



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, August 2, 2016

6:00 PM

Old 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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER - 6:02 P.M.

ROLL CALL

Commissioner Lopez Arrived at 6:57 P.M.

Present 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

INVOCATION - Rev. Antonio Magwood, Bethel AME Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The Agenda was approved unanimously as changed.

PRESENTATIONS

1 Keefe, McCullough & Company, LLP - Fiscal Year 2015 Audit

Sponsors: City Manager Scholl

Received and Filed

City Attorney's Report

City Manager's Report

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

- 2 *July 6, 2016 (Regular)
- Attachments: [Minutes](#)
- Approved**
- 3 *July 18, 2016 (Workshop)
- Attachments: [Minutes](#)
- Approved**
- 4 *July 19, 2016 (Workshop)
- Attachments: [Minutes](#)
- Approved**

RESOLUTIONS

- 5 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Thomas/Hinshaw for a wedding ceremony and reception at the Hemingway House at 907 Whitehead Street during the hours of 5:30 P.M. to 11:00 P.M. on Saturday, March 11, 2017.
- Sponsors: City Manager Scholl
- Attachments: [Resolution](#)
- [Application](#)
- [Advertisement](#)
- Passed**
- Enactment No: Res 16-221

- 6 *Approving Transfer of Mobile Vendor License (MVL) #12788 From Stuart Kemp to Fernando A. Caceres Due to Hardship.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Request for MVL Transfer](#)

Passed

Enactment No: Res 16-222

- 7 *Approving a Task Order for EDSA, Inc. for additional services including additional designs and construction documents for the Atlantic Boulevard Relocation and Removal for Indigenous Park in an amount not to exceed \$62,000.00; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order](#)
[Atlantic Boulevard Layout](#)
[Resolution 12-221](#)
[*Large File* Resolution 13-058 Task Order No. 1 for EDSA](#)
[Resolution 15-209 Renewing General Landscape Contracts](#)

Passed

Enactment No: Res 16-223

- 8 *Relating to the Collection and Disposal of Solid Waste in Key West, Florida; 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 provisions of notice thereof.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Solid Waste Notice FY2017](#)

Passed

Enactment No: Res 16-224

- 9 *Ratifying the attached Grant Award Agreement with the Monroe County Tourist Development Council (TDC) for funding in the amount of up to \$225,000.00 for the Smathers Beach Restrooms Project (City Match).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Grant Award Agreement - Smathers Beach Restrooms](#)
[TDC Reimbursement Packet](#)
[*Large File* Grant Application](#)
[*Large File* Resolution 16-076 Design Task Order](#)

Passed

Enactment No: Res 16-225

- 10 *Approving the attached Mutual Aid Agreement between the City of Key West and the Monroe County School District regarding a School Resource Officer at Key West High School and Horace O'Bryant School for the 2016-2017 School Year.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[School Resource Officer Agreement with Monroe County School District](#)

Passed

Enactment No: Res 16-226

- 11 *Approving the attached "Memorandum of Understanding Between Monroe County School District (MCSD) and the City of Key West" to enable the MCSD Fire Academy at Key West High School and the Key West Fire Department to provide Fire Fighting Training to students during the 2016-2017 School Year.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[2017 Memorandum of Understanding](#)
[Monroe County School District Fire Academy Budget](#)

Passed

Enactment No: Res 16-227

- 12 *Designating the signatures of certain City Personnel for the withdrawal of City funds from First State Bank and other authorized depositories of City funds.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 15-277](#)

Passed

Enactment No: Res 16-228

- 13 *Authorizing the City Manager to enter into an Agreement with Bank of America, NA Property Owner(s) of 1010 Whitehead Street permitting a Release of Lien upon payment by the owners of the amount of \$10,000.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Mitigation Form](#)
[Bank of America Lis Pendens](#)
[City of Key West Lien](#)
[Certificate of Title](#)

Passed

Enactment No: Res 16-229

Approval of the Consent Agenda

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

- 14 Supporting Amendment No. 4, titled "Solar Devices or Renewable Energy Source Devices; Exemption from Certain Taxation and Assessment," on the Primary Election Ballot of August 30, 2016; Urging residents to support the proposed amendment.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[House Joint Resolution 193](#)
[2016 Amendment Overview](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Payne, that the Resolution be Passed. The motion carried by the following vote:

No: 1 - Commissioner Romero

Absent: 1 - Commissioner Lopez

Yes: 5 - Commissioner Kaufman, Commissioner Payne, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-230

- 15 Approving the transfer of \$500,000.00 of the funds received pursuant to the Deepwater Horizon Settlement to the Capital Account to Capital Account 303-1900-519-6200 to be used for renovation and construction of the Bayview Park Facility for benefit of the Boys and Girls Club of the Keys Area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Building Photograph](#)
[Resolution 16-160](#)
[Resolution 15-279](#)

A motion was made by Commissioner Kaufman, seconded by Commissioner Weekley, that the Resolution be Passed. The motion carried by the following vote:

Absent: 1 - Commissioner Lopez

Yes: 6 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-231

16 Appointing Karen Ludwig-O'Leary to the Tree Commission.

Sponsors: Mayor Cates

Attachments: [Resolution](#)
[Kathleen Currie Mravic Resume](#)
[Kerstin Griffith Resume](#)
[Karen Ludwig-O'Leary Resume](#)
[Judy Rodrigues Martinez Resume](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Kaufman, that the Resolution be Passed Selecting Karen Ludwig-O'Leary. The motion carried by the following vote:

Absent: 1 - Commissioner Lopez

Yes: 6 - Commissioner Kaufman, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-232

17 Appointing one member to the Citizen Review Board (CRB).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[*Large File* Omar Calleja Application](#)
[Omar Calleja Sponsor Letter](#)
[Nelson Jimenez Application](#)
[Nelson Jimenez Sponsor Letter](#)
[Rochelle Pearson-Major Application](#)
[Rochelle Pearson-Major Sponsor Letter](#)
[Leo Waters Application](#)
[Leo Waters Sponsor Letter](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed appointing Rochelle Pearson-Major. The motion carried by the following vote:

Yes: 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-233

18

QUASI-JUDICIAL HEARING: EASEMENT 101 DUVAL STREET

Approving an easement of 106.2 square feet, more or less, along the Duval Street Right-of-Way and 155 square feet, more or less, along the Front Street Right-of-Way, to address an area to construct an ADA railing, ramp and maintain the encroachment of a portion of existing brick entry steps and planters onto City Right-of-Way abutting the property located at 101 Duval Street (RE #00000470-000000, AK #1000469), Key West, Florida; Providing fees and conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Easement Agreement](#)
[Executive Summary](#)
[Application](#)
[Surrounding Property](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed. The motion carried by the following vote:

Yes: 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-234

19

QUASI-JUDICIAL HEARING: EASEMENT 809 TERRY LANE

Approving an easement of 22 square feet, more or less, to address the encroachment of an existing concrete wall which encroaches onto the Terry Lane Right-of-Way located at 809 Terry Lane, Key West, Florida (RE #00014050-000000); Providing fees and conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Easement Agreement](#)
[Executive Summary](#)
[Application Package](#)
[Surrounding Property](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 16-235

ORDINANCES – FIRST READING

20

An Ordinance of the City of Key West, Florida, amending Chapter 10 of the Code of Ordinances entitled "Animals" by creating Article VI, entitled "Restrictions on Retail Pet Sales and Pet Mills" by creating Section 10-254, "Definitions"; Section 10-255, "Prohibitions"; Section 10-256 "Exemptions"; Section 10-257 "Certificate of Source"; Section 10-258, "Penalty"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Kaufman

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

A motion was made by Commissioner Kaufman, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading as amended, removing Section 10-256(a). The motion carried by the following vote:

Yes: 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

21

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" Article X "Division 1. Generally" by adding Section 70-496 - Definitions; Adding Section 70-497 - Bus Parking Restricted; Amending Article X, Division 2, Section 70-521 to Amend Provisions Restricting Bus Tours in the Historic District; Repealing Section 70-522, titled "Parking Restricted," and replacing it with a new Section 70-522 to provide for Identification and Marking; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)
[Tour Bus Access Map - 908 CAROLINE](#)
[Executive Summary](#)
[Letters from Filipe Correa Tours To You](#)
[Letter From Nicola Cervone Xcursionsusa](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading as amended, to include a monthly discount. The motion carried by the following vote:

Yes: 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

22

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Code of Ordinances entitled Planning and Development by amending existing Section 108-995 to set aside all available Building Permit Allocations during the July 1, 2016 - June 30, 2017 Allocation Period exclusively for Affordable Housing; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Executive Summary](#)
[Planning Board Resolution 2016-37](#)
[Planning Board Staff Report and Documentation](#)

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

No: 1 - Commissioner Romero

Yes: 6 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

ORDINANCES - SECOND READING (Public Hearing)

23

An Ordinance of the City Of Key West, Florida, amending Chapter 114 of the Land Development Regulations entitled "Signs" by amending Section 114-1 "Definitions" and amending Division 3 of Chapter 114 "Historic District"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Proposed Signage Ordinance](#)
[Signage Corridors Overlay Plan to Accompany Ordinance](#)
[Executive Summary](#)
[*Large File* Planning Board Resolution 2016-17](#)
[Planning Board Staff Report and Analysis](#)

At 8:34 the Meeting went into Recess; the Meeting Reconvened at 8:45 P.M.

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to October 5, 2016. The motion passed by a unanimous vote.

24 An Ordinance of the City of Key West, Florida, amending the Historic Architectural Review Commission’s Guidelines for Banners, flags, signage and lighting as referenced in Section 90-142 of the Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Attachment to Proposed Ordinance](#)
[Executive Summary](#)
[*Large File* Planning Board Resolution 2016-18](#)
[Planning Board Staff Report and Analysis](#)
[Current Guidelines for Signage](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to October 5, 2016. The motion passed by a unanimous vote.

DISCUSSION

25 Solar Panels For New City Hall

Sponsors: City Manager Scholl

Discussed

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 10:09 P.M.