

MINUTES

SPECIAL CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, FEBRUARY 25, 2014

A special meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, February 25, 2014.

Mayor Craig Cates called the meeting to order at 6:12 p.m.

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

Commissioner Clayton Lopez was absent.

Also present were City Manager Bob Vitas, City Attorney Shawn Smith, Code Compliance Manager Jim Young, IT Director Patti McLauchlin and Deputy City Clerk Angela Budde.

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

CHANGES TO THE AGENDA:

City Manager Vitas requested to have the Proposed Add-On Resolution added to the Agenda.

It was moved by Commissioner Weekley and seconded by Commissioner Rossi to add the Resolution and approve the agenda as changed. The Mayor asked for objections and seeing none the agenda was approved.

ORDINANCES - FIRST READING:

ORDINANCE NO. POSTPONED TO MARCH 18, 2014

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT," ARTICLE IV ENTITLED "SOUND CONTROL" BY ADDING SECTION 26-189, PURPOSE; ADDING SECTION 26-190, FINDINGS OF FACT; AMENDING SECTION 26-191, DEFINITIONS; AMENDING SECTION 26-192 TO AMEND AND CLARIFY UNREASONABLY EXCESSIVE NOISE PROHIBITIONS; AMENDING SECTION 26-193 TO CLARIFY AND AMEND EXCEPTIONS TO THE SOUND CONTROL ORDINANCE; AMENDING SECTION 26-194 TO CLARIFY CITATION PROCEDURE AND PENALTIES; ADDING SECTION 16-199 TO PROVIDE FOR TEMPORARY

WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the Ordinance and reported the City Clerk's office received 19 letters in support and 17 letters in opposition.

Code Compliance Manager Young introduced the Ordinance to the Commission recommending changes outlined in the Ordinance.

The following people spoke on the matter:

Code Compliance Manager Jim Young
Code Compliance Officer Leo Hernandez
Ken Weschler, 915 Von Phister Street
Noward Dean, 2470 NW 108 Street
Norman Vogel, 306-308 Front Street
Frank Antonowich, 737 Olivia Street
Glenwood Lopez, Key West
Judy Martinez, 1020 Emma Street, 3a
Todd Glenn, 1021 Watson Street
Sheri Pojue, 2013 Harris Avenue
Kenyatta Harington, 1200 First Street
John Lamana, 5650 Laurel Avenue
Jim Simomian, 307 Elizabeth Street
Larry Edwards, 2029 SE 15th Street
Walter A. Hitchcock, 807 Elizabeth Street
Maureen Johnson, 525 Duval Street
Reverend Jean E Jean, 10 6th Avenue
Sandy Rube, 3324 Eagle Avenue
Gary Ek, 1021 Watson Street
Jesse Wagner, Happy Dog Band
Keith Snyder, Happy Dog Band
Kevin Best, Happy Dog Band
Steve Kurtz, Happy Dog Band
Adam Stamper, Happy Dog Band
Kathleen Phillips, Key West
David Govas, 823 Galveston Lane
Jared Konersman, 710 Caroline Street
Victoria Leigh, 526 Rose Lane
Delayne "Big Daddy" High, 1212 Duval Street
Jack Wolf, 410 Caroline Street
John LaMere, 3716 Northside Drive
John Martini, 810 Galveston Lane
Zack Seemiller, 604 Frances Street
John Vagnoni, 601 Whitehead Street
Tom Kenyon, 1432 Virginia Street
Roger Eitelman, Sunset Lane
Catherine Johnson, 6th Avenue
Sloan Bashinsky, 1711 Seminary Street

River and Tiger Maximvs, 1023 Whitehead Street
Mona C. Clark, 809 Elizabeth Street
Patrick Stecher, 645 United Street #2
Marcela Gregory, 404 South Street
Yadira Morgan, 404 South Street
Jim Gilleran, 801 Duval Street
Michael Ingram, Architect
Hugh Morgan, 404 South Street
Rebecca Rankin, Anchorage
Steve Butler, 605 Dey Street
Skip Sho, 605 Dey Street

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow, for discussion, that the Ordinance be amended with the recommendations by Code Compliance Manager Young and to have the following language inserted “alter the penalty provisions to make the Business Owner responsible and not any maker of the particular sound” and to be passed on first reading as read.

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

Yeas: Commissioners Johnston, Wardlow and Weekley

Nays: Commissioners Rossi, Yaniz and Mayor Cates

Motion Failed.

It was moved by Commissioner Yaniz and seconded by Commissioner Rossi that the Ordinance be postponed to the March 18, 2014 meeting.

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

Yeas: Commissioners Johnston, Rossi, Yaniz and Mayor Cates

Nays: Commissioners Wardlow and Weekley

The said Ordinance was Postponed to March 18, 2014.

It was moved by Commissioner Johnston and seconded by Commissioner Rossi to reconsider the vote to postpone the Ordinance.

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

Yeas: Commissioners Johnston, Rossi and Weekley

Nays: Commissioners Wardlow, Yaniz and Mayor Cates

The motion failed.

SO ORDERED

ORDINANCE NO. POSTPONED TO MARCH 18, 2014

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT," DIVISION 3 ENTITLED "NOISE CONTROL" BY AMENDING SECTION 6-86 TO AMEND THE PERMIT APPLICATION PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the Ordinance.

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow that the Ordinance be postpone to March 18, 2014.

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

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

Nays: None

The said Ordinance was Postponed to March 18, 2014.

DISCUSSION:

LEGISLATIVE PRIORITIES

The City Manager advised he would send the Commission a report on the current Legislative Priorities.

RESOLUTIONS:

RESOLUTION NO. 14-055

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "LICENSE FOR NONFEDERAL USE OF DEPARTMENT OF THE NAVY REAL PROPERTY" LICENSE (CONTRACT) NO. N69450-14-RP-0030 ISSUED BY THE DEPARTMENT OF THE NAVY TO THE CITY OF KEY WEST, REGARDING APPROXIMATELY 800 SQUARE FEET OF THE OUTER PORTION OF THE NAVY MOLE PIER AT TRUMAN ANNEX; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LICENSE ON BEHALF OF THE CITY, UPON THE ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Sloan Bashinsky, 1711 Seminary Street

City Attorney Smith

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow to include the recommended amendment by the City Attorney to the License for Nonfederal use of Department of the Navy Real Property No. N69450-14-RP-0030 "Nothing contained herein is intended to waive the Sovereign Immunity Protections provided by Chapter 7-28" and 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, 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

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:52 p.m.



Cheryl Smith, MMC, CPM
City Clerk