

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, MAY 15, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, May 15, 2012.

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.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Larry Erskine, City Planner Don Craig, Police Chief Donnie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Engineering Services Engineer Birch Ohlinger, Transit Manager Myra Wittenberg, Information Technology Associate Mike Riviera, Parking Manager John Wilkins, Port and Transit Director Jim Fitton, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Senior Property Manager Marilyn Wilbarger, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Chaplin Steve Torrence from the Key West Police Department 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:

The City Manager requested Resolution Item #8 be withdrawn, Resolution Item #17 to be postponed to June 19, Resolution Item #18 to be postponed indefinitely and Resolution Item #20 to be postponed to July 17. City Manager Scholl requested postponing Resolution Item #22 and Ordinance Item # 33 to Special Commission meeting date scheduled for May 29. A unanimous decision was not favored and the items remained on the Agenda.

Commissioner Yaniz requested Resolution Item #21 to be postponed. Unanimous support was unsuccessful and the item remained on the Agenda.

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

PROCLAMATIONS:

Earth Day
Kirby Congdon Day
Maritime Day
Peace Officers Memorial Day
Key West Police Week

PRESENTATIONS:

Sustainability Advisory Board's Annual Report

Building Permit Allocation System (BPAS) Annual Report.

City Attorney's Report

The City Attorney explained that with passage of Resolution 10-021 after a motion is made and after public comments a member shall limit his or her remarks to five (5) minutes per agenda item and the Commission may increase the member's remarks beyond five (5) by a majority vote.

City Manager's Report

City Manager Scholl reported the Strategic Plans Steering Group are continuing to meet and the group has been progressing on the priorities identified as resource items for the City's budget process for the next fiscal year.

The City Manager discussed the Solid Waste Draft Report that Dr. Williams mentioned during the Sustainability Advisory Board's Annual Report and City Manager Scholl advised a formal report of the Solid Waste Plan will be forthcoming to the Commission for their approval.

City Manager Scholl gave an update on the North Roosevelt Project explaining Phase Zero of the project had begun on South Roosevelt Blvd and he also reported the issue with FDOT safety railing along the N. Roosevelt Blvd. seawall has not been removed from FDOT's plans.

Commissioner Rossi requested the City Manager to have crews out on Palm Avenue to remove the litter.

Commissioner Johnston requested the City Manager to have the phrase "Quasi-Judicial" be marked on all future agendas and Commissioner Rossi asked the City Clerk to post a revision date on the agenda when the agenda has been changed from its original publication.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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. 12-161

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING SLOPPY JOE'S BAR TO CONDUCT AN EVENT FOR MOTORCYCLE BIKE WEEK ON SATURDAY, SEPTEMBER 15, 2012 FROM 12:00 NOON TO 11:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF GREENE STREET BETWEEN DUVAL AND ANN STREETS FROM 11:00 A.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-Withdrawn

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 BARBARA REAVES AT 1125 FORT STREET FOR A BIRTHDAY PARTY DURING THE HOURS OF 9:00 P.M. TO 2:30 A.M. ON FRIDAY, JUNE 22, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-162

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ROTARY CLUB TO CONDUCT A FUNDRAISER AT MCCOY INDIGENOUS PARK JULY 4TH, 2012 (SET UP JULY 2, 2012) FROM 7:00 A.M. TO 8:00 P.M. AND DISPLAY & CLEANUP OFF THE WHITE STREET PIER ON JULY 4, 2012 FROM 9:00 P.M. TO 10:00 P.M.; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE JULY 4TH FIREWORKS CELEBRATION; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT MCCOY INDIGENOUS PARK; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-163

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING SLOPPY JOE'S BAR TO CONDUCT AN EVENT FOR HEMINGWAY DAYS ON SATURDAY, JULY 21, 2012 FROM 12:00 NOON TO 11:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF GREENE STREET BETWEEN DUVAL AND ANN STREETS FROM 11:00 A.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING SOUTHERNMOST BEACH CAFÉ THE USE OF THE CITY PROPERTY AT 1405 DUVAL STREET FOR A BREWFEST KEY WEST FESTIVAL ON SATURDAY, SEPTEMBER 1, 2012 FROM 3:00 P.M. TO 8:00 P.M. (RAIN DATE ON SUNDAY, SEPTEMBER 2, 2012); AUTHORIZING THE SALE AND

CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDOR LICENSE (MVL) #19770 FROM MARIA GARRIDO TO NATASHA MATARAZZO DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF TWO (2) BELT PRESS WEDGE KITS FOR THE RICHARD A. HEYMAN ENVIRONMENTAL PROTECTION FACILITY (WWTP) FROM ASHBROOK SIMON-HARTLEY OPERATIONS, L.P., ON A SOLE SOURCE BASIS IN ACCORDANCE WITH CITY CODE SECTION 2-797(1), IN THE TOTAL AMOUNT OF \$31,000.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 4-12 SWR FROM CH2M HILL ENGINEERING, INC. IN THE AMOUNT NOT TO EXCEED \$115,754.00 FOR ENGINEERING SERVICES FOR THE DESIGN, PERMITTING, AND BID PHASE SERVICES FOR FLEMING KEY BRIDGE PIPE SUPPORT AND PILING REPAIRS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-168

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MURAL TO BE PAINTED AT 227 PETRONIA STREET; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING STAFF RANKING OF TWO COMPANIES RESPONDING TO RFQ 12-001 FOR THE CONSTRUCTION ENGINEERING AND INSPECTION (CEI) PHASE OF THE SAFE ROUTES TO SCHOOL SIDEWALK IMPROVEMENT PROJECT DESCRIBED IN THE ATTACHED EXECUTIVE SUMMARY; AUTHORIZING STAFF TO NEGOTIATE WITH THE TOP RANKED FIRM, AMEC ENVIRONMENT AND INFRASTRUCTURE, INC. AND EACH FIRM THEREAFTER AS NECESSARY IN ACCORDANCE WITH THE CONSULTANTS' COMPETITIVE NEGOTIATION MANAGER TO EXECUTE A CONTRACT WITH THE SELECTED FIRM IN AN AMOUNT NOT TO EXCEED \$25,659.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed to June 19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A FIVE-YEAR LEASE WITH THE KEY WEST COMMUNITY SAILING CENTER, INC. FOR PROPERTY LOCATED AT 705 PALM AVENUE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed Indefinitely

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY AND THE FLORIDA KEYS MOSQUITO CONTROL DISTRICT FOR THE PREMISES LOCATED ON COLLEGE ROAD, AS DESCRIBED IN THE ATTACHED LEASE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND ATTACHED AMENDMENT NO. 1 TO TASK ORDER 01 (C & A PROJECT NO. 107.001) FOR THE CITY OF KEY WEST BUS TRANSIT FACILITY FOR CHEN & ASSOCIATES, INC. NOW KNOWN AS CHEN MOORE & ASSOCIATES (CMA) AT A DEDUCTIVE COST OF \$68,859.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed to July 17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADJUSTING RATES FOR LIVEABOARD, COMMERCIAL AND RECREATIONAL LEASES AT THE CITY MARINA AT GARRISON BIGHT; 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. 12-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE SALE OF REAL PROPERTY COMMONLY KNOWN AS 529 FRONT STREET (RE NUMBER 00072082-000600); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Manager Scholl
Tom Milone, 832 Caroline Street
Shirley Freeman, 724 Eaton Street
Christine Russell, 1014 Grinnell Street
George Halloran, 16 Hilton Haven Drive
Assistant City Manager (ACM) Finigan
City Attorney Smith

The City Manager introduced the item advising the options available to the Commission for consideration were to reject all bids or to give direction to staff to begin negotiations with the Pier House on a starting sale price.

ACM Finigan discussed the value of the property and a discussion ensued with staff and the Commission.

It was moved by Commissioner Rossi to have the City negotiate on a sale price and to use the funds from the sale for infrastructure purposes and seconded by Commissioner Weekley 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, Weekley and Mayor Cates

Nays: Commissioners Lopez, Wardlow and Yaniz

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. Postponed to May 29, Special meeting

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING PERMISSION TO INITIATE A DEVELOPMENT AGREEMENT FOR THE PEARY COURT PROPERTY (RE# 00006730-000000); PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

City Manager Scholl

It was moved by Commissioner Weekley and seconded by Commissioner Rossi that the Resolution be postponed to the Special Meeting scheduled for May 29.

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

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

Nays: Commissioner Yaniz

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. 12-172

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A MAJOR DEVELOPMENT PLAN TO REDEVELOP THE CITY OF KEY WEST SOLID WASTE TRANSFER STATION INTO THE PROPOSED KEY WEST DEPARTMENT OF TRANSPORTATION (KWDOT) PUBLIC TRANSIT AND PARKING FACILITY LOCATED AT 5701 COLLEGE ROAD; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The Clerk administered the oath to those giving testimony on this item.

The following people spoke on the matter:

City Planner Craig
City Manager Scholl
Port and Transit Director Jim Fitton

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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

RESOLUTION NO. 12-173

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 95 SQUARE FEET TO ADDRESS THE ENCROACHMENT OF AN EXISTING SWIMMING POOL AND NEW FENCING ON THE VIRGINIA STREET SIDE OF THE PROPERTY LOCATED AT 1021 WATSON STREET, KEY WEST, FLORIDA (RE#00033430-000000); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The Clerk administered the oath to those giving testimony on this item.

The following people spoke on the matter:

City Planner Craig
City Attorney Smith

It was moved by Commissioner Rossi with the recommendation of placement with the insurance company to notify the City of Key West if the policy is not placed and seconded by Commissioner Johnston 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

RESOLUTION NO. 12-174

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 USE OF APPROXIMATELY 6,200 SQUARE FEET OF PROPERTY ABUTTING THE VIRGINIA STREET SIDE OF PROPERTY LOCATED AT 1015 SIMONTON STREET; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The Clerk administered the oath to those giving testimony on this item.

Commissioners Johnston, Lopez and Wardlow, Weekley disclosed having individual conversations with Mr. Cleghorn about this item.

The following people spoke on the matter:

City Attorney Smith
City Planner Craig
Annalise Mannix, Consultant

The Clerk read the following letter of objection into the record:

Kenneth and Mary Neighoff, 911 United Street & 606 # 5 Truman Avenue

It was moved by Commissioner Rossi and seconded by Commissioner Lopez amending the Resolution to include in the agreement after Section 1 In the event this agreement is not terminated within 1 year of the effective date as provided in paragraph 4 of the license agreement, this agreement shall expire 1 year from the effective date and this agreement may not be extended beyond the 1 year period only upon the passage of a Resolution of the City Commission and adopted as amended.

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 62 OF THE CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS" BY AMENDING SECTION 62-4 ENTITLED "NO CAMPING" TO INCLUDE RECREATIONAL AND MOTOR VEHICLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Attorney Smith

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Ordinance 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, 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 reading.

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY CREATING SECTION 70-130 ENTITLED "NO LODGING IN VEHICLES" TO PROHIBIT LODGING IN VEHICLES LOCATED ON CITY RIGHTS OF WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Attorney Smith

It was moved by Commissioner Weekley and seconded by Commissioner Rossi that the Ordinance 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, 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 reading.

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 38, ARTICLE V OF THE CODE OF ORDINANCES ENTITLED "DOMESTIC PARTNERSHIPS", BY REPEALING SECTIONS 38-291 THROUGH 38-294; ADDING A NEW SECTION 38-291 TO PROVIDE DEFINITIONS; ADDING A NEW SECTION 38-292 TO PROVIDE REGISTRATION, AMENDMENT, TERMINATION AND ADMINISTRATION PROCEDURES; ADDING A NEW SECTION 38-293, RIGHTS AND LEGAL EFFECT OF REGISTERED DOMESTIC PARTNERSHIP; ADDING A NEW SECTION 38-294, LIMITED EFFECT; 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 Rossi that the Ordinance 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, 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 reading.

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY AMENDING SECTION 90-553 TO LIFT THE TWICE PER YEAR RESTRICTION ON COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Planner Craig

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Ordinance 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, 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 reading.

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 102 OF THE CODE OF ORDINANCES ENTITLED "HISTORIC PRESERVATION" BY AMENDING SECTION 102-217 "REQUIRED PUBLIC MEETINGS", RELAXING THE REQUIREMENTS TO OBTAIN APPROVAL TO DEMOLISH NON-HISTORIC AND NON-CONTRIBUTING BUILDINGS OR STRUCTURES IN THE HISTORIC DISTRICT AND INCLUDING CONTRIBUTING BUILDINGS AND STRUCTURES OUTSIDE OF THE HISTORIC DISTRICT IN SECTION 102-216; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Planner Craig

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Ordinance 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, 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 reading.

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTIONS 122-1016, 122-1017, 122-1018 AND 122-1020 TO PROVIDE FOR CLARIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

City Planner Craig

Bart Smith, Attorney representing Sunset Marina Residents

The City Clerk read the following letter into the record:

David Hubert, Key West Golf Club

It was moved by Commissioner Weekley and seconded by Commissioner Lopez for discussion that the Ordinance 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, Lopez, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: Commissioner Rossi

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

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 108 OF THE CODE OF ORDINANCES ENTITLED "PLANNING AND DEVELOPMENT" TO INCLUDE SECTION 108-999 TO PROVIDE FOR THE RETROACTIVE INVOKING OF THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS AND BUILDING PERMIT

ALLOCATION SYSTEM; DIRECTING BUILDING AND PLANNING DEPARTMENT STAFF TO CONTINUE THE POLICY OF DEFERRING THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS REQUIRING THE ISSUANCE OF BUILDING PERMIT ALLOCATIONS; CONTINUING THIS POLICY UNTIL NEW BUILDING PERMIT ALLOCATION REGULATIONS OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION; PROVIDING FOR RETROACTIVE EFFECT, DIRECTING STAFF TO CONTINUE PREPARATIONS OF NEW BUILDING PERMIT ALLOCATION REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Planner Craig

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Ordinance 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, 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 reading.

SO ORDERED

ORDINANCE NO. Postponed to May 29 Special Meeting

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PROPOSING AMENDMENTS TO THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP SERIES OF THE CITY OF KEY WEST COMPREHENSIVE PLAN FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE#00006730-000000, ALTERNATE KEY# 1006963); AMENDING THE FUTURE LAND USE MAP LEGEND AND DENSITY AND INTENSITY OF DEVELOPMENT, AMENDING MAP 1-1, MAP 1-4 AND MAP 1-6 OF THE FUTURE LAND USE MAP SERIES; CREATING POLICY 1-1.6.4; AND POLICY 1-2.3.11 TO PROVIDE FOR THE INTEGRATION OF THE MILITARY SITE INTO THE COMMUNITY; AND TO DEFINE A NEW FUTURE LAND USE MAP DESIGNATION OF "HISTORIC SPECIAL MEDIUM DENSITY

RESIDENTIAL” (HSMDR) AND APPLYING SUCH DESIGNATION TO SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION INTO THE CITY OF KEY WEST COMPREHENSIVE PLAN.

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Manager Scholl

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Ordinance be postponed to May 29 Special Meeting.

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

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

Nays: Commissioner Yaniz

The said Ordinance was thereupon declared by the Mayor to have been postponed.

SO ORDERED

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 12-08

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 74 OF THE CODE OF ORDINANCE ENTITLED “UTILITIES” BY AMENDING SECTIONS 74-201, 74-203, 74-208, 74-209 AND 74-238 TO CONFORM CITY BILLING POLICIES WITH THOSE OF FLORIDA KEYS AQUEDUCT AUTHORITY TO PROVIDE UNIFORM BILLING PROCEDURES FOR CUSTOMERS IN KEY WEST FOR BOTH WATER AND SANITARY SEWER SERVICES; AMENDING SECTION 74-201 TO AMEND SECURITY DEPOSIT REQUIREMENTS FOR NEW ACCOUNTS, AND ADDING BANK DRAFT (AUTOMATIC DEPOSITS) PROVISIONS; AMENDING SECTION 74-203 TO PROVIDE THAT SEWER CONNECTION FEES ARE PAID DIRECTLY TO THE CITY OF KEY WEST; AMENDING SECTION 74-208 TO ALLOW PAYMENT TO CITY DESIGNEE; AMENDING SECTION 74-209 TO AMEND DELINQUENT PAYMENT AND NON-PAYMENT DISCONNECTION PROCEDURES; AMENDING 74-238 TO ELIMINATE USE OF DEDUCT METERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Manager Scholl

It was moved by Commissioner Weekley and seconded by Commissioner Rossi for the Ordinance to 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. 12-09

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "WRECKERS AND TOWING SERVICE"; BY AMENDING SECTION 70-654 TO CLARIFY REQUIRED WRECKERS AND EQUIPMENT FOR THE CITY TOW ROTATION LIST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Manager Scholl

It was moved by Commissioner Rossi and seconded by Commissioner Johnston 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 and Yaniz

Nays: Mayor Cates

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

CITIZEN COMMENTS:

JP Hanley, 408 Aronovitz
Christine Russell, 1014 Grinnell Street
Judy Martinez, 1020-3a Emma Street

COMMISSION COMMENTS:

Commissioner Weekley advised he would be holding a public meeting to discuss Peary Court at the Ferry Terminal at 6:30 pm on May 16, 2012.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:27 p.m.



Cheryl Smith, MMC, CPM
City Clerk