



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, January 28, 2021

1:30 PM

City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS FOR AGENDA ITEMS MUST BE RECEIVED (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

Call Meeting to Order

Code Violations

1

Case # 19-1715

Futerman Phenphak - Owner

3011 Riviera Drive

Sec.14-37 Building permits; professional plans; display of permits;
address; exceptions

~~Sec. 14-256 Permit required~~

~~Sec. 14-359 Permit display~~

~~Sec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business~~

Officer Edward Keane

Posted: 7-31-2020

Initial Hearing: 3-26-2020

Continued from 17 December 2020

Count 1: Failure to obtain all proper building permits.

~~Count 2: Failure to obtain all electrical permits and or convert the
structure back to storage.~~

~~Count 3: Failure to obtain all plumbing permits or convert the structure
back to storage.~~

~~Count 4: Failure to cease renting the storage enclosure and apply for a
LUD from the City Planning Department.~~

This case went before the Special Magistrate on 28 January 2021. The Officer is

Edward Keane who requested a continuance to 18 February 2021. The Special Magistrate granted the continuance.

2

Case # 20-622

Jean Azard
1300 15th Ct lot 12
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Officer Edward Keane
Posted: 11-24-2020
Initial Hearing: 12-17-2020

Continued to 28 January 2021 for compliance

Count 1: Failure to apply for and obtain the appropriate building permits.

The Officer is Edward Keane who stated that no permits have been applied for and he is requesting the fines to begin to run. The Special Magistrate granted the fines to begin to run until the case comes into compliance.

3

Case # 20-790

Lisa Rivard
727 Emma Street
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-40 Permits in historic districts
Officer Edward Keane
Certified Mail: 11-6-2020
Initial Hearing: 11-19-2020

Continued from 17 December 2020

Count 1: Failure to apply and obtain the appropriate electrical permits.

Count 2: Failure to apply and obtain the appropriate plumbing permits.

Count 3: Failure to apply and obtain the appropriate building permits.

Count 4: Failure to apply and obtain a HARC Certificate of Appropriateness.

The Officer is Edward Keane who is requesting a continuance to 18 February 2021. The Special Magistrate granted the continuance.

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Case # 20-1267

Gary Stern - Registered Agent

820 White Street
~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions~~
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-262 Request for inspection
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 14-327 Inspection
Officer Edward Keane
Certified Mail: 12-3-2020
Initial Hearing: 12-17-2020

Continued to 28 January 2021 for compliance

- ~~**Count 1:** Failure to apply and obtain the appropriate plumbing permits through a licensed contractor.~~
- Count 2:** Failure to apply and obtain the appropriate electrical permits through a licensed contractor.
- Count 3:** Failure to contact and schedule all required inspections with the city of key west building department.
- Count 4:** Failure to apply and obtain the appropriate mechanical HVAC permits through a licensed contractor.
- Count 5:** Failure to contact and schedule all required inspections with the city of key west building department.

The Officer is Edward Keane and this case was previously granted a continuance to 18 February 2021 by the Special Magistrate.

5

Case # 20-1365

Jackson D Steadman
1713 George Street
Sec. 26-126 Clearing of property of debris and noxious material required
Officer Edward Keane
Certified Mail: 12-31-2020
Initial Hearing: 1-28-2021

New Case

Count 1: Failure to clear property of garbage, litter, rubbish, refuse, solid waste, trash, and yard debris.

The Officer is Edward Keane and the respondent is Shellie Jackson. Edward Keane requested a continuance to 18 February 2021. The Special Magistrate

granted the continuance.

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Case # 19-846

Bimini Village Condominium
James Marsh - Registered agent
806 Thomas Street

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions

Sec. 14-40 Permits in historic districts

Officer Rachel Kobylas

Certified Mail: 1-19-2021

Initial Hearing: 1-28-2021

New Case

Count 1: Failure to apply and obtain a demolition permit to remove all unpermitted construction, roof and awning structures and return the building to its original state.

Count 2: Failure to apply for a certificate of appropriateness from HARC, for the fence.

Jim Young the Director of Code spoke on behalf of the City of Key West and requested a continuance to 18 February 2021. The Special Magistrate granted the continuance.

7

Case # 21-14

Monroe County Surveying & Mapping Inc
Eddie Martinez
1100 Truman Ave

Sec. 66-102 Dates due and delinquent; penalties

Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Officer Rachel Kobylas

Certified Mail:

Initial Hearing: 1-28-2021

New Case

Count 1: Failure to pay all past due, delinquent and collection fees for the delinquent business tax receipt.

Count 2: Failure to contact the City of Key West Licensing Department to apply for, purchase and obtain a current Business tax receipt.

Jim Young the Director of Code spoke on behalf of the City of Key West and requested a continuance to 18 February 2021 for good service. The Special Magistrate granted the continuance.

8

Case # 19-1568

TU-TI-FRU-TI, Inc.

Charles Mendola - Registered agent

828 Duval Street

Sec. 114-103 Prohibited signs

Sec. 14-40 Permits in historic districts

~~Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions~~~~Sec. 66-109 Schedule of taxes~~~~Sec. 2-939 Revocable Licenses~~

Officer Troy Montero

Certified Mail: 3-2-2020

Initial Hearing: 3-26-2020

Continued from 17 December 2020**Count 1:** Failure to obtain HARC approval for signage.**Count 2:** Failure to obtain HARC certificate of appropriateness for installation of cameras and outside bar.~~Count 3: Failure to obtain building permits.~~~~Count 4: Failure to obtain approval for additional seating.~~~~Count 5: Failure to obtain revocable license for awning over city right of way.~~

Nathalia Mellies the assistant city attorney requested a continuance to 18 February 2021 due to both parties working on a solution for compliance. The Special Magistrate granted the continuance.

9

Case # 20-313

SH5 LTD

Robert A. Spottswood - registered agent

3841 N Roosevelt Blvd

Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions

Officer Troy Montero

Certified Mail: 6-15-2020

Initial Hearing: 7-30-2020

Continued from 19 November 2020**Count 1:** Failure to apply for fence permits.

Nathalia Mellies the assistant city attorney requested a continuance to 18 February 2021. The Special Magistrate granted the continuance.

10

Case # 21-30

Eric G. Castellanos
1075 Duval Street C22
Sec. 21-01 Requirement of wearing facial covering
Officer Troy Montero
Hand Served: 1-11-2021
Initial Hearing: 1-28-2021

New Case

Count 1: Failure to wear facial covering according to Ordinance 21-01

There is a settlement agreement that was properly executed and signed by all parties. The Settlement Agreement is a \$250.00 administrative fee with a \$250.00 suspended fine.

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Case # 19-1691

Alena Lembach
3226 Eagle Ave
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 122-63 Review; enforcement
Officer Paul Navarro
Certified Mail: 11-17-2020
Initial Hearing: 12-17-2020

Continued from 17 December 2020

Count 1: Failure to apply and obtain a demolition permit or reapply for a new building permit.

Count 2: Failure to apply and obtain a demolition permit or reapply for a new variance.

The code officer is Paul Navarro. Paul requested a continuance to 29 April 2021 due to the violator going before the planning board in March. The Special Magistrate granted the continuance.

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Case # 20-241

Saintelien Louis
1300 15th Ct Lot 31
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Sec. 14-262 Request for inspection
Sec. FBC P2503.1 Inspections

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Paul Navarro
Certified Mail: 11-24-2020
Initial Hearing: 12-17-2020

Continuance previously granted to 28 January 2021

Count 1: Failure to apply and obtain all permits for the un permitted work or apply and obtain for a demolition permit.

Count 2: Failure to schedule all required inspections.

Count 3: Failure to schedule all required inspections.

Count 4: Failure to apply and obtain all permits for un permitted work.

The code officer is Paul Navarro. Paul stated this case came into compliance on 28 January 2021. The Special Magistrate granted the dismissal.

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Case # 20-1422

Flying Monkeys
Joseph Walsh
227 Duval Street
Sec. 20-18 Requirement of wearing facial covering
Officer Sophia Doctoche
Hand Served: 12-5-2020
Initial Hearing: 1-7-2021

Continued from 7 January 2021

Count 1: Failure to wear facial covering according to Ordinance 20-18.

The code officer is Sophia Doctoche. Sophia Doctoche read her timeline to the Special Magistrate. The respondent Joseph Walsh gave his testimony and stated that because his business was not opened he should have not been cited. The Special Magistrate explained the ordinance to Joseph Walsh and that he does not meet any of the exceptions in the ordinance. Sophia Doctoche requested a \$250.00 administrative fee and a \$250 fine. The Special Magistrate granted the finding and order and fees.

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Case # 20-1383

Waterfront Brewery LLC
Joseph H Walsh
201 William Street
Sec. 20-18 Requirement of wearing facial covering
Officer Paul Navarro
Hand Served: 1-5-2021
Initial Hearing: 1-7-2021

Continued from 7 January 2021

Count 1: Failure to wear facial covering according to Ordinance 20-18.

The code officer is Paul Navarro. Joseph Walsh read his testimony and made a motion to dismiss due to his claim that the case was not presented and not properly noticed. The Special Magistrate noted his motion to dismiss but did not grant it due to Joseph Walsh getting proper notice and time to prepare his testimony. Paul Navarro requested a \$250.00 administrative fee and a \$250 fine. The Special Magistrate granted the findings and fees.

15

Case # 20-1386

Hanks Saloon
Paul Fernando C Lopez - General Manager
409 Caroline Street
Sec. 20-18 Requirement of wearing facial covering
Officer Paul Navarro
Hand Served: 11-21-2020
Initial Hearing: 12-17-2020

Settlement Agreement

Count 1: Failure to wear a facial covering according to Ordinance 20-18.

The code officer is Paul Navarro. There is a settlement agreement that includes a \$250.00 administrative fee and a \$500.00 fine. The Special Magistrate executed the settlement agreement.

16

Case # 20-1388

Schooner Wharf Bar
Eric Maurice Smith
202 William Street
Sec. 20-18 Requirement of wearing facial covering
Officer Paul Navarro
Hand Served: 11-22-2020
Initial Hearing: 12-17-2020

Settlement Agreement

Count 1: Failure to wear facial covering according to Ordinance 20-18.

The code officer is Paul Navarro. There is a settlement agreement that includes a \$250.00 administrative fee and a \$250.00 fine. The Special Magistrate executed the settlement agreement.

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Case # 21-28

Barefoot Billy's
Vernch K Strapp - operator of booth
Sec. 21-01 Requirement of wearing facial covering
Officer Paul Navarro
Hand Served: 1-10-2021
Initial Hearing: 1-28-2021

New Case

Count 1: Failure to wear facial covering according to Ordinance 21-01

The code officer is Paul Navarro. The respondent was Billy the owner of Barefoot Billy's. Paul Navarro read his testimony. Billy the owner responded by explaining he fired the employee that was cited and that there has been no violations since. Paul Navarro confirmed there has been no violations since. The city requested a finding and order with a \$250.00 administrative fee and a \$250.00 fine. The Special Magistrate only granted a finding and order not fees or fines.

18

Case # 21-27

Hero's Bar
Iran Sergeevich Bolshakov - Manager on duty
506 Southard Street
Sec. 21-01 Requirement of wearing facial covering
Officer Laurie Skinner
Hand Served: 1-9-2021
Initial Hearing: 1-28-2021

New Case

Count 1: Failure to wear facial covering according to Ordinance 20-01

The code officer is Laurie Skinner. The respondent is Iran Sergeevich Bolshakov. Laurie read her testimony. The respondents stated then that they corrected the issue and installed plexiglass and have not had issues since. Laurie requested a finding and order with a \$250.00 administrative fee and a \$250.00 fee. The Special Magistrate granted the finding and order but no fees or fines since they corrected the issue and have not violated since.

Harris School

19

Case # 19-672

808 Southard Street LLC
C/O Brawn Peter Nelson
The Tree Man
Sean Creedon - Registered Agent
808 & 812 Southard Street

Sec. 26-192 Unreasonably excessive noise prohibited - 808 Southard Street LLC
Sec. 26-192 Unreasonably excessive noise prohibited - The Tree Man
Sec. 122-597 Permitted uses - 808 Southard Street LLC
Sec. 122-597 Permitted uses - The Tree Man
Sec. 122-598 Conditional Uses - 808 Southard Street LLC
Sec. 122-598 Conditional Uses - The Tree Man
Sec. 122-837 Use permitted - 808 Southard Street LLC
Sec. 122-837 Use permitted - The Tree Man
Sec. 108-677 Parking and storage of certain vehicles - 808 Southard Street LLC - **ONLY**
Officer Dorian Patton
Certified Mail: 1-11-20
Initial Hearing: 1-30-2020

Continuance granted to 30 November 2020

Count 1: Failure to cease from allowing the company "Tree Man" from operating their equipment and performing their business. - **both parties**

Count 2: Failure to remove all commercial vehicles, utility trailers, and boat/jet ski trailers from all residential lots on the property. - **both parties**

Count 3: Failure to refrain from using residential lots for commercial use or for the storage of vehicles, utility trailers, and boat/jetski trailers. - **both parties**

Count 4: Failure to stop the company "Tree Man" from performing light industrial activity on the property. - **both parties**

Count 5: Failure to relocate all vehicles that have a missing or expired license plate to an enclosed building. - **808 Southard Street LLC ONLY**

Case 19-672 is on the record to give the ruling. Susan Cardenas was present on behalf of the respondent Peter Braun and Tree Man. Ron Ramsingh was present on behalf of the City of Key West. The Special Magistrate went on to read through each count and explain the violation for each one. Ron Ramsingh requested \$250 administrative fee and a \$250.00 fine per count and a affidavit of additional cost for the special hearings that took place. Susan Cardenas objected to additional costs due to the Special Hearings since she claims those Special Hearings were not her responsibility since the IT Department had prior commitments which prolonged the case. The Special Magistrate went on to explain that due to the violations no longer taking place after the notice was sent, he found each count in violation and set a \$250.00 administrative fee but no fines. The Special Magistrate did grant the option to submit the affidavit costs for his review which the City will coordinate with Susan and Don Yates off the record for this.

Cases from December 17, 2020

Waterfront Brewery
Joseph H. Walsh
201 William Street
Sec. 20-17 Requirement of wearing facial covering
Officer Troy Montero
Hand Served: 11-16-2020
Initial Hearing: 12-3-2020

New Case

Count 1: Failure to wear a facial covering according to Ordinance 20-17.

This case is on the docket for the final ruling. The evidence and arguments were previously submitted. The Special Magistrate read the City's arguments and Joseph Walsh's arguments and ruled that this case have a finding and order with a \$250.00 administrative fee but no fines.

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Case # 20-1385

Jack Flats
Ricardo Carlos Flores - Shift manager
509 1/2 Duval Street
Sec. 20-18 Requirement of wearing facial covering
Officer Paul Navarro
Hand Served: 11-21-2020
Initial Hearing: 12-17-2020

New Case

Count 1: Failure to wear a facial covering according to Ordinance 20-18.

This case is on the docket for the final ruling. The evidence and arguments were previously submitted. The Special Magistrate read the City's arguments and Joseph Walsh's arguments and ruled that this case have a finding and order with a \$250.00 administrative fee but no fines.

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Case # 20-1368

Jack Flats
Melissa Gilbert - Manager
509 Duval Street
Sec. 20-17 Requirement of facial covering
Officer Laurie Skinner
Hand Served: 11-22-2020
Initial Hearing: 12-17-2020

New Case

Count 1: Failure to wear a facial covering according to Ordinance 20-17.

This case is on the docket for the final ruling. The evidence and arguments were previously submitted. The Special Magistrate read the City's arguments and Joseph Walsh's arguments and ruled that this case have a finding and order with a \$250.00 administrative fee but no fines.

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Case # 20-1374

Fogarty's
Michael Taylor - Manager
227 Duval Street
Sec. 20-17 Requirement of wearing facial covering
Officer Laurie Skinner
Hand Served: 11-22-2020
Initial Hearing: 12-17-2020

New Case

Count 1: Failure to wear a facial covering according to Ordinance 20-17.

This case is on the docket for the final ruling. The evidence and arguments were previously submitted. The Special Magistrate read the City's arguments and Joseph Walsh's arguments and ruled that this case have a finding and order with a \$250.00 administrative fee but no fines.

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Case # 20-1376

Caroline Cafe
Nesia Rose Pearson - Manager
310 Duval Street
Sec. 20-17 Requirement of wearing facial covering
Officer Laurie Skinner
Hand Served: 11-22-2020
Initial Hearing: 12-17-2020

New Case

Count 1: Failure to wear a facial covering according to Ordinance 20-17.

This case is on the docket for the final ruling. The evidence and arguments were previously submitted. The Special Magistrate read the City's arguments and Joseph Walsh's arguments and ruled that this case have a finding and

order with a \$250.00 administrative fee but no fines.

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Case # 20-1458

Fogarty's

Joseph Walsh

227 Duval Street

Sec. 20-17 Requirement of wearing facial covering

Officer Jorge Lopez

Hand Served: 11-17-2020

Initial Hearing: 12-17-2020

New Case

Count 1: Failure to wear a facial covering according to Ordinance 20-17.

This case is on the docket for the final ruling. The evidence and arguments were previously submitted. The Special Magistrate read the City's arguments and Joseph Walsh's arguments and ruled that this case have a finding and order with a \$250.00 administrative fee but no fines.

Adjournment