



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Wednesday, September 5, 2012

6:00 PM

Old City Hall

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**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 at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

### CALL MEETING TO ORDER

6:00 P.M.

### ROLL CALL

**Absent** 1 - Commissioner Rossi

**Present** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**INVOCATION:** Rev. Dr. Randolph Becker, Unitarian Universalist Fellowship

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

### PRESENTATIONS

1 Key West Historic Resources Survey 2011

**Sponsors:** City Manager Vitas

**Attachments:** [HARC Survey](#)

Received and Filed

City Attorney's Report

City Manager's Report



- 5 \*Authorizing the Sustainability Coordinator to work with City Staff to recommend PACE and Green Business Certification.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Property Assessed Clean Energy & Green Business Certification](#)

Item was Postponed to October 16, 2012.

- 6 \*Authorizing pursuant to Section 2-797(4)b of the Code of Ordinances the approval of a Task Order from Government Services Group, Inc. (GSG) in an amount not to exceed \$54,314.00 for Stormwater and Solid Waste Assessment Program Transitional Services.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Government Services Group Proposal](#)

**Passed**

Enactment No: Res 12-257

- 7 \*Approval to ratify the emergency approval of Work Change Directive #6, Project OM1201; Bulkhead 497 Repairs Outer Mole Pier and authorizing the necessary budget transfers.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Navy E-mail](#)  
[Resolution 12-114](#)  
[Approval Routing Sheet](#)  
[City Staff Memo](#)  
[Approved Work Change Directive](#)  
[Navy E-mail](#)  
[Ebsary Cost Detail](#)

**Passed**

Enactment No: Res 12-258

- 8 \*Authorizing a 1.6 percent adjustment to increase the user fee of each Equivalent Stormwater Unit (ESU) to \$7.80 for Fiscal Year 2013.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Key West Stormwater Rate Presentation](#)  
[FY 2013 Stormwater Budget Projected Revenues](#)  
[FY 2013 Stormwater Budget Projected Expenses](#)

**Passed**

Enactment No: Res 12-259

### 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.**

- 9 Approving the attached Transit Development Plan Minor Update - Annual Progress Report 2012 from the City of Key West for the Florida Department of Transportation (FDOT).

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Support Document](#)

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Resolution be Passed. The motion passed by unanimous vote.**

Enactment No: Res 12-260

- 10 Authorizing the City Manager to enter into an Agreement with Bank of New York Mellon, property owner(s) in Code Compliance Case Number CES-09-2058 (923 Eaton Street) permitting a Release of Lien upon payment by the owners of a mitigated amount of \$30,000.00.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Offer from Mellon to Settle](#)  
[Letter from McCalla Raymer](#)  
[Lien](#)  
[Findings and Order](#)

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

**No:** 2 - Commissioner Johnston and Commissioner Weekley

**Absent:** 1 - Commissioner Rossi

**Yes:** 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Res 12-261

#### **ORDINANCES – FIRST READING**

- 11 An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled “Environment” by amending Section 26-193 entitled “Exceptions” to clarify and update exemptions to the Sound Control Ordinance; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Yaniz

**Attachments:** [Ordinance](#)

**A motion was made by Commissioner Yaniz, seconded by Commissioner Weekley, that the Ordinance be amended to include notification of surrounding property owners in a 300 foot radius and to have the Ordinance passed to Second Reading September 18. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

12

An Ordinance of the City of Key West, Florida, amending Chapter 58 of the Code of Ordinances entitled "Solid Waste" by amending Section 58-64 to adjust Navy Generated Solid Waste Rates; Amending Section 58-65 to adjust Residential Rates; Amending Section 58-66 to adjust Commercial Solid Waste Rates; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Vitas

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[FY 2013 Solid Waste Budget Presentation](#)  
[FY 2013 Solid Waste Budget Projected Revenues](#)  
[FY 2013 Solid Waste Budget Projected Expenditures](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Yaniz, that the Ordinance be Passed to Second Reading September 18. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

13

An Ordinance of the City of Key West amending the Land Development Regulations, and the Official Zoning Map for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006963) Amending the Official Zoning Map Legend; Amending Chapter 122, Article IV, to create a new Historic Special Medium Density Residential District (HSMDR), providing for permitted uses, conditional uses, prohibited uses and dimensional requirements; Providing for a residential density of ~~9~~ 8.6 units per acre; Amending Chapter 122, Article V, providing amendments to the tables of uses and dimensional requirements for Historic Special Medium Density Residential District (HSMDR); Providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Vitas

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planning Board Resolution & Proposed Ordinance](#)  
[Planning Board Staff Report & Package](#)  
[Attachment 1 - Recommended FLUM Amendment Ordinance](#)  
[\\*LARGE FILE\\* Attachment 2 - Peary Court Data and Analysis Report](#)  
[Attachment 3 - Resolution 11-325](#)  
[Attachment 4 - Peary Court Memo Re-zoning Process](#)  
[Attachment 5 - Draft 2012 Data and Analysis](#)  
[Attachment 6 - DEO Letter re: Peary Court Affordable Housing Units](#)  
[Attachment 7 - ORC Report](#)  
[Mailing List](#)  
[SURVEY-PEARY COURT NEW \(1\)](#)  
[Updated Survey-Peary Court \(2\)](#)

**A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Ordinance be passed as amended to Second Reading September 18. The motion carried by the following vote:**

**No:** 2 - Commissioner Johnston and Commissioner Weekley

**Absent:** 1 - Commissioner Rossi

**Yes:** 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

#### **ORDINANCES - SECOND READING (Public Hearing)**

14

An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitled "Street Performers and Street Artists" by amending Section 6-1 definitions to provide for an amendment to the definition of the Duval Street Corridor Cultural District; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Lopez

**Attachments:** [Ordinance Approved on First Reading](#)  
[Exhibit C1 Approved at First Reading](#)  
[Executive Summary First Reading](#)  
[Proposed Ordinance for Second Reading](#)  
[Executive Summary for Second Reading](#)  
[Exhibit A1 for Second Reading](#)  
[Exhibit C1 for Second Reading](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Amended to include an extension of the Artisans and Performers corridor as explained in Exhibit A.1 to include that portion of the Pier up to the Emma Cates Memorial and for the Ordinance to be passed on second reading and Adopted. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 12-28

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

**8:46 P.M.**