

# Minutes

## CITY OF KEY COLONY BEACH CODE ENFORCEMENT BOARD

July 10, 2019 9:30 a.m. Marble Hall

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

**Swear In New Board Members:** City Clerk Rebecca Todd administered the oath of office to new Code Enforcement Board members Gary Furtak and Kathryn McCullough.

**Roll Call:** Present: Vice Chair Dalton, Larry Wagner, Cheryl Boehm, Gary Furtak, Kathryn McCullough. Also Present: City Administrator Moonis, City Clerk Rebecca Todd, Attorney Chris Waldera, Building Official Gerard Roussin, Police Chief DiGiovanni. Excused: Chair Joey Raspe, George Lancaster.

**Swearing in of Witnesses to Testify:** All persons who may give testimony were sworn in by Attorney Waldera.

### **Cases for Hearing:**

**1. 275 13<sup>th</sup> Street** - Owners: Mr. & Mrs. Panagiottis Koutsofios -- Land Development Regulations 101-131 (14) Prohibited Signs and 101-136, Temporary Signs:

Emanuel Koutsofios, son of Mr. & Mrs Panagiottis Koutsofios testified they received the notice of violation on June 22<sup>nd</sup> and removed the signs that same day. Building Official Roussin testified the property was in compliance at the last inspection.

**MOTION:** Motion made by Kathryn McCullough, seconded by Gary Furtak to waive the fines associated with the violation.

**ON THE MOTION:** Roll Call Vote. Unanimous

**2. 640 11th Street** - Owners: Henry & Esperanza Yaniz – Land Development Regulation 101-67 Yard not properly maintained.

Building Official Roussin testified the owners have been served four notices of violation for yard not being properly maintained. Public Works has tended to the property twice because of the nuisance it was for the neighbors. On the fourth notice the fines were increased from \$100 to \$200 per day. The property is currently still in violation. No person was present to represent the owners of the property.

**MOTION:** Motion made by Larry Wagner, seconded by John Dalton to find the owners in violation of Land Development Regulation 101-67.

**ON THE MOTION:** Roll Call Vote. Unanimous

**MOTION:** Motion made by John Dalton, seconded by Kathryn McCullough to levy a fine and file a lien on the property for \$14,900 plus \$500 for maintenance as of July 10, 2019 with the fines continuing at \$200 per day plus any other fees until the property is found to come into compliance.

**ON THE MOTION:** Roll Call Vote. Unanimous

**3. 121 8<sup>th</sup> Street** – Owners: Mr. & Mrs. Jose Salavarría - City Ordinance Chapter 5, Section 43 (9) Boats and boat lifts must be contained within the property boundaries and riparian lines. No part of the boat or lift may protrude onto neighboring properties or across riparian lines.

Owner Jose Salavarría testified he has a 39' boat and has only 37 ½' of dockage. He has letters from the neighbors on each side of his house to allow him partial usage of their dock space. Chief DiGiovanni testified there was an anonymous tip received regarding the violation. The officer responded, observed the vessel was over the property line, and issued a citation on June 17<sup>th</sup> and the notice of violation was mailed July 19<sup>th</sup>. His last observation is that the vessel is not at the dock so he is currently in compliance. Owner Jose Salavarría stated he moved the boat to the Bahamas to come into compliance however he is interested in pursuing options with the City to have permission to have the boat at the dock.

**MOTION:** Motion made by Cheryl Boehm, seconded by John Dalton to dismiss the violation.

**ON THE MOTION:** Roll Call Vote. Unanimous

**4. 820 10<sup>th</sup> Street** – Owner: Bruce Schmitt – City Ordinance Chapter 6, Section 56 Building and Property Maintenance.

Building Official Roussin testified the violation at 820 10<sup>th</sup> Street is due to soffit falling out of the house, the seawall is falling in several places, three quarters of the tiles are broken or missing in the driveway, and the yard is not being properly maintained. The Notice of Violation was sent certified to the owner on June 17, 2019 however we have not received the return receipt confirming he took possession. There has been no response from the owner.

**MOTION:** Motion made by Cheryl Boehm, seconded by Kathryn McCullough to find the owner to be in violation of the referenced ordinance.

**ON THE MOTION:** Roll Call Vote. Unanimous

**MOTION:** Motion made by Cheryl Boehm, seconded by Gary Furtak to continue the fines until the property comes into compliance.

**ON THE MOTION:** Roll Call Vote. Unanimous

**5. 480/490 9<sup>th</sup> Street** – Owners: Pedro & Daisy Amador - Land Development Regulation 101-67 Yard not properly maintained.

Building Official Roussin testified the third Notice of Violation was issued June 17<sup>th</sup>. During the course of the notices Gonzalez Landscaping performed yard maintenance once for a contractor working on the property. Public Works performed yard maintenance approximately 1-1/2 months after for which the owner made payment of \$500 to the City. The first violation issued February 25, 2019 was punishable by \$100 per day fine. The fine was increased to \$200 per day when the third violation was issued 6/17/19. To date the fines total \$15,600.

**MOTION:** Motion made by Larry Wagner, seconded by Kathryn McCullough to find the owner to be in violation of the referenced ordinance.

**ON THE MOTION:** Roll Call Vote. Unanimous

**MOTION:** Motion made by Larry Wagner, seconded by John Dalton to levy a fine and file a lien on the property for \$15,600 with the fines continuing at \$200 per day fees until the property is found to come into compliance.

**ON THE MOTION:** Roll Call Vote. Unanimous

**6. 240 14<sup>th</sup> Street** – Owner: Crawl Key Development Inc. - - Land Development Regulation 101-67 Yard not properly maintained.

Building Official Roussin testified the owner came into compliance within days of receiving the notice of violation and recommends dismissal.

**MOTION:** Motion made by John Dalton, seconded by Cheryl Boehm to dismiss the violation.

**ON THE MOTION:** Roll Call Vote. Unanimous

**7. 780 10<sup>th</sup> Street** – Owner: Betty Welker, Trustee - City Ordinance Chapter 6, Section 56 Building and Property Maintenance.

Building Official Roussin testified the corner of the dock is falling into the canal, a light pole falling over on the dock has exposed wires, and he believes there is a current rental license for the property. The City did receive a \$100 payment for the citation. Building Official Roussin will contact the owner to explain that the citation fine is per day and the property must come into compliance.

**MOTION:** Motion made by John Dalton, seconded by Cheryl Boehm to find the owner in violation of referenced ordinance, impose the fine and to suspend the rental license.

**ON THE MOTION:** Roll Call Vote. Unanimous

Note: City Clerk Todd determined the property does not have a license to suspend.

**8. 150 9<sup>th</sup> Street** – Owners: Patrick & Sharon Power - Land Development Regulation 101-67 Yard not properly maintained.

Patrick Power, owner, attended by phone. Attorney Waldera swore in Mr. Powers to testify. Building Official Roussin testified the 2<sup>nd</sup> Notice of Ordinance Violation was issued 6/17/19 for yard not properly maintained. The violation was for construction debris on the side of the house left by a contractor after Hurricane Irma. There was no permit issued and a stop work order was placed by the Building Department. Public Works removed the construction debris from the property. Mr. Powers called Building Official Roussin on 6/27 or 6/28 to discuss the issues with his property. Mr. Powers told him there were difficulties with the insurance companies and with the illegal contractor who performed work on their house. Mr. Powers had stated that he would require 45 days to come into compliance. Mr. Patrick Powers testified in length regarding issues he's had with contracted help and other issues. He stated that the First Notice of Violation was sent to a wrong address in Atlanta even though he resides in Chicago which is the reason he hadn't responded sooner.

**MOTION:** Motion made by Cheryl Boehm, seconded by Gary Furtak to find the violation existed but to waive the \$16,400 fine since the owner was not properly served the First Notice of Violation and to impose the \$500 cleanup fee and provide 45 days to come into compliance with the Building Department.

**ON THE MOTION:** Roll Call Vote. Unanimous

**9. Pedro Diaz** – City Ordinance Chapter 5 Section 82 – Utility trailer in boat trailer parking lot.

Building Official Roussin testified that Mr. Pedro Diaz has come into compliance by removing the trailer and suggests dismissal of the violation.

MOTION: Motion made by Gary Furtak, seconded by Cheryl Boehm to dismiss the violation.

ON THE MOTION: Roll Call Vote. Unanimous

**Discussion Items:** None.

The meeting adjourned at 11:08 a.m.

Respectfully submitted,

Rebecca Todd  
City Clerk

. 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.