

MINUTES

CODE ENFORCEMENT BOARD KEY COLONY BEACH

September 7, 2016, 2016, 9:30 a.m.,
City Hall Conference Room

1. **Call to Order, Roll Call**

The Code Enforcement Board meeting was called to order by Chairman Tom Tucker at 9:30 a.m. *Present:* Chairman Tom Tucker, John Dalton, Larry Wagner and Emilie Burroughs. *Excused:* Tom Moore and Rusty Stevens. *Also Present:* Code Enforcement Officer Edward Borysiewicz, Code Enforcement Officer Steve Britske, Police Chief Kris DiGiovanni, City Attorney Tom Wright, and City Clerk Kathryn McCullough. Public: 3

2. **Approval of Minutes of November 17, 2015**

Motion: Made by Larry Wagner, seconded by John Dalton to approve the minutes as written.

On the Motion: Approved by voice vote. Emilie Burroughs abstained.

3. **Swearing in of witnesses to testify**–

Ed Borysiewicz, Steve Britske, Kathryn McCullough, David Cangialosi and Edgar Sims were sworn in by City Attorney Tom Wright to testify.

4. **Cases for Hearing**

A. 12 Sadowski Causeway Owner: David Cangialosi. Renting without a license. Ed Borysiewicz stated the City was made aware of the violation through an ad on Craigslist where the tenant was advertising for a roommate. He then spoke to the tenant who stated he was not aware a license was required or that you could not rent to a roommate. The citation was issued 07/18/2016 requiring the long term rental license no later than 7/28/2016 otherwise the violation would be heard by the Code Enforcement Board. Mr. Borysiewicz reported the owner indicated he would apply for the license, however, that has not occurred. Mr. Cangialosi stated he only spoke to Mr. Borysiewicz once, at which time he was told a license application would be mailed to him. He never received the application. Mr. Borysiewicz reported an application was mailed to PO Box 510586 by the office staff in July. Mr. Cangialosi reported he has an address in Ft. Lauderdale where all his mail should be addressed. Board member Dalton asked if Mr. Cangialosi's mail is forwarded from the post office box to the Ft. Lauderdale address. Mr. Cangialosi said no. He goes back and forth and the tenant holds the post office mail until he is here. Mr. Borysiewicz said the address came from City records. Chairman Tucker said it appears the violation notices had been sent to the wrong address. Mr. Borysiewicz said he spoke to the owner very recently and told him he needed the long term license, however, the application still has not been submitted. He also stated the City requires a current mailing address for property owners. Mr. Cangialosi reported the wastewater invoice is paid directly by his bank. Chairman Tucker asked if Mr. Cangialosi's tenant was receiving mail for Mr. Cangialosi at the mailbox where the violation

notices were sent. Mr. Cangialosi replied in the positive. Mr. Cangialosi testified Mr. Borysiewicz spoke to his tenant in July. He then received a call from Mr. Borysiewicz asking for his email address so a long term rental application could be sent. He never received the email. He stated he receives 40 to 50 emails daily and he does not read them all, but had one come from Ed he would have read it. The next he heard was when the tenant told him about the citation posted on the door. He obtained a county license and then waited for this hearing. He can easily bring all the inspection requirements up to date. He went on to state he was unaware of the requirement for a long term license. Chairman Tucker asked if Mr. Cangialosi was ready to come into compliance. Mr. Cangialosi responded in the positive. He apologized for the misunderstanding.

Motion: Motion made by Chairman Tucker, seconded by Board member Dalton, to allow Mr. Cangialosi 30 days to come into compliance.

On the Motion: In the absence of any no votes, motion passed unanimously.

B. 25 Sadowski Causeway: Owner Richard Rogers. Smoke test failure verifying a sewer leak on the property. Code Enforcement Officer Britske reported contact with the home owner and Steve's Plumbing. Steve's Plumbing has also been in contact with the home owner, however, Steve is on vacation. He will work with the homeowner to resolve the issue as soon as he is back in town. Chairman Tucker requested Mr. Britske convey the urgency of the repair to the homeowner. Mr. Britske will require documentation from the contractor that the repair has been done.

Motion: Motion made by Chairman Tucker, seconded by Board member Dalton, to continue this at the next meeting of the Code Board.

On the Motion: In the absence of any no votes, motion passed unanimously.

C. 441 5th Street Owner: Pamela Crutchfield. Lot overgrown and not maintained creating a neighborhood nuisance. Code Enforcement Officer reported originally no one could get in touch with the owner so the City crew cut the grass. A citation was issued in the amount of \$500. Payment was received this morning. Mr. Borysiewicz inspected the lot today and it has been cut. Board member Burroughs asked if the City crew cut the grass this time. Mr. Borysiewicz reported the property was cut by the caretaker this time, not the City.

Motion: Motion made by Chairman Tucker, seconded by Board member Burroughs, to dismiss this violation based on Ms. Crutchfield's compliance.

On the Motion: In the absence of any no votes, motion passed unanimously.

D. 581 10th Street Owner: Edgar & Toni Sims. Frame structure inside setback. Code Enforcement Officer Britske reported the structure has been removed. The City is therefore withdrawing the violation.

E. 581 10th Street Owner: Edgar & Toni Sims. Landscaping obstructing vision clearance. Code Enforcement Officer Britske reported the landscaping has been cut. The City is therefore withdrawing the violation.

F: 581 10th Street Owner Edgar & Toni Sims. Floating docks. Code Enforcement Officer

Britske stated the reason for this item was to get some clarity on the issue. There are another 13 floating docks within the City. If this case is found in violation then the 13 other cases will have to come before the Code Board. He reported floating docks are allowed within the City as long as the property owner applies to the Commission for approval. However, to his knowledge, none have been approved by the Commission. Mr. Sims has a floating dock, which would be more properly categorized as a work platform. Attorney Wright said the function of the Code Board is to enforce the laws. If there is an issue with 13 floating docks it should be addressed by the City Commission either by repealing the ordinance, amending it, or by providing direction to staff. Chairman Tucker asked if this was a dock. Mr. Sims is charged with having a floating dock, however, this looks more like a work platform. Chairman Tucker cannot see tying a boat there or loading or unloading a boat from there. Attorney Wright read the definition of a dock from the code. **Dock** means a structure built to provide a loading platform for boats and passengers thereon. The term "**dock**" shall include the pilings, posts and horizontal surfaces which are an integral part of said **dock**, and shall include the words "pier," "wharf," and words of a similar meaning. Board member Dalton asked Mr. Sims if he tied a boat to this? Mr. Sims answered no. Mr. Dalton asked if Mr. Sims would tie a boat to it and leave it there overnight. Mr. Sims answered no. Mr. Dalton stated he does not believe this meets the definition of a dock. Chairman Tucker said there is another section of the Code, Section 5-2, that addresses the Operation of Construction and Maintenance Vessels. Attorney Wright read this section of the code. Vessels designed for construction and maintenance of real property may be kept in a waterway, a canal or other waters adjacent to residential and nonresidential lots where they are actually engaged in construction and maintenance projects and during the period of time when they are actually engaged in construction and maintenance projects. The phrase "when they are engaged" shall mean a period of time during which construction and/or maintenance is actively being pursued according to normal industry practice without substantial gaps in the activity and with a definite beginning date and definite termination date. However, if the normal construction or maintenance practice for a given project would involve inactivity for a construction or maintenance vessel for a period of more than fourteen (14) days, then it shall be removed for that period of inactivity and shall be removed seventy-two (72) hours after completion. Utilization of a vessel for construction or maintenance under this section shall not be allowed unless property owner has obtained a building permit from the city. Board member Burroughs asked Mr. Sims how he used this. Mr. Sims stated it is used to repair docks. It was used to work on the Causeway Bridge. His crew tows it with a boat to wherever they are working. Board member Wagner asked how long it stays there. Mr. Sims answered it stays there, in the water, until he needs it. He further stated, depending on the ruling today, he can remove it from the water and place it on the bow of the boat until it is needed. Chairman Tucker said Mr. Sims is possibly in violation of this section, however, this is not what he is charged with. Board member Wagner stated it is not very attractive, and he probably would not want it next door to him, however, he does not feel it is a dock.

Motion: Motion made by Board member Dalton, seconded by Board member Wagner to find Mr. Sims not in violation of having a floating dock.

On the Motion: In the absence of any no votes motion passed unanimously.

5. Matters of Discussion Chairman Tucker stated many of the City ordinances need to be 'overhauled'. They were written by layman and they were enacted by layman. This makes it difficult on the Code Enforcement Officer as he has to find the appropriate ordinance to 'wrap around' a violation. For the most part the Board sees the same violations over and over again, however, the floating dock issue is a new one. If there are 13 or 14 floating docks in the City, and if they are indeed floating docks, and if they must be approved by the City Council, but have not been approved by the Council, then we

have a problem. If it is in the Code it should be enforced. The homeowners should be instructed by the Code Enforcement Officer what needs to be done. If it is not done, then it should come before the Code Board. The alternative is to have the Council repeal the law, which Chairman Tucker does not feel is in the best interest of the Community. Board member Dalton agreed. Attorney Wright said the definition of a dock and also a vessel may need to be addressed.

Motion: Motion made by Chairman Tucker, seconded by Board Member Burroughs, stating The Code Board supports the recommendation of the Code Enforcement Officers and the Police Officers to authorize the revision and recodification of laws within the City that are unintentionally vague.

On the Motion: In the absence of any no votes motion passed unanimously.

Chairman Tucker called for an adjournment. The meeting adjourned at 10:00 A.M.

A handwritten signature in cursive script, appearing to read "Kathryn McCullough".

Kathryn McCullough, City Clerk

Note: A mechanical recording has been made of the meeting of which these minutes are a part, and a copy is on file in the office of the City Clerk, as a public record.