

MINUTES
CITY OF KEY COLONY BEACH
CODE ENFORCEMENT BOARD

July 15, 2020 9:30 a.m.
Virtually via Zoom Conferencing

Call to Order, Pledge of Allegiance: The regular meeting of the Key Colony Beach Code Board was called to order by Chair Joey Raspe at 9:30 a.m. followed by the Pledge of Allegiance.

Roll Call: *Present Virtually:* Chairperson Joey Raspe, Vice-Chair John Dalton, Larry Wagner, Cheryl Boehm, Gary Furtak, George Lancaster, and Kathryn McCullough.

Also Present Virtually: City Administrator Moonis, City Clerk Rebecca Todd, Executive Assistant Saara Staten, City Attorney Thomas Wright, Code Board Attorney Richard Malafy, and Building Official Gerard Roussin.

Public (Virtually): 29

Approval of Minutes: Code Enforcement Board Meeting May 13, 2020.

MOTION: Motion made by Vice-Chair John Dalton, seconded by Cheryl Boehm to approve the minutes of May 13, 2020 as written.

ON THE MOTION: Roll Call Vote. Unanimous approval.

Swearing in of Witnesses to Testify: All persons who may give testimony were sworn in by Code Board Attorney Malafy.

Notice: Code Board Attorney Malafy read the notice into the record. There were no Ex-parte communications.

Cases for Hearing:

1. **1000 West Ocean Drive** –Timothy and Susan McGarry– City Ordinance Chapter 6, Section 56-Building and Property Maintenance

Building Official Roussin stated the above case came into compliance on the night of July 14th and no longer needed to be considered before the Code Board. Building Official Roussin visited the property, took pictures, and ensured compliance. Multiple complaints were received regarding the above stated property. These complaints included the yard being overgrown, the clippings being stored next to a fence, excessive weeds and grass growth, broken hurricane shutters, doors were off the hinges and swinging open, and spalling issues. Building Official Roussin will provide the Code Board and Staff the pictures taken after compliance was achieved. Kathryn McCullough questioned whether administrative fees can be applied. Building Official Roussin stated the only cost involved was his time and effort other than the certified mail cost. City Clerk Todd stated the cost for the certified mail was \$6.95.

MOTION: Motion made by Vice-Chair John Dalton, seconded by George Lancaster to dismiss the case on 1000 West Ocean Drive.

ON THE MOTION: Roll Call Vote. Unanimous.

2. **820 10th Street** – Bruce Schmitt – City Ordinance Chapter 6, Section 56 – Building and Property Maintenance

City Attorney Wright and Code Board Attorney Malafy recused themselves from this matter due to prior of current representation of the Schmitt family. City Attorney Wright stated if it is strictly a procedural question, he may assist. Multiple complaints were received regarding the property. The Code Department has had a difficult time notifying Mr. Schmitt. The property was initially posted on 5/29/20 for the 6/10/20 Code Board hearing. When the June 10th Code Board hearing was cancelled, the property was reposted on 6/16/20 for the 7/15/20 Code Board hearing. Violations on the property included the yard being overgrown, palm fronds and branches stored on the wall of the property that was visible from the street, broken and missing driveway tile, soffits in the driveway are missing, and a large piece of seawall and property has collapsed into the water. Building Official Roussin had email communications with Mr. Schmitt regarding the Code Board Hearing. Building Official Roussin read that communication to the Code Board. The Code Board discussed the case with Building Official Roussin and Staff.

MOTION: Motion made by Gary Furtak, seconded by Cheryl Boehm to find 820 10th Street in violation.
ON THE MOTION: Roll Call Vote. Unanimous.

MOTION: Motion made by Kathryn McCullough, seconded by Chairperson Joey Raspe to require Mr. Schmitt to apply for the permits needed to repair all cosmetic violations by July 17th and have all cosmetic violations in compliance within 45 days. If the property is not found in compliance within 45 days, a fine of \$50 per day will be implemented retroactive to the date of this hearing. Mr. Schmitt is also required to submit a permit application to Army Corps. of Engineers for dock repairs by July 17th and have the dock violation in compliance within 180 days. If the dock is not found in compliance within 180 days, a fine of \$200 per day will be imposed retroactive to the date of this hearing.

ON THE MOTION: Roll Call Vote. Unanimous.

Update on Outstanding Code Violations: Building Official Roussin reported updates on outstanding code violations.

160 10th Street, Teressa Ulrich, reported having contacted local contractor Billy McMillan to work on her home. A permit application has not been filed with the Building Department nor has Building Official Roussin been contacted Mr. McMillan. The property is still non-compliant with soffit and roof damage. Building Official Roussin and Building Inspector Lawton investigated the dock and found the dock to be structurally sound, therefore no violation was issued. The current standing violations have a fine of \$100 per day retroactive to 2/12/2020. Attorney Wright questioned whether the daily fine and the finding of non-compliance by the Board been officially reduced to a judgment lien that is recorded. Building Official Roussin stated it has not. Attorney Wright recommended to set this case for the next Code Board Hearing because the violator needs to be notified of a compliance determination.

780 10th Street, Adam Pangrace, sent correspondence for the Code Board to consider that Building Official Roussin read into the record. Mr. Pangrace listed his property for sale. A permit application has not been submitted to the Building Department. Attorney Wright recommended to set this case for the next Code Board Hearing because the violator needs to be notified of a compliance determination. Gary Furtak requested for Building Official Roussin to require supporting documentation from Mr. Pangrace on advancements.

Building Official Roussin reported complaints still being received regarding Ocean Front Condominiums. The Building Department has investigated the property for complaints and have not found any sewer gas issues. Mr. Rogel requested a continuance of 90 days at the prior Code Board Hearing. Notice will be sent to Mr. Rogel regarding the upcoming Code Board Hearing also requesting an update on status.

Discussion Items: John Dalton suggested Building Official Roussin to request Mr. Schmitt to close and lock the gate on 820 10th Street to prevent anyone from trespassing and avoid danger. Building Official Roussin will request permission from Mr. Schmitt to enter 820 10th Street and tape off any hazardous areas.

Chairperson Joey Raspe reported that all Code Board Members have the paperwork individuals would have to submit to prove financial or medical hardship for an extension to be granted. City Administrator Moonis stated the paperwork could be added to the website for residents to access.

Adjournment

The meeting adjourned at 11:05 a.m.

Respectfully submitted,

Saara V. Staten (on behalf of City Clerk Rebecca Todd)
Executive Assistant