

Duck Key Property Owners Association

2022 Annual General Meeting Minutes 2/5/23

Ron Oestreicher opened the meeting at 1:06p.m. He started the meeting by thanking a record number of 281 members that joined DKPOA last year, compared to the previous year of 260. We have 19 new families that joined DKPOA for the first-time last year.

Ron went on to recognize Jo Ann Orr for her accounting and membership work. He also recognized Chris Lancaster for maintaining our Facebook and NextDoor communications. There is a group of volunteers that spend an enormous amount of their time coordinating, looking at engineer drawings, and communicating with the county on issues that may occur with the bridges. The Bridge Committee consists of John Wolfe (chair), Rick Sherman, Fritz Anderson, Michael Solomon, Bill Murphy, Joe Slama, and Dennis Peters.

Ron reviewed the agenda and noted that the minutes and board ratification would be voted on. Motion to approve the 2021 minutes. 1st by Dave Williamson, 2nd by Eric Zeller. All approved. Proposed 2023 board for DKPOA:

Jan Anderson

Barbara McKinney

Ron Oestreicher

John Schwarz

Michael Solomon

Karen White

John Wolfe

James Bicknell

There is one open board position to replace Ellen Tanis. We will continue to look for a new board member. Motion to ratify the board. 1st Kevin White, 2nd Laurie Oestreicher. All approved.

President's Report

Ron Oestreicher reviewed the 2022 accomplishments:

- Challenge for beautification with all the construction of the bridges.
- Held meetings with Monroe County officials on the replacement of the Duck Key bridges and the repeated delays in construction timelines.
- Held meetings and discussions with County officials on illegal rentals, county owned lots, unmaintained lots and other compliance issues on Duck Key. He reminded residents that DKPOA does not control the codes.
- Held meetings with County officials on the need to fund the repair of the Duck Key breakwater.

- Maintained and updated the DKPOA Website which is now accepting all credit and debit cards duckkeypoa.com. Our resident, Dick Adler, is the historian of Duck Key for the website.
- Held meetings with County officials and attended multiple BOCC meetings trying to identify a lot for a DKPOA Dog Park. This probably won't be pursued because no resident wants a dog park next to them and the county wants too much for the lots.
- Landscaped and maintained gardens, lift stations performed throughout the year
- Welcomed new neighbors to Duck Key with welcome baskets
- Conducted island-wide clean-up day on March 26, 2022
- Issued DKPOA ID cards (with merchant discounts) for members that includes \$10 in/out ramp fee at Hawk's Cay, 12% discount at the Calm Waters Spa and Angler and Ale at Hawks Cay, and a 10% discount at DK Style Hut on Key Colony Beach.

2022 DKPOA Treasurer's Report

Jan Anderson presented the 2022 financial results.

\$60,266 in Total Revenue (includes fees from homeowners, lot owners, gifts to DKPOA and interest income)

\$24,222 in Total Expense (beautification, communications, buoys for Tom's Harbour)

\$36,044 in Net Income.

\$108,101 in Year End Net Assets (includes \$25,000 emergency reserve and \$25,000 beautification reserve which was put aside since DKPOA spent less in this area that budgeted).

Motion to approve. 1st by Rick Sherman, 2nd by Kevin White

2023 DKPOA Budget

Jan presented the budget plan of \$63,875 in revenue and \$88,745 in expenses with a deficit of \$24,870.

We are forecasting a deficit since we want to use the funds we have from last year (assuming Bimini bridge will be completed in September).

Motion to approve the 2023 budget. All approved.

2022 Membership Results

Barbara McKinney presented the 2022 membership, survey results and goals of DKPOA

- 658 total properties in Duck Key. Monroe County owns 102 of these properties.
- DKPOA had 281 members in 2022, 192 single home owners, 19 lot owners and 29 multi property owners representing 70 properties.
- 2023- 197 paid memberships as of 2/4/2023

2022 Survey Results

- 21% continue landscape beautification
- 19% continue bridge committee
- 15% maintenance codes on empty lots

- 14% vacation rental code enforcement

Additional Comments on Surveys

Most comments had to do with the bridges and their disappointment in the construction timeline.

There were several other comments having to do with code enforcement. There were also several comments dealing with security issues. Since DKPOA does not deal with security issues, the Duck Key Security board will look into these comments. There were 2 members of the Security Board at the DKPOA meeting who are willing to respond to questions if any resident wanted to talk with them.

2023 DKPOA GOALS

- Continue beautification and landscaping being mindful of bridge work disruption
- Work with the County on bridge replacement project and construction progress and escalate community concerns to the County
- Work with the County to address code violations on unimproved lots
- Continue to maintain existing welcome and lift station gardens
- Organize a clean-up day – March 25, 2023
- Review 2023 survey results and develop action plan
- Grow DKPOA membership by 5+ percent
- Continue to enhance our new website
- Continue to investigate breakwater improvement financing options

What do we ask our members for?

- Take interest in the community
- Volunteer to serve on a committee: beautification, clean-up, bridge replacement- we need your support
- Be generous in your contribution of money. There is a lot of work to do!
- Engage in a dialogue with us – what is important to you?
- Let us know if you see problems such as unkempt lots, illegal rentals, dumping, etc.
- File Conde Compliance Complaints at www.monroecounty-fl.gov/forms.aspx?FID=74

2022 Break Water Update

- The ocean breakwater has been severely damaged by Irma and Ian. After Hurricane George, the state created a rock wall. It has held up for about 19 years, but then Irma's surge pushed rocks into the canal and reduced it to half the size and some parts with no rocks.
- There are several breaches and the height of the wall was reduced
- About 100 properties on Yacht Club and Plantation Islands are directly exposed to wave surges
- The County has added this project to their future plans, but has informed us that funding is unlikely. There is state and federal money, but we don't qualify for that funding.
- We will perform an engineering study to obtain an accurate estimate of costs, timelines, and impacts. John Schwarz is working with a company to get an estimate but as of now, the estimate has not come in.

- We are investigating financing alternatives, such as self-funding through donations, or creating a special improvement district on Duck Key.
- In the meantime, it is essential that owners allow the mangroves and buttonwoods on the barrier to grow to a minimum of 6 feet. It is one of the best barriers that we have and it is also code.

Duck Key Bridge Replacement Committee Report

- DKPOA Bridge Replacement Committee- John Wolfe (chair), Rick Sherman, Fritz Anderson, Michael Solomon, Bill Murphy, Joe Slama, and Dennis Peters
- Bridge Committee continued to engage County officials and Commissioners throughout 2022 as various problems arose during construction including successfully encouraging the County to start on Seaview Bridge prior to completion of Bimini Bridge due to lengthy delay in completing Bimini
- South lane of Bimini Bridge now finished and open with completion of bridge scheduled for **September 15, 2023**. Substantial delays were due to having to strengthen bridge before commencing construction, FCAA not timely completing their work, and engineering problem with one of the six pilings not hitting structure.
- Work has commenced on Seaview Bridge with completion scheduled for **July 9, 2024**. South lane of the bridge will be temporarily widened to accommodate larger vehicles during construction. All utility work has been completed.
- Engineering for Harbour Bridge is completed and all permits are in place. County will go out to bid in May or June, 2023. Construction will start as soon as Bimini Bridge is finished with completion in 18 months after starting

Michael Solomon presented the above information and added that he is very disappointed in the County. Bill Murphy added that the Bimini bridge completion date has been extended twice and was wondering if the Seaview bridge will also have another extension date?

Welcome our Monroe County Officials

- David Rice, Commissioner
- Roman Gastesi, County Administrator
- Kevin Wilson, Asst. County Administrator
- Bob Shillinger, County Attorney
- Judith Clarke, Chief Engineer
- Cynthia McPherson, Director of Code Enforcement
- Emily Schemper, Director Planning Department

Ron thanked the County officials for coming to the meeting on a Sunday. He stressed that each and every one of them will take a phone call or answer an email day or night. David Rice spoke about the bridges and realizes that Duck Key residents and the County are not happy with the progress of the bridges. He also indicated there was only one bidder for the Seaview and Harbor bridges. As a result, they had to select AEB. He then had each of the officials describe what they did for the county.

Submitted Questions and Topics

Bridge Updates – Judith Clarke

Question – We need a complete in person update on all three bridge projects. Bimini is now projected to be complete September 2023, 15 months behind the original June 2022 date.

Bimini is now on the 2nd phase and is scheduled for September 2023 and Seaview will be July 2024. Some reasons for Bimini delay was temporary strengthening. There were a lot of delays because of the utilities which slowed down the critical path of construction for the contractor. When the delays aren't caused by the contractor, he is allowed additional contract time. Harbour will be 18 months after it is started. Also, the bridge coming in from US 1 will need repairing on the spalling underneath the bridge with intent to go under construction the summer of 2024.

Question – What is the project timeline for Seaview? When do we see the design?

The construction has started on Seaview with the temporary widening of the south lane. It'll be done at the beginning of May and then Phase 2 will begin. Phase 2 will begin which is closing the north lane and demolition of that side. That will run from May until December of 2023. Then they will demolish the south side which will go from December/January to July of 2024. The County does not have a rendering of Seaview bridge, just the construction plan. The Seaview bridge will look very similar to the Bimini Bridge. It will have the same decorative crash rated railing and pineapple/fruit will be casted to put on the top. The bridge railing will be painted white and the wall will be painted tan. There is no lighting planned for the bridges.

Michael Solomon brought up the point that there is no fence around the Bimini bridge area and it is a very "casual" construction site. Bill Murphy said that there seems to be OSHA violations all around the bridges which could stop construction. Judith will check into that. She also promised the County would address this situation. Also, each of the bridges will have a sidewalk on one side for the walkers. The clearing under the Bimini bridge will not be less than it was. There are no plans for the Truman Bridge. A resident suggested colored concrete for Bimini instead of painting. Judith will check on that.

Seaview and Harbour bridges should go smoother because the utilities have already put their subaqueous.

Question – What is the status of the Harbour Bridge design and contracts?

Harbour Bridge is designed and permitted. The County will time it so that as soon as Bimini Bridge is done, the work will begin on Harbour.

Question – When will the speed bumps be removed from the bridges?

The speed bumps will be removed from the Seaview bridge when they move onto Phase 2 which should begin in May of 2023.

Question – What will the landscaping be around the bridges?

The County does not have replacement of the landscaping as part of the project. The contractor will be required to restore the right of way and put down sod. The County will also put in a Buttonwood hedge (or other vegetation) at each of the 4 quadrants to prevent people from fishing.

Question – Who do we contact about some damages made by the bridge work?

The residents would talk to Judith. The contractor is already aware of some items and has not disputed it. The contractor is responsible for any damage made to the resident's land.

Question – Who do we talk to about the trash left by the contractor, the parking in the right of way in front of resident's home and the code issue when they start working before 8:00 a.m.

Judith will talk to the contractor about starting before 8:00a.m. and cleaning up. Judith would like emails from the residents and they will deal with the contractor.

Building/Engineering Department

Question – What is the action plan to fix the flooding on Harbour Drive?

The solution would be to clear the right of way with encroachments. The County would have to send letters to the homeowners to clear their right of ways. Judith would like emails regarding the flooding on Harbour Drive. Judith doesn't want to clear homeowner's landscaping, etc. if it isn't as bad as expected. One homeowner will send pictures to Judith of the flooding. All information is appreciated.

Question – There is a rumor of 600 high density homes coming to Grassy Key. Is that correct and what is the County doing to ensure we have adequate services to handle the growth and road traffic? What is the status of the ROGO ordinance?

Grassy Key is considered the city of Marathon. Emily Schemper reached out to the planning director of Marathon. He said he knows of only 2 multi-family developments proposed for Grassy Key. There's a plan for 14 single family houses on the property of Jojo's. Then there is the Valhalla Resort with 110 hotel rooms.

Back in 2013, the ROGO deadline was set for 2023. About 3 or 4 years ago, the state realized that they had more vacant lots than permits to give out. So the county commission voluntarily cut the distribution rate in half for the last 3 years. So, instead of ending in 2023, it will end in 2026. It's the same amount of development, they just slowed down the rate of distribution. In the meantime, the land authority has ramped up its land buying effort and the state of Florida ramped up its land buying efforts. They are currently having meetings with State Department of Economic Opportunity to see if there is any more room for more allocations or not. We don't know what the next stage will bring. Unincorporated Monroe County has about 200 market rate units to give out between now and 2026.

Road Repairs

Question – Why do the repairs of our roads cut by new home construction take so long to get fixed?

Judith let us know that the utilities are responsible for fixing the cuts in the roads. Once they make a cut, they own it. It's a problem all over Monroe County. Ron has a list of contacts with the utility companies and please call them directly with complaints. It's an ongoing battle.

Code Enforcement

Cynthia McPhearson stated that after last year's meeting, they got an action plan. They took a map of Duck Key and color coded it into 5 different colors. They addressed one color per week. It resulted in 46 cases being closed last year. They are now looking at the island in 2 phases. It's the middle and then the outer homes. There is a new inspector now for Duck Key. He comes twice a month unless there is a need to do it more often.

Question – 132 N Indies Dr has advertised they were renting three separate units in a single-family home and has been doing it for years.

That is a property that has gone to hearing several times that has changed ownership over and over. There is a lien on the property for \$65,000. The property owner is a blatant abuser of the system. Each time there is a change in ownership, code enforcement has to go back to the special magistrate to get the documents needed. Code enforcement has very strict laws that they have to follow. The laws actually are designed to protect property owners. Code enforcement has to work through the process. Maybe there's a safety issue for an immediate injunction.

Question – Why has the abandoned house at 322 E Seaview Dr been allowed to remain in place with no action taken to have it demolished?

This is now a federally owned property. It's very difficult to put a lien against HUD. If anyone wants more information on that house, Bob Schillinger can get you more information.

Question – Why is Duck Key always left out of state and federal funding request to repair our break wall and canals?

A grant application was submitted through the Florida Grant Program this past August. We haven't received notice on any of those projects yet. The County also submitted an application to the Fish and Wildlife Foundation for the project on breakwater but that request was also denied. Most of the current Federal Grant opportunities are for lower and moderate income

Question – Is there any progress being made on the wind insurance crisis?

The governor has had 2 special sessions so far, but it's very complicated. The governor, the legislature all realize that the insurance is more than a mortgage. It is definitely being addressed.

Question – What is the status of the Special Hospital taxing assessment?

It's doing very well. The County thought it would be \$1.5 million dollars a year for 10 years but it's been tracking over \$2 million dollars a year and we will get there sooner than expected. All funds that are generated by the hospital taxing assessment are used for under-insured or uninsured individuals. No funds are used for infrastructure or other areas not related to the care of these individuals.

Question – Hawk’s Cay developed a “tranquility pool” several years ago and advertised it as a quiet adult pool. Now, several times a year there are concerts and weddings. The noise penetrates the concrete walls. Is there anyone that can go and monitor the sound?

There is a noise ordinance and hours that there can be music. The sheriff’s department has the ability to write tickets to them. Hawks Cay could also get an event permit to allow the music.

Before closing the meeting, Ron Oestreicher reiterated that DKPOA does not make the rules and DKPOA does not enforce the rules. We have lost members because DKPOA put a focus on having Monroe County enforce the local compliance rules. Our board made the decision not to go after people. The beautification of the island depends on the rules being enforced.

Ron thanked the residents and county officials for their support and hopes Judith will come back and cut the ribbon for the bridges.

Meeting adjourned at 3:12p.m.

