

MINUTES

CITY OF KEY COLONY BEACH CODE ENFORCEMENT BOARD

Wednesday, July 13th, 2022 - 9:30 a.m.
City Hall Auditorium & virtually via Zoom Conferencing

1. Call to Order, Pledge of Allegiance, and Roll Call: *The Code Enforcement Board Meeting of the City of Key Colony Beach was called to order by Chair Joey Raspe at 9:30 a.m. followed by the Pledge of Allegiance and Roll Call.*

Present: *Chair Joey Raspe, Vice-Chair John Dalton, Kimmeron Lisle, Tom DiFransico. **Absent:** George Lancaster. **Also Present:** City Administrator Dave Turner, City Attorney Dirk Smits, City Attorney Ryan Benninger, Code Board Attorney James Dorl, Building Official Gerard Roussin, Chief Kris DiGiovanni, Police Officer Joe Burden, Former Code Enforcement Officer Stacy Stahl, Administrative Assistant Christine McLeod, City Clerk Silvia Gransee.*

2. Approval of Minutes: *Code Enforcement Board Meeting Minutes – May 11, 2022.*

MOTION: *Motion made by Tom DiFransico, seconded by John Dalton, to approve the minutes from the May 11, 2022, Code Enforcement Meeting.*

DISCUSSION: *None.*

ON THE MOTION: *Roll call vote. Unanimous approval.*

3. Swearing in of Witnesses to Testify:

City Clerk Silvia Gransee administered the oath of witness to all that were planning on testifying. City Attorney Ryan Benninger swore in City Clerk Silvia Gransee as a witness.

4. Notice of Ex-Parte Communication

An ex-parte communication is defined as any contact, conversation, communication, writing, correspondence, memorandum or any other verbal or written communication that takes place outside of a public hearing between a member of the public and a member of a quasi-judicial board regarding matters which are to be heard and decided by said quasi-judicial board. Site visits and expert opinions are also considered ex-parte communications. In the event that someone contacts a Board Member about a quasi-judicial matter outside of a public meeting, at such time that a particular issue is brought before the board; the Board Member should state on the record the existence of an ex-parte communication, the nature of the communication, and the party who originated the ex-parte communication. Similarly, any correspondence received by a board Member must be forwarded to the City Clerk. You should also state whether the ex-parte communication affects your ability to impartially consider the evidence presented.

Chair Joey Raspe asked the Board Members if there has been any ex-Parte communication which there was none.

5. Cases for Hearing:

A. Citation No. 22-000363: 680 11th Street - Owner: Richard Harper. *Description of Violation: 6-11 (b) Certificate of Occupancy required for habitation (b) Permit and use conformance. It shall be the duty of the building official to issue a certificate of occupancy after a final inspection at which it has been determined that the building has been constructed in accordance with the provisions of the building permit and provided that such building is designed, arranged, intended, and authorized (zoning)for the specified use. This also*

includes satisfactory completion of the certificate of occupancy check list. In no event shall any building be occupied or used until a certificate of occupancy is issued by the Building Official.

Chair Joey Raspe read the code case to the Board and all attendees.

a) Affidavit of Mailings & Postings were accepted as sufficient.

b) City Attorney Ryan Benninger made a brief opening statement to the Board and called his first witness, City Clerk Silvia Gransee. City Clerk Gransee testified to her name, duties, and preparation of today's agenda packet. City Attorney Benninger requested for the agenda packet to be added into evidence. Mr. Harper had no objection and reserved his right for opening statement for a later time. City Attorney Benninger had no additional questions for City Clerk Silvia Gransee and Mr. Harper had no cross examination.

City Attorney Ryan Benninger called former Code Enforcement Officer Stacy Stahl as his next witness. Stacy Stahl testified to her name, former duties, and her knowledge of the property and owner. Mrs. Stahl further testified to the nature of the code violation and how she was notified of the violation. Mrs. Stahl testified that the Police Department notified her of the code violation and identified Officer Joe Burden as the officer that had reported the initial violation. Stacy Stahl further testified that the notice of violation was send to Mr. Harper via certified and regular mail on April 22, 2022, which included a 30-day timeframe to comply. Stacy Stahl further testified that a Notice of Hearing was send out to Mr. Harper on May 25, 2022, via certified and regular mail. Stacy Stahl further testified that a certificate of occupancy was not issued for the property. City Attorney Ryan Benninger had no further questions and Mr. Harper cross-examined Mrs. Stahl. Mr. Harper asked what the original complaint date was which Mrs. Stahl stated was April 17th as being entered into the system that also included the Police Officers report. Mr. Harper asked if Mrs. Stahl had received the name of the complaining party which Mrs. Stahl stated was not received nor does she know the name of the complaining party. Stacy Stahl continued testifying upon questioning by Mr. Harper that complaints cannot be made anonymously and that Officer Burden might have more information on the original complainant. Mr. Harper further questioned Stacy Stahl if she had made investigations of him living in the house after receiving the original complaint. Stacy Stahl testified that she was not a personal witness nor did she conduct investigations as her work schedule is not during nighttime hours. Stacy Stahl continued saying that she is not aware of what specific investigations the Law Enforcement Officer conducted. Mr. Harper had no further questions and City Attorney Ryan Benninger asked for a brief re-direct. City Attorney Benninger asked Stacy Stahl if the code violation occurred due to the admission of Mr. Harper to Officer Burden which Mrs. Stahl confirmed.

City Attorney Benninger called Officer Burden as his next witness. Officer Burden testified to his full name, employment time with the city, and his knowledge of the property at 680 11th Street. Officer Burden continued testifying on how the initial complaint was received and the investigation that followed. Officer Burden testified that Mr. Harper indicated to him during the investigation that he was living in the house. Officer Burden identified Mr. Harper as the person he had interviewed and City Attorney Ryan Benninger asked the record to reflect that Mr. Harper raised is hand confirming that he was the person in question. Officer Burden continued testifying that he confirmed with Building Official Roussin that Mr. Harper was in violation of City Ordinances by staying in the house. Officer Burden further testified on writing up the case and forwarding it to the Code Enforcement Officer. City Attorney Ryan Benninger had no further questions for Officer Burden and turned the witness over to Mr. Harper. Mr. Harper asked Officer Burden who initiated the complaint that started the investigation. Officer Burden testified on how complaints are being received at night and that write-ups would come from his direct supervisor or from the Chief. Upon further questioning by Mr. Harper, Officer Burden recalled the meeting that occurred between himself and Mr. Harper on the night in question.

Mr. Harper and Officer Burden continued their recollection of the evening in question. Mr. Harper had no further questions for Officer Burden. City Attorney Ryan Benninger asked for a brief re-direct of the witness. City Attorney Benninger asked Officer Burden to verify that Mr. Harper had confirmed to him that he was not staying on the camper on his property, which Officer Burden corroborated. City Attorney Benninger further asked Officer Burden if it was reasonable to assume that Mr. Harper was staying in the house, which Officer Burden stated was reasonable at the time.

City Attorney Ryan Benninger had no further questions and asked Building Official Gerard Roussin as his next witness. Building Official Roussin testified to his name, duties as Building Official, and his knowledge of the property at 680 11th Street, and the owner of the property as Mr. Harper. Building Official Roussin testified that a certificate of occupancy was not issued to the property and that Mr. Harper residing at the property presents a violation of City Ordinances. Building Official Roussin explained the meaning behind the certificate of occupancy and further confirmed, that the Building Department had explained to Officer Burden that a person is not allowed to live in a motorhome, or in the unit itself, while it is under construction according to the City Ordinances and the Florida Building Code. Building Official Roussin further testified that he had no personal knowledge of Mr. Harper living on the property other than what Officer Burden had reported. City Attorney Benninger had no further questions and passed the witness for cross to Mr. Harper. Building Official Roussin testified upon the permit that Mr. Harper's house was falling under and whether it mentioned that living was not allowable on the property during that time. City Attorney Benninger asked for a brief re-direct. City Attorney Ryan Benninger asked Building Official Roussin if a certificate of occupancy is required for a rebuild permit which the Building Official confirmed and explained that the current property had no living area. Building Official Roussin further confirmed that these requirements are in the Code of Ordinances.

c) City Attorney Benninger had no further questions and turned the floor over to Mr. Harper. Mr. Harper stated that the reason for today's Code Board Hearing is the allegation that he lives on his property on his camper and in his house which Mr. Harper stated is not true. Mr. Harper asked the City to stipulate that he himself had formally informed Code Enforcement Officer that he was not living in his house and asked for the complaint to be vacated. City Attorney Benninger stated that the City cannot enter into the stipulation since it was not aware of this information. Mr. Harper further asked the City to stipulate that the notice of violation did not have the exact date of when the violation occurred. City Attorney Ryan Benninger stated that the City would not enter into any stipulated agreements at that time and asked for Mr. Harper to continue with presenting his evidence. Mr. Harper continued by stating his case and citing sections from the City's Code of Ordinances and Florida Statutes. Mr. Harper further recalled the timeline of events leading up to the notice of violation. Mr. Harper said that the notice of violation letter received on April 26th did not include the date and time of infraction, reasonable cause, but allowed 30 days to correct the violation. Mr. Harper stated that within the next 30 days no City Official investigated for compliance. Mr. Harper stated that he tried contacting Mrs. Stahl several times to ask for the Notice of Violation to be removed since he was not living in the house but he was not able to reach her. Mr. Harper continued saying that Mrs. Stahl did eventually call him back and informed him that the Notice of Violation could not be removed and that the issue has to be brought before the Code Board. Mr. Harper continued stating his case and asked for the Board to find as a Matter of Fact, furthermore, alleged the Code Enforcement Office of misconduct, and asked for the Board to dismiss the complaint with prejudice.

City Attorney Benninger requested a cross examination of Mr. Harper. City Attorney Benninger asked Mr. Harper to confirm that he did not live in his camper nor in his house on 680 11th Street which Mr. Harper confirmed. City Attorney Benninger asked Mr. Harper on where he was residing on or about April 15th, 2022. Mr. Harper testified that he was not residing in his house or his camper. City Attorney Benninger repeated his question to Mr. Harper who stated that he did not believe the City should have interest, or the right ask, and

named several places where he could have been living at that time. Code Board Attorney Jim Dorl stated to the Code Board that he believes the question to be relevant. Chair Joey Raspe agreed and asked Mr. Harper what his residence location was on or about April 15th, 2022. Mr. Harper answered that he was most likely in the Golf Course Condos. City Attorney Benninger asked the Board to reflect that Mr. Harper's answer was non-responsive. Chair Joey Raspe stated to Mr. Harper that his answer needs to be more definitive. Mr. Harper stated that he does not keep notes on where he was staying in alternate housing but that he believes he was staying in the Golf Course Condos. Mr. Harper further said that this is most likely but he may have been staying in another address but is not positive. Chair Raspe asked Mr. Harper that he seems to be keeping very good notes on meetings with different City Officials and why he would not know where he was living three months ago. Mr. Harper stated that it is most likely that he was living in the Golf Course Condos and that he has been there a lot. Mr. Harper further stated that he may have been housesitting another friend's cat at some time but he does not know for sure. City Attorney Ryan Benninger reminded Mr. Harper that he is under oath and repeated he previous question on where Mr. Harper was residing on April 15th, 2022. Mr. Harper answered that he believes he was staying in the Golf Course Condos on that date. Upon further questioning, Mr. Harper stated that he was staying in Condo No. 12 and identified the owners as Fred and Lauri Swanson. City Attorney Benninger asked Mr. Harper if the owners would confirm to the city that he was residing in Condo No. 12 on April 15th, 2022, which Mr. Harper confirmed. City Attorney Benninger asked Mr. Harper to confirm the previous question on date and location of his residence and if the owners would confirm his testimony, to which Mr. Harper stated that the owners would if their records would it, and that he cannot answer personally for the owners. City Attorney Benninger asked Mr. Harper that it is safe to say that Mr. Harper does not have proof that he was staying in the Golf Course Condos No. 12 on April 15th, 2022, and that it is pure speculation, to which Mr. Harper responded that it is safe to say that the City has no proof that he was residing in the house. City Attorney Benninger disagreed with Mr. Harper and asked the Code Board's record to reflect that the respondent's answer to the city's cross-examination question was non-responsive. Code Board Attorney Jim Dorl stated to the Board that they do not have to rule on the statement but that they can evaluate the witness on his answer and demeanor.

City Attorney Ryan Benninger had no further questions and no further witnesses.

Mr. Harper presented his closing statement to the Code Board and asked the City to dismiss the code violation with prejudice.

City Attorney Ryan Benninger presented his brief summary closing statement to the Code Board and asked the Board to exercise their discretion, and take consideration of the demeanor, presence, and responses by the respondent and find Mr. Harper in violation of the Code of Ordinances.

Code Board Member Tom DiFransico asked Building Official Roussin when the certificate of occupancy was revoked for 680 11th Street that was in place prior to Hurricane Irma. Building Official Roussin explained that the house was deemed substantially damaged by the paperwork submitted by Mr. Harper, and further explained that reconstruction of a substantially damaged house is similar to new construction. Tom DiFransico asked Building Official Roussin on when Mr. Harper was advised that he could not live in the house anymore. Building Official Roussin stated that he does not know if Mr. Harper was advised on that. Code Board Member Tom DiFransico asked if anyone else in the City had ever advised Mr. Harper that he could not live in the house anymore or if there was an official document that stated the fact. Tom DiFransico continued saying that it is implied that Mr. Harper should have known that the facts since he was rebuilding his house, but nobody had informed him of such, and now the City is bringing up charges against Mr. Harper that no one told him he could not do. City Attorney Benninger disagreed with Code Board Member DiFransico's position. Tom DiFransico asked City Attorney Benninger to confirm that on April 22nd Mr. Harper was informed he could not live at the property. City Attorney Benninger confirmed the question. Tom DiFransico asked City Attorney Benninger if he had proof that Mr. Harper had been living there since, which

City Attorney Benninger stated he could not. Code Board Member DiFransico stated that he does not know why the Code Board Hearing is taking place today for an allegation against Mr. Harper for staying at his property for one night. City Attorney Benninger stated that even staying one night in the house is sufficient to trigger a violation. Tom DiFransico asked if Mr. Harper was offered a stipulation to address the violation which City Attorney Benninger stated he was not aware of. Tom DiFransico expressed his dissatisfaction on the reasoning behind today's hearing. Stacy Stahl stated she believes that there was a report in January that was investigated by the Police Department. Code Board Member Tom DiFransico asked if there was an official document send to Mr. Harper stating that he could not live in his home anymore. City Attorney Benninger stated that Mr. Harper made a Public Records Request to the City Clerk which was forwarded to the Police Department for compliance. City Attorney Benninger stated that the Police provided the complaints report for the property, which included the January 25th complaint and investigation regarding a similar issue that was brought before the Code Board today. Code Board Member asked if any of these complaints were followed up by an official document to Mr. Harper stating that he could not live in the house anymore. City Attorney Benninger stated that the issuance of a Notice of an Ordinance Violation is sufficient in notifying Mr. Harper that he could not live in the house. Board Member Tom DiFransico and City Attorney Ryan Benninger further discussed the issue at hand. Code Board Member Kimmeron Lisle asked Officer Burden on the date of April 15th and what time he came to the property. Officer Burden stated he believes it was after 6:00 P.M. Mr. Harper stipulated that the time was in the evening. Kimmeron Lisle asked what time all work on a permitted property must stop which was answered as 6:30 P.M. Kimmeron Lisle asked Mr. Harper if he often stays on the property either in his RV or in the home after the time for a permit is over. Mr. Harper stated that he is frequently on his property not working but for many other possible reasons after 6:30 P.M. Mr. Harper confirmed that the RV is still on the property. City Attorney Benninger stated to Code Board Member DiFransico that by Mr. Harper's own testimony, City Administrator Dave Turner advised him that he could not stay on his property. Tom DiFransico stated that he understands that, but he is looking for an official document that informed Mr. Harper of the revocation of the certificate of occupancy. Tom DiFransico further stated that he does not believe a verbal notification is adequate. Upon questioning, Building Official Roussin stated that the substantial damage determination is an unlivable, uninhabitable unit that was substantially damaged but could not answer if this would revoke the certificate of occupancy. Building Official Roussin further testified on certificates of occupancy. Code Board Member Tom DiFransico closed by stating that he believes the City owes an official notification that someone cannot live in their house anymore before bringing charges against them.

Code Board Member Kimmeron Lisle stated her concern for the neighboring residents of the property and their quality of living. Kimmeron Lisle further asked for clarification on the term 'living on a property' and stated that ignorance of the law is not an excuse. Kimmeron Lisle continued saying that Mr. Harper certainly knows that he is not allowed to live in the Motorhome or house, and that she does not think the City has to warn Mr. Harper ahead of time. Code Board Member Lisle stated that she believes the City acted correctly on the violation and its process.

Chair Joey Raspe stated the importance to remember that the occupancy question is a safety regulation, and that being on the property other than sleeping still represents an unsafe situation. Chair Raspe further stated that occupancy does not necessarily suggests just staying overnight, and that if no work is performed no occupancy should be allowed.

Vice-Chair John Dalton asked Mr. Harper on where he was on April 10th and if he knew on that day that living on his property was illegal. Mr. Harper stated that he was informed prior to the event that he was not allowed to sleep in the house. Upon further discussion Mr. Harper stated that he was not sleeping in the house and that he uses his camper for activities like reading, paperwork, and watching TV, which is legal use for the camper. Upon further discussion, Mr. Harper stated that he did not spend a night on his property as alleged by the City. Further discussion ensued on the nature of the complaint.

Chair Joey Raspe stated to Mr. Harper that the Board has a hard time believing that since the substantial damage claim was filed, that Mr. Harper lived in someone else's house for five years which Mr. Harper confirmed.

Code Board Member Kimmeron Lisle asked where Mr. Harper is residing currently which Mr. Harper stated as the Golf Course Condos No. 12.

Code Board Member Tom DiFransico asked Mrs. Stahl on the wording of the Notice of Violation and if she believed the violation still existed when the notice was sent on May 25th. Stacy Stahl stated that she had no evidence that the violation had been cured and no information was provided. Stacy Stahl reported that Mr. Harper had informed her that he no longer was living on the property and asked her to rescind the case. City Attorney Ryan Benninger cited the Code of Ordinances section pertaining to the violation and stated that the violation cannot be reversed once it occurred. Tom DiFransico and City Attorney Ryan Benninger further discussed the notice of violation and the event.

Kimmeron Lisle asked what the City is requesting of the Board at today's hearing. City Attorney Benninger responded that the City is asking for a Findings of Fact that Mr. Harper is in violation of City Ordinances for occupancy on the residence and assess fines if the Board agrees.

Code Board Attorney Jim Dorl stated that for the record that today's hearing is a civil matter with the city having the burden of proof. City Attorney Ryan Benninger stated to the Board that a fine of up to \$500.00 per day, in addition to an administrative fee of \$338.00, could be assessed by the Code Board. Kimmeron Lisle stated her concern for the neighbors and if the City can address Mr. Harper staying on his property after the workday is completed at 6:30 P.M. City Attorney Dirk Smits stated that this is something that staff has to address and that there are new provisions to the Code that may impact the status of the property going forward. Kimmeron Lisle asked Building Official Roussin what the expectation is on a permitted property in regard to after 6:30 P.M. to which the Building Official replied is no noise of construction work being done on the property.

d) The Board discussed if a violation had occurred.

MOTION: Motion made by Tom DiFransico that Mr. Harper did not commit the violation. No second.

DISCUSSION: None.

ON THE MOTION: Motion failed.

Further discussion occurred by Vice-Chair John Dalton on what fines should be assessed. Code Board Attorney Dorl advised that the first rollcall should be on the violation and secondary on assessing the fines.

MOTION: Motion made Vice-Chair John Dalton to drop the fine to \$250.00 in addition to the \$338.00

DISCUSSION: Code Board Attorney Dorl advised that the first rollcall should be on the violation and secondary on assessing the fines.

ON THE MOTION: Motion withdrawn.

MOTION: Motion made by Joey Raspe, seconded by John Dalton, that a violation for the property at 680 11th Street had occurred.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. John Dalton – yes, Kimmeron Lisle – yes, Tom DiFransico – no, Joey Raspe – yes. Motion carried 3-1.

The Board further discussed the assessment of fines.

MOTION: Motion made by Joey Raspe, seconded by John Dalton, to assess an administrative fine in the amount of \$388.00 in addition to a \$250.00 fine for the one-night occupancy violation

DISCUSSION: None.

ON THE MOTION: Rollcall vote. John Dalton – yes, Kimmeron Lisle – yes, Tom DiFransico – no, Joey Raspe – yes. Motion carried 3-1.

B. Citation No. 22-000385: 250 13th Street – Owner: Laszlo and Krisztina Sichtnik. Description of Violation: SEC 101-67 Landscape maintenance; In all districts, the owner or his agent shall be responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat, and orderly appearance, and clear of refuse and debris. Penalty per day \$50.00.

a) Affidavits of Mailing & Posting were accepted as sufficient.

b) City Attorney Ryan Benninger stated the case and called City Clerk Silvia Gransee as his first witness. City Clerk Gransee testified to her position, job responsibilities, and today's Code Board Agenda packet. City Attorney Ryan Benninger asked the agenda material to be added as evidence. Mr. Sichtnik appeared via Zoom Meeting. Mr. Sichtnik stated that he completed some yard work on his property and he was not aware of landscaping requirements. Code Board Attorney Dorl advised Mr. Sichtnik that the City requested for Mr. Sichtnik to stipulate or object to the agenda materials to be added into evidence. Mr. Sichtnik objected and stated his grounds for his objection. Mr. Sichtnik stated under oath that he did not receive the letter mailed. Mr. Sichtnik further recalled the letter he received in June and contacting Stacy Stahl. Code Board Attorney Jim Dorl noted Mr. Sichtnik's objection and asked for the City to go forward with its case. City Attorney Benninger asked for clarification that the evidence was submitted for evidence. Code Board Attorney Dorl advised that the evidence can be submitted which Chair Joey Raspe confirmed.

City Attorney Benninger called Stacy Stahl as his next witness. Stacy Stahl testified to her position as former Code Enforcement Officer and who the owners on record are for the property in question. Stacy Stahl further testified upon being familiar with the violation in question, described the yard debris she witnessed on the property, and writing a letter of Notice of Violation to the owners. City Attorney Benninger asked for the Notice of Violation to be admitted into the evidence as it was not included in the agenda packet. Code Board Attorney Dorl asked Mr. Sichtnik if he objected to the Notice to be added to the evidence. Upon further clarification Mr. Sichtnik stated that he did not receive a letter. Code Board Attorney Dorl recommend for the evidence to be admitted which Joey Raspe confirmed. Stacy Stahl further testified that the property did not come into compliance within the 30-day time period and the Notice of Hearing was send out June 13th to the owners. Stahl further testified to the address the Notice was sent and where she obtained the address. Stacy Stahl reported that the owner contacted her to inform her that they do not regularly pick up their mail from that address. Stacy Stahl stated her understanding that the owners reside at a different address and had not updated their address with the City. Stacy Stahl further testified that she informed the owners that it is their responsibility to update their address with the City. Stacy Stahl testified that she did not have the exact date of the communication with the owners written down but believed that it was in the beginning of June. Stacy Stahl continued testifying that she had no indication that communication with other City staff took place but believed that Mr. Sichtnik had stopped by the Building Department but had no knowledge of what communication took place. Stacy Stahl reported that the property had come into compliance which was determined on July 8th and that the City considers this as closed. Stacy Stahl reported that the property was non-compliant from May 28th to July 8th for a total of 41 days with a penalty of \$50.00 per day.

City Attorney Benninger had no further questions and passed the witness for cross-examination. Code Board Attorney Jim Dorl explained to Mr. Sichtnik that the cross-examination should be questions to Mrs. Stahl and not statements made by him. Mr. Sichtnik asked Mrs. Stahl to be more specific about the time he called. Stacy

Stahl answered that she did not have an exact date and time written down when the phone call took place, but that Mr. Sichtnik notified her that he had received the Notice of Hearing at the time that he called. Mr. Sichtnik asked if Mrs. Stahl could remember what he had asked during that phone call. Stacy Stahl recalled that Mr. Sichtnik had informed her that he will be out of town during the Code Board Hearing date and that he was hoping to bring the property into compliance prior to that date. Mrs. Stahl could not recall further details. Mr. Sichtnik stated his recollection of the phone call.

Mr. Sichtnik had no further questions for the witness. The City had no further witnesses.

c) Mr. Sichtnik proceeded to present his testimony. Mr. Sichtnik stated that the date in question was June 30th as compliance date. Mr. Sichtnik stated that he went to the Building Department and was informed that Mrs. Stahl was sick. Mr. Sichtnik continued testifying on his behalf. City Attorney Benninger asked Mr. Sichtnik on the official address on record where the notices were sent. Mr. Sichtnik testified that their residence at the time of the issuance of the ordinance violation was in Connecticut. Mr. Sichtnik testified that he was not certain if he had updated the address with the City but believes that there was a correct address with the Building Department. Upon further testimony Mr. Sichtnik stated that he did not update the address with the City and saw no reason to do so. Mr. Sichtnik further testified on the address in question and timeline of receiving the June 23rd letter. Mr. Sichtnik further testified on his testimony of not receiving the first letter and on how often he checks his mail at the address in question. City Attorney Benninger had no further questions. Code Board Attorney Jim Dorl asked if the members of the Code Board had any questions. Chair Joey Raspe asked Mr. Sichtnik on the attempts made to call Mr. Sichtnik via phone and why he could not be reached. After confirmation of the phone number that was called, Mr. Sichtnik stated that this phone number belongs to the apartment where the notice was mailed to, which is a landline. Chair Raspe explained to Mr. Sichtnik that he has to give his correct contact information so the City of Key Colony Beach can reach him. City Attorney Benninger stated that the Monroe County Property Appraisers website also has the address in question listed. Mr. Sichtnik confirmed that the address is correct, but he does not pick up mail regularly from there. Mr. Sichtnik further testified on his behalf regarding mail pickup at the apartment address in question. Code Board Attorney Jim Dorl asked if Mr. Sichtnik had any other witnesses other than himself for today's testimony which Mr. Sichtnik declined.

Code Board Member Kimmeron Lisle asked Stacy Stahl if there was a fallen tree on the property in addition to the debris on the property which Mrs. Stahl confirmed. Kimmeron Lisle further asked on the April 28th Notice of Violation which Stacy Stahl confirmed that the Notice was confirmed as received by the USPS on May 2nd. Kimmeron Lisle asked Mr. Sichtnik on clarification on the letter from April 28th and whether he received it. Mr. Sichtnik testified that he did not receive that letter and he believes the concierge must have signed for the letter. Kimmeron Lisle further asked if Mr. Sichtnik's apartment building has a process for receiving important documents. Mr. Sichtnik stated he knows of a package room and place where to pick up mail. Mr. Sichtnik confirmed that he did receive the letter to appear before the Code Board for today's hearing. City Attorney Benninger shared the picture of the fallen tree on the property with the Code Board. Mr. Sichtnik confirmed that he cut down branches and placed them next to the tree and he was not aware that he could not leave the yard debris there.

d) Chair Joey Raspe asked if there was any further discussion and asked for a motion on the matter.

MOTION: Motion made by Joey Raspe, seconded by Kimmeron Lisle, that a landscape violation had occurred for the property at 250 13th Street.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Unanimous approval.

The Board discussed the assessment of fines against the owner of the property. City Administrator Turner stated that he is fine with what the Code Board agrees upon. Vice-Chair John Dalton stated that he believes honest mistakes were made by the owner, but it is the owner's responsibility to have the correct address on hand.

MOTION: *Motion made by Joey Raspe, seconded by Kimmeron Lisle, to assess the owner of the property at 250 13th Street fines in the amount of \$1,025.00, in addition to the administrative fine in the amount of \$388.00.*

DISCUSSION: *None.*

ON THE MOTION: *Roll call vote. Unanimous approval.*

6. Updates: *Kimmeron Lisle asked about the floating docks that were discussed at the previous meeting. Building Official Roussin stated that letters were sent out to all the owners and all but one was removed which has to be removed via a crane due to the size of the dock.*

Chair Joey Raspe asked about an update on 1000 West Ocean. Building Official Roussin reported that an electrical contractor was at the property yesterday to move the meters. Building Official Roussin did not know if the demolition had begun but stated that the deadline for completion is this Friday.

7. Discussion Items – *None.*

8. Adjournment – *The meeting adjourned at 11:41 a.m.*

Respectfully submitted,

Silvia Gransee

City Clerk

ADOPTED: January 11th, 2023

Silvia Gransee

City Clerk