



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Wednesday, July 6, 2022

5:00 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.

FOR VISUAL PRESENTATIONS: Individuals are responsible to share their presentation at the meeting on their laptop through Zoom. For City Commission meetings the City Clerk's Office will need a copy for the agenda at least 6 days before the meeting.

CALL MEETING TO ORDER - 5:00 P.M.

ROLL CALL

Present 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

INVOCATION - Dr. Daniel Hagmaier, Peace Covenant Presbyterian

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended.

PROCLAMATIONS

1 Kermit Carpenter Day

Sponsors: Commissioner Hoover, Commissioner Davila, Vice Mayor Kaufman and Mayor Johnston

Attachments: [Proclamation](#)

Received and Filed

2 Flora Barroso Rueda

Sponsors: Commissioner Weekley

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS**3** Tree Commission - Misha McRAE

Sponsors: City Commission

Attachments: [Presentation](#)

Received and Filed

4 Florida Department of Health - Dr. Carla Fry, Director of Nursing

Sponsors: Mayor Johnston

Attachments: [Presentation](#)

Received and Filed

5 Keys Energy Services

Sponsors: City Manager McLauchlin

Attachments: [Presentation](#)

Received and Filed

6 Keefe, McCullough & Company, LLP Fiscal Year 2021 Audit

Sponsors: City Manager McLauchlin

Attachments: [FY 2021 Financial Statement](#)

[FY 2021 Compliance Report](#)

[Communications to Those Charged with Governance](#)

Received and Filed

City Attorney's Report

City Manager's Report

Richard A. Pazo - 30 year Retirement Community Services

CONSENT AGENDA*

***Item is considered to be routine and enacted by one motion with no separate discussion, unless requested by a Commission Member or citizen, in which event the item will be removed from the order and considered in its normal sequence on the agenda. The City of Key West may take action on any matter during this meeting, including items that are not set forth within this agenda.**

MINUTES

7 *June 21, 2022

Attachments: [Minutes](#)

RESOLUTIONS

8 *Confirming S. Brandon Dimando as an Assistant City
Attorney pursuant to the Key West City Charter.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)

Passed

Enactment No: Res 22-150

- 9 *Approving the assignment of the contract for fuel supply between the City and McKenzie Petroleum to Sunshine Gasoline Distributors, Inc. on the same terms and conditions; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Resolution 18-169](#)
 [Bill of Sale with Schedule](#)
 [Request for Assignment](#)

Passed

Enactment No: Res 22-151

- 10 *Authorizing the City's Community Development Office to submit a grant application to the U.S. Department of Housing and Urban Development for renewal funding of housing opportunities for Persons with AIDS (HOPWA) Program with the City of Key West as "Applicant" and A.H. of Monroe County, Inc. (A/K/A AIDS Help, Inc.) as "Sponsor".

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Housing Authority Agenda Item Submittal Sheet](#)
 [Letter of Intent](#)
 [Grant Application Supporting Information](#)
 [Resolution 19-100](#)
 [Resolution 16-126](#)
 [Resolution 13-009](#)

Passed

Enactment No: Res 22-152

- 11 *Approving the attached "Amendment Two to Local Option Gas Tax Sharing Interlocal Agreement" between Monroe County, the City of Key West, the City of Key Colony Beach, the City of Layton, the City of Marathon, and the City of Islamorada, Village of Islands; Authorizing the Mayor to execute the Agreement upon consent of City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Amendment Two](#)
 [Resolution 20-175](#)
 [Resolution 09-108](#)

Postponed to August 2, 2022

- 12 *Describing the method of assessing solid waste costs against assessed property located within the City of Key West; Determining the solid waste cost and the solid waste service assessments; Directing the preparation of an assessment roll; Authorizing a public hearing and directing the provision of notice thereof.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)

Passed

Enactment No: Res 22-153

Approval of the Consent Agenda

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez to Approve the Consent Agenda. The motion was carried unanimously.

13

Approving the attached "Interlocal Agreement Between Monroe County, Florida and the City of Key West, Florida for Mobile LiDar Services" for LiDar elevation surveying and mapping services (in an amount up to \$278,109.00) and quality control (in an amount up to \$6,475.00); Authorizing any necessary budget transfers or adjustments; Authorizing the City Manger to execute necessary documents, upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[ILA - Monroe County LiDAR 6 27](#)
[Mobile LiDAR - Exhibit A Wood Contract w Monroe](#)
[Mobile LiDAR - Exhibit B WSP Contract w Monroe](#)

A motion was made by Commissioner Davila, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion passed by unanimous vote.

Enactment No: Res 22-154

ORDINANCES – FIRST READING

14

An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances, titled “Zoning”, Article V titled “Supplementary District Regulations”, by adding Division 15 titled “Short Term Rentals”; by creating Sec. 122-1560 titled “Purpose and Intent”; by creating Sec. 122-1561 titled “Applications”, by creating Sec. 122-1562 titled “Rebuttable Presumptions of Violation”; by creating Sec. 122-1563 titled “Regulations”; by creating Sec. 122-1564 titled “License Transfer”; by creating Sec. 122-1565 titled “Fees”; by creating Sec. 122-1566 titled “Penalties”; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Commission

Attachments: [Ordinance](#)
[Executive Summary](#)
[PB RES 2022-038 Short Term Rental Code Amendment](#)
[Staff Report](#)

A motion was made by Commissioner Davila, seconded by Commissioner Lopez, that the Ordinance be Postponed to August 16, 2022. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: PB Resolution 2022-38

RESOLUTIONS - Cont'd

15

Establishing a "Fantasy Zone" during certain hours and locations during Fantasy Fest 2022 in the City of Key West; Establishing responsibilities and procedures for the Tourist Development Association and for City staff.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Exhibit A - Fantasy Zone Map](#)
[TDA's Fantasy Zone response](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed with an amendment to modify the boundaries of the Fantasy Zone to include Front St. to Truman Ave. and Whitehead St. to Simonton St. only. The motion carried by the following vote:

No: 1 - Mayor Johnston

Yes: 6 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 22-155

16

Quasi-Judicial Hearing**Major Development Plan and Landscape Waiver - 1618 N. Roosevelt Boulevard (RE# 00064910-000100) -**

Granting a major development plan and landscape waiver for property located at 1618 N. Roosevelt Boulevard (RE #00064910-0001000) for construction of a 15,500 square foot building for an auto dealership and two affordable housing units located in the General Commercial (CG) Zoning District; Pursuant to Sections 108-91.B.2, 108-517, and 122-418 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Final Landscape Plan Approval Letter](#)
[PB RES 2022-031 1618 N. Roosevelt Blvd MDP & Landscape Waiver](#)
[Staff Report](#)
[Revised Planning Package](#)
[Noticing Package](#)
[DRC Planning Package](#)
[Keys Energy Comments](#)
[Engineering Comments](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed with the following amendments to conditions:

Condition 8 - Specify 'median income' within the affordable housing deed restriction

Condition 9 - Add that building construction of residential units will take place within two (2) years of receiving permits

The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 22-156

ORDINANCES – FIRST READING, cont'd

17

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by creating Article V. Division 12. entitled "Parks and Recreation Advisory Board", by adding Section 2-610 through 2-613 in order to establish the Board; Providing for its creation, composition and terms, meetings and duties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

Attachments: [Ordinance](#)
[Res 18-324](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Davila, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

No: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

18

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances, entitled "Environment" by adding Sections 26-71 through 26-72 to provide regulations and permits for wedding ceremonies on the beach; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLaughlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[Exhibit A - Site Locations](#)
[Exhibit B- Proposed Fee Schedule](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading with amendments to include Truman Waterfront Park and to state that fees will not apply to residents of Key West. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

19

Withdrawn

An Ordinance of the City of Key West, Florida, amending Chapter 42 of the Code of Ordinances, entitled "Miscellaneous Offenses" by amending Section 42-9, entitled "Nudity; Body Painting" to remove body painting exceptions during the week of Fantasy Fest; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Johnston

Attachments: [Ordinance](#)

Withdrawn

20

An Ordinance of the City of Key West, Florida, amending Chapter 86 of the Code of Ordinances, entitled "General Provisions" by amending Section 86-9, entitled "Definition of Terms" to amend the definitions 'Building Coverage' and 'Open Space' and 'Variance'; by amending Chapter 122 of the Code of Ordinances, entitled "Zoning" by amending Section 122-32 by clarifying when a variance is needed; and amending Section 122-1143, entitled "Impervious Surface Requirements for All Uses", and Section 122-1145, entitled "Required Yards"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLaughlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[PB RES 2022-026 VAR Text Amendment](#)
[Staff Report](#)
[Revised Proposed Ordinance](#)
[Staff Report 4.21.22](#)
[Proposed Ordinance 4.22.22](#)

A motion was made by Commissioner Davila, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: PB Resolution 2022-32

ORDINANCES - SECOND READING (Public Hearing)

21

An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Land Development Regulations, Article IV "Districts", Subdivision III. - Single Family Residential District, Section 122-233. - Special Criteria Applicable to Accessory Units, and Section 122-232. - Accessory Units, to further incentivize construction of accessory units and to correct an error in Section 122-232; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Hoover

Attachments: [Ordinance](#)
[Executive Summary](#)
[PB Res 2022-015 LDR Accessory Units](#)
[Staff Report](#)
[Planning Board Resolution Draft](#)
[2021 Affordable Housing Income Limits and Rates](#)
[2021 Workforce Housing Income, Rent and Sales Limits](#)

A motion was made by Commissioner Hoover, seconded by Commissioner Weekley, that the Ordinance be Adopted. The motion carried by the following vote:

No: 2 - Vice Mayor Kaufman and Mayor Johnston

Yes: 5 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: Ord 22-20

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 8:09 P.M.