

**MINUTES**  
**CITY OF KEY COLONY BEACH**  
**CODE ENFORCEMENT BOARD**

February 10, 2021 9:30 a.m.  
Marble Hall & Virtually via Zoom Conferencing

**Call to Order:** The regular hearing of the Key Colony Beach Code Board was called to order by Chairperson Joey Raspe at 9:31 a.m.

**Pledge of Allegiance and Roll Call:** *Present:* Chairperson Joey Raspe, Vice-Chair John Dalton, Tom DiFransico, Cheryl Boehm, Trudy Troiano, and Larry Wagner (Virtually). *Also Present:* City Clerk Rebecca Todd, Executive Assistant Saara Staten, City Attorney Dirk Smits, Code Board Attorney James Dorl, Corporal Jamie Buxton, Building Official Gerard Roussin, and Building Inspector Greg Lawton.

Excused: George Lancaster.

Public: 2 (Marble Hall) 3 (Virtually)

**MOTION:** Motion made by Trudy Troiano, seconded by Chairperson Raspe to approve the virtual participation/vote of Code Board member Larry Wagner due to COVID-19 standards.

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

**Approval of Minutes:** Code Enforcement Board Hearing January 19, 2021.

**MOTION:** Motion made by Vice-Chair Dalton, seconded by Cheryl Boehm to approve the minutes of January 19, 2021 Code Enforcement Board Hearing.

**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 Dorl.

**Notice of Ex-parte Communications:** Chairperson Raspe read the notice into the record. Code Board Attorney Dorl reported his office receiving a phone call from Erika Milesic of 640 10<sup>th</sup> Street. Code Attorney Dorl did not speak directly with Ms. Milesic. Mr. Dorl's receptionist spoke with Ms. Milesic. Code Attorney Dorl also reported receiving a phone call from Ms. Milesic's son the following week and spoke with him for no longer than 2 minutes to inform him that he cannot give him advice, to seek another attorney for advisement, and the option to appeal, etc. Code Attorney Dorl reported the phones calls received in no way would affect his duties.

**Cases for Hearing:**

- 1. 640 10<sup>th</sup> Street – Owner: Erika Milesic: City Ordinance Chapter 6, Section 59 – Limitations on parking for trailers or recreational vehicles. Only one (1) trailer or recreational vehicle per dwelling unit may be parked within the property boundaries of the owner or current resident for any period of time on any parcel in the city, except as otherwise prohibited in the Code of Ordinances.**

Building Official Roussin reported this property being a repeat violator. On December 30<sup>th</sup>, Corporal Buxton saw the two illegally parked trailers in front of 640 10<sup>th</sup> Street and tagged the trailers with a warning providing them with 24 hours to correct the violation. The next day, KCBPD visited the property and the violation had not been remedied, thereafter, issuing a fine on December 31<sup>st</sup> of \$50 per day found in violation. The violation did not come into compliance until January 18<sup>th</sup>, totaling 19 days in violation. City Attorney Smits submitted the Police report and agenda packet into evidence. City Attorney Smits questioned Corporal Buxton who affirmed Building Official Roussin's testimony. Owner Erica Milesic stated she has no control over what happens at her property because of declining health and age. Code Member Troiano sympathized with Owner Erica Milesic; but expressed that ultimately the owner is responsible for anything occurring on their property. It was discussed that, as stated, the owner had multiple repeat violations for the trailer parking violation and could be fined up to twice as much as the cited \$50 per day fine.

**MOTION:** Motion made by Vice-Chair Dalton, seconded by Chairperson Raspe to find 640 10<sup>th</sup> Street in violation of City Ordinance Chapter 6, Section 59 – Limitation on parking for trailers or recreational vehicles.

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

**MOTION:** Motion made by Chairperson Raspe, seconded by Cheryl Boehm to impose a fine of \$100 per day found in violation, totaling 19 days.

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

**MOTION:** Motion made by Chairperson Raspe, seconded by Cheryl Boehm to impose administrative fees.

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

**Update on Outstanding Code Violations:**

- 1. 640 10<sup>th</sup> Street – Owner: Erika Milesic – Prior Violations.** Building Official Roussin reported the rental license of 640 10<sup>th</sup> Street haven been suspended. The owner was notified and the property was posted on both sides ensuring notification. Code Board Attorney Dori reported preparing the lien for the property which is ready for signature by Chairperson Raspe.
- 2. 820 10<sup>th</sup> Street – Owner: Bruce Schmitt – City Ordinance Chapter 6, Section 56 – Building and Property Maintenance.** Building Official Roussin reported Owner Bruce Schmitt still out of the country and unable to attend. Building Official Roussin read correspondence from Owner Bruce Schmitt stating all permits have been granted and work is scheduled to begin by Marathon Seawalls & Docks in June 2021. Building Official Roussin recommended granting an extension to complete the work and will bring that request before the Code Enforcement Board at the next meeting.
- 3. 721 West Ocean Drive - Ocean Front Condominium: City Ordinance Chapter 6, Section 56 – Building and Property Maintenance.** Building Official Roussin reported Ocean Front Condominiums received a permit for demolition and began demolishing the pool, asbestos mitigation, lead based paint mitigation on Tuesday, February 9<sup>th</sup>. After that is complete, the demolition of the building will commence. Within the building permit, Building Official Roussin included a dust control system should be in place not to effect the neighbors as much as possible.
- 4. 160 10<sup>th</sup> Street – Owner: Teresa Ulrich – City Ordinance Section 9-24 Length of rental tenancies and City Ordinance Chapter 6, Section 56 – Building and Property Maintenance.** Building Official Roussin reported having received the lien from Code Attorney Dori pending signature of Chairperson Raspe. Chairperson Raspe will sign the lien after the meeting and City Clerk Todd will file the afternoon of February 10<sup>th</sup>.

**Discussion Items:** None.

**Citizen Comments:** None.

**Adjournment**

The meeting adjourned at 10:11 a.m.

Respectfully submitted,

*Saara V. Staten*

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