

**MINUTES**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, AUGUST 19, 2014**

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, August 19, 2014.

Mayor Craig Cates called the meeting to order at 6:00 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Mark Rossi, Billy Wardlow, Jimmy Weekley, Tony Yaniz and Mayor Craig Cates.

Father Tom Sterner, First Congregational Church, gave the invocation.

The pledge of allegiance to the flag of the United States of America was given by all present.

**CHANGES TO THE AGENDA:**

Commissioner Wardlow requested Resolution Item #8 be removed from the Consent Agenda.

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow to approve the agenda as changed.

The Mayor asked for objections and seeing none the agenda was approved.

**PRESENTATIONS:**

City Attorney's Report

City Attorney Smith had no report

City Manager's Report

City Manager Scholl advised the vacant position for Assistant City Manager had been posted and in-house applications are being accepted.

Mayor Cates requested the City Manager to research the permit allowance for removing seaweed that has accumulated in the water against the jetty at Smathers Beach.

Commissioner Weekley requested the City Manager to look into business entities using public property for profit.

#### **CONSENT AGENDA:**

The Deputy Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow to approve the consent agenda items.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolutions as read.

#### **RESOLUTIONS:**

##### **RESOLUTION NO. 14-218**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE TERM OF THE HISTORIC ARCHITECTURE REVIEW COMMISSION – FAIR INSURANCE RATES MONROE COUNTY TASK FORCE (HARC-FIRM TASK FORCE) TO SUNSET NINE MONTHS AFTER THE FIRST MEETING OF THE TASK FORCE; PROVIDING FOR A SUNSET DATE ; PROVIDING FOR AN EFFECTIVE DATE**

##### **RESOLUTION NO. 14-219**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PARROT HEADS IN NAUTURAL SETTINGS, INC. TO CONDUCT PARROT HEADS IN PARADISE STREET PARTY ON FRIDAY, OCTOBER 31, 2014 FROM 8:00 A.M. TO 6:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 400 & 500 BLOCKS OF DUVAL STREET; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF CODE OF ORDINANCES FROM 8:00 A.M. TO 6:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-220**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING “KEY WEST HALF MARATHON, INC.” TO CONDUCT THEIR 17<sup>TH</sup> ANNUAL HALF MARATHON AND 5K RUN ON SATURDAY, JANUARY 17, 2015 FROM 12:00 NOON TO 7:00 P.M. AND SUNDAY, JANUARY 18, 2015 FROM 6:00 A.M. TO 12:00 NOON AT THE HALF SHELL RAW BAR, 231 MARGARET STREET; AUTHORIZING CERTAIN STREET CLOSURES THEREOF DURING EVENT; AUTHORIZING THE SALE AND CONSUMPTION OF ALOCHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PURSUANT TO THE TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-221**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AND APPROVING THE LOCATION AND PLACEMENT ON SMATHERS BEACH OF A MEMORIAL PLAQUE TO COMMEMORATE DIANA NYAD’S HISTORIC SWIM FROM CUBA TO KEY WEST; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-222**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EXEMPTION TO COMPETITIVE BID REQUIREMENTS FOR THE PURCHASE AND INSTALLATION OF FIRE SUPPRESSION SYSTEMS FOR THREE CONCESSION STANDS FROM ATLANTIC COAST RESTAURANT AND MECHANICAL SERVICES, PURSUANT TO SECTION 2-797 (4) OF THE CODE OF ORDINANCES, IN A TOTAL AMOUNT NOT TO EXCEED \$38,134.00; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-223**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING THE PROPOSED ACTIVITIES, INCLUDING LOCAL COST SHARE, OUTLINED IN THE 2015/2016 LOCAL GOVERNMENT FUNDING REQUEST (LGFR) TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR REST BEACH RENOURISHMENT ACTIVITIES; AUTHORIZING THE CITY TO ACT AS A LOCAL SPONSOR, AND TO REGIONALIZE WITH THE STATE**

**DIVISION OF PARKS AND RECREATION; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-224**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF KEY WEST AND THE MONROE COUNTY SCHOOL DISTRICT REGARDING A SCHOOL RESOURCE OFFICER AT KEY WEST HIGH SCHOOL AND HORACE O'BRYANT SCHOOL FOR THE 2014-2015 SCHOOL YEAR; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-225**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING THE ACCEPTANCE OF THE ATTACHED GRANT AWARD FOR TOURIST DEVELOPMENT COUNCIL (TDC) TAX FUNDING IN THE AMOUNT OF UP TO \$243,475.00 FOR CONSTRUCTION OF THE VIETNAM VETERAN'S MEMORIAL PROJECT; AUTHORIZING NECESSARY BUDGET AMENDMENTS AND TRANSFERS TO ACCEPT THE FUNDING; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AWARD AGREEMENT AND RELATED PAPERWORK; PROVIDING FOR AN EFFECTIVE DATE**

The said Resolutions were thereupon declared by the Mayor to have been duly passed and adopted and were authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 14-226**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A DESIGN TASK ORDER TO STANTEC CONSULTING SERVICES, INC. FOR THE BAHAMA VILLAGE CONNECTIVITY PROJECT-GERALDINE STREET ENHANCEMENTS IN AN AMOUNT NOT TO EXCEED \$38,982.00; PROVIDING FOR AN EFFECTIVE DATE**

The Deputy Clerk read the title of the Resolution.

The following people spoke on the matter:

City Manager Scholl  
Engineering Director Jim Bouquet

It was moved by Commissioner Rossi and seconded by Commissioner Lopez for discussion, that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Weekley, Yaniz and Mayor Cates

Nays: Commissioner Wardlow

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**QUASI-JUDICIAL HEARING: EASEMENT & FEE WAIVER**

**RESOLUTION NO. POSTPONED TO SEPTEMBER 16**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF 129 SQUARE FEET, MORE OR LESS, TO ADDRESS THE ENCROACHMENT OF EXISTING BRICK PAVERS INTO CITY RIGHT-OF-WAY ABUTTING THE PROPERTY LOCATED AT 951-955 CAROLINE STREET, KEY WEST, FLORIDA (RE #00002970-000000; AK #1003069); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Deputy Clerk read the title of the Resolution.

It was moved by Commissioner Weekley and seconded by Commissioner Rossi for discussion, that the Resolution be postponed to the September 16<sup>th</sup> Commission meeting.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to postpone the Resolution.

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**QUASI-JUDICIAL HEARING: REVOCABLE LICENSE**

**RESOLUTION NO. 14-227**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY OF KEY WEST TO ENTER INTO A REVOCABLE LICENSE AGREEMENT FOR NONPERMANENT USE OF CITY PROPERTY TO MAINTAIN AN EXISTING WOOD FENCE LOCATED ON CITY RIGHT-OF-WAY ABUTTING THE PROPERTY LOCATED AT 1119 OLIVIA STREET (RE #00022290-000000, AK #1023078) PURSUANT TO SECTION 2-939 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Deputy Clerk read the title of the Resolution.

The following people spoke on the matter:

Bill Shepler, Architect representing the owner Lynn Hallum  
Don Craig, City Planner

It was moved by Commissioner Rossi and seconded by Commissioner Weekley for discussion, that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCES – FIRST READING:**

**ORDINANCE NO. PASSED TO SECOND READING**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES ENTITLED “SOLID WASTE” BY AMENDING SECTION 58-65 TO ADJUST RESIDENTIAL SOLID WASTE RATES; AMENDING**

**SECTION 58-66 TO ADJUST DUMPING FEES FOR  
COMMERCIAL ESTABLISHMENTS AND LICENSED  
BUSINESSES; AMENDING SECTION 58-67 TO ADJUST  
COMMERCIAL SOLID WASTE RATES; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR REPEAL OF  
INCONSISTENT PROVISIONS; PROVIDING FOR AN  
EFFECTIVE DATE**

The Deputy Clerk read the title of the Ordinance.

The following people spoke on the matter:

Black Dog, Sunset Marina  
Steve Russ, 3220 Riveria Drive  
City Attorney Smith

It was moved by Commissioner Yaniz to amend the Ordinance by inserting the word  
“maximum” before the word Solid in Sections 58-65 and 58-66 and seconded by Commissioner  
Lopez and that the Ordinance be passed on first reading.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Lopez, Rossi, Wardlow, Yaniz and Mayor Cates

Nays: Commissioners Johnston and Weekley

The said Ordinance was thereupon declared by the Mayor to have been duly passed on  
first reading.

**SO ORDERED**

**ORDINANCES – SECOND READING: (PUBLIC HEARING)**

**ORDINANCE NO. 14-15**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
PURSUANT TO SECTION 1.05 OF THE CHARTER OF THE CITY  
OF KEY WEST, FLORIDA, PROPOSING A REFERENDUM TO  
PERMIT AN AMENDMENT TO THE LAND DEVELOPMENT  
REGULATIONS TO PROVIDE AN EXCEPTION TO BUILDING  
HEIGHT REGULATIONS FOR THE SPECIFIC PURPOSE(S) OF  
PROTECTING HOMES AND POSSESSIONS DURING FLOOD  
EVENTS; TO MITIGATE RISING INSURANCE RATE  
DISCOUNTS CITYWIDE BY IMPROVING THE CITY'S**

**COMMUNITY RATING SYSTEM STANDING; AND IN  
RESPONSE TO COMPREHENSIVE PLAN POLICIES RELATED  
TO ADAPTION; SETTING THE GENERAL ELECTION OF  
NOVEMBER 4, 2014, AS THE DATE OF REFERENDUM;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL  
OF INCONSISTENT PROVISIONS; PROVIDING FOR AN  
EFFECTIVE DATE**

The Deputy Clerk read the title of the Ordinance.

The following people spoke on the matter:

City Manager Scholl  
Margaret Romero, 1615 Washington Street  
Judy Martinez, 1020 Emma Street – 3a  
Sloan Bashinsky, 1711 Seminary Street  
Steve Russ, 3220 Riviera Drive  
City Planner Craig

It was moved by Commissioner Yaniz and seconded by Commissioner Wardlow, for discussion, that the Ordinance be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCE NO. 14-16**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
PURSUANT TO SECTION 1.08 OF THE CITY CHARTER,  
CALLING FOR A REFERENDUM AUTHORIZING THE CITY OF  
KEY WEST TO ACCEPT TITLE TO APPROXIMATELY 8.87  
ACRES OF LAND LOCATED AT 1801 NORTH ROOSEVELT  
BLVD., AND COMMONLY REFERRED TO AS CITY MARINA  
AT GARRISON BIGHT FROM THE STATE OF FLORIDA  
WITHOUT COST FOR CONTINUED USE FOR PUBLIC**



**PARKING, PUBLIC BOAT RAMPS, PUBLIC DOCKMASTER FACILITY, AND A COMMERCIAL AND LIVE-ABROAD MARINA; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 4, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

The Deputy Clerk read the title of the Ordinance.

The following person spoke on the matter:

Judy Martinez, 1020 Emma Street – 3a

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Ordinance be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**DISCUSSION:**

**PEARY COURT**

**CITIZEN COMMENTS:**

Steve Dawkiys, 1212 Angela Street  
Lori Bervaldi-Tucker, 2601-320c North Roosevelt Drive  
Sloan Bashinsky, 1711 Seminary Street  
Judy Martinez, 1020 Emma Street – 3a  
Carl Mott, 1608 Von Phister Street  
Black Dog, Sunset Marina  
Christine Russell, 1014 Grinnell Street

**COMMISSION COMMENTS:**

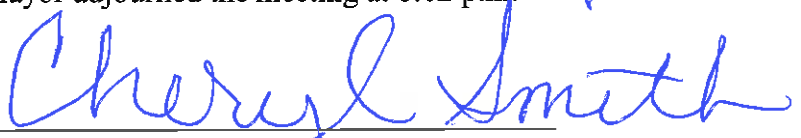
Commissioner Rossi asked City Manager Scholl to explain the Bike Lane symbol now stenciled on the paved North Roosevelt Boulevard roads. City Manager Scholl explained this is not what the City of Key West wanted however, Florida Department of Transportation (FDOT) advised this a State requirement. The City Manager advised bicyclist to ride on the promenade instead of the road.

Commissioner Yaniz thanked the City Manager for taking the lead in hiring and promoting internally when positions come open and to hire locally if internal applicants are not qualified.

Commissioner Weekley advised he had made his donation to the Bishop Kee Statue.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 8:02 p.m.

  
Cheryl Smith, MMC, CPM  
City Clerk