

Duck Key Property Owners Association
2023 Annual General Meeting Minutes 2/4/24

Ron Oestreicher opened the meeting at 1:00 p.m. He opened up the meeting by thanking everyone for coming to the meeting. He appreciated that there were 20 new members last year that joined DKPOA. So far, for 2024, there are 7 new members.

Ron recognized Jo Ann Orr for her accounting and membership work. Chris Lancaster was also recognized for maintaining our Facebook and Next Door communications. He recognized the bridge committee that spend an enormous amount of time communicating with the county on issues that may occur with the bridges. That committee consists of John Wolfe, Rick Sherman, Fritz Anderson, Michael Solomon, Bill Murphy, Joe Slama, and Dennis Peters. Rosanne Jeppi was also recognized for delivering our welcome packages to all new Duck Key property owners. Ron also thanked his board that consists of John Schwarz, Karen White, Jan Anderson, John Wolfe, Jim Bicknell, Barbara McKinney and Josie Vidal.

The AGM minutes were approved for 2023. 1st by Dave Williamson, 2nd by Barbara McKinney. All approved. Proposed 2024 board for DKPOA:

Jan Anderson	2 nd Term Elected 2/1/2020	
Barbara McKinney	2 nd Term Elected 1/28/2018	
Ron Oestreicher	2 nd Term Elected 1/28/2018	
John Schwarz	3 rd Term Elected 2/16/2014	Needs AGM approval to extend
Karen White	1 st Term Elected 1/23/2021	
John Wolfe	2 nd Term Elected 1/27/2019	
James Bicknell	1 st Term Elected 2/6/2022	

Josie Vidal was nominated to the board. Motion to ratify the board. 1st Sylvia Hernandez, 2nd Mike Coleman. There is still one open board position to replace Ellen Tanis. There were no members at the meeting that wanted to volunteer.

John Schwarz's 3rd term ended at the 2024 AGM meeting. John submitted his resignation that is required by the by-laws, but is willing to continue to serve until a suitable replacement is found. John drove the canal dredging project a couple years ago and got \$450,000 worth of donations from the residents. He is driving an important project to oversee the repairs to the breakwater seawall and our water quality project. The board requested the AGM to ratify John's extension subject to a review at the next AGM in 2025. The motion was made for John Schwarz to stay on the board. 1st by Eric Zeller, 2nd by Dave Williamson. Mike Coleman asked if John would stay on for another full 3-year term. John agreed. The board was approved as nominated for 2024.

President's Report

Ron Oestreicher reviewed the 2023 accomplishments:

- Held repeated meetings with Monroe County officials on the replacement of the Duck Key Bridges and the endless delays in construction timelines. Presented and gained County approval to landscape the Bimini Bridge.
- Held meetings with County officials on the need to fund the repair of the Duck Key breakwater and **secured a 3.2-million-dollar state DEP grant** to do the work.
- Added 45 additional street signs throughout Duck Key.
- Replaced 4 missing buoys in Toms Harbour
- Held meetings with County officials to oppose all Road Abandonment Applications in Duck Key and drove a community campaign to gather support.
- Held meetings and discussions with County officials on illegal rentals, county owned lots, unmaintained lots, and other compliance issues on Duck Key.
- Maintained and updated DKPOA website, which now accepts all credit and debit cards duckkeypoa.com
- Attended multiple BOCC meetings trying to identify a lot for DKPOA Dog Park (Project Abandoned). There was one lot that the county identified but an adjacent owner did not want a dog park by their house. The price of other lots became unaffordable. The Board decided not to proceed.
- Landscaped and maintained gardens and lift stations throughout the year.
- Welcomed new neighbors to Duck Key with Welcome Gift Baskets.
- Conducted Island-wide Clean Up Day on March 25, 2023
- Issued DKPOA ID cards (with merchant discounts) to members that includes 12% discount on food and beverage at Angler and Ale, lobby restaurant, and Calm Waters Spa at Hawks Cay. A \$10 in/out ramp fee at Hawks Cay and a 10% discount at DK Style Hut in Key Colony.

2023 DKPOA Treasurer's Report

Jan Roehl-Anderson presented the 2023 financial results:

\$63,348 in Total Revenue (includes fees from homeowners, lot owners, gifts to DKPOA and interest income)

\$41,822 in Total Expenses (the 2023 approved budget assumed we would have a \$21,872 deficit but it is significantly less than budgeted due to the delays in the completion of the Bimini Bridge. The key expenditures were beautification, new buoys, street signs, and welcome gift baskets)

\$129,627 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 in 2023 than budgeted.

Motion to approve. 1st by Sylvia Hernandez, 2nd by Michael Solomon.

2024 DKPOA Budget

Jan presented the proposed 2024 budget of \$79,040 in revenue, \$138,890 in expenses with a current year deficit of \$59,850. We are forecasting a deficit since we propose to use funds on bridge-area landscaping that we have allocated from last year and this year. (Assumes Seaview Bridge is completed in September.) It would still leave DKPOA with a healthy balance sheet. This assumes 293 members and approximately \$13,000 in addition donations. Proposed expenses include \$85,000 for bridge areas and \$24,000 in other beautification; \$12,500 for events, and welcome packages; \$6,000 for capital expenses and \$7,300 in administrative expenses.

Motion to approve the 2024 budget. 1st by Rick Sherman, 2nd by Laurie Oestreicher. All approved.

2023 Membership Results

Barbara McKinney presented the 2023 membership, 2024 survey results and goals of DKPOA.

- 658 Total Properties in Duck Key. Monroe County now owns 102 of these properties.
- DKPOA had 284 paid property memberships in 2023, 191 single family home owners, 16 lot owners and 34 multi property owners representing 79 properties
- 82 members donated \$13,060 in Beautification Gifts
- 2024 – 215 paid memberships as of 2/1/2024

2024 DKPOA Survey results as of 2/1/2024

- 21% continue landscape beautification
- 16% continue bridge committee
- 14% vacation rental code enforcement
- 12% code enforcement empty lots

Additional Survey Comments

- Maintaining/improving the seawall on the east/south canal
- You're doing a great job! Thanks for all you do! Maintaining a high standard of excellence across the board
- Solution of Harbour Drive flooding after heavy rain
- Drive the county for better water/rain run-off management
- Help bring back blue water

There were several other comments having to do with code enforcement and security issues. DKPOA will forward the security comments to the Duck Key Security board.

2024 DKPOA GOALS

Beautification

- Landscaping of Bimini and Seaview Bridges
- Work with County on Bridge replacement project and escalate community concerns to the County
- Ensure the BOCC understands Duck Key residents' thoughts on abandoning roads.

Over 75 letters have been sent to the Commissioners

Plan to attend BOCC meeting to voice concerns regarding the impact of abandonment on our community

- Work with the county to address code violations
- Support Break wall repair project with the county
- Continue to maintain existing welcome and lift station gardens
- Organize events for members to meet and discuss life on Duck Key
- Organize a clean-up day – March 23, 2024

Other Key Work

- Review 2024 survey results and develop action plan
- Grow DKPOA Membership by 5+ percent
- Continue to enhance our new website

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 Code Compliance Complaints at www.monroecounty-fl.gov/forms.aspx?FID=74
- Report fraudulent rentals to the County Tax Collector's Office fraud hotline at 855-422-4540

2023 Sea Wall Update

- The ocean seawall has been severely damaged by Irma and Ian
- About 100 properties on Yacht Club and Plantation Islands are now directly exposed to wave surges
- The county applied for and was successful in qualifying for a state grant of \$3.2 million to redress the damage and improve the environmental conditions
- The project includes the refurbishment and re-anchoring of the rock wall, and the planting of additional mangrove and seagrass to create a more resilient structure
- The project is currently in the planning stage, which will address engineering and environmental questions. The public tender and construction will follow.
- In the meantime, it is essential that break wall-facing owners allow the mangroves and buttonwoods on the barrier to grow to a minimum of 6 feet.

John Schwarz stated that we will continue working with the county on the process. The engineering teams are making the design and the bio teams are doing the surveys of the various bio systems that need to be protected. Once we have it in place, we go to a permitting phase. There are several agencies that have to be involved in the permitting including the Army Corp of Engineers. The permitting phase may take some time and then the county will go out to bid for the project.

John stated that there will be additional plantings of mangroves, buttonwoods and seagrass to reinforce the wall. If you live facing the ocean, you may not cut down the shrubbery on the seawall to less than 6 feet. This code will be enforced once the new plantings are put in place. It is these plantings that will hold the rocks in place and prevent the waves from coming over. John answered a resident that the 6-foot height is from the root system that is actually showing above water.

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

- 2023 was another difficult year as the Bridge Committee. We have continually documented the continuing problems involving the bridge construction projects. Lengthy delays in completing the Bimini Bridge and the endless construction delays on Seaview Bridges were addressed continually throughout 2023.
- Bimini Bridge is now substantially complete (Nov 2023) more than a **year later than scheduled** with some items still in progress such as installation of fencing on canal frontage, final striping, restoration of right of way and punch-list items. Homeowners damage claims have not been resolved.
- The county has agreed to allow ROW Florida Keys approved tree and plant landscaping at the Bimini Bridge. We are working with the owners of the neighboring properties who have raised objections.
- Work has been very limited on the Seaview Bridge with substantial completion scheduled for July 9, 2024. Construction is significantly behind the contract schedule. This has been repeatedly brought to the County's attention, but the contractor clearly hasn't dedicated the necessary resources to meet the contract schedule. We have now been informed that the surety company has taken over the fund's disbursement, and the County has issued notice to AEB for failure to meet the contract schedule. We will continue to press for resolution.
- Construction of Harbour Bridge has also commenced with completion scheduled for March 18, 2025.

Ron reported that we will spend \$40,000-\$50,000 on landscaping the right of way along Bimini Bridge. The County gave us a strict set of rules regarding the plantings along the right of ways of the bridges. They need to be Florida Keys approved native palm trees and plants. It really narrows the list of what we can plant. The list was given to the homeowners that live around Bimini Bridge. We had a landscape designer come in and we have a plan to give the county for permitting.

Welcome to our Monroe County Officials

- David Rice, Commissioner
- Kevin Wilson, Asst. County Administrator
- Bob Shillinger, County Attorney
- Ronda Haag, Chief Resilience Officer
- Judith Clarke, Chief Engineer
- Emily Schemper, Director of Planning

David Rice addressed the residents and thanked them for coming and also for any questions they may have. DKPOA did send a few questions to the county to answer for the residents.

Submitted Questions and Topics

Duck Key Break wall – Ronda Haag, Chief Resilience Officer

Question – What is the status and update on the Duck Key Breakwell Project?

Ronda Haag paired the living shoreline improvement with jetty repair to get a \$3.2 million state grant from Federal funds that flowed through the state DEP. State officials will be coming on site to do inspections within the next month. Ronda described the jetty repair. The rocks are to be put back up and reinforced with steel rods. The living shoreline project will involve creating flow through breaks every 75 feet along the breakwater so to create wetland habitat. They also put some mangrove planting every 200 feet to provide increased shoreline stabilization to stop the wave action pushing directly against the rocks. There will also be a ½ mile of seagrass plantings adjacent to the breakwater which provides essential shoreline habitat. They already have WSP engineering to do all the engineering and permitting work. They will have divers to do the surveys and engineering to understand the elevations of the property. They will be doing field work, ecological surveys and topographic surveys to document the wetland boundaries and threatened endangered species. That will be going on through April. Once the field work is done, they will go back and do design work which will run through October 2024. The permitting process will take place after that which may take around 1 year which would put that at around September – March of 2025. Then the design sent to bid and construction would be June 2025- June 2026.

Question – Some residents have ownership of their break wall in their original deed. But most don't have ownership. Would that make a difference in the code for mangroves?

No. The mangrove code applies to all riparian areas, private or public. You need to be especially careful during this period when there are state inspectors and federal officials coming to Duck Key. If there is anyone breaking the code, it could jeopardize the grant. The mangroves cannot be less than 6 feet. If you need to trim the mangroves, please get a licensed mangrove trimmer.

Question – Southern end of break wall needs rock to fill in. Can we add to the grant?

If there were rocks there before, they will bring in more to make it the adequate height.

Question – Will they dismantle part of the breakwater?

Yes, they will make small openings to allow tidal flow through the rock wall to get more of a favorable marine environment.

Road abandonment application status – David Rice, Commissioner

Question – What is the status of the Melaleuca St. road abandonment application?

David says as far as he knows, there is only one resident in favor of the privatization of Melaleuca St, and that is the homeowner who submitted the application. He hasn't heard from the second homeowner who shares the street. He can't guarantee us what will happen because of the Florida Sunshine Law, but he would be surprised if any commissioner would support the application. David will not be supporting it. The application has not been completed. There are still a couple of items that they have to turn in before the county even begins to review the application for eligibility for the vote. The Duck Key residents' comments have been heard and will definitely be passed along to the commission. Road abandonments do not get noticed the same way as other applications do so it is important to continue to check the BOCC meeting agenda. The application goes to the commission twice. The first meeting is to request a public hearing and the second meeting is the actual public hearing.

Question – Can't we just eliminate abandoning property county wide?

No, because there are times we must abandon roads for utilities, etc. Bob Shillinger, the county attorney stated that the county commission has vast discretion with road abandonments except where its self-limited and except where an abandonment would cut off someone's access to their property. So, the county is self-limited in abandonment where roads end in water or if there is an overwhelming public benefit.

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

The assessment should be finished in 2025. Baptist has spent over \$47 million dollars on the new hospital which does not include \$11+ million on the new professional building that is now under construction. There is no consideration for an extension of the assessment.

Bridge Update – Judith Clarke, Chief Engineer

Bimini Bridge

There was substantial completion in the fall. We have a punch list of items which slowed down in mid-November. Just recently, in the past week, we've had the fence put up, the last bit of sod and sight restoration. The deck still needs to be grooved and the final stripping can be done. There are 2 property damage claims associated with the bridge project. He will need to respond in writing to the homeowners. Both of them involve the pile driving work. He sent that to the geotechnical contractor and the county will follow up on that.

Question – I live 2 houses off of Bimini Bridge. My neighbor and I now have water accumulating in our driveway which we've never had before. Is that effected by the final roadway?

Please send an email and the county will look at it. If the water has increased, they will fix it.

Harbour Bridge

Notice to proceed was in September. The contractor is almost done with phase 1 which is the widening. Right now, they are on schedule and the substantial completion date is March 18, 2025.

Seaview Bridge

Notice to proceed was in January 2023. Work has been very slow. At the beginning of the project, the contractor issued the base line schedule of the critical path (major tasks) and had the substantial completion date of July 9, 2024. He is about 6 months off of that schedule. Every month, at payout, the contractor gives the county an updated schedule. In December, the contractor issued a schedule that had compressed that critical path and still had the July 5th completion date. At Christmas time and into January he missed those tasks. The onsite inspection firm (CEI) reviews the contractors schedule every month. The county has now issued the notice to the contractor that he wasn't proceeding in accordance with the schedule. The CEI said that realistically if the contractor continues at a reasonable pace without the additional manpower, he is really about 3 months off of his baseline schedule. The county is monitoring it. The county has notified the surety company. The surety company has now told the county that the county should make payments to the surety company instead of the contractor. That is a sign to the county that the contractor has had cash flow issues. Now the surety company is taking over the payments and they pay the subcontractors and the contractor. That slowed things down quite a bit in the beginning of January. The contractor has started up again on Bimini and Seaview and the County believes that he has every intention of finishing up the work. The county attorney has spoken with the bond company's attorney and they said it is in everyone's best interest for this contractor to finish this work. If a contractor walks away from a job, the county considers it default and we all wait for the bond company to find another contractor. But they believe that finding another contractor willing to finish this project within the current budget would be very difficult.

Question – On the completion date of July 9th, will you pull the bond on that day?

No. What happens on that date is that the county tells the contractor they haven't reached substantial completion and at that point the county can start assessing the delay costs that the contractor has to pay.

Question – What were the liquidated damages on the Bimini Bridge?

There weren't any. They reached substantial completion within a few days of the finally approved date. There were contract extensions that the county issued him from his original date when he executed the contract for Bimini. The county added to that the temporary repairs that they had to make so the residents didn't have to live with the restricted weight limits. We also had delays due to work being done by utilities. That is not the contractor's fault. Those were allowable extensions.

Question – Two-thirds of the time limit is now gone on Seaview Bridge. What would you consider the percent of completion that the contractor is at right now? If he isn't finished on July 9th, would he be in default?

He is at about 35% completed. Default is something different. Default is when he has stopped work and it is determined that he is not going to be finishing the work. That would then be the time that we would have to hire another contractor at an additional cost (no contractor is going to come in and finish the work at the same price) and make a claim for that additional cost against the bond company.

A comment from a member of the audience was that the project is nowhere near 35% complete.

Question – Why was the Harbour bridge granted approval to be started when the county knew that he was not in compliance with the other bridge?

The county issued the notice to proceed on Harbour in September. The contractor was definitely slow on Seaview but he was still on a timely schedule.

Question – Why did you award the Harbour Bridge to a contractor that wasn't on time?

He was the only bidder. He met the requirements of the bid. He provided his bond company and he was not in default of his contract.

Question – Does he have the same bonding company for each of the 3 jobs?

He has one for 2 bridges and 1 for the other bridge.

Question – Has the county checked to see if the contractor is going to remain solvent? Since the county communicated that notice, he virtually completely stopped all work.

The county does not have the right to pull his financials and go through everything. Judith believes the bond company has now that they have taken over the payments to the contractor. The contractor has continued to move the supplies to Seaview. He had indicated that he is going to continue. He has been providing the submittals to the engineer of record to get approved. The county is bound by their contract requirements.

Question – Has the county attorney been in contact with the surety company attorney to find out why the surety company is asking for payment?

The county attorney that handles the engineering work did communicate with the bond company's attorney. The bond company's attorney said that the contractor did get into a little bit of financial trouble, so they are doing this preemptively to keep the projects moving. It's a proactive step to make sure things stay on track.

Question – Since no work has been done in the last month on the Seaview Bridge, I assume the contractor isn't getting paid?

Correct. If there is no work there is no payment. We do pay for some materials up front because some materials are difficult to get.

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

The county does not have a solution or time line for fixing the flooding. The flooding on roads is happening everywhere in the county and the county doesn't have enough money to put in collection systems and pump stations everywhere. Judith thought that the county could put in a few gravity exfiltration units that would work except when there is a king tide when it may backflow and result in brackish salt water coming up through those. In-line check valves did not work. Part of the problem is built up lots and right of ways.

A Duck Key resident also said that a lot of the systems that drain the water have been plugged by homeowners and/or utility companies. He also said if we continue to build on this island and allow these homes to be built up on these dry lots by 2 feet, the runoff is coming down from them and it will continue to flood.

Question – What is the status of the ROGO ordinance? Will the 8,000 new permits really happen as the building density continues to increase in Monroe?

David Rice stated that at the present time, there is no answer to that question. The state asked the county, how many of these ROGO permits do you want? The county is taking time to think through that question. The county will be holding public hearings and Mr. Rice would like residents to participate in them. He feels that the county should be issuing ROGO permits at the lowest possible rate. The infrastructure cannot support 8,000 new structures. Bob Shillinger added that it's a balancing act. Some need to be available or the county would be facing many claims.

Question – Will we be penalized by having to pay for new schools, etc. for other municipalities that take the permits when we are in unincorporated Monroe County?

Bob Shillinger stated that there is no way of definitively blocking it. It's a collaborative process with the legislature. The issuance of building permits premised on our hurricane evacuation maximum time. Current target is 24 hours. That number would need to get adjusted if there are going to be more allocations. David Rice said they will know more as the county works through this with a lot of public input. He personally does not believe that the county can just simply stop growth.

Question – When will the Duck Key roads be repaved?

Judith Clarke said the roads were paved in September of 2013 and local roads typically get an average life of 20 years on the asphalt. She said the roads aren't perfect but they are not in need of an overlay. If there are specific areas, the county will patch them. Utility companies are responsible for repairing the cuts they make.

John Schwarz feels that the utility cuts have improved within the last year. He mentioned that the roads were paved in 2013, they were paved in two layers. The top layer is peeling off, so we have large sections of pavement with 2-inch holes in it. Ron suggested to look at West Seaview Dr.

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

Bob Shillinger said the legislature took some steps to slow the increase. The county is looking at switching from traditional insurance to more creative ways for all the county properties.

Code enforcement answers will be sent to Ron Oestreicher since Cynthia McPherson was absent.

Ron Oestreicher thanked all the Monroe County officials and residents for spending their Sunday with us. He asked everyone to please stay and enjoy some drinks and talk with friends.

Meeting adjourned at 3:05p.m.