



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, February 18, 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 # 20-1462**
Red Shoe Island Bistro
411 Petronia Street
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Officer Sophia Doctoche
Certified Mail: 1-30-2021
Initial Hearing: 2-18-2021

In compliance as of 11 February 2021; request dismissal

Count 1: Failure to apply and obtain a business tax receipt for Red Shoe Island Bistro.

This case came into compliance on 11 February 2021 and the City is requesting a dismissal. The Special Magistrate granted the dismissal.

- 2** **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 28 January 2021

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 18 February 2021. Michael Halpern represented the respondent. The Code officer was Edward Keane. Scott Fraser the FEMA coordinator for the City of Key West was also present to give testimony. The Special Magistrate questioned good service for the violator. Michael Halpern noted on the record that he wanted the procedural defect to be waved. The Special Magistrate granted the defect to be waved. Edward Keane then read his timeline. Scott Fraser then read his testimony. Michael Halpern then responded to Scott Fraser's testimony with various questions on his testimony of the elevation certificate and if proper notice of the permit issues was ever sent to the property owner. Director Jim Young then gave testimony in response to Scott Fraser's testimony of what the building department needed in order to issue the permits. Scott Fraser went on to clarify his testimony on what flood vents are still needed and what drywall correction is needed. Michael Halpern then questioned Scott Fraser on the non conforming document that is also being requested by the building department. The Special Magistrate found a violation for the property owner not having the proper building permits and everything to go along with that. The Special Magistrate granted a \$250.00 administrative fee and a \$250.00 fine per day per count if not in compliance by April 20, 2021. This case will be continued to April 29, 2021.

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 28 January 2021

- 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.

Edward Keane is the code officer. Lisa Rivard is the responder who is in violation. Edward Keane requested a continuance to 29 April 2021 on behalf of Lisa Rivard. The Special Magistrate granted the continuance.

4

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 18 February 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.

Edward Keane is the code officer. Edward Keane is requesting a continuance to 25 March 2021. The Special Magistrate granted the continuance.

5

Case # 20-1271

Claudio Ramon Vargas

820 White Street

Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsSec. 14-37 Building permits; professional plans; display of permits;
address; exceptionsSec. 66-87 Business tax receipt required for all holding themselves out to
be engaged in business

Sec. 18-150 Certificate of competency required

Sec. 14-262 Request for inspection

Officer Edward Keane

Certified Mail:

Initial Hearing: 2-18-2021

Settlement Agreement**Count 1:** Failure to apply and obtain the appropriate plumbing permits
through a licensed contractor at the City of Key West Building
Department.**Count 2:** Failure to apply and obtain the appropriate electrical permits
through a licensed contractor at the City of Key West Building
Department.**Count 3:** Failure to apply and obtain the appropriate Business Tax
Receipt from the Licensing Department at the City of Key West.**Count 4:** Failure to cease all further work until a certificate of
competency is acquired.**Count 5:** Failure to contact the Building Department to schedule all the
required inspections.

Edward Keane is the code officer. The City and the property owner entered into a settlement agreement. The settlement agreement is a administrative cost of \$250.00 and a suspended fine of \$500.00. The Special Magistrate signed the settlement agreement.

6

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

Continued from 28 January 2021

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

Edward Keane is the code officer. Edward Keane stated that as of February 16, 2021 this case came into compliance and the city is requesting a dismissal. The Special Magistrate granted the dismissal.

7

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

Continued from 28 January 2021

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.

Rachel Kobylas is the code officer but Terrence Justice the Chief Building Official spoke on behalf of Rachel. Terrence Justice gave testimony that explained the scope of work was different from the work that was permitted to be done. Also the roof extends all the way to the property line which is another issue that needs fixed. The owner of the property responded with his testimony. The property owner James Marsh requested a continuance to 25 March 2021 so that he can come into compliance. The Special Magistrate granted the continuance.

8

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: 1-26-2021

Initial Hearing: 1-28-2021

Continued to 18 February 2021 for good service

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.

The Code Officer was Rachel Kobylas. Director Jim Young spoke on behalf of the code officer and stated that this case came into compliance on 17 February 2021 and is requesting a dismissal. The Special Magistrate granted the dismissal.

9

Case # 18-1639

Jessica Clark

1824 Fogarty Ave 1

Sec. 90-363 Certificate of occupancy required

Sec. 58-61 Determination and levy of charge

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

Sec. 14-72 Minimum facilities

Officer Troy Montero

Certified Mail:

Initial Hearing: 2-18-2021

Continuance previously granted to 25 March 2021

Count 1: Failure to apply and obtain a certificate of occupancy for the unit located in the rear side of the property.

Count 2: Failure to contact the Planning Department to apply and obtain cost of impact fees.

Count 3: Failure to provide an as-built certificate to the Building Department.

Count 4: Failure to remove the tarp and bed from this area.

The code officer was Troy Montero. This case was previously granted a continuance to 25 March 2021.

10

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 28 January 2021

- 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.~~

The code officer was Troy Montero. Nathalia Mellies spoke on behalf of the City. Nathalia Mellies requested a continuance to 25 March 2021 for a status of compliance. Richard McChesney agreed with the continuance. The Special Magistrate granted the continuance.

11

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 28 January 2021

- Count 1:** Failure to apply for fence permits.

The code officer was Troy Montero. Nathalia Mellies spoke on behalf of the City. Nathalia Mellies requested a continuance to 25 March 2021 for the city to be able to review information that they received on 18 February 2021. The Special Magistrate granted the continuance.

12

Case # 20-1029

Rene Leslie Bird
 311 Amelia Street
 Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
~~Sec. 66-87 Business tax receipt required for all holding themselves out to~~

~~be engaged in business~~

Sec. 58-61 Determination and levy of charge

Sec. 90-363 Certificate of occupancy required

Officer Troy Montero

Certified mail: 1-16-2021

Initial Hearing: 2-18-2021

Continuance previously granted to 25 March 2021

Count 1: Failure to apply and obtain the appropriate after the fact permits through the Building Department.

~~Count 2: Failure to apply and obtain a non-transient business tax receipt through the Licensing Department.~~

Count 3: Failure to apply and obtain a legal unit determination for the additional residential units.

Count 4: Failure to apply and obtain a certificate of occupancy for the residential unit in the rear of the property.

This case was previously granted a continuance to 25 March 2021.

13

Case # 20-1335

John Lindle

1617 White Street

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

Officer Troy Montero

Certified Mail: 2-2-2021

Initial Hearing: 2-18-2021

New Case

Count 1: Failure to apply and obtain after the fact permits for building, electrical and plumbing.

The code officer was Troy Montero. Van Fisher was present on behalf of the respondent. Troy Montero gave his testimony which explained the violations. Van Fisher then questioned why the inspections were not cited along with the plumbing and electrical permits. Director Jim Young explained why it was not cited. Van Fisher requested that moving forward the City will be clearer on what is cited and what needs to be done to achieve compliance. Van Fisher requested a continuance to 29 April 2021. Nathalia Mellies then requested a continuance to 25 March 2021. The Special Magistrate granted the continuance to 25 March 2021.

14

Case # 20-1461

Ramos Matilde Generosa

C/O Halpern Michael Pa
 1400 Duval Street
 Sec. 14-37 Building permits; professional plans; display of permits;
 address; exceptions
 Sec. 14-256 Permit required
 Sec. 14-262 Request for inspection
 Officer Troy Montero
 Certified Mail: 1-16-2021
 Initial Hearing: 2-18-2021

In compliance as of 3 February 2021; request dismissal

Count 1: Failure to apply and obtain after the fact permits for electrical work.

Count 2: Failure to apply and obtain after the fact permits for electrical work.

Count 3: Failure to contact the Building Department to schedule an inspection for the electrical work.

This case came into compliance on 3 February 2021 and the city is requesting a dismissal. The Special Magistrate granted the dismissal.

15

Case # 21-75

Jack Flats
 Gilbert Melissa
 509 1/2 Duval Street
 Sec. 21-01 Requirement of wearing facial covering
 Officer Paul Navarro
 Hand Served: 2-8-2021
 Initial Hearing: 2-18-2021

New Case

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

This case was previously granted a continuance to 25 March 2021.

16

Case # 21-76

Fogarty's
 Logan Katherine Marie
 227 Duval Street
 Sec. 21-01 Requirement of wearing facial covering
 Officer Paul Navarro
 Hand Served: 2-8-2021

Initial Hearing: 2-18-2021

New Case

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

This case was previously granted a continuance to 25 March 2021.

17

Case # 20-1493

Lewis Richard T
Susan Derosé
1102 Washington Street
Sec. 62-2 Obstructions
Officer Roy Owens
Certified Mail: 1-7-2021
Initial Hearing: 2-18-2021

New Case

Count 1: Failure to contact the Engineering Department to obtain the proper permits for installation of plants, trees and shrubs on public easements.

The code officer is Roy Owens. Roy Owens requested a continuance to 25 March 2021 for an amended notice of code violation.

18

Case # 21-62

Savoie Construction Inc
Denis Savoie
1724 South Street
Sec. 74-392 Requirement to prevent, control, and reduce storm, water pollutants by the use of best management practices
Officer Roy Owens
Certified Mail: 2-5-2021
Initial Hearing: 2-18-2021

New Case

Count 1: Failure to prevent concrete spilling into the storm drains.

The code officer is Roy Owens. Roy Owens read his testimony and explained that Savoie Construction Inc had concrete running into a storm drain. Denis Savoie who is the owner of the company gave testimony that OMI never had evidence that the concrete went inside the drain. Roy requested a finding of

violation with a \$250.00 administrative fee and a \$250.00 fine. The Special Magistrate granted the finding with fees and fines due to how detrimental this violation is to the ocean.

19

Case # 21-40

230 East 7th Street Associates
C/O Joseph Cohen
300 Front Street
Sec. Unlawful disposal
Officer Laurie Skinner
Certified Mail: 2-1-2021
Initial Hearing: 2-18-2021

New Case

Count 1: Failure to contact Waste Management to pick up trash from the right of way.

The code officer is Laurie Skinner. Jeff Magou from Waste Management was also present. Laurie Skinner read her testimony which explained the trash and recycling on the right of way. Laurie requested a finding and order with a \$250 administrative fee and a fine of \$250.00. The Special Magistrate granted the finding and order with fees and fines.

20

Case # 21-63

Front Street Investments LLC
C/O Joseph Cohen
304 Front Street
Sec. 58-34 Unlawful disposal
Officer Laurie Skinner
Certified Mail:
Initial Hearing: 2-18-2021

New Case

Count 1: Failure to put trash and cardboard on the city right of way for Waste Management.

The code officer is Laurie Skinner. Laurie requested a continuance to 25 March 2021 for good service. The Special Magistrate granted the continuance.

Mitigations

21

Case # 20-1384

Mangoes Restaurant

Daniel Todd Hamer
700 Duval Street
Sec. 20-18 Requirement of wearing facial covering
Officer Sophia Doctoche
Hand Served: 11-21-2020
Initial Hearing: 12-17-2020

Mitigation

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

Daniel J Dingeman who is the owner filed a mitigation offering \$0 out of the \$500.00 that he owes. Dingeman went on to explain that he was never properly noticed about this violation and that the employee was terminated. Director Jim Young and Sophia Doctoche who was the code officer on this original case both gave testimony and explained that this business did received good service. The Special Magistrate denied the mitigation and explained to Mr. Dingeman that he needs to pay the \$250.00 administrative fee and \$250.00 fine due to how the mask ordinance reads.

Adjournment