



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Code Compliance Hearing

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Friday, October 9, 2020

9:00 AM

City Hall

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**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 # 19-672**

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 9 October 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**

This case went before the Special Magistrate on 9 October 2020. Susan Cardenas is the representative for Sean Creedon and Peter Braun. Ron Ramsignh is the representative on behalf of the city of key west. There was some discussion on the counts that were cited on the notice of hearing and notice of code violation and how they were not numbered correctly. Susan Cardenas and Ron Ramsignh discussed the counts and who was cited and then proceeded to the hearing starting with Sec. 122-837 which is permitted uses. Ron Ramisignh called Dorian Patton on behalf of the city of key west to testify. Dorian Patton testified that he was the code officer that this case was reassigned to and he explained the complaint that he received on this property. Ron Ramsignh went to show a video of a washing machine that is being used on the property at night. Susan Cardenas objected to watching a video of a washing machine being used at this property when they have a property management license which is why the washing machine is being used. Ron Ramsignh argued the section 122-837 does include the various uses of this property. Susan Cardenas then stated that the city did not cite the property owner for the washing machine water discharge and that this count is only for the Tree man using this property to complete industrial work. Susan Cardenas went on to argue that due process was not given for Ron Ramisgnhs claims that Harris School has people living in and that the washing machine is being used for that. Ron Ramisgn responded that this particular section 122-837 Use Permitted has various items that fall under this section in the code. The Special Magistrate then responded by objecting Ron Ramsigns request and that the washing machine is not cited anywhere on the notices. Ron Ramsing proceeded to question Dorian Patton on the chipping aspect of the complaint. Dorian Patton testified that he took pictures and videos and witnessed the activity that Tree man would do on the back parcel of this property which is zoned residential. Susan Cardenas then questioned Dorian Patton on what kind of activity went on at this property under permitted uses. Ron Ramsign then asked Dorian Patton about Treeman driving their trucks through the property to perform the commercial operation of chipping. Susan Cardenas then requested to dismiss this count because the city has not proven that Treeman is in violation of city code on the front parcel. The Special Magistrate then asked Susan Cardenas if her client is denying driving through the property to do commercial chipping and that it is a use and her request for dismissal was noted. Ron Ramisgn then moved onto the next count for disturbing noise sec. 26-192. He called Dorian Patton to testify. Dorian Patton testified that he did investigate a disturbing noise complaint and witnessed Treeman unloading tree debris onto the property and chipping it. Dorian stated that this chipping was jarring. Ron Ramsign then showed a video of the

Treeman chipping wood. Ron then questioned Dorian Patton more. Dorian Patton stated that the previous code officer warned the Treeman to stop the operation. Dorian stated that yes they stopped but then continued the chipping on and off. Susan Cardenas objected Dorian Patton's testimony that he believes a warning was issued to Treeman to cease operation. The Special Magistrate had an issue with this because of the validity of the statement made by Dorian Patton. Dorian Patton rephrased his statement and said that in discussion with the previous code officer she told him that she warned them to cease operation. The Special Magistrate then denied Susan Cardenas objection. Susan Cardenas then went on to discuss the disturbing noise ordinance and ask Dorian Patton various questions on the complaints and noise. Then Ron Ramsign and Susan Cardenas discussed the residential and commercial lots on this property and where Treeman was doing his operations at which was on the residential side. Susan Cardenas asked Dorian Patton various questions on the location of the vehicles from the building which Dorian responded with he wouldn't know since the city is trespassed from the property so they cannot measure. Ron Ramsign then called Maureen Bramalage to testify via zoom. Maureen lives at 812 Carsten Lane. Ron asked her about the disturbing noise. Maureen went on to explain how the Treeman would chip wood on the Harris School property and how loud and offensive it was. Ron Ramsign then called the next witness Michael McGruff to testify. Michael stated his address 822 Carsten Lane and then went on to explain how the wood chipping affected him not being able to take a nap or answer phone calls for work. Ron asked Michael if the video that he showed earlier was a video that he took which he responded with yes. Susan Cardenas then went on to question Michael McGruff on the disturbing noise that he complained about. Ron Ramsingh then played a video containing a leaf blower. The Special Magistrate asked Susan Cardenas if she has seen the video and she responded with no. Ron Ramsign said he previously supplied the video to her. The Special Magistrate allowed the video to be played. Susan Cardenas didn't object to the video. Ron Ramsign then called Kevin Scott to testify. Kevin Scott went on to testify on what the Tree man would chip and how loud and disturbing it is. Kevin Scott went on to state that they would do this chipping work all over the property and that it continued to happen until June 2020 before he left town. Ron Ramsign asked Kevin Scott if Tree man worked on the commercial and residential side. He responded by saying that Tree man would chip on both sides. Ron Ramsign then asked Laurie Scott to testify. Laurie Scott stated that she lives at 818 Carsten Lane and that in addition to Kevin Scott's testimony, Tree man brings various other large trucks onto the property to operate. Susan Cardenas had no cross examination. The Special Magistrate then proceeded to ask Maureen Bramalage for her testimony. Maureen went on to explain how the Tree Man workers not only have loud machinery being operated on the property but that the workers starting their trucks in the mornings is loud and the workers themselves are loud. Susan Cardenas went on to question Maureen about where her house is located on Carsten lane and how many feet she is from the Harris School. Susan Cardenas argued the counts that were cited on the notice of code violation and the notice of hearing. The Special Magistrate said that count 5 needs to be continued for due process and technical issues on the city's part. Susan Cardenas went on to call her witnesses to the stand and to make her defense. Susan is going to present evidence for counts 1-4. Ron Ramsign and Susan Cardenas went on to argue if count 5 had proper notice. Susan Cardenas called Peter Bauer to the stand to testify. Susan Cardenas went on to ask Peter Bauer questions on what he does for Peter Brawn. Peter Bauer went on to explain that he does all the

property maintenance and that all the palm fronds that are brought to the Harris School are from the other various properties that Peter Brawn owns. Susan Cardenas went onto explain that there is a non conform use grandfathered into the Harris School. The Special Magistrate questioned relevance and allowed her to continue but stated she needs to submit a lot of paperwork to prove this. Ron Ramsign then began to question Peter Bauer about his testimony on the library telling him what the Harris School use to be used for in the past. Susan Cardenas then began to ask Peter Bauer more questions on what the Harris school was used for commercially. Ron Ramsing then cross examined Peter Bauer by asking him why he placed the trees around the property to create privacy. Peter Bauer stated that the owner specifically wanted buttonwoods planted on the property. Ron Ramsign then asked Peter Bauer about a painted line on the Margaret street side of Harris School which to Peter responded with no. Ron Ramsign went on to question Mr. Bauer on his familiarity of the property and if there is any apartments or living quarters inside the Harris School. Susan Cardenas objected to Ron Ramsigns questions to Peter Bauer. The Special Magistrate allowed Ron Ramsign to continue his questioning. Ron Ramsing asked Peter why Trevor the security guy is living in the building. Peter went on to explain that people break into the building a lot and that is why they need a security guard twenty four hours, seven days a week. Mr. Bauer went on to explain to Ron that he has always taken debris from other properties that Mr. Brawn owns to the Harris School to be chipped. Susan Cardenas then questioned Peter Bauer about his leaf blower to which Peter responded that he uses a back pack leaf blower to clear the sidewalks around the property. Susan Cardenas then called Jenny who use to be on the board for the MARC house who went on to testify all the activities that took place on the Harris School property. Ron Ramsign then cross examined Jenny by asking her what kind of commercial activities went on to which she responded that she has never seen commercial grade chippers on the property. Ron Ramisgn then asked Jenny if she is aware of MARC having and licensed for all the activities that took place on the property to which she responded that she was not aware of any. Susan Cardenas then called Sean Creedon as her next witness to testify. Susan Cardenas asked Sean Creedon if he owns Tree Man Tree Service to which he responded with yes. Sean Creedon went on to explain the type of chippers that he owns and uses and how long he has worked for Peter Brawn. Mr. Creedon explained that he chips all of Peter Brawns debris from his properties around Key West. Mr. Creedon stated that he never knew of any line that separated the commercial and residential parts of the property and went on to explain that he would use hand held leaf blowers, chippers and occasionally a chainsaw if Peter Brawn needed something cut down. Susan Cardenas asked Sean Creedon if he ever remembers getting a warning from a code officer to which he responded that he never got a warning from a code officer and or police officer. Ron Ramsign then cross examined Sean Creedon and asked him what the relationship is between him and Peter Brawn to which he responded that he chips all the debris from the properties that Peter Brawn owns in exchange for him to park all his equipment on the Harris School property. Ron Ramsign then showed Sean Creedon pictures that display the lines that separate the commercial parcel from the residential parcel to which Sean Creedon responded that his trucks are not on the residential side that Ron claims they are. Susan Cardenas then called the last witness Peter Brawn to make a testimony. Susan asked Peter Brawn the history of the property and what it use to be used for and all the commercial activities that use to take place on the property to which he responded yes to. Susan then went on to question Peter Brawn about his

licensed commercial parking lot to which he responded that once they showed the city the license, they closed the case but never advised Mr. Brawn about what restrictions that license may entail. Peter Brawn gave testimony that he owns many properties and businesses in Key West and overseas and that because of the time differences, he has people working at all hours at the Harris School. The Special Magistrate called the meeting to an end. This meeting will be continued at a later date.

### Adjournment