



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

Code Compliance Hearing

Thursday, October 19, 2023

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 # 23-1011

Gulf Southern Construction Company KW Inc.

David H. Steinmeyer Jr.- **Registered Agent**

1208 Virginia Street

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

Sec. 14-40 Permits in historic districts- **Irreparable**

Officer Paul Navarro

Hand Served: 8-8-2023

Initial Hearing: 8-31-2023

Continued from 28 September 2023

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.- **Irreparable**

Count 2: Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.- **Irreparable**

The Code Officer was Paul Navarro who did not attend the hearing. Assistant City Attorney Nicholas Trovato was present on behalf of the City. Attorney Luke Lanasa from Smith Hawks was present on behalf of the Respondent. Attorney Lanasa stated that they were here on a motion to stay and have come to an agreement to continue the case to December. The Special Magistrate granted a continuance to 7 December 2023.

2

Case # 22-1506

George T. Pallas

1008 White Street

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

Sec. 14-40 Permits in historic districts

Sec. 108-681 Camping vehicles and equipment

Officer Keenan Mellendorf

Hand Posted: 9-19-2023

Initial Hearing: 9-28-2023

Continued from 28 September 2023**Count 1:** Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.**Count 2:** Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.**Count 3:** Failure to not allow residents to live in a parked RV outside of a campground.

The Code Officer was Keenan Mellendorf who was present. Assistant City Attorney Nicholas Trovato was present on behalf of the City. Attorney Luke Lanasa was present on behalf of the Respondent. The Special Magistrate made a disclosure that he has worked with the Respondent George Pallas before, but that will not affect his ruling over the alleged code violation. Assistant City Attorney Trovato asked for a continuance because it was agreed that there will be an inspection at the property. The Special Magistrate granted a continuance to 16 November 2023.

3

Case # 23-1116

Joe Walsh

Walsh Dement Caren

2937 Airport Blvd

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

Sec. 110-259 Duty of private property owner

Officer Sophia Doctoche

Hand Posted: 10-3-2023

Initial Hearing: 10-19-2023

New Case**Count 1:** Failure to clear property of debris and noxious material.**Count 2:** Failure to trim tree branches hanging over the right of way.

The Code Officer was Sophia Doctoche. Assistant City Attorney Nicholas Trovato was present on behalf of the City. The Respondent Joseph Walsh was

present. Officer Doctoche read her timeline and evidence was shown. The Respondent asked Officer Doctoche questions about the previous cases he was cited and Officer Doctoche answered. The Respondent asked Officer Doctoche how she found the violation. Officer Doctoche said that she was doing an area canvas looking for violations in the area. The Respondent referenced Florida State Statute 162 stating that according to the statute only repeat violations should be taken straight to court and the Code Officer shall give reasonable time to correct the violation. Assistant City Attorney Trovato stated that the property is clearly overgrown and the tree branches are hanging lower over the right of way than the approved 6ft which is clear in the evidence that is provided by the City and staff. The Respondent stated that they have cleared the property and will also make sure that the tree limbs will not over hang the right of way. The property is in compliance now and would request to dismiss. The Special Magistrate thought that there was substantial evidence and an admission to the violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 12 November 2023.

4

Case # 23-1138

Katharina Tiffany and Veritas Gassman LLC

Mercado Ventures LLC- **Registered Agent**

1104 Packer Street

Sec. 58-61 Determination and levy of charge

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Sec. 58-61 Determination and levy of charge

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

Officer Ashton Gentry

Hand Posted: 10-3-2023

Initial Hearing: 10-19-2023

New Case

Count 1-4: Failure to apply and obtain a LUD with the City of Key West Planning Department.

Count 5: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

The Code Officer was Ashton Gentry. The Respondent did not attend. Officer Gentry read his timeline and evidence was shown. Officer Gentry asked for a finding of the violation with a compliance date. The Special Magistrate thought there was substantial evidence for a finding of the violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 1 November 2023.

5

Case # 23-970Douglas Robert Fowler- **Musician**

903 Duval Street

Sec. 26-192 Unreasonable noise prohibited

Officer Keenan Mellendorf

Certified Mail: 8-4-2023- **Musician**
Initial Hearing: 8-31-2023

Settlement Agreement

Count 1: Failure to keep music at a legal level.

The Code Officer was Keenan Mellendorf. The Respondent did not attend. Officer Mellendorf stated that there was settlement agreement but the Respondent has not signed the agreement and will not answer any of his calls but he did pay the fines that was associated with the settlement agreement. The Special Magistrate vacated the settlement agreement and found that there was a finding of the violation by the musician and imposed \$250.00 administrative cost and \$250.00 fine for a total of \$500.00.

6

Case # 23-1105

SEP Property Trust 11/15/2017- **Property Owner**

Alicia A. Manfroy

718 Southard Street

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

Sec. 14-40 Permits in historic districts- **Irreparable**

Officer Keenan Mellendorf

Hand Served: 10-12-2023- **Amended Notice**

Initial Hearing: 10-19-2023

New Case

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.- **Irreparable**

Count 2: Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.- **Irreparable**

The Code Officer was Keenan Mellendorf. The Respondent Alicia Manfroy was present. Officer Mellendorf stated that the City would like to dismiss the counts against the property owner Alicia Manfroy due to an admission by the contractor who signed a settlement agreement with the City. The Special Magistrate granted the dismissal of the counts against the property owner.

7

Case # 23-1105

Moore Builders Inc.- **Contractor**

Gary Moore

718 Southard Street

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

Sec. 14-40 Permits in historic districts- **Irreparable**

Officer Keenan Mellendorf

Certified Mail: **Amended Notice**

Initial Hearing: 10-19-2023

Settlement Agreement

Count 1: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.- **Irreparable**

Count 2: Failure to apply and obtain a certificate of appropriateness with the City of Key West HARC Department.- **Irreparable**

This case had a settlement agreement between the City and Gary Moore of \$250.00 Administrative Cost and a fine of \$5,000.00 with a suspended fine of \$5,000.00. The settlement agreement was signed by all parties and the Special Magistrate executed the agreement.

8

Case # 23-1150

Patagonia Ventures LLC

Robert E. Clark LLC- **Registered Agent**

903 Duval Street

Sec. 26-192 Unreasonable noise prohibited- **Repeat**

Officer Keenan Mellendorf

Hand Served: 10-6-2023

Initial Hearing: 10-19-2023

Continuance granted to 16 November 2023

Count 1: Failure to keep music at a legal level.-**Repeat**

This case was previously granted a continuance to 16 November 2023.

9

Case # 23-1150

Griffin, Sean Robert- **Musician**

903 Duval Street

Sec. 26-192 Unreasonable noise prohibited

Officer Keenan Mellendorf

Certified Mail:

Initial Hearing: 10-19-2023

Continuance granted to 16 November 2023

Count 1: Failure to keep music at a legal level.

This case was previously granted a continuance to 16 November 2023.

10

Case # 22-781

Willis Vaughn Luther Key

2712 Staples Ave
Sec. 58-61 Determination and levy of charge
Sec. 90-363 Certificate of occupancy required
Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business
Sec. 14-37 Building permits; professional plans; display of permits; address; exceptions
Sec. 62-2 Obstructions
Officer Paul Navarro
Certified Mail: 9-20-2023
Initial Hearing: 10-19-2023

New Case

Count 1: Failure to apply and obtain a LUD with the City of Key West Planning Department.

Count 2: Failure to achieve a Certificate of Competency.

Count 3: Failure to apply and obtain a non-transient license with the City of Key West Licensing Department.

Count 4: Failure to apply and obtain the appropriate building permits with the City of Key West Building Department.

Count 5: Failure to remove vessel and trailer from the City right of way.

The Code Officer was Paul Navarro who was not present. Director Jim Young was present on behalf of the City. The Respondent Vaughn Willis was present as well. Director Young asked for a continuance due to the code officer having a family emergency. The Respondent objected to the continuance as he would like to get the case over with. The Special Magistrate said it was out of his hands and asked if he would like to continue the case to November or December. The Respondent said November. The Special Magistrate granted a continuance to 16 November 2023.

11

Case # 23-974

Jonathan Ring
1208 Virginia Street
Sec. 14-37 Building permits; professional plans; display of permits; address exceptions- Irreparable
Sec. 14-40 Permits in historic districts- Irreparable
Officer Paul Navarro
Hand Posted: 8-16-2023
Initial Hearing: 8-31-2023

Continued from 28 September 2023

Count 1: Failure to apply and obtain the appropriate building permits from the City of Key West Building Department.

Count 2: Failure to apply and obtain a certificate of appropriateness

with the City of Key West HARC Department.

The Code Officer was Paul Navarro who did not attend the hearing. Assistant City Attorney Nicholas Trovato was present on behalf of the City. Attorney Luke Lanasa from Smith Hawks was present on behalf of the Respondent. Attorney Lanasa stated that they were here on a motion to stay and have come to an agreement to continue the case to December. The Special Magistrate granted a continuance to 7 December 2023.

12

Case # 23-1114

Thomas S. Bremer
409 Frances Street
Sec. 58-31 Container and receptacle requirements
Sec. 62-2 Obstructions
Sec 122-1406 Obstructions to visibility
Officer Laurie Skinner
Certified Mail:
Initial Hearing: 10-19-2023

New Case

Count 1: Failure to remove trash bins from the City right of way.
Count 2: Failure to remove trash bins from the City right of way.
Count 3: Failure to trim trees for corner visibility.

The Code Officer was Laurie Skinner who did not attend. The Respondent did not attend. Director Jim Young was present on behalf of the City. Director Young asked for a continuance for good service. The Special Magistrate granted a continuance to 16 November 2023.

13

Case # 23-496

Gabriel Wright
Kim Fitzke
612 Mickens Lane
Sec. 58-31 Container and receptacle requirements
Sec. 2-939 Revocable licenses
Officer Jim Young
Certified Mail: 6-3-2023
Initial Hearing: 7-27-2023

Continued from 28 September 2023

Count 1: Failure to remove trash bins from the right of way.
Count 2: Failure to apply and obtain a revocable license with the City of Key West Licensing Department.

The Code Officer was Director Jim Young. Assistant City Attorney Nicholas Trovato was present on behalf of the City. The Respondents Kim Fitzke and Gabriel Wright were present. Director Young asked for an extension for the compliance date that was given at the last hearing. The City would like to obtain their own surveys to determine where the City's property lies. The Special Magistrate granted a continuance to 25 January 2023.

14

Case # 23-1146

ECI Construction INC.

J. Jackson- **Registered Agent**

1521 Seminary Street

Sec. 62-1 Deposits of oil, grease or other waste

Officer Jim Young

Certified Mail:

Initial Hearing: 10-19-2023

Continuance granted to 16 November 2023

Count 1: Failure to prevent grease or waste to be placed on the City right of way.

This case was previously granted a continuance to 16 November 2023.

15

Case # 23-673

Waterfront Brewery LLC

Joseph H. Walsh

201 William Street

Sec. 18-615 Revocation or suspension

Officer Sophia Doctoche

Hand Served: 7-21-2023

Initial Hearing: 7-27-2023

Continued from 28 September 2023

Count 1: Failure to contact the City of Key West Licensing and schedule an inspection for the conditional use permit.

The Code Officer was Sophia Doctoche. Assistant City Attorney Nicholas Trovato was present on behalf of the City. The Respondent Joseph Walsh was present. Assistant City Attorney Trovato asked Officer Doctoche questions about what she does for her job and how she performs CUP inspections. Assistant City Attorney Trovato provided Officer Doctoche a copy of Resolution 2012-228 and asked her questions about the Resolution. Assistant City Attorney Trovato asked Officer Doctoche about the inspections she has done at the subject address. Assistant City Attorney added the CUP inspection check list that was done by Officer Doctoche into evidence. Officer Doctoche stated that she performed the CUP inspection and when the business was over the allotted amount of seats she stopped the inspection because the

conditional use was violated. Officer Doctoche also stated that Amanda Brady Chief Licensing Official explained to Mr. Walsh that he can either remove the seats or he can go back to Planning Board to amend the resolution. Assistant City Attorney Trovato asked Officer Doctoche if she had performed any other inspections at the subject address after the first inspection failed and Officer Doctoche answered yes and stated when she did the other inspections and that the chairs were not in compliance. The Respondent asked Officer Doctoche a series of questions which she answered. The Special Magistrate thought there was substantial evidence to find that there is a violation and imposed \$250.00 administrative cost and \$250.00 per count per day if not in compliance by 3 November 2023.

Adjournment