



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, August 16, 2022

5:00 PM

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 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER - 5:00 P.M.

ROLL CALL

Present 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended.

PROCLAMATIONS

1 Women's Equality Day

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

Received and Filed

2 Half Shell Raw Bar 50th Anniversary

Sponsors: Commissioner Weekley

Attachments: [Proclamation](#)

Received and Filed

3 Mel Fisher and 1622 Fleet Shipwreck Memorial 400th Anniversary

Sponsors: Commissioner Weekley and Commissioner Lopez

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

4 Clinton Square Park - Albi Balliu, Senior Project Manager

Attachments: [Presentation](#)

Received and Filed

City Attorney's Report

City Manager's Report

-KOTS agreement update

-City Manager Search Committee

5:37 P.M. - Commissioner Weekley left the dais

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

5 *July 22, 2022 (Special)

Attachments: [Minutes](#)

Passed

6 *August 2, 2022 (Regular)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

- 7 *Authorizing the Key West Business Guild, Inc. to conduct a Cornhole Tournament during Womenfest at Lagerheads Beach Bar parking lot on Thursday, September 8, 2022 from Noon to 3:00 P.M; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Application](#)

Passed

Enactment No: Res 22-173

- 8 *Authorizing Daily Plan-IT to conduct a Fantasy Market at the Truman Waterfront Green Fields next to the Splash Pad on Friday, October 28, 2022 from 10:00 A.M. to 5:00 P.M. and Saturday, October 29, 2022 from 2:00 P.M. to 7:00 P.M; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Application](#)
 [Public Comment - Thompson](#)

Passed

Enactment No: Res 22-174

- 9 *Approving the attached "Memorandum of Agreement between the Florida Fish and Wildlife Conservation Commission and the City of Key West for Office Space and Marina Slip use at Garrison Bight City Marina" (FWC Contract No. 20349); Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [FWC MOA Office Space & Marina Slips](#)
 [FWC Parcel at Garrison Bight](#)

Passed

Enactment No: Res 22-175

- 10 *Approving the attached "Memorandum of Agreement between the Florida Fish and Wildlife Conservation Commission and the City of Key West for Parking Lot use at Garrison Bight City Marina" (FWC Contract No. 20350); Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [FWC Parcel](#)
 [FWC MOA Parking Lot Use at Garrison Bight](#)

Passed

Enactment No: Res 22-176

11

*Approving the attached "State of Florida Department of Economic Opportunity Federally Funded Community Development Block Grant Mitigation Program Subrecipient Agreement" (CDBG-MIT) Number MT010 for City of Key West Comprehensive Adaptation and Resilience Implementation Plan, in a total amount up to \$500,000.00 Federal/\$394,438.00 City match (\$894,438.00 total estimated project cost); Authorizing the Mayor to execute the Agreement, and to approve and execute any subsequent amendments that may adjust the grant funding allocations to the City or modify the project scope, upon consent of the City Attorney; Authorizing any necessary budget adjustment or transfers to accept the funding.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[MT010_Agreement](#)
[Grant Application](#)
[Res 18-205](#)

Passed

Enactment No: Res 22-177

- 12 *Approving Amendment 1 to Task Order 1 for HDR Construction Control Corp. in an amount not to exceed \$8,259.72 for additional Construction Engineering and Inspection Services (CEI) for the Whitehead/Front Street Improvement Project; Authorizing any necessary budget transfers and adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [HDR Executed Contract](#)
 [Resolution 20-057](#)
 [HDR Original TO-Signed](#)
 [HDR TO Amendment-Draft](#)

Passed

Enactment No: Res 22-178

- 13 *Approving the attached "Poinciana Gardens Transportation Interlocal Agreement" between Housing Authority of the City of Key West (KWA); Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Interlocal Agreement](#)

Passed

Enactment No: Res 22-179

ORDINANCES - FIRST READING

14

*An Ordinance of the City of Key West, Florida, amending Chapter 46, Section 246 of the Code of Ordinances to increase the post retirement of supplement paid to retirees of the Police Officers' and Firefighters' Retirement Plan; Creating Chapter 46, Section 328 of Code of Ordinances to provide for ad-hoc thirteenth check to be paid funded by net investment returns of the plan over nine percent: Providing for severability; Providing for repeal of inconsistent provision; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

Attachments: [Ordinance](#)
[Executive Summary](#)
[Pension Memo](#)
[Actuarial Report](#)

Postponed to September 20, 2022

15

*An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances, titled “Zoning”, Article V titled “Supplementary District Regulations”, by adding Division 15 titled “Short Term Rentals”; by creating Sec. 122-1560 titled “Purpose and Intent”; by creating Sec. 122-1561 titled “Applications”, by creating Sec. 122-1562 titled “Rebuttable Presumptions of Violation”; by creating Sec. 122-1563 titled “Regulations”; by creating Sec. 122-1564 titled “License Transfer”; by creating Sec. 122-1565 titled “Fees”; by creating Sec. 122-1566 titled “Penalties”; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Commission

Attachments: [Ordinance](#)
[Executive Summary](#)
[PB RES 2022-038 Short Term Rental Code Amendment](#)
[Staff Report](#)
[The Economic Costs & Benefits of Airbnb- Economic Policy Institute](#)
[Are Short-Term Vacation Rentals Contributing to the Housing Crisis- Grannicus](#)
[When Airbnb Listings in a City Increase, so Do Rent Prices- Harvard Business Review](#)
[Cities Tell Airbnb to Make Room for Affordable Housing- Stateline](#)
[A Practical Guide to Effectively Regulating Short Term Rentals on The Local Government Level- Host Compliance](#)
[Market Shifts in the Sharing Economy The Impact of Airbnb on Housing Rentals- Hiu Li, Yijin Kim, Kannan Srinivassan](#)
[Affordable Housing and the Impact of Shrt Term Rentals- MRSC](#)
[KWAR Submission](#)
[Public Comment - Dolen](#)

Postponed to September 20, 2022

Enactment No: PB Resolution 2022-38

Approval of the Consent Agenda

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

5:38 P.M. - Commissioner Weekley returned to the dais

- 16 Approving and accepting that attached "Consent Order" OGC File No. 21-0581 between the State of Florida Department of Environmental Protection (FDEP) and the City of Key West, to settle matters related to violations in conjunction with the operation of the Richard A. Heyman Wastewater Treatment Plant (WWTP) and the Sanitary Sewer Collections System, and authorizing the Mayor to execute the consent order on behalf of the City; Authorizing any necessary budget amendments or adjustments.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[CO 21-0581 \(Draft\) 9-2021](#)
[CO 21-0581 \(CKW Response\) 1-2022](#)
[CO 21-0581 \(Proposed Final\) 8-2022](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed. The motion passed by unanimous vote.

Enactment No: Res 22-180

- 17 Approving the attached Lease Agreement between the City and GRM Enterprises, Inc. for the Upland Premises and the Single Vessel Docking Facility contiguous to the Upland Premises located at 2 Duval Street (described in attached lease).

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Proposed Lease Renewal](#)
[Exhibit A](#)
[Exhibit B](#)
[Personal Guaranty](#)

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

Enactment No: Res 22-181

18

Authorizing and allowing SH5 LTD, owner of the Marriott Beachside Hotel to apply for an Easement Agreement for approximately 1,753 Square Feet, of accreted land adjacent to the hotel and to North Roosevelt Boulevard ("Dinghy Beach"); Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Attachment A - Letter from SH5](#)
[Attachment B - FDOT non-encroachment email 5-19-2020](#)
[Attachment C - FDEP letter to Key West 1-26-2021](#)
[Attachment D - Hildebrandt Survey 4-12-2007](#)
[Attachment E - Avirom Letter of Opinion 12-9-2021](#)
[*Large File* Attachment F - Reece & Associates Survey 6-13-2022](#)
[Attachment G - Code Settlement Agreement](#)
[Attachment H - Res 15-230](#)
[Public Comment - C. Lininger](#)

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

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 22-182

19

Public Hearing:

Imposing Stormwater Service Assessments against certain real property within the City Key West; Approving the Stormwater Assessment Roll for the Stormwater Service Assessment for Fiscal Year 2022-2023.

Sponsors: City Manager McLauchlin

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

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

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 22-183

20

Public Hearing:

Imposing Solid Waste Service Assessments against certain real estate property located within the City of Key West, Florida, approving the Solid Waste Assessment Roll for the Solid Waste Service Assessments; Confirming the Preliminary Assessment Resolution for Fiscal Year 2022-2023.

Sponsors: City Manager McLauchlin

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

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 Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 22-184

ORDINANCES - SECOND READING (Public Hearing)

21

An Ordinance of the City of Key West, Florida, amending Comprehensive Plan Chapter 1, Future Land Use Element, Objective 1-1.17: - Workforce-Affordable Housing Initiative, and Policy 1-1.17.1: - Distribution of Workforce-Affordable Housing Allocations, to provide for Building Permit Allocation System units for the properties at 241 Trumbo Road (RE# 00001720-000100) and 240 Trumbo Road (RE# 00001720-000300); Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State; Providing for severability; Providing for repeal of inconsistent provisions; Providing for the inclusion in the City of Key West Comprehensive Plan; and Providing for an effective date.

Sponsors: City Manager McLaughlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[PB Res 2022-016 241 Trumbo BPAS Comp Plan](#)
[Staff Report](#)
[MCSD Comprehensive Plan Amendment Application](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Weekley, that the Ordinance be Adopted. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 22-23

22

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Land Development Regulations, entitled “Planning and Development”, Article XII entitled “Workforce-Affordable Housing Initiative”, Section 108-1153 entitled, “Period of allocation and distribution”, to provide for Building Permit Allocation System units for the properties at 241 Trumbo Road (RE# 00001720-000100) and 240 Trumbo Road (RE# 00001720-000300); 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 McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[PB Res 2022-017 241 Trumbo BPAS LDR](#)
[Staff Report](#)

After re-incorporating the Planning Director's testimony from last Item (#21) into this Item, a motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 22-24

23

An Ordinance of the City of Key West, Florida, amending Chapter 86 of the Code of Ordinances, entitled "General Provisions" by amending Section 86-9, entitled "Definition of Terms" to amend the definitions 'Building Coverage' and 'Open Space' and 'Variance'; by amending Chapter 122 of the Code of Ordinances, entitled "Zoning" by amending Section 122-32 by clarifying when a variance is needed; and amending Section 122-1143, entitled "Impervious Surface Requirements for All Uses", and Section 122-1145, entitled "Required Yards"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[PB RES 2022-026 VAR Text Amendment](#)
[Staff Report](#)
[Revised Proposed Ordinance](#)
[Staff Report 4.21.22](#)
[Proposed Ordinance 4.22.22](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Adopted with the following amendments:

1. Variances will no longer be necessary if alterations decrease non-compliance by any amount
2. Entire area beneath elevated structures shall not be considered impervious so long as those areas are maintained fully permeable (will require removing Figure from Ordinance showing only first 18 inches under elevated surfaces as considered pervious)
3. The areas beneath overhangs and/or eaves shall be considered pervious so long as those areas remain otherwise free of buildings or pavement

The motion carried by the following vote:

Yes: 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 22-25

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 6:42 P.M.