



Chester Kalb **The Florida Keys Only Daily Newspaper, Est. 1876**

KEY WEST

THE CITIZEN

Kalb reaches historic milestone — Page 1B



Sunday

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WEATHER



Joseph Tate Garr, fifth grade, The Basilica School

See forecast on Page 2A

FLORIDA

Disney increasing park tickets

Walt Disney World is increasing single-day tickets at certain times of the year and setting expiration dates on tickets in hopes of preventing overcrowding during the theme parks' busiest times, company officials said Saturday. The single-day ticket prices are either staying the same or are increasing no more than \$5 under the new price structure that goes into effect Sunday. **Page 8A**

NATION

Anti-abortion activists rally around country

Anti-abortion activists emboldened by the new administration of President Donald Trump staged rallies around the country Saturday calling for the federal government to cut off payments to Planned Parenthood, but in some cities counter-protests dwarfed the demonstrations. Thousands of Planned Parenthood supporters, many wearing the pointy-eared pink hats popularized by last month's women's marches, turned out for a rally in St. Paul, Minnesota. **Page 9A**

WORLD

Rockets hit Baghdad after clashes

Two rockets landed in Baghdad's highly fortified Green Zone on Saturday night following clashes at anti-government protests that left five dead, according to Iraqi security and hospital officials. The rocket attack left no casualties as the munitions landed on the parade grounds in the center of the highly fortified Baghdad compound that is home to Iraq's government and most foreign embassies. **Page 12A**

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Transient rentals at center of lawsuit

BY TIMOTHY O'HARA
Key West Citizen

Millionaire hotel developer Pritam Singh has found himself on the other side of the transient rental debate in what could be described as a neighbor dispute on steroids.

Singh is suing seven of his neighbors to keep them from renting transiently just feet from his brand new multimillion dollar hotel at the site of the old Oceanside Marina on

Stock Island.

Singh and his neighbors live in a 22-unit condo complex referred to by owners as Oceanside 22, which abuts Ocean's Edge, his new posh hotel and marina.

The battle wages while there is public scrutiny over the number of hotel units the Monroe County government granted Singh for the hotel.

On Wednesday in Key West, the Monroe County Commission and

its planning staff will discuss how Singh was allowed to essentially double the number of units at the new development through the use of lock-out units.

Commissioner Heather Carruthers has proposed a moratorium on lock-out units until the county can review and tweak its regulations to get a better handle on what people are now calling a loop hole.

Generally, transient rental cases

like Singh's are handled by the Monroe County code enforcement department. Code enforcement has looked into Singh's complaints and appears to be siding with him in the matter so far.

County officials have said the owners do not have the county-issued vacation rental permits necessary to rent to tourists.

Code enforcement department

See **RENTALS**, Page 7A

FRUITY FLAVORS



BRIAN BASHAM/The Citizen

Austin Daly, right, shows Shirley Potasiewicz, of New York, a jackfruit at the Grimal Grove produce stand during Saturday's GardenFest: The Green Marketplace at the Key West Tropical Forest and Botanical Garden. He explained how the fruit hangs off a tree, and that Juicy Fruit gum uses the flavor of the jackfruit. GardenFest continues today from 10 a.m. to 4 p.m.

Battle over public records in property dispute

BY SCOTT UNGER
Key West Citizen

What qualifies as a public record is at the center of the latest debate in the saga between property owners on Eaton Street.

Attorneys for the City of Key West and Historic Architectural Review Commission member Bert Bender maintain they have complied with public records requests relating to properties located at 616 Eaton St. and 416 Elizabeth St.

A writ of mandamus (used to urge government officials to comply with duties) was filed by attorney Bart Smith, representing 616 Eaton St. owners Mark and Kristina Serbinski, alleging Bender refused to provide public correspondence regarding the two properties.

According to the Monroe County Property Appraiser's website, 416 Elizabeth St. is owned by Minnesota company Far Niente LLC, whose principals are Stan and Dana Day. The Days are part

See **DISPUTE**, Page 7A

Early reports indicate crime down in the Keys

BY ADAM LINHARDT
Key West Citizen

Preliminary statistics compiled by the Monroe County Sheriff's Office and Key West Police for 2016 keep with the trend in recent years reflecting steady decreases in crime in the Florida Keys.

The Sheriff's Office numbers are for

all areas of Monroe County excluding Key West, which keeps its own statistics. Both agencies submit their numbers to the Florida Department of Law Enforcement, which compiles the data statewide and then issues an official report later in the year.

One important reminder, particularly in the Keys, is that violent crime in the island chain is much rarer

than on the mainland, so just a few instances of violent crimes such as murder, rape or armed robbery can result in a large difference in the percentages from year to year.

For instance, there were two murders in the county in 2016 as opposed to one in 2015. There was one mur-

See **CRIME**, Page 6A

Marathon expands affordable housing development options

BY MANDY MILES
Key West Citizen

Developers and county officials broke ground Friday on Caya Place, a two-part neighborhood that will feature 42 new affordable-housing apartments between Marathon and Big Pine Key.

Scheduled for completion in October, Caya Place will include 26 units in Marathon and 16 units on Big Pine. The new construc-

tion of the \$15.7 million Caya Place will look very similar, structurally, to the recently completed apartment complex in Marathon known as 73 Ocean, which added 51 apartments to the Middle Keys' scarce inventory of affordable housing.

While breaking ground on Caya Place, the same officials on Friday celebrated a grand opening at 73 Ocean, which opened in October.

"The reduced inventory

of workforce housing in the Florida Keys has created challenges for the community, including extensive commutes for employees and congestion on U.S. 1," said Martin Flynn, principal of Tri-Star Affordable, which partnered with Alden Capital Partners to build 73 Ocean and Caya Place.

"We are proud to spearhead the development of Caya Place, as it will provide

See **HOUSING**, Page 7A



Thierry Dehove Photography

73 Ocean Apartments in Marathon has 51 affordable housing units with developers planning another 42 units in both Big Pine Key and Marathon.



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FROM PAGE 1

Housing

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much-needed affordable housing options for families within closer proximity to employment destinations.”

The two companies utilized \$10 million in low-income housing tax credit financing for Caya Place and 73 Ocean. The LIHTC funding encourages the

construction of affordable housing projects.

“The Florida Keys are critically underserved when it comes to affordable housing,” said Dana Mayo, executive vice president of Alden Capital Partners. “We are proud to work on a development that changes this narrative and provides this narrative and provides quality affordable housing.”

All 93 new apartments

are green-certified and feature stainless steel appliances and in-unit washers and dryers, which are considered a luxury for the vast majority of Keys workers.

The rents at Caya Place will be based on income, with one-, two- and three-bedroom apartments reserved for very-low, low- and moderate-income residents earning between 25 and 60 percent of the area’s

median income, which is \$72,500 for a family of four.

Rents for one-bedroom units will range from \$185 for low-income residents to \$749 for moderate-income residents. The larger three-bedroom units will range from \$277 to \$1,059.

There will be six one-bedroom units, 22 two-bedroom units and 14 three-bedroom units.

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Greeks prepare to evacuate 75,000 to defuse WWII bomb

THE ASSOCIATED PRESS

THESSALONIKI, Greece — Authorities in the northern Greek city of Thessaloniki distributed fliers and put up posters Friday as part of preparations to evacuate about 75,000 people in order to defuse a 500-pound unexploded World War II bomb.

Bomb disposal experts are to tackle the device, found buried beneath a gas station, on Sunday in an operation expected to last about six hours. All residents in a nearly 2-kilometer (1.2-mile) radius are to be evacuated, starting at 7 a.m. (0500 GMT) Sunday. Authorities will also evacuate a nearby refugee camp with about 450 residents.

The bomb, dropped during an air raid on the city in the 1940s, was found last week during work to expand fuel storage tanks.

A state of emergency has been declared in the three municipalities involved and

about 1,000 police and 300 volunteers are expected to help out during the evacuation, Thessaloniki’s Deputy Governor Voula Patoulidou told The Associated Press.

“It is the first time something like this is happening in Greece,” Patoulidou said. “The transfer of all residents is mandatory and we will go door-to-door to make sure everyone leaves.”

Thessaloniki’s long-discovered buried beneath a gas station, on Sunday in an operation expected to last about six hours. All residents in a nearly 2-kilometer (1.2-mile) radius are to be evacuated, starting at 7 a.m. (0500 GMT) Sunday. Authorities will also evacuate a nearby refugee camp with about 450 residents.

Traffic along a major road nearby will be halted, while churches in the area will not hold services.

Army spokesman Col. Nikos Fanios said the device’s exterior was too degraded to be able to determine whether it was a German or an Allied bomb.

But one resident says he recalls the day it fell.

Dispute

Continued from Page 1A

of a group of neighbors who have been involved in several different legal battles with the Serbinskis. The most recent and pending lawsuit, filed solely by the Days, is attempting to rescind their sale of the property to the Serbinskis.

The group of neighbors previously appealed approvals by HARC and the issuance of building permits for the Serbinskis’ planned renovations.

Attorney Wayne Smith, who represents both Far Niente and Bender, said Bender was retained as an architectural expert for Far Niente before becoming a HARC member and because

of the legal relationship, Bender was recused for all HARC decisions with 616 Eaton.

“Mr. Bender’s correspondence with the neighbors and their legal team cannot, under this definition, be ‘public records.’ In our view, the strong arm tactic of filing this lawsuit (urging the release of additional documents) appears to us to be nothing more than an attempt by the Serbinskis’ lawyers to obtain privileged communications, which they could not otherwise obtain under the evidentiary rules, for use in the other pending litigation — probably the rescission suit,” Wayne Smith said.

Key West City Attorney Shawn Smith echoed the argument of Wayne Smith.

“The City has complied in all respects with the public records request,” Shawn Smith said. “It appears to me that the records requested from Mr. Bender relate to an outside business relationship and were not made or received within the scope of his duties as a member of HARC.”

The legal filings are clear and within the scope of law, according to Bart Smith.

“Any communication (Bender) received from HARC commissioner from HARC staff is a public record,” he said. “Mr. (Wayne) Smith does not understand the basis of the petition for writ of mandamus, which is Mr. Bender’s refusal to (supply) public records he is required to under the law. As to the

rescission suit, Mr. Bender is not a party and therefore there is no attorney-client privilege that extends to experts and therefore all documents (should be obtainable) from Mr. Bender in that suit.”

“Mr. (Wayne) Smith’s arguments are legally deficient and we will try this case in court.”

In a status hearing held on Feb. 2, Circuit Court Judge Timothy Koenig ordered the city and Bender to respond to the writ of mandamus complaint within 20 days. Once the two sides respond, the Serbinskis will have 10 days to respond, according to Bart Smith.

A hearing on the rescission lawsuit is scheduled for Feb. 22.

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Rentals

Continued from Page 1A

has cited the owners but the cases have been continued until the court rules, which could be as early as March or April.

County code does allow individual residents to sue each other over the issue and the court to decide whether the rules are being followed. The case has the potential to set precedent on how the county handles transient rentals of people’s personal homes.

The case has pitted Singh against seven of his neighbors in a legal battle that has attorneys on both sides reviewing decades of county planning documents and decisions for the entire Oceanside Marina property.

The situation has escalated to the point that Singh has personally been interviewing and videotaping those who rent the units, which the defendants contend is harassment.

Singh purchased seven units at Oceanside 22 shortly after he purchased

Oceanside Marina and started working on redeveloping it into a posh hotel and marina.

Singh and his wife live in the top corner condo on the Ocean 22 building and he said that “illegal” transient rentals are disrupting his family’s “quiet and peaceful enjoyment” of their home.

Singh admits that he was interested in renting to tourists as well, but asked the county for permission and they said no.

Singh did rent to tourists on three occasions but only because the previous owner agreed to it and the guests were visiting after the sale, he said.

The defendants in the case claim they have a vested right to transient rental, and are not trying to hide the fact they rent to tourists as they claim the county has previously recognized that right.

The main issue in the case stems from a 1997 county land-use rule that regulated transient rentals at that time and was in effect when the condo complex development plan was approved in 2000.

At issue is whether the owners at Oceanside 22 have to and/or can obtain an annual “special vacation rental permit,” which is issued by the planning director. A denial of the permit can be appealed to the county Planning Commission.

“An owner or agent must obtain a special vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental as defined in code 9.5-4 (V-5). Except that vacation rental of a dwelling unit within a controlled access, gated community or within a multi-family building with 24 hour, on-site management or 24 hour supervision does not require a special vacation rental permit,” the regulation reads.

Both sides in the lawsuit interpret the rule differently. Carolyn Salzman, who owns a unit and is being sued by Singh, argued that there is controlled access because the entire property, including Singh’s hotel and marina, is fenced and there is one entrance point.

Salzman and others don’t

have the county’s special vacation rental permit, but have a state-issued hotel license and a county Tax Collector’s Office tax license and have been paying taxes from revenues earned by transiently renting the units, she said.

The county has “recognized the use,” and it has been part of the basis for approvals of other transient rental use proposals at Oceanside Marina, Salzman said.

“There is no way we need this license,” Salzman said. “We always held this vested property right to do this.”

Singh contended there is no controlled access and no gate on his property or the condo property.

There is no physical gate, guard house or security guard currently stationed at the entrance to the entire hotel marina property, which includes the 22-unit condo complex. There was once a guardhouse at the entrance to Oceanside Marina.

Singh contended that the Oceanside 22 building should have its own fence, gate or guardhouse with

security if they want to comply with the county’s transient rental ordinance and the fence around the greater marina property is not sufficient, he said.

“There is no gate. There is no security guard,” Singh said. “People can come and go as they please.”

He argued that there is controlled access to the hotel’s buildings and pools that are locked with key cards. His guests have to check in and have their vehicles registered with the hotel to park there.

The code has since changed, but remains similar in what needs to be done to be exempted from the annual special vacation rental permit. In addition to the gate and controlled access, the new code requires a property owners association to regulate or manage vacation rentals.

Salzman contended that the lawsuit is all part of Singh trying to control all aspects of the property that was once Oceanside Marina, including their condos and the marina’s docks.

In the past several years, Singh has evicted live-

aboard boaters and replaced them with fishing yachts, shut down the boat ramp and torn down the original boat barn, all of which was done with the county’s approval.

Salzman said the dispute has reached a point in which Singh has harassed guests staying at the complex.

Singh admits that he has stopped and interviewed people at the pool and in the parking garage and videotaped those interactions.

One video shows him asking a female guest about hopping the fence after pool hours and using the hot tub. Another shows him at dusk recording loud music coming from one of the rented units.

The case now involves several attorney’s filing dozens of motions and different legal filings for injunctions and other legal actions.

Next month, Tavernier-based Judge Luis Garcia will rule on Salzman’s motion to dismiss the case. If the motion is not granted, the judge could rule in April for summary judgment for any of the parties.

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