

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
TUESDAY, OCTOBER 7, 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, October 7, 2014

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

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

Commissioner Mark Rossi was absent

Deacon Peter Batty, Basilica St. Mary's Star of the Sea, 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 Yaniz requested Resolution Item #10 be removed from the Consent Agenda.

Commissioner Wardlow requested Resolution Items #7 and #8 be removed from the Consent Agenda for discussion.

Commissioner Lopez requested the add-on Proclamation "Food Day" be approved to add to the Agenda. The Mayor asked for a consensus to add the Proclamation to the Consent Agenda and the Commission approved the add-on unanimously.

Commissioner Weekley requested Resolution Item #12 to be removed from the Consent Agenda.

Senior Deputy Clerk Harrison advised speakers were signed up to speak on Resolution Items #13 and #20.

Acting City Manager Sarah Hannah-Spurlock advised on Resolution #16 the monetary amount listed was changed to \$2000.00.

Commissioner Johnston requested Resolution Items #7 and #10 be heard consecutively and to hear public comment for both items at the same time.

City Attorney Smith advised the Resolution Items #7 and #10 were two separate Resolutions and public comment could be heard consecutively.

It was moved by Commissioner Johnston and seconded by Commissioner Wardlow to approve the agenda as changed. The Mayor asked for objections and seeing none the agenda was approved.

PROCLAMATION:

Fire Prevention Month

Food Day

PRESENTATIONS:

Affordable Housing White Paper

City Attorney's Report

No Report

City Manager's Report

Acting City Manager Spurlock had no report.

CONSENT AGENDA:

The Senior Deputy Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to approve the consent agenda items.

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

MINUTES:

September 3, 2014 (Regular)

September 16, 2014 (Regular)

RESOLUTION NO. 14-278

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING RICHARD (DICK) MOODY TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-279

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REAPPOINTING BRIAN DUNLAP TO THE KEY WEST CIVIL SERVICE BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-280

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE TERM OF THE HISTORIC DISTRICT SIGNAGE TASK FORCE FOR AN ADDITIONAL SIX MONTHS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-281

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING WE CYCLE, INC. TO CONDUCT THE ANNUAL ZOMBIE BICYCLE RIDE EVENT STARTING AT EAST MARTELLO TOWERS AND ENDING ON THE 100, 200 & 300 BLOCKS OF DUVAL STREET ON SUNDAY, OCTOBER 19, 2014 FROM 6:00 P.M. TO 11:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 100, 200 & 300 BLOCKS OF DUVAL STREET ON SUNDAY, OCTOBER 19, 2014 FROM 6:00 P.M. TO 11:00 P.M. PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-282

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING KELLY'S CARIBBEAN BAR & GRILL, INC. AND PREMIER RACING TO CONDUCT A STREET CLOSURE DURING PREMIER RACING ON FRIDAY, JANUARY 16, 2015 THROUGH FRIDAY, JANUARY 23, 2015 FROM 8:00 A.M. TO 8:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF CAROLINE STREET BETWEEN WHITEHEAD STREET AND TELEGRAPH LANE BETWEEN THE HOURS OF 8:00 A.M. TO 8:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-283

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PREMIER RACING INC. THE USE OF THE TRUMAN WATERFRONT FOR THE STAGING LAUNCHING AND HAULING OF RACING SAILBOATS AND SUPPORT BOATS FROM JANUARY 1, 2015 TO FEBRUARY 1, 2015 FROM 6:00 A.M. TO 8:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 14-284

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771 © OF THE CODE OF ORDINANCES THE DISPOSAL OF TWO (2) SURPLUS AND OBSOLETE CITY BUSES FOR A MINIMUM BID OF AT LEAST \$2000.00 EACH; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-285

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771 © OF THE CODE OF ORDINANCES THE DISPOSAL OF ONE SURPLUS 2002 BOSTON WHALER FIRE BOAT TOGETHER WITH ONE 2002 CONTINENTAL BOAT TRAILER BY HITCH-KING FOR A MINIMUM BID OF AT LEAST \$10,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-286

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REJECTING THE BID RECEIVED IN RESPONSE TO INVITATION TO BID (ITB) #14-019 FOR SEAWALL REPAIRS AT ZERO DUVAL PURSUANT TO SECTION 2-834 (4) OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 14-287

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-797 (3) OF THE CODE OF ORDINANCES THE PURCHASE OF MICROSOFT OFFICE 365 SOFTWARE FROM SOFTWARE HOUSE

INTERNATIONAL CORP. (SHI) IN THE AMOUNT OF \$41,700.00;PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 14-288

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA APPROVING AND ACCEPTING THE ATTACHED UNIVERSITY OF SOUTHERN MISSISSIPPI GRANT AGREEMENT NUMBER USM-GR04114-RMG/CSP-35 BETWEEN THE UNIVERSITY OF SOUTHERN MISSISSIPPI (SOUTHERN MISS) AND THE CITY OF KEY WEST FOR A SEA GRANT IN THE AMOUNT OF \$33,750.00 TO ASSIST WITH ADAPTATION AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS (LDRS) AND RELATED ORDINANCES; AUTHORIZING NECESSARY BUDGET AMENDMENTS OR TRANSFERS TO ACCEPT THE FUNDING; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT UPON CONSENT OF THE CITY ATTORNEY;PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 14-289

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVAL OF THE ATTACHED "SECOND AMENDMENT TO AGREEMENT" TO THE "AGREEMENT FOR CITY OF KEY WEST KEYS OVERNIGHT TEMPORARY SHELTER (KOTS) BETWEEN THE CITY AND THE SOUTHERNMOST HOMELESS ASSISTANCE LEAGUE, INC. (SHAL);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. Failed

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE RELOCATION OF KOTS TO THE CITY OWNED FORMER EASTER SEALS PROPERTY; PROVIDING DIRECTION TO THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE

The Senior Deputy Clerk read the title of the Resolutions.

The following people spoke on the matter:

Clinton Curry, 1201 19th Terrace
Tom Milone, 832 Caroline Street
City Attorney Smith
Margaret Romero, 1615 Washington Street
Judy Martinez, 1020 Emma Street – 3a
Chas Daly, Golf Club Community
Sloan Bashinsky, 1711 Seminary Street
Robert Rafinelli, Golf Club Community
Mark Gambuzzam Golf Club Community
William Buzzy, Golf Club Community
Skip O’Neil, 1401 Truman Avenue
Chris Stone, 1608 Von Phister Drive
City Planner Don Craig
Acting City Manager Spurlock

It was moved by Commissioner Johnston 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, Weekley, Mayor Cates

Nays: Commissioners Lopez, Wardlow, Yaniz

Motion Failed

RESOLUTION NO. Withdrawn

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE RELOCATION OF KOTS TO THE CITY OWNED PROPERTY ON PALM AVENUE; PROVIDING DIRECTION TO THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE.

The Senior Deputy City Clerk read the title of the Resolutions.

It was moved by Commissioner Yaniz and seconded by Commissioner Lopez that the Resolution be postponed to November 5.

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

Yeas: Commissioners Lopez and Yaniz

Nays: Commissioners Johnston, Wardlow, Weekley and Mayor Cates.

Motion Failed.

It was moved by Commissioner Yaniz and seconded by Commissioner Lopez that the Resolution be tabled to the end of the meeting.

Yeas: Commissioners Lopez, Wardlow, Yaniz

Nays: Commissioners Johnston, Weekley and Mayor Cates

Motion Failed.

Commissioner Yaniz Withdrew the Resolution.

RESOLUTION NO. Withdrawn

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY MANAGER TO INVESTIGATE THE FEASIBILITY OF CREATING AFFORDABLE HOUSING ON THE CITY OWNED PROPERTY CURRENTLY LEASED TO THE FLORIDA KEYS MOSQUITO CONTROL DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

Mayor Cates Withdrew the Resolution.

RESOLUTION NO. 14-290

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES TO PINCHERS CRAB SHACK AT 712 DUVAL STREET FOR AN EVENT TO TAKE PLACE DURING THE HOURS OF 7:00 P.M. TO ~~3:00 A.M.~~ 12:00 MIDNIGHT ON TUESDAY, OCTOBER 21, 2014 AND WEDNESDAY, OCTOBER 22, 2014; PROVIDING FOR AN EFFECTIVE DATE.

The Senior Deputy City Clerk read the title of the Resolution.

The following person spoke on the matter:

Judy Martinez, 1020 Emma Street

Commissioner Weekley stated that the applicant has had a noise complaint in the past and he recommended restricting the time to 12:00 Midnight.

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow that the Resolution be amended to end the Noise Ordinance exemption at 12:00 Midnight and adopted as amended.

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

Yeas: Commissioners Johnston, Lopez, 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

RESOLUTION NO. 14-291

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES TO THE FLORIDA POWERBOAT CLUB FOR AN EVENT THAT WILL TAKE PLACE DURING THE HOURS OF 8:00 P.M. TO 11:00 P.M. ON THURSDAY, NOVEMBER 6, FRIDAY, NOVEMBER 7 AND SATURDAY, NOVEMBER 8, 2014 AT THE CONCH REPUBLIC SEAFOOD COMPANY; PROVIDING FOR AN EFFECTIVE DATE

The Senior Deputy City Clerk read the title of the Resolution.

The following person spoke on the matter:

Judy Martinez, 1020 Emma Street – 3a

It was moved by Commissioner Wardlow and seconded by Commissioner Weekley that the Resolution be passed and adopted as read.

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

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

RESOLUTION NO. 14-292

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “AMENDMENT TO CHARTERBOAT DOCKAGE AGREEMENT”, AMENDING SECTION 4 OF THE KEY WEST CITY MARINA AT GARRISON BIGHT DOCKAGE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

The Senior Deputy City Clerk read the title of the Resolution.

The following person spoke on the matter:

Judy Martinez, 1020 Emma Street – 3a

It was moved by Commissioner Weekley and seconded by Commissioner Johnston that the Resolution be passed and adopted as read.

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

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 - SECOND READING: (Public Hearing)

ORDINANCE NO. POSTPONED INDEFINATELY

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 ENTITLED “ENVIRONMENT”, BY ADDING ARTICLE VI ENTITLED “UNMANNED AIRCRAFT” TO PROVIDE PRIVACY AND SAFETY PROTECTIONS UNTIL SUCH TIME AS STATE OR FEDERAL REGULATIONS PREEMPT THIS ORDINANCE; ADDING SECTION 26-300, PURPOSE AND INTENT; ADDING SECTION 26-301, DEFINITIONS; ADDING SECTION 26-302, ~~REGISTRATION;~~ ~~ADDING SECTION 26-303, PROHIBITIONS;~~ ADDING SECTION ~~26-304,~~ ~~26-303, EXCEPTIONS;~~ ~~ADDING SECTION 26-305,~~ PENALTY; ADDING SECTION ~~26-306~~ 26-304 SUNSET PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Senior Deputy City Clerk read the title of the Ordinance.

The following people spoke on the matter:


Ron Ramsingh, Assistant City Attorney
Judy Martinez, 1020 Emma Street – 3a
Peter Horton, Director of Airports in Monroe County, FL
Michelle Cates-Deal, representing Vivid Aerial Media
Michael Cates, representing Vivid Aerial Media
Eric Mealus, 1009 Watson Street rear
Rita Troxell, Florida Keys and Key West Film Commissioner

CITIZEN COMMENTS:

Margaret Romero, 1615 Washington Street

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 9:26 p.m.


Cheryl Smith, MMC, CPM
City Clerk