



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, March 25, 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 # 21-252

Waterfront Brewery

Brian Patrick O'Donnell

201 William Street

Sec. 21-01 Requirement of wearing facial covering

Officer Sophia Doctoche

Hand Served: 2-18-2021

Initial Hearing: 3-25-2021

New Case

Count 1: Failure to wear facial covering in accordance to Ordinance 21-01. - **Repeat**

Sophia Doctoche is the code officer. Joseph Walsh is the owner of the business. Sophia read her timeline. Joseph Walsh stated his argument that Governor Desantis passed a bill on March 10th 2021 which stopped all fines for COVID 19. Nathalia Mellies the assistant city attorney requested a finding and order with a \$250.00 administrative fee. Joseph Walsh argued the \$250.00 administrative fee and stated that this is drawing a fine line with the Governors order. The Special Magistrate granted the Finding and Order with a \$250.00 administrative fee but made it clear that the administrative fee was for all the work that City had to do, to bring this case to hearing.

2

Case # 21-255

Fogarty's
JJ Myhre - Manager
227 Duval Street 2nd floor
Sec. 21-01 Requirement of wearing facial covering
Officer Sophia Doctoche
Hand Served: 2-18-2021
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to wear facial covering in accordance to Ordinance 21-01. - **Repeat**

The officer is Sophia Doctoche and she read her timeline and picture evidence was shown. Joseph Walsh stated he has the same argument as he had on the previous case which is that the Governor of Florida stopped all fines for COVID 19 on March 10th 2021. The Special Magistrate stated that he finds a violation and is imposing a \$250.00 administrative fee like the previous case.

3

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

In compliance as of 11 March 2021; request dismissal

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 he requested a dismissal . The Special Magistrate granted the dismissal.

4

Case # 21-181

GAP

526-528 Duval Retail LLC

526 Duval Street

Sec. 30-1 Fees or false alarms and fire code inspections

Officer Edward Keane

Certified Mail:

Initial Hearing: 3-25-2021

New Case

Count 1: Failure to contact the City of Key West Revenue Department to submit payment for delinquent fees.

Edward Keane is the code officer and he read his timeline. Edward requested a finding and order with a \$250.00 administrative fee and a \$250.00 per day per count. The Special Magistrate granted the finding and order with the \$250.00 administrative fee and \$250.00 fine per day per count if not in compliance by April 5th 2021.

5

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 18 February 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.

Terrence Justice the Chief Building Official spoke on behalf of the City. Terrence stated that James Marsh has obtained two permits that should get this case into compliance. Terrence requested that we give James reasonable time to get into compliance within 60 days. James Marsh agreed with Terrence's statement. The Special Magistrate granted a continuance to 29 April 2021 for a status on the progress.

6

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: 1-27-2021

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.

Troy Montero is the code officer. Nathalia Mellies the assistant City Attorney was also present on behalf of the City of Key West. Troy Montero read his timeline and history of the case. Troy stated that the City if requesting a finding and order and that Jessica Clark pay her back utilities fees or she remove the whole unit all together. Tonna Denny was present on behalf of Jessica Clark and Tonna presented power of attorney paperwork and a Dr note to the Special Magistrate. The Special Magistrate then had Nathalia Mellies look at the paperwork from Tonna. After Nathalia Mellies and the Special Magistrate reviewed the Power of Attorney, they decided to continue this case to 29 April 2021.

7

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 18 February 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.~~

Troy Montero is the code officer. Richard McChensey was present on behalf of the respondent. Nathalia Mellies was present on behalf of the City. Nathalia Mellies stated that she wanted a continuance for compliance since they are taking the proper steps for compliance. Richard McChensey stated that they have applied for a demo permit which will get them into compliance. The Special Magistrate granted the request for continuance to 29 April 2021.

8

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 18 February 2021

Count 1: Failure to apply for fence permits.

Nathalia Mellies the assistant city attorney requested a continuance to 29 April 2021 due to a settlement agreement awaiting signature by the City Manager. The Special Magistrate granted the continuance.

9

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.

The code officer is Troy Montero. Rene Bird and her brother Mr. Green were present on Zoom. Troy Montero read his timeline and picture evidence was shown. Troy then explained that they are in partial compliance and that they are going to contact Planning to see what their options are for the other issues. Troy requested a finding of the violation with a \$250.00 administrative cost along with a 30 day continuance. Director Jim Young requested that a LUD application at least be submitted. The Special Magistrate granted the Finding of Violation with the \$250.00 administrative cost and a \$250.00 fine per day per count if not in compliance by 29 April 2021.

10

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

Continued from 18 February 2021

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

Troy Montero is the code officer. Van Fisher was present on behalf of the respondent. Troy Montero requested a continuance for compliance. Nathalia Mellies the assistant city attorney then stated that they are waiting for a

variance and that this will take about two months but she wants to continue it to 29 April 2021. The Special Magistrate granted the continuance to 29 April 2021.

11

Case # 21-167

Loukas Inc
Albert L Kelley - Registered agent
706 Duval Street
Sec. 30-1 Fees or false alarms and fire code inspections
Officer Troy Montero
Certified Mail:
Initial Hearing: 3-25-2021

In compliance as of 22 February 2021; request dismissal

Count 1: Failure to contact the City of Key West Revenue Department to pay delinquent fire inspection fees.

This case came into compliance on 22 February 2021 with a dismissal request. The Special Magistrate granted the dismissal.

12

Case #21-174

The Sole Man Inc
John M BRandolino - Registered agent
610 Duval Street
Sec. 30-1 Fees or false alarms and fire code inspections
Officer Troy Montero
Certified Mail:
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to pay all past due fees and fines.

The code officer is Troy Montero who requested a continuance for good service. The Special Magistrate granted the continuance to 29 April 2021.

13

Case # 21-182

ICONI KEY WEST LLC
Christian M. Zuelch - Registered agent
533 Duval Street
Sec. 30-1: Fees for false alarms and fire code inspections
Officer Troy Montero
Certified Mail:
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to pay all past due fees and fines.

The code officer is Troy Montero who requested a continuance for good service. The Special Magistrate granted the continuance to 29 April 2021.

14

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

Continuance previously granted to 25 March 2021

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

The officer is Paul Navarro and he read his timeline and showed picture evidence of the violation. Joseph Walsh is the respondent and stated the same argument as the previous cases. The Special Magistrate found an admission of the violation and granted the finding and order with the \$250.00 administrative fee.

15

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

Continuance previously granted to 25 March 2021

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

The officer is Paul Navarro and he read his timeline and showed picture evidence of the violation. Paul Navarro also stated that they were still in violation on the day of the hearing. Joseph Walsh is the respondent and stated the same argument as the previous cases. The Special Magistrate found an

admission of the violation and granted the finding and order with the \$250.00 administrative fee.

16

Case # 21-263

Fogarty's
Natasha Carpenter
227 Duval Street
Sec. 21-01 Requirement of wearing facial covering
Officer Paul Navarro
Hand Served: 2-20-2021
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to wear facial covering in accordance to Ordinance 21-01. - **Repeat**

The officer is Paul Navarro and he read his timeline and showed picture evidence of the violation. Paul Navarro stated in his timeline of the previous violations along with they being in violation still on the day of court. Joseph Walsh is the respondent and stated the same argument as the previous cases. The Special Magistrate found an admission of the violation and granted the finding and order with the \$250.00 administrative fee.

17

Case # 20-1493

Lewis Richard T
Susan Derosé
1102 Washington Street
Sec. 62-2 Obstructions
Sec. 14-37 Building permits; professional plans; display of permits;
address; exceptions
Officer Roy Owens
Certified Mail: 1-7-2021
Initial Hearing: 2-18-2021

Continued from 18 February 2021

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

Count 2: Failure to obtain permits to install plants, trees and shrubs on a public easement.

The code officer is Roy Owens. Roy Owens requested a continuance to 29 April 2021 due to an amended notice that has additional sections cited. The Special Magistrate granted the continuance to 29 April 2021.

18

Case # 21-112

Gardens by Miguel
Miguel Almaguer
1300 15th Ct Lot 7
Sec. 66-102 Dates due and delinquent; penalties
Officer Roy Owens
Certified Mail:
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to pay all fees and delinquencies to the City of Key West Licensing Department.

Roy Owens is the code officer. The city requested a dismissal due to the business being closed. The Special Magistrate granted the dismissal.

19

Case # 21-304

Express Mobile Oil Service LLC
Luis Garcia Orellana
3333 Duck Ave #L 102
Sec. 66-102 Dates due and delinquent; penalties
Officer Roy Owens
Certified Mail:
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to pay all fees and delinquencies to the City of Key West Licensing Department.

Roy Owens is the code officer. Roy requested a continuance for good service. The Special Magistrate granted the continuance to 29 April 2021.

20

Case # 21-355

Morell Insurance Agency LLC
Caren Morell
3424 Duck Ave
Sec. 66-102 Dates due and delinquent; penalties
Officer Roy Owens
Certified Mail: 3-9-2021
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to pay all fees and delinquencies to the City of Key West Licensing Department.

Roy Owens is the code officer. Roy read his timeline. Director Jim Young stated that the delinquency fee is considered the fine. Amanda Brady the Chief Licensing Official stated the breakdown of the fines. The Special Magistrate granted the Finding and Order of \$250.00 administrative along with the \$250.00 licensing penalty and \$26.00 licensing fine.

21

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

Continued to 25 March 2021 for good service

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

The code officer is Laurie Skinner. Laurie Skinner requested a dismissal for compliance. The Special Magistrate granted the dismissal for compliance.

22

Case # 21-358

Nature Treasures Key West
Ira Weisinger
326 Duval Street
Sec. 21-07 Requirement of wearing facial covering
Officer Laurie Skinner
Certified Mail: 3-7-2021
Initial Hearing: 3-25-2021

New Case

Count 1: Failure to wear a facial covering in accordance to Ordinance 21-07.

The code officer is Laurie Skinner. The respondent is Ira Weisinger. Laurie Skinner read her timeline and picture evidence was shown. Laurie requested a \$250.00 administrative fee with a finding and order. Ira the respondent was very argumentative because he had a civil citation for the county which had nothing to do with this hearing. Nathalia Mellies the assistant city attorney

clarified the confusion and explained that the code officers can do civil citations for individuals and then citations for the business and the one that was presented on 25 March 2021 is for the business. The Special Magistrate stopped Ira from speaking due to the back and forth arguments. The Special Magistrate granted the finding and order with a \$250.00 administrative fee.

23**Case # 21-39**

Huglene & Donna Winn

313 Virginia Street

Sec. 26-126 Clearing of property of debris and noxious material required

Sec. 108-677 Parking and storage of certain vehicles

Officer Jim Young

Certified Mail:

Initial Hearing: 3-25-2021

In compliance as of 3 March 2021; request dismissal

Count 1: Failure to remove all yard waste and garbage from the property and to contact Waste Management to arrange for appropriate pick ups.

Count 2: Failure to remove and/or appropriately dispose of derelict vehicle(s) on the property, or attach current license plates to vehicle(s).

The code officer is Jim Young. The City requested a dismissal due to compliance. the Special Magistrate granted the dismissal.

24**Case # 21-344**

Mo's Restaurant

C/O Jean L Delice - Owner

1116 White Street

Sec. 66-102 Dates due and delinquent; penalties

Officer Jim Young

Certified Mail: 3-8-2021

Initial Hearing: 3-25-2021

New Case

Count 1: Failure to renew business tax receipt with the City of Key West Licensing Department.

Jim Young is the code officer and he requested a dismissal for compliance. The Special Magistrate granted the dismissal for compliance.

Adjournment