



Shawn Smith <sdsmith@keywestcity.com>

City View request

1 message

Shawn Smith <sdsmith@keywestcity.com>

Fri, Dec 7, 2012 at 3:29 PM

To: City Commission <commissioners@keywestcity.com>

Cc: Bogdan Vitas <bvitas@keywestcity.com>

Mayor & Commissioners

The Manager recently received a request from City View to operate a "Duck" under the terms of their franchise agreement. Greg Wythe's letter to the Manager is attached. Because City View's franchise specifically describes a trolley as the vehicle allowed under the franchise agreement, I believe it necessary to alter the franchise agreement pursuant to two ordinance readings. My letter to City View's attorney is also attached.

Please let me know if you have any questions.

Thanks

Shawn

2 attachments



SKMBT_50112120715240.pdf

323K



SKMBT_50112120715260.pdf

25K

rec'd
6/19-4/6/13

CityView Trolley Tours Of Key West, Inc.
Greg Wythe, Vice President
P.O. Box 6328
Key West, FL 33041

2012 NOV 16 PM 11:42

CITY OF KEY WEST
KEY WEST, FLORIDA

November 16th, 2012

City of Key West
City Manager Bob Vitas
3132 Flagler Av.
Key West, FL 33040

COPY

VIA HAND DELIVERY

RE: AUTHORIZED VEHICLE TYPE APPROVAL REQUEST PURSUANT TO CITYVIEW
TROLLEY TOURS FRANCHISE ORDINANCE (No. 10-01)

Dear Mr. Vitas,

Thank you in advance for your consideration of this matter. Time is of the essence for this request. CityView Trolley Tours of Key West, Inc. ("CityView") is a franchisee of the City of Key West pursuant to Ordinance No. 10-01 ("CityView Franchise"). CityView, pursuant to the terms of its franchise, requests authorization to operate an amphibious tour vehicle type as depicted in "Exhibit 1" to this letter.

The depicted amphibious vehicle is a customized, Coast Guard approved original WWII Dukw vehicle. CityView has gone to considerable efforts to obtain a small scale amphibious tour vehicle, that is nostalgic and celebrates of our local and national military history.

Section 9 of the City View Franchise provides that "Grantor is hereby authorized to operate up to twelve (12) sightseeing vehicles under the provisions of this franchise."

The City of Key West Code of Ordinances section 78-1 Definitions provides: "*Sightseeing motor vehicles operated pursuant to franchise* means and includes every motor vehicle designed primarily for the purpose of carrying passengers for sightseeing for hire or shuttle transportation, including vehicles operated for amphibious tours, and operating under a franchise ordinance granted by the city pursuant to article V of this chapter."

The amphibious vehicle as depicted in "Exhibit 1" to this letter is included in the definition of sightseeing motor vehicle pursuant to franchise definition above. This specific vehicle type has been previously authorized in a Franchise granted to Duck Tours Seafari, Inc. under Key West

Ordinance 11-2, and are much smaller in scale than other amphibious vehicle types used by additional sightseeing franchise holders in the City.

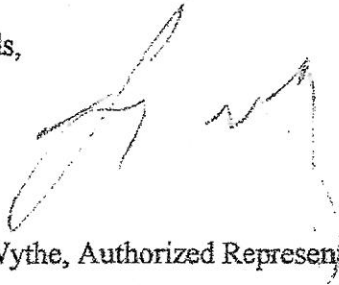
Because the requested vehicle type has been previously approved by the City, CityView requests that the City summarily approve this request as soon as possible.

The specifications of the vehicle are 31 feet long, 8 feet wide and 10ft 4in high, with a vehicle weight of 13,000.

CityView further requests, that the amphibious vehicles be allowed a 6 month grace period to obtain Bio-diesel as its required fuel for this vehicle type, as publicly available Bio-fuel is limited and will require CityView to invest time and resources to obtain a private fuel dispensing system for its use.

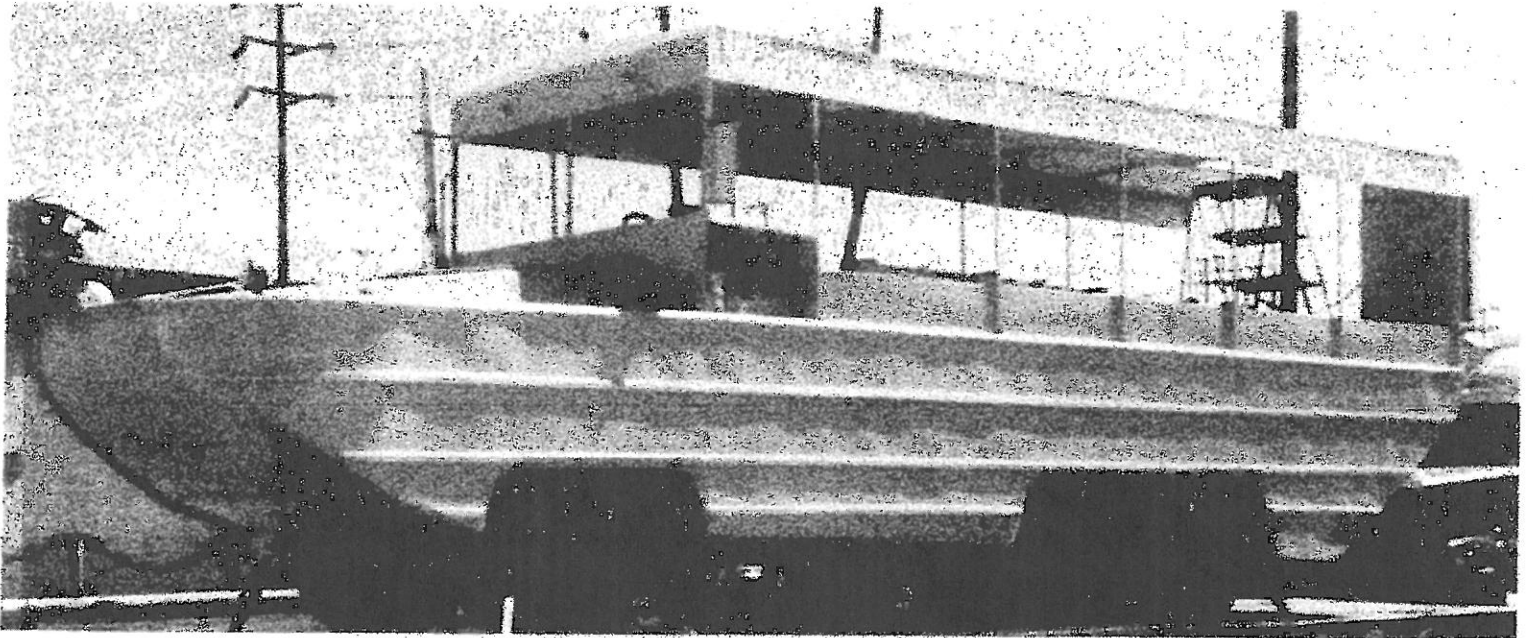
Please feel free to contact me should you have any questions about this request.

Regards,

A handwritten signature in black ink, appearing to read 'Greg Wythe', is written over the typed name below.

Greg Wythe, Authorized Representative CityView Trolley Tours of Key West, Inc

cc. Cheri Smith City Clerk, Shawn Smith City Attorney



EXHIBIT

2

OFFICE OF THE CITY ATTORNEY



PHONE: (305) 809-3770
FAX: (305) 809-3771

THE CITY OF KEY WEST

POST OFFICE BOX 1409
KEY WEST, FL 33041-1409
WWW.KEYWESTCITY.COM

December 7, 2012

Via U.S. Mail

Brandon Dimando, Esquire
402 Appelrouth Lane St. 1
Key West, Florida 33040

Dear Brandon:

Pursuant to Greg Wythe's November 16th request to City Manager Bob Vitas, and our recent conference, please be advised we are scheduling an item before the City Commission at the next regularly scheduled meeting on January 8, 2013. The purpose of the hearing would be to alter the franchise agreement to provide that the amphibious tour vehicle Mr. Wythe described in his letter be added as a "sightseeing motor vehicle operated pursuant to a franchise". As you know, the current franchise agreement has an attachment that specifically describes a trolley as the type of authorized vehicle under the franchise.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn D. Smith", is written over a horizontal line.

Shawn D. Smith
Key West City Attorney

Cc: Bob Vitas, City Manager
City Commissioners