property owners and organizations to work for the beautification and improvement of the city.
 - (g) *Other:* It shall have such other powers and perform such other duties as may be assigned to it from time to time by the city commission.

Section 4: Severability and Conflict

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

Section 5: Inclusion in the Code of Ordinances

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

Section 6: Effective Date

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

FIRST READING by the City of Key Colony Beach City Commission this 21st day of August, 2025.

Mayor Freddie Foster	NO _____	YES ____x____
Vice-Mayor Doug Colonell	NO _____	YES ____x____
Commissioner Tom Harding	NO _____	YES ____x____
Commissioner Tom DiFransico	NO _____	YES ____x____
Commissioner Kirk Diehl	NO _____	YES ____x____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 18th day of September, 2025.

Mayor Freddie Foster	NO _____	YES _____
Vice-Mayor Doug Colonell	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Kirk Diehl	NO _____	YES _____

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 18th day of September, 2025.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of Key Colony Beach, Florida's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **ORDINANCE 2025-504 – Article XIII Development Review Committee, Section 101-186 Beautification Committee**

The City of Key Colony Beach, Florida (hereinafter "City") is of the view that the following exception(s) to the Business Impact Estimate requirement apply that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING ARTICLE XIII DEVELOPMENT REVIEW COMMITTEES SECTION 101-186 BEAUTIFICATION COMMITTEE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

NONE.

3. Estimate of direct compliance costs that businesses may reasonably incur:

NONE.

4. Any new charge or fee imposed by the proposed ordinance:

NONE.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

NONE.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

NONE.

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: the City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on the City's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

NONE.



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

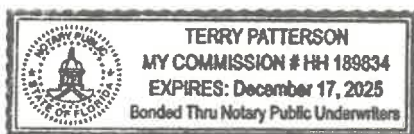
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: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

September 4, 2025

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 4 day of SEPT, 2025.
(SEAL)


Notary



CITY OF KEY COLONY BEACH
NOTICE OF CODE
AMENDMENT HEARING
"SECOND/FINAL READING OF
ORDINANCE NO. 2025-504"
NOTICE IS HEREBY GIVEN that
the City Commission of the
City of Key Colony Beach,
Florida, will hold the following
Public Hearing to hear
amendments to the City's
Code of Ordinances.
DATE/TIME: Thursday,
September 18th, 2025, 9:30
am
LOCATION: City of Key Colony
Beach, Marble Hall, 600 W.
Ocean Dr., Key Colony Beach.
The proposed Ordinance to be
heard by the City Commission
is (ORDINANCE NO. 2025-504),
entitled: "AN ORDINANCE OF
THE CITY OF KEY COLONY
BEACH, FLORIDA, AMENDING
ARTICLE XIII DEVELOPMENT
REVIEW COMMITTEES
SECTION 101-186
BEAUTIFICATION COMMITTEE;
REPEALING CONFLICTING
ORDINANCES; PROVIDING
FOR SEVERABILITY; AND
PROVIDING FOR AN
EFFECTIVE DATE."
The Business-Impact
Statement is available for
review on the City of Key
Colony Beach's website at:
www.keycolonybeach.net and
at City Hall at 600 W. Ocean
Drive, Key Colony Beach.
Interested parties may appear
at the meeting and be heard
with respect to the proposed
ordinance. Copies of the
proposed Ordinance are
available for inspection at the
City Hall of Key Colony Beach.
If any person decides to
appeal any decision made
by the Key Colony Beach City
Commission with respect to
any matter considered at the
Code Amendment Hearing,
that person will need a record
of the proceeding and for
such purpose may need to
ensure that a verbatim record
of the proceedings is made,
which record includes the
testimony and evidence upon
which the appeal is to be
based.
If you are unable to attend the
Public Hearing on Thursday,
September 18th, 2025, but
wish to comment, please
direct correspondence to the
City Clerk, 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 8th, 2025
City Clerk
City of Key Colony Beach,
Florida
Publish:
September 4, 2025
The Weekly Newspapers

ORDINANCE NO. 2025-505

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING ARTICLE XIII DEVELOPMENT REVIEW COMMITTEES SECTION 101-185 PLANNING AND ZONING COMMITTEE, SECTION 101-170 APPEALS FROM ADMINISTRATIVE HEARINGS, SECTION 101-171 VARIANCES, AND SECTION 101-172 AMENDMENT TO THIS CODE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Committee serves as an advisory body to the City Commission, providing recommendations on community development, land use, and planning matters that help preserve and enhance the character and quality of life in the City; and

WHEREAS, the City Commission of Key Colony Beach has determined that it is necessary to amend Article XIII, “Development Review Committees,” specifically Section 101-185, Section 101-170, Section 101-171, and Section 101-172 of the City’s Land Development Regulations, to modify the residency requirements and meeting procedures of the Planning and Zoning Committee; and

WHEREAS, the City of Key Colony Beach recognizes that regular review and refinement of committee structures, duties, and procedures help eliminate redundancies and better align advisory work with the City’s strategic planning goals; and

WHEREAS, the City Commission has reviewed the proposed ordinance and determined that its adoption is in the best interests of the public health, safety, and welfare of the residents of Key Colony Beach, Florida.

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

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

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

Section 3: Amendment

Section 101-185 of Article XIII, “Development Review Committees” of the Land Development Regulations of the City of Key Colony Beach, Florida shall be amended to read as follows:

~~Strikethrough~~ = deletion

Bold underline = addition

Sec. 101-185. - Planning and zoning committee.

- (1) *Composition.* The city planning and zoning committee shall consist of five (5) persons appointed by the city commission no later than the second regular meeting of the city commission in the month of April. Additionally, two (2) alternate members may be appointed by the city commission, who shall attend meetings. Alternate members shall be designated either first or second alternate member and shall exercise voting priority accordingly. Members and alternate members shall serve their terms or until their successors are appointed, whichever comes last.
- (2) *Qualifications.* Each member or alternate must be a resident of the city. Alternate members may act in the temporary absence or disability of any regular member. No member or alternate member of the committee shall be an elected official or an employee of the city.
- (3) *Attendance and vacancies.* The city commission can remove any member of the planning and zoning committee for cause after written notice and public hearing. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. Any vacancy occurring during the unexpired term of office of any member or alternate shall be filled by the city commission for the remainder of the term. The existing planning and zoning committee shall continue in office according to the terms of their original appointments.
- (4) *Terms.* Members of the planning and zoning committee shall be appointed for staggered terms of two (2) years. Three (3) members shall and one (1) alternate may be appointed in the odd number years and two (2) members shall and one (1) alternate may be appointed in the even years. Committee member terms shall end no later than the second regular meeting of the city commission in the month of April. At the time of the initial appointments of the alternates, one (1) shall be for a one (1) year term and one (1) shall be for a two (2) year term.
- (5) *Officers.* At the planning and zoning committee's first meeting in May, it will elect a chair, a vice-chair and a secretary from among its regular members, for a term of one (1) year or until their replacements are elected.
- (6) *Meetings.* The planning and zoning committee shall hold a regular meeting once every month unless there is no business to conduct. It will meet at such other times as the chair or city commission may direct. Minutes of all meetings shall be taken and copies shall be filed immediately with the city clerk. **If the Board is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the Board. The City will conduct any required public hearings or quasi-judicial proceedings where required.**
- (7) *Responsibilities.* The city planning and zoning committee will have the following duties and powers:
 - (a) *Records:* It shall follow the administrative rules for transaction of its business. It shall keep records of its findings and determinations and copies of all its recommendations for amending ordinances and handling appeal cases and requested variances. All meetings shall be public.

- (b) Budget: Annually, at the time of preparation of the city budget, it shall present to the city commission its proposed annual income and expenses. Approved budgeted expenses may be spent without additional city commission approval. Any expenditure to be made, not included in the budget, shall be submitted in advance to the city commission for its approval.
 - (c) Amendments to this code: It will review all proposed amendments to this chapter in accordance with section 101-172 and after public hearing, make recommendations to the city commission.
 - (d) Other development permits: It will review subdivision plats, site plans and related impact reports and furnish the city commission a detailed written report with its recommendation on the development permit application.
 - (e) Comprehensive plan: See (8) below.
 - (f) Variances and appeals: It shall review and make recommendations to the city commission on variances to this code (in accordance with section 101-171) and appeals of city development staff decisions (in accordance with section 101-170).
 - (g) Other: The planning and zoning committee may have such other duties and powers as may be assigned to it from time to time by the city commission.
 - (h) Code enforcement: It will not be the responsibility of the planning and zoning committee to enforce the regulations of this code.
- (8) *Local planning agency.*
- (a) The city commission hereby designates the planning and zoning committee as the local planning agency to be responsible for the development of the local comprehensive plan as required by F.S. Ch. 163.
 - (b) The committee shall conform to the statute, its own citizen participation plan and the 1990 Comprehensive Plan Appendix B for purposes of monitoring and amending the plan.

Section 101-170 of Article XIII, "Development Review Committees" of the Land Development Regulations of the City of Key Colony Beach, Florida shall be amended to read as follows:

Sec. 101-170. - Appeals from administrative rulings.

- (1) *Appeal initiation.* Any person aggrieved by a decision of the building official or other city official who enforces this chapter may appeal in writing to the planning and zoning committee. Any such appeal must be filed in writing with the city clerk together with the fee established in the fee schedule. Any such appeal must be filed within thirty (30) days after the act or decision upon which the appeal is made and must specify the grounds thereof.
- (2) *Planning and zoning committee procedure.*
 - (a) Upon receipt of a written appeal, the city clerk will deliver the appeal to the planning and zoning committee.
 - (b) The building official or other city official shall transmit to the planning and zoning committee all records upon which the action or decision that was the basis for the appeal.
 - (c) An appeal from an administrative ruling shall stay all proceedings and all work on the premises involved unless such stay shall be deemed to imperil life or property.

In such cases, proceedings or work shall not be stayed except by a stop order which may be granted by the city commission or by the circuit court if the same shall have been refused by the city commission.

- (d) The planning and zoning committee shall investigate the circumstances for the appeal and make a recommendation to the city commission prior to the commission's public hearing. The letter shall include the facts leading up to the recommendation and whether or not the ruling given the applicant by the building inspector or other city official was given in error.
- (e) **If the Board is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the Board. The City will conduct any required public hearings or quasi-judicial proceedings where required.**

(3) *City commission procedure.*

- (a) After receipt of the planning and zoning committee report, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173.
- (b) After the public hearing, the city commission may reverse or affirm wholly or partly or may modify the determination made by the administrative official in enforcing this Code.
- (c) The concurring vote of a majority of all members of the city commission shall be necessary to reverse any decision of any administrative official or to decide in favor of the applicant.

Section 101-171 of Article XIII, "Development Review Committees" of the Land Development Regulations of the City of Key Colony Beach, Florida shall be amended to read as follows:

Sec. 101-171. - Variances.

- (1) *Initiation.* Any owner, agent, lessee or occupant of land or a structure may apply in writing to the city clerk for a variance, on that land, from the requirements of this chapter, except that no request for a use variance will be considered. Details must be included with the request and be filed with the city clerk together with the established fee for a variance. If the applicant is other than the owner of the property, the written consent of the owner for the variance requested must be submitted with the application. When the petitioner is a public agency, the city commission may authorize the waiver or reduction of the fee.
- (2) *Planning and zoning committee procedure.*
 - (a) Upon receipt of a written request, the city clerk will deliver the request to the planning and zoning committee.
 - (b) The planning and zoning committee shall make an investigation of the conditions pertaining to the requested variance in advance of the public hearing by the city commission. This investigation shall be at a duly noticed meeting. Mailing of notice of the meeting shall be made by the city to all property owners within three hundred (300) feet of the boundaries of the property which is the subject of the variance request.

- (c) The planning and zoning committee, shall make their recommendation to the city commission in writing, based upon the standards in (5) below. They may recommend approval or disapproval of the variance or may recommend approval of the same subject to such specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of this chapter. Reasons for the recommendation shall be stated.
- (d) **If the Board is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the Board. The City will conduct any required public hearings or quasi-judicial proceedings where required.**

(3) *City commission procedure.*

- (a) After receipt of the planning and zoning committee report, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173.
- (b) After their public hearing the city commission may approve or disapprove the requested variance or may approve the same subject to specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of the zoning ordinance. If the applicant desires to present evidence not presented to the planning and zoning committee, the matter shall be returned to the planning and zoning committee for further deliberation and recommendation unless the city commission finds by majority vote that the new evidence is insignificant or unsubstantial.
- (c) The commission shall state reasons for their decision, based on the standards detailed in (5) below.
- (d) The decision of the city commission shall be final. No new request for similar action concerning the same property may be made to the city commission or planning and zoning committee for a period of not less than six (6) months after the date of said decision by the city commission.

(4) *Effective period.*

A building permit application must be submitted within twelve (12) months of variance approval otherwise the approval expires. Any extension of up to twelve (12) months may be granted by the city commission for good cause.

(5) *Standards for granting variances.*

(a) *Specific criteria:*

- (1) The applicant shall demonstrate a showing of good and sufficient cause;
- (2) Failure to grant the variance would result in unnecessary hardship to the applicant;
- (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;
- (4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district;

- (5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of established development patterns.
- (b) *Recommendations to the city commission.*
 - (1) If all five (5) specific criteria are met, then the planning and zoning committee shall recommend approval to the city commission. Approval by the city commission would be by majority vote of the city commission. If the planning and zoning committee finds the five (5) specific criteria are not met, they shall recommend disapproval of the variance unless they specifically find that the granting of the variance will have minimal adverse effect on other citizens of the city or on the city. Approval of a variance where all five (5) specific criteria are not met shall require a favorable vote of four-fifths ($\frac{4}{5}$) of the city commission.
 - (2) *Conditions.* The planning and zoning committee may recommend, and the city commission may prescribe, appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.
 - (3) *Use variance.* Under no circumstances shall the city commission grant a variance to permit a use not generally permitted in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

Section 101-172 of Article XIII, "Development Review Committees" of the Land Development Regulations of the City of Key Colony Beach, Florida shall be amended to read as follows:

Sec. 101-172. - Amendment to this code.

- (1) Initiation. An amendment to this chapter may be suggested by the city commission, the planning and zoning committee or any property owner directly affected by the provisions or map change in question.
In the latter case the petitioner shall submit a request in writing to the city clerk who shall transmit the same to the chairman of the planning and zoning committee. The request shall contain all pertinent information which may be required by the planning and zoning committee for proper consideration of the matter and shall be accompanied by the necessary amendment fee.
- (2) Planning and zoning committee procedure.
 - (a) All proposed code amendments shall be submitted to the planning and zoning committee for study and recommendations.
 - (b) The planning and zoning committee shall set a date, time and place of their public hearing. The committee shall provide public notice appropriate to the nature of the amendment.
 - (c) The planning and zoning committee at the completion of the public hearing shall make their recommendations to the city commission in writing. They may recommend approval or disapproval or make changes in the amendment as appear to be appropriate in furtherance of this chapter. The planning and zoning committee may

vote by majority to make a specific finding that any code amendment approved pursuant to this section be subject to expedited review by the City Commission.

- (d) Absent a recommendation of expedited review by the planning and zoning committee, a minimum of ten (10) days shall elapse before the City Commission may consider the proposed ordinance for action.
 - (e) **If the Board is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the Board. The City will conduct any required public hearings or quasi-judicial proceedings where required.**
- (3) City commission procedure.
- (a) Unless recommended for expedited review, the city commission shall not consider any code amendment proposed for approval or disapproval by the planning and zoning committee that has not satisfied the minimum ten (10) day wait period in accordance with Sec. 101-172(2)(d) set forth above.
 - (b) After receipt of the planning and zoning committee recommendation, the city commission shall give notice in the newspaper of their public hearing as provided for in Sec. 101-173. However, if the amending ordinance involves a zoning map change, or substantially changes permitted use categories in a zoning district, the city commission shall give public notice as provided in state statute; see Sec. 101-173(2).
 - (c) After the public hearing the city commission may approve or may make changes in the proposed amending ordinance. The first of two (2) readings of the amending ordinance shall be held at a regular or special meeting. The ordinance may be read by title only if copies are available for public inspection.
 - (d) The enactment of the proposed amending ordinance must be noticed once, at least ten (10) days prior to its second reading and adoption, in a newspaper of general circulation in Key Colony Beach. The notice shall state the date, time and place of the meeting, the title of the proposed ordinance, the place in Key Colony Beach where the proposed ordinance may be inspected by the public, and the notice shall state that interested parties may appear at the meeting and be heard with respect to the ordinance.
 - (e) At a subsequent regular or special meeting it shall be read for a second time, provided that the second reading, if the ordinance is not amended, may be read by title only unless full reading is requested by two (2) members of the city commission. The ordinance may be adopted after the second reading.
 - (f) If a change in the ordinance by the city commission is adverse to the recommendation of the planning and zoning committee, such change shall not become effective except by the affirmative vote of a majority of the city commission membership.
 - (g) The amending ordinance becomes effective ten (10) days after adoption.
 - (h) The amending ordinance shall be promulgated without unnecessary delay by posting at the city hall and at one (1) other public place within the city for a period of not less than four (4) weeks.

- (i) Each amending ordinance, shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the city clerk.
 - (j) The city commission may, by an affirmative vote of four (4) members at a regular or special meeting, enact an emergency ordinance without complying with requirements of the above paragraphs (b) through (g) and without referring the amendment to the planning and zoning committee. However, no emergency ordinance shall be enacted which rezones private real property or changes the number of units per net acre of density.
- (4) Guidelines for amendments to this code. At public hearings held to consider requests for amendments to this chapter, the planning and zoning committee and the city commission shall consider, but shall not necessarily be limited to, the following factors:
- (a) When pertaining to the rezoning of land, the effect of the change, if any, on the particular property and surrounding properties.
 - (b) When pertaining to rezoning of land, the amount of undeveloped land in the general area having the same classification as that requested.
 - (c) The extent to which property values would diminish by such land development code regulations.
 - (d) The character of the district and its peculiar suitability for particular uses.
 - (e) The use of nearby property.
 - (f) The gain to the public compared to the hardship imposed upon the individual property owner.
 - (g) Subdivision restrictions or deed restrictions that apply to the property under consideration.
 - (h) The relationship of the proposed amendment to the purposes of the city comprehensive plan with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the city comprehensive plan.

Section 4: Severability and Conflict

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

Section 5: Inclusion in the Code of Ordinances

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

Section 6: Effective Date

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

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]
FIRST READING by the City of Key Colony Beach City Commission this 21st day of August, 2025.

Mayor Freddie Foster	NO _____	YES <u> x </u> _____
Vice-Mayor Doug Colonell	NO _____	YES <u> x </u> _____
Commissioner Tom Harding	NO _____	YES <u> x </u> _____
Commissioner Tom DiFransico	NO _____	YES <u> x </u> _____
Commissioner Kirk Diehl	NO _____	YES <u> x </u> _____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 18th day of September, 2025.

Mayor Freddie Foster	NO _____	YES _____
Vice-Mayor Doug Colonell	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Kirk Diehl	NO _____	YES _____

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 18th day of September, 2025.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of Key Colony Beach, Florida's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **ORDINANCE 2025-505 – Article XIII Development Review Committee, Section 101-185 Planning and Zoning Committee**

The City of Key Colony Beach, Florida (hereinafter "City") is of the view that the following exception(s) to the Business Impact Estimate requirement apply that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING ARTICLE XIII DEVELOPMENT REVIEW COMMITTEES SECTION 101-185 PLANNING AND ZONING COMMITTEE, SECTION 101-170 APPEALS FROM ADMINISTRATIVE HEARINGS, SECTION 101-171 VARIANCES, AND SECTION 101-172 AMENDMENT TO THIS CODE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

NONE.

3. Estimate of direct compliance costs that businesses may reasonably incur:

NONE.

4. Any new charge or fee imposed by the proposed ordinance:

NONE.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

NONE.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

NONE.

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: the City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on the City's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

NONE.



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 4, 2025

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 4 day of SEPT, 2025.
(SEAL)


Notary



CITY OF KEY COLONY BEACH
NOTICE OF CODE
AMENDMENT HEARING
"SECOND/FINAL READING OF
ORDINANCE NO. 2025-505"
NOTICE IS HEREBY GIVEN that
the City Commission of the
City of Key Colony Beach,
Florida, will hold the following
Public Hearing to hear
amendments to the City's
Code of Ordinances.
DATE/TIME: Thursday,
September 18th, 2025, 9:30
am
LOCATION: City of Key Colony
Beach, Marble Hall, 600 W.
Ocean Dr., Key Colony Beach.
The proposed Ordinance
to be heard by the City
Commission is: (ORDINANCE
NO. 2025-505), entitled: "AN
ORDINANCE OF THE CITY
OF KEY COLONY BEACH,
FLORIDA, AMENDING ARTICLE
XIII DEVELOPMENT REVIEW
COMMITTEES SECTION 101-
185 PLANNING AND ZONING
COMMITTEE SECTION
101-170 APPEALS FROM
ADMINISTRATIVE HEARINGS,
SECTION 101-171 VARIANCES,
AND SECTION 101-172

AMENDMENT TO THIS CODE
REPEALING CONFLICTING
ORDINANCES; PROVIDING
FOR SEVERABILITY; AND
PROVIDING FOR AN
EFFECTIVE DATE."

The Business Impact
Statement is available for
review on the City of Key
Colony Beach's website at
www.keycolonybeach.net and
at City Hall at 600 W. Ocean
Drive, Key Colony Beach.
Interested parties may appear
at the meeting and be heard
with respect to the proposed
ordinance. Copies of the
proposed Ordinance are
available for inspection at the
City Hall of Key Colony Beach.
If any person decides to
appeal any decision made
by the Key Colony Beach City
Commission with respect to
any matter considered at the
Code Amendment Hearing,
that person will need a record
of the proceeding and for
such purpose may need to
ensure that a verbatim record
of the proceedings is made,
which record includes the
testimony and evidence upon
which the appeal is to be
based.

If you are unable to attend the
Public Hearing on Thursday,
September 18th, 2025, but
wish to comment, please
direct correspondence to the
City Clerk, 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 8th, 2025.

City Clerk
City of Key Colony Beach,
Florida
Publish:
September 4, 2025
The Weekly Newspapers

ORDINANCE NO. 2025-506

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CODE OF ORDINANCE, CHAPTER 14 SEWERS AND SEWER DISPOSAL, ARTICLE III UTILITY BOARD, SECTION 14-47 MEMBERSHIP AND 14-49 MEETINGS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Utility Board serves as an advisory body to the City Commission, providing recommendations on matters related to the City’s utility services, including water, electric, communications, drainage, and waste collection or disposal; and

WHEREAS, the City Commission of Key Colony Beach has determined that it is necessary to amend Chapter 14, “Sewers and Sewage Disposal,” Article III “Utility Board,” Section 14-47 “Membership” and Section 14-49 “Meetings,” to modify the resident requirements and meeting procedures for the Utility Board and its members; and

WHEREAS, the City Commission recognizes that periodic review and refinement of committee structures, duties, and procedures help eliminate redundancies and align advisory efforts with the City’s strategic utility and infrastructure goals; and

WHEREAS, the City Commission has reviewed the proposed ordinance and determined that its adoption is in the best interests of the public health, safety, and welfare of the residents of Key Colony Beach, Florida.

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

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

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

Section 3: Amendment

Chapter 14 “Sewers and Sewage Disposal,” Article III “Utility Board” of the City of Key Colony Beach, Florida Code of Ordinances shall be amended to read as follows:

~~Strikethrough~~ = deletion

Bold underline = addition

ARTICLE III. - UTILITY BOARD

Sec. 14-47. - Membership.

The utility board shall consist of five (5) persons appointed by the city commission. It is preferred that each member be a resident of the City of Key Colony Beach and a registered voter within the City of Key Colony Beach. No member shall be a city commissioner or an employee of the city. Any member may be relieved of his duties at any time by a majority vote of the city commission. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. Vacancies occur on the utility board for any reason shall be filled by appointment by the city commission within sixty (60) days from the time the vacancy officially occurs. The term of office for each member of the utility board shall end no later than the second regular meeting of the city commission in the month of April. Utility board members will serve until their successors are appointed. Terms of members appointed to fill any vacancies occurring during the year will expire at the same time as all other members of the board.

The city commission shall also appoint not more than two (2) alternate members to the utility board and such members shall require the same qualifications and serve the same terms as regular members. Alternate members shall be designated at the time of their appointment as "alternate one" and "alternate two." Alternate one shall have full voting power in the absence of one (1) member of the board. Alternates one and two shall have full voting power in the absence of any two (2) regular members. Alternate members shall be considered as regular members for the purpose of constituting a quorum. All members may participate in discussions but no more than five (5) votes shall be counted in the manner described above on any matter. Alternate members shall be permitted voting privileges only at official meetings conducted by a regularly elected officer of the board.

Potential and eligible utility board members will be recommended to the city commission by the utility board for its approval and appointment.

The city commission may waive the residency requirements for membership of the board in the case of unforeseen and unusual circumstances that are in the best interest of the city.

Sec. 14-49. - Meetings.

A regular monthly meeting date and time for the utility board meetings shall be established by the board and all meetings shall be held at City Hall and be open to the public. Special meetings may be called by the chairman or any three (3) members of the utility board and due notice of such meetings and their purpose shall be posted in accordance with law. A quorum shall consist of three (3) members of the utility board. Minutes of all meetings shall be recorded and filed with the city clerk. Regular meetings need not be held if there is no business to conduct. **If the Board is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the Board.**

Section 4: Severability and Conflict

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

Section 5: Inclusion in the Code of Ordinances

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

Section 6: Effective Date

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

FIRST READING by the City of Key Colony Beach City Commission this 21st day of August, 2025.

Mayor Freddie Foster	NO _____	YES ____ x ____
Vice-Mayor Doug Colonell	NO _____	YES ____ x ____
Commissioner Tom Harding	NO _____	YES ____ x ____
Commissioner Tom DiFransico	NO _____	YES ____ x ____
Commissioner Kirk Diehl	NO _____	YES ____ x ____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 18th day of September, 2025.

Mayor Freddie Foster	NO _____	YES _____
Vice-Mayor Doug Colonell	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Kirk Diehl	NO _____	YES _____

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 18th day of September, 2025.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of Key Colony Beach, Florida's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **ORDINANCE 2025-506 - CHAPTER 14 SEWERS AND SEWER DISPOSAL, ARTICLE III UTILITY BOARD**

The City of Key Colony Beach, Florida (hereinafter "City") is of the view that the following exception(s) to the Business Impact Estimate requirement apply that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING CODE OF ORDINANCE, CHAPTER 14 SEWERS AND SEWER DISPOSAL, ARTICLE III UTILITY BOARD, SECTION 14-47 MEMBERSHIP AND 14-49 MEETINGS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

NONE.

3. Estimate of direct compliance costs that businesses may reasonably incur:

NONE.

4. Any new charge or fee imposed by the proposed ordinance:

NONE.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

NONE.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

NONE.

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: the City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on the City's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

NONE.



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

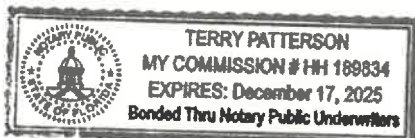
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: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

September 4, 2025

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 4 day of SEPT, 2025.
(SEAL)

Notary



CITY OF KEY COLONY BEACH
NOTICE OF CODE
AMENDMENT HEARING
"SECOND/FINAL READING OF
ORDINANCE NO. 2025-506"
NOTICE IS HEREBY GIVEN that
the City Commission of the
City of Key Colony Beach,
Florida, will hold the following
Public Hearing to hear
amendments to the City's
Code of Ordinances.
DATE/TIME: Thursday,
September 18th, 2025, 9:30
am
LOCATION: City of Key Colony
Beach, Marble Hall, 600 W.
Ocean Dr., Key Colony Beach.
The proposed Ordinance to be
heard by the City Commission
is [ORDINANCE NO. 2025-506],
entitled: "AN ORDINANCE OF
THE CITY OF KEY COLONY
BEACH, FLORIDA, AMENDING
CODE OF ORDINANCE,
CHAPTER 14 SEWERS
AND SEWER DISPOSAL,
ARTICLE III UTILITY BOARD,
SECTION 14-47 MEMBERSHIP
AND 14-49 MEETINGS;
REPEALING CONFLICTING
ORDINANCES; PROVIDING
FOR SEVERABILITY; AND
PROVIDING FOR AN
EFFECTIVE".
The Business Impact
Statement is available for
review on the City of Key
Colony Beach's website at
www.keycolonybeach.net and
at City Hall at 600 W. Ocean
Drive, Key Colony Beach.
Interested parties may appear
at the meeting and be heard
with respect to the proposed
ordinance. Copies of the
proposed Ordinance are
available for inspection at the
City Hall of Key Colony Beach.
If any person decides to
appeal any decision made
by the Key Colony Beach City
Commission with respect to
any matter considered at the
Code Amendment Hearing,
that person will need a record
of the proceeding and for
such purpose may need to
ensure that a verbatim record
of the proceedings is made,
which record includes the
testimony and evidence upon
which the appeal is to be
based.
If you are unable to attend the
Public Hearing on Thursday,
September 18th, 2025, but
wish to comment, please
direct correspondence to the
City Clerk, 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 8th, 2025
City Clerk
City of Key Colony Beach,
Florida
Publish:
September 4, 2025
The Weekly Newspapers

City of Key Colony Beach Treasurer's Report – September 18, 2025

August 31, 2025, financial summary – General Fund

- ✓ 11th Month of the 2025 fiscal year budget:
- August monthly financial report provided by Jennifer Johnson on September 10, 2025, from Bishop, Rosasco & Co. Certified Public Accountants.

August 2025

**INTERNAL MANAGEMENT REPORTS
PREPARED FOR
KEY COLONY BEACH COMMISSION & STAFF**

**General Fund
Revenues & Expenditures-Budget & Actual**

	<u>Aug 25</u>	<u>Oct '24 - Aug 25</u>	<u>FY25 Budget</u>	<u>\$ Over Budget</u>
349-000 · CHARGES FOR SERVICES				
349-200 · Boat Trailer Parking	5,215	70,910	74,000	(3,090)
Total 349-000 · CHARGES FOR SERVICES	<u>5,215</u>	<u>70,910</u>	<u>74,000</u>	<u>(3,090)</u>
351-000 · COURT CASES				
351-100 · County Court Fines	84	325	500	(175)
351-200 · Code Violations	500	2,850	40,000	(37,150)
Total 351-000 · COURT CASES	<u>584</u>	<u>3,175</u>	<u>40,500</u>	<u>(37,325)</u>
361-000 · INTEREST EARNINGS				
361-100 · General Fund	7,921	117,617	225,000	(107,383)
Total 361-000 · INTEREST EARNINGS	<u>7,921</u>	<u>117,617</u>	<u>225,000</u>	<u>(107,383)</u>
364-000 · DISPOSITION OF FIXED ASSETS				
364-400 · Sale of Equipment	0	6,500		
Total 364-000 · DISPOSITION OF FIXED ASSETS	<u>0</u>	<u>6,500</u>		
366-000 · FROM PRIVATE SOURCES				
Contributions-Pickle Ball Expan	0	196,316		
366-010 · Contributions	5,000	5,650		
366-011 · Contributions For Beauts	0	1,170		
366-017 · Contributions - Giving Tree	0	3,366		
366-018 · Contributions · Police	150	2,056		
Total 366-000 · FROM PRIVATE SOURCES	<u>5,150</u>	<u>208,558</u>		
369-000 · MISCELLANEOUS REVENUES				
369-100 · Miscellaneous Income	1,335	18,511	7,000	11,511
Total 369-000 · MISCELLANEOUS REVENUES	<u>1,335</u>	<u>18,511</u>	<u>7,000</u>	<u>11,511</u>
381-000 · INTERNAL TRANSFERS				
381-044 · Transfer in from Building Fund	0	0	65,000	(65,000)
381-060 · Transfer From Utility Fund	0	0	60,000	(60,000)
Total 381-000 · INTERNAL TRANSFERS	<u>0</u>	<u>0</u>	<u>125,000</u>	<u>(125,000)</u>
Total Income	<u>180,496</u>	<u>4,388,432</u>	<u>4,787,788</u>	<u>(399,356)</u>

Revenue Status

City of Key Colony Beach Treasurer's Report – September 18, 2025

August 31, 2025, financial summary – General Fund

**General Fund
Revenues & Expenditures-Budget & Actual**

	<u>Aug 25</u>	<u>Oct '24 - Aug 25</u>	<u>FY25 Budget</u>	<u>\$ Over Budget</u>
587-006 · Recreation - Resurface Courts	0	4,000	0	0
587-007 · Admin & Code Vehicles	0	3,000	0	0
587-020 · Police Vehicles-General	0	5,000	5,000	0
587-030 · P.W. Pickup Trucks-Road	0	2,000	10,500	(8,500)
587-050 · Golf Course Equipment-General	0	2,000	2,000	0
587-100 · Police Boat-General	0	5,000	5,000	0
587-110 · Office Equipment-General	0	21,725	24,725	(3,000)
587-120 · Road & Street Equip-General	0	11,500	3,000	8,500
587-124 · Paved Recreation Structures	0	5,000	4,000	1,000
587-125 · Roads Maintenance	0	1,576	5,000	(3,424)
Total 587-001 · Future Asset Purchases	0	60,801	59,225	1,576
Total 587-000 · RESERVES FUNDING	0	60,801	59,225	1,576
588-000 · CONTINGENCY FUND				
588-010 · Contingency	0	0	25,000	(25,000)
588-020 · Hurricane Large	0	0	25,000	(25,000)
Total 588-000 · CONTINGENCY FUND	0	0	50,000	(50,000)
589-000 · BUDGETED INFRASTRUCTURE ITEMS				
589-002 · Sunset Park Improvements	2,400	2,400	0	2,400
Total 589-000 · BUDGETED INFRASTRUCTURE ITEMS	2,400	2,400	0	2,400
Total Expense	339,987	4,767,622	5,093,671	(326,049)
Net Income	(159,491)	(379,190)	(305,883)	(73,307)

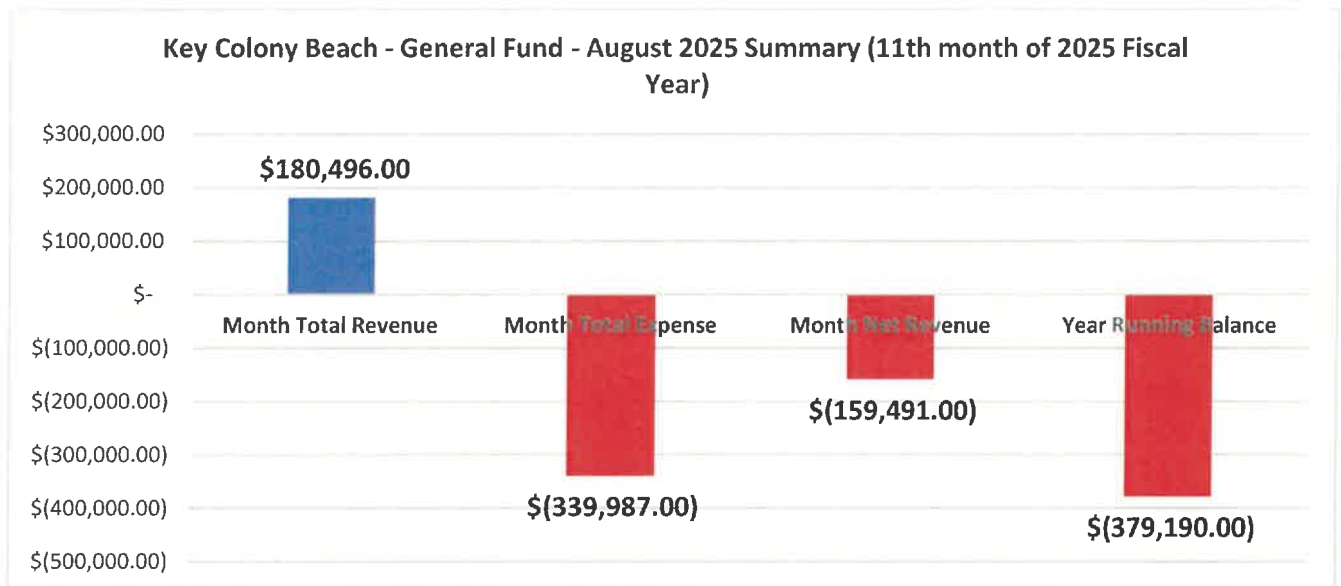
Expense status

Year to Date running net revenue status

City of Key Colony Beach Treasurer's Report – September 18, 2025

August 31, 2025, financial summary – General Fund

Monthly Plot Below based on monthly financials:



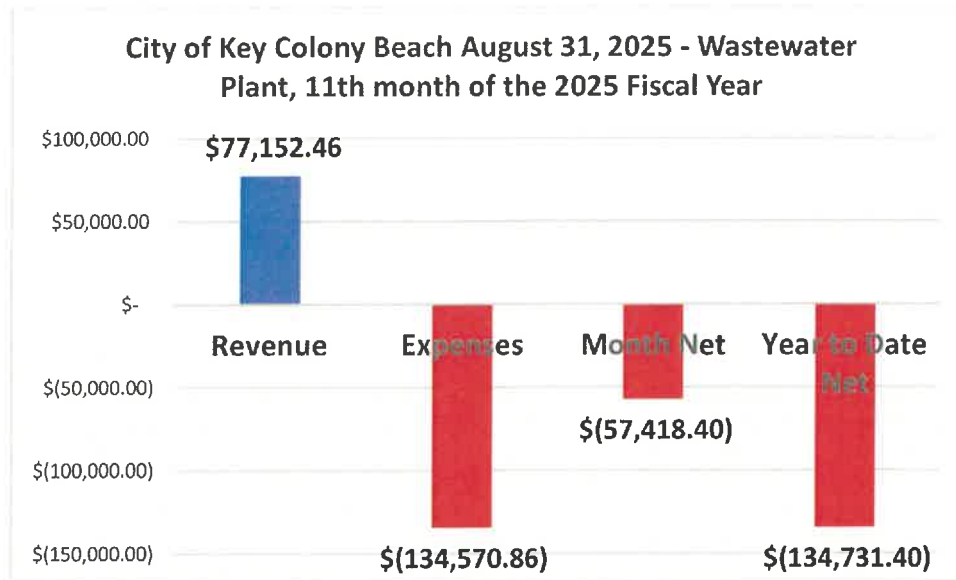
Reimbursements Status of Submitted Projects:

- 1st Street Park, \$55,091.50 submitted 15Au24, not received yet
- Pickleball/Tennis Courts, \$50,000.00 submitted 01JL25, not received yet

City of Key Colony Beach Treasurer's Report – September 18, 2025

August 31, 2025, financial summary – Wastewater/Stormwater

- ✓ 11th month of the 2025 Fiscal Year, Wastewater Monthly plot below:



Reimbursement Status of Submitted Projects:

- \$415,179.87 Submitted (Tank) 07/18/2025, not received yet

Stormwater:

Checking/Savings balance \$510,157.58

Reimbursement Status:

- \$78,605.00 Submitted April 09, 2025, not received yet

Legal Task List – 2025 Legislation

SB 180 – Emergencies

1. Review/Amend Ordinances for:
 - Removal of any cumulative substantial improvement look backs.
 - Verification that more burdensome restrictions and/or moratorium were not adopted post Debby, Helene and/or Milton
2. Review Ordinances, Resolutions, Fee Schedules for:
 - Impact fees for certain reconstruction or replacement are prohibited
3. Contracts:
 - Should Commission approve, amend contracts for solid-waste collection to include collect storm-generated debris if not currently included
 - Ensure new, renewed or amended contracts for goods or services related to emergency response for a natural emergency, after July 1, 2025, contain a \$5,000 penalty and damages
4. Timeline: July 1, 2025

SB 1730 – Affordable Housing

1. Review/Amend Ordinances, upon Commission direction, to comply with changes as related to affordable housing under the Live Local Act. Major considerations:
 - Such projects are subject to administrative approval only. Review and approval by the Commission and committees are no longer authorized.
 - Expanded list of where projects may be located
 - Imposes new limitations on certain Ordinance restrictions
2. Timeline: July 1, 2025

SB 954 - Certified Recovery Residences

1. Prepare new Ordinance, upon Commission direction, for establishing procedures for the review and approval of Certified Recovery Residences.
2. Timeline: January 1, 2026

HB 913 – Condominium and Cooperative Associations – Milestone Inspections

1. Prepare new ordinance, upon Commission direction, for mandatory condominium and cooperative associations' 30-year milestone inspections.
2. Timeline: July 1, 2025.

HB 551 – Fire Prevention

1. Verify that previous local amendments to Florida Fire Prevention Ordinance (if any), have been transmitted to the Florida Building Commission and the State Fire Marshal.
2. Timeline Date: July 1, 2025

SB 1080 – Local Government Land Development Regulation

1. No legal tasks directly involved

SB 784 – Platting

1. Amend Ordinances, upon Commission direction, to administratively approve plats or replats, and to remove approval authority from the Commission and review authority from any committee or board.
2. Timeline: July 1, 2025

Miscellaneous:

1. Assist Commission and Staff with their task list, as requested
2. Verify whether additional legal actions are necessary after Staff completes their task list
3. Timeline: As needed