

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET

TUESDAY, JULY 17, 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, July 17, 2012.

Mayor Craig Cates called the meeting to order at 6:11 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 Attorney Larry Erskine, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donnie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Information Technology Director Patti McLauchlin, 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.

Pastor Ruben Velasco from the Key West United Methodist Church 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The City Manager requested Resolution Items #7 and #8 to be postponed indefinitely, Resolution Item #9 to be withdrawn, Resolution Item #13 postponed indefinitely, Resolution Item #19 was requested to be remove from the Consent Agenda, Resolution Item #23 to be postponed indefinitely, Ordinance Item #31 to be postponed indefinitely and he advised his intentions to postpone indefinitely Resolution Item #3 when the CRA Agenda is heard.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to approve the agenda as changed.

The Mayor introduced the New City Manager Mr. Bob Vitas to the audience and viewing public.

COMMENDATIONS:

- 1 The Monroe Association for ReMARCable Citizens

PROCLAMATIONS:

- 2 Robert Walker Day
- 3 Americans with Disabilities Act Awareness Day

PRESENTATIONS:

City Attorney's Report

There was no report

City Manager's Report

The City Manager welcomed Mr. Bob Vitas who will be assuming duties of City Manager at the end of July. City Manager Scholl advised the Commission of a proposed joint meeting with Monroe County's Board of County Commissioners tentatively scheduled for 1:00 P.M. on July 31. Mr. Scholl also reminded the Commission of scheduled Budget workshop meetings on July 23 and 24 and the times of those meetings for the City's next fiscal year. The City Manager advised the Naval Air Station Key West will hold their annual Restoration Advisory Board meeting at the Doubletree Resort on July 18th at 7:00 p.m. to 9:00 p.m. to discuss their environmental cleanup sites which includes the BRAC site at the Truman Waterfront.

City Manager Scholl spoke on the closure of lanes on North Roosevelt Blvd., the Police Budget and the 3 amphibious vehicles that will begin tours in August.

Mayor Cates presented a plaque from the Commission to Mr. Scholl for his dedication and years of service in leading the City of Key West. Mr. Scholl received a standing ovation from the audience and Dais.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to approve the consent agenda items.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the Minutes and pass the Resolutions as read.

APPROVAL OF MINUTES:

- *4) May 29, 2012 (Special)
- *5) June 5, 2012 (Regular)

RESOLUTIONS:

RESOLUTION NO. 12-214

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING STEVE HENSEN TO THE KEY WEST BIGHT MANAGEMENT DISTRICT BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed Indefinitely

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DESIGNATING PURSUANT TO THE CODE OF ORDINANCES SECTION 70-61, A SPEED LIMIT OF 25 MPH ON SIMONTON STREET, WHITE STREET, FIFTH STREET, KENNEDY DRIVE AND NORTHSIDE DRIVE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed Indefinitely

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING AND REQUESTING MONROE COUNTY

AND THE STATE OF FLORIDA TO LOWER THE SPEED LIMIT ON TWO-LANE COUNTY AND STATE-CONTROLLED ROADS WITHIN THE CITY OF KEY WEST TO 20 MPH; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. WITHDRAWN

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT, ACCEPTING AND APPROVING THE PLACEMENT OF A STATUS OF A PONCE DE LEON IN THE MALLORY SQUARE ARE, TO COMMEMORATE THE 500TH ANNIVERSARY OF HIS LANDING IN THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-215

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AIDS HELP TO CONDUCT THE CORONATION OF THE KING & QUEEN OF FANTASY FEST AT THE SOUTHERNMOST BEACH CAFÉ ON FRIDAY, OCTOBER 19, 2012 FROM 9:00 A.M. TO 12:00 MIDNIGHT; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 6:00 P.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-216

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 SARAH MAYA FOR A WEDDING TO TAKE PLACE AT THE HEMINGWAY HOUSE 907 WHITEHEAD STREET DURING THE HOURS OF 6:30 P.M. TO 12:00 MIDNIGHT ON SATURDAY, DECEMBER 1, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-217

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING QUESTOR MULTISPORT, LLC TO CONDUCT A BONE ISLAND IRON DISTANCE TRIATHLON ON

SATURDAY, JANUARY 12, 2013; AUTHORIZING CERTAIN STREET CLOSURES THEREOF DURING THE EVENT AND CLOSING THE 400 & 500 BLOCKS OF DUVAL STREET FOR THE FINISH CHUTE FROM 7:00 A.M. TO 12:00 MIDNIGHT; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE FESTIVAL; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed Indefinitely

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING THE KEY WEST PERFORMING ARTS, INC. TO CONDUCT A GOOMBAY FESTIVAL ON OCTOBER 18 & 19TH, 2012 FROM 12:00 MIDNIGHT; AUTHORIZING THE CLOSURE OF PETRONIA STREET BETWEEN DUVAL STREET TO FORT STREET INCLUDING THE TRUMAN WATERFRONT RECREATION FIELDS; AUTHORIZING THE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA OF THE FESTIVAL; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE FESTIVAL; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-218

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771 (C) OF THE CODE OF ORDINANCES THE DISPOSAL OF ONE CITY-OWNED CHEVY IMPALA VEHICLE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-219

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AND ADOPTING THE ATTACHED CITY OF KEY WEST DEPARTMENT OF TRANSPORTATION 2011 CALENDAR YEAR MINOR TRANSIT DEVELOPMENT PLAN UPDATE FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION, AS REQUIRED OF ALL STATE AND FEDERAL PUBLIC TRANSIT GRANT RECIPIENTS ON AN ANNUAL BASIS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-220

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE STAFF RANKING AND AWARDING CONTRACTS ON A TASK ORDER BASIS FOR GENERAL ARCHITECTURAL SERVICES IN RESPONSE TO RFQ NO. 12-003; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-221

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE STAFF RANKING AND AWARDING CONTRACTS ON A TASK ORDER BASIS FOR GENERAL LANDSCAPE ARCHITECTURAL SERVICES IN RESPONSE TO RFQ NO. 12-002; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-222

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE EXECUTION OF THE ATTACHED MODIFICATION NUMBER THREE TO "FEDERALLY FUNDED SUBGRANT AGREEMENT" CONTRACT NUMBER 11HM-2V-11-54-02-004 (STATE FEMA PROJECT NO: HMGP 1539-47-R; STATE PROJECT NO: 1539-116) WITH THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) TO REINSTATE AND EXTEND THE PERIOD OF PERFORMANCE TO JANUARY 15, 2013 FOR THE EAST FRONT STREET FLOOD MITIGATION PROJECT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-223

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDING THE BID OF FLORIDA KEYS ELECTRIC, INC. IN RESPONSE TO RFP 006-12 IN A TOTAL AMOUNT NOT TO EXCEED \$377,755.00, FOR CCTV AND SECURITY LIGHTING FOR THE NAVY MOLE PIER; APPROVING NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-224

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A PURCHASING EXCEPTION PURSUANT TO SECTION 2-797 OF THE CODE OF ORDINANCES, TO ALLOW CUMULATIVE EXPENDITURES DURING FY 11-12, TO

CERTIFIED RECORDS MANAGEMENT (CRM) FOR RECORDS STORAGE IN A TOTAL AMOUNT OF \$27,500.00; AUTHORIZING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-225

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY OF THE CITY OF KEY WEST TO EXECUTE CITY OF KEY WEST LOCAL HOUSING ASSISTANCE PLAN MORTGAGE SUBORDINATION DOCUMENTS FOR THE PURPOSE OF ALLOWING THE REFINANCE OF EXISTING PRIMARY MORTGAGE LOANS AT IMPROVED TERMS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed Indefinitely

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

ORDINANCE NO. Postponed Indefinitely

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTERS 14, 34 AND 108 OF THE CITY OF KEY WEST CODE OF ORDINANCES AND AMENDMENTS TO LOCAL SECTIONS 104, 107, 117, 202 AND 1612 OF THE 2010 FLORIDA BUILDING CODES FOR THE PURPOSE OF UPDATING THE CITY'S FLOOD DAMAGE PROTECTION ORDINANCES AND RELATED BUILDING CODES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; 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. 12-226

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING BY AN ADDITIONAL 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE 10-07, AND EXTENDED IN RESOLUTION NOS. 10-235, 11-023, 11-204, 11-340, ON THE ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS, TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATIONS RELATED TO MOTORIZED AND NON-MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF CITY STREETS IN THE OPERATION OF THEIR BUSINESS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Manager Scholl
City Planner Don Craig
Ed Swift, 26 Driftwood Drive, Key Haven

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow with having a Workshop scheduled at a future meeting and that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the Resolution as read.

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

QUASI-JUDICIAL HEARING:

RESOLUTION NO. 12-227

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED DEVELOPMENT AGREEMENT PURSUANT TO SECTION 380.23 (3), FLORIDA STATUTES FOR 223 ELIZABETH STREET (RE#s 00000710-000101, 00000710-000102, 00000720-000000, 00000730-000000, 00000740-000000, 00000750-000000); PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The Clerk asked anyone testifying on this item to please stand and she then administered the Oath of Truth to them.

The following people spoke on the matter:

Tim Koenig, 3128 Northside Drive representing the Applicant
City Planner Don Craig
Assistant City Attorney Larry Erskine
Bob Goldman, 618 Eaton Street, representing the opposition to the Development
Barbara Bowers, 320 William Street
Owen Trepanier, 402 Appelrouth Lane
Mike Mongo, 1218 Pearl Street
Pritim Singh, 618 Free School Lane

Commissioner Weekley disclosed he attended numerous meetings on this project and individual neighbors and the developer also.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez 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

QUASI-JUDICIAL HEARING:

RESOLUTION NO. 12-228

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR THE ADDITION OF OUTDOOR COMMERCIAL ACTIVITY FOR A NEW RESTAURANT IN THE HRCC-2 ZONING DISTRICT PER SECTION 108-91A(2)C. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST FOR PROPERTY LOCATED AT 201 WILLIAM STREET (RE# 00072082-004200; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The Clerk asked anyone testifying on this item to please stand and she then administered the Oath of Truth to them.

Commissioners Weekley and Rossi have met with the neighbors in the area addressing the sound quality for the area

The following people spoke on the matter:

Applicant Owen Trepanier of Trepanier & Associates
City Planner Don Craig
City Manager Scholl
Assistant City Attorney Erskine
Paul Menta, 1202 Margaret Street
Alan Fowler, 144 C Peary Court
Barbara Bowers, 320 William Street
Pritim Singh, 618 Free School Lane
Karrie Carnes, 6b Hilton Haven Road
Code Compliance Manager Jim Young

Commissioner Rossi requested the Brewery not to "farm out" brewing the Beer off-site.

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez that a condition was added the other conditions already on this Commercial Development; "the Beer produced by the applicant on site shall be entirely processed on-site in a continuous process, no part of which shall take place off-site and that the Resolution be passed and adopted with all the conditions 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 42 OF THE CITY OF KEY WEST CODE OF ORDINANCES ENTITLED "MISCELLANEOUS OFFENSES" BY ADDING SECTION 42-16, TO PROHIBIT THE SALE, OFFER FOR SALE, PURCHASE WITH INTENT TO SELL OR PUBLIC DISPLAY FOR SALE OF SYNTHETIC CANNABINOID HERBAL INCENSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEIZURE AND INJUNCTIVE RELIEF; PROVIDING PENALTIES; 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 Rossi and seconded by Commissioner Yaniz that the Ordinance be passed on first reading as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the Ordinance as read.

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 42 OF THE CITY OF KEY WEST CODE OF ORDINANCES ENTITLED "MISCELLANEOUS OFFENSES" BY ADDING SECTION 42-17, TO PROHIBIT THE SALE, OFFER FOR SALE, PURCHASE WITH INTENT TO SELL OR PUBLIC DISPLAY FOR SALE OF SYNTHETIC BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC AMPHETAMINES AND OTHER SYNTHETIC STIMULANTS THAT MIMIC ILLEGAL DRUGS; PROVIDING DEFINITIONS; PROVIDING FOR SEIZURE AND INJUNCTIVE RELIEF; PROVIDING PENALTIES; 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 Rossi and seconded by Commissioner Weekley that the Ordinance be passed on first reading as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the Ordinance as read.

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

SO ORDERED

The Mayor called for a recess of the meeting at 8:28 p.m.

The Mayor reconvened the meeting at 8:40 p.m.

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CITY OF KEY WEST CODE OF ORDINANCES ENTITLED "STREET PERFORMERS AND STREET ARTISTS" BY AMENDING SECTION 6-4 "PERMIT REGULATIONS; PROHIBITIONS" TO PROVIDE FOR A PROHIBITION OF ART VENDORS TO ESTABLISH THEIR WARES ON CITY SIDEWALKS WITHIN FIFTY FEET OF STOREFRONTS SELLING LIKE GOODS; 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:

Assistant City Attorney Erskine
Assistant City Attorney Ron Ramsingh

It was moved by Commissioner Weekley and seconded by Commissioner Yaniz to amend the Ordinance adding language to Section 1, letter X "No B" permit holder for art vending may establish themselves on the city right-of-way in the Artisan and Performer Corridor as described in Sec. 6-1, within seventy-five (75) feet of an established storefront of a business selling like goods".

It was moved by Commissioner Weekley and seconded by Commissioner Rossi to approve Ordinance with amendment.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the Ordinance as amended.

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 6 OF THE CITY OF KEY WEST 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.

The Clerk read the title of the Ordinance.

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 verbal approval. The response was unanimous to approve the Ordinance as read.

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

SO ORDERED

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ORDINANCE NO. Failed on First Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CITY OF KEY WEST CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTION 70-116 ENTITLED "PARKING, STOPPING AND STANDING" BY CREATING A PERMIT SYSTEM FOR PARKING A VESSEL OR RECREATIONAL VEHICLE

ON THE CITY RIGHT OF WAY IN THE SINGLE FAMILY ZONING DISTRICT; AMENDING SECTION 70-462 ENTITLED "PROHIBITION" BY INCLUDING TRAILERED VESSELS; AMENDING SECTION 70-464 ENTITLED "EXCEPTIONS TO THE PROHIBITION CONTAINED IN SECTION 70-462" BY INCLUDING A RECREATIONAL VEHICLES AND TRAILERED VESSELS WITH A VALID RESIDENT OWNER PERMIT; AMENDING SECTION 70-467 ENTITLED "RESIDENT OWNER PERMITS" INCLUDING A PERMIT FEE AND CONDITIONS FOR TRAILERED VESSELS AND RECREATIONAL VEHICLES PARKED ON THE CITY'S RIGHTS-OF-WAY; AMENDING SECTION 70-468 ENTITLED "CITATION OF VIOLATOR; REMOVAL OF VEHICLE" INCLUDING PROVISIONS FOR SUSPENSION OR REVOCATION OF PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The Clerk read into the record the following number of names on petitions and letters submitted:

95 names listed on an electronic petition supporting the Ordinance
247 signatures listed on a written petition supporting the Ordinance

55 letters in favor were received
15 letters not in favor were received

17 letters were not in favor at the June 19th meeting
1 letter was in favor at the June 19th meeting

The following person spoke on the matter:

Owen Trepanier, 1024 Thomas Street
Paul Menta, 1202 Margaret Street
Key West Police Chief Lee
City Planner Craig
Assistant City Attorney Ramsingh

It was moved by Commissioner Yaniz and seconded by Commissioner Lopez for discussion that the Ordinance be passed on first reading.

Commissioner Yaniz withdrew his motion.

Commissioner Rossi asked for an enforcement moratorium on parking boats, trailers and RV's on City's right-of-way until the Ordinance he is sponsoring is brought before them to consider.

It was moved by Commissioner Yaniz and seconded by Commissioner Lopez for discussion to amend the language to eliminate the fee.

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

Yeas: Commissioners Lopez, Rossi, Wardlow and Yaniz

Nays: Commissioners Johnston, Weekley and Mayor Cates

The motion passed.

It was moved by Commissioner Yaniz and seconded by Commissioner Wardlow that the Ordinance be passed with the amendment as read.

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

Yeas: Commissioners Lopez, Wardlow and Yaniz

Nays: Commissioners Johnston, Rossi, Weekley and Mayor Cates

The said Ordinance was thereupon declared by the Mayor to have failed on first reading.

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 1.08 TO REPEAL THE CURRENT REQUIREMENT FOR ELECTOR APPROVAL OF ANNEXATION OR ACQUISITION OF REAL PROPERTY AND REPLACE IT WITH A REQUIREMENT FOR THE AFFIRMATION OF REAL PROPERTY; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2012; 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:

Tom Milone, 832 Caroline Street
Mark Songer, 1310 Newton Street
Assistant City Attorney Erskine

It was moved by Commissioner Rossi and seconded by Commissioner Weekley for discussion that the Ordinance be passed on first reading as read.

The Mayor acknowledged the motion and second and 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. Failed to First Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 2.02 TO THE CITY CHARTER TO REQUIRE THAT AMENDMENT (S) TO EXPAND OR CONTRACT THE BOUNDARIES OF THE CITY OF KEY WEST SHALL BECOME EFFECTIVE UPON APPROVAL OF A MINIMUM OF FIVE MEMBERS OF THE CITY COMMISSION; SETTING THE GENERAL ELECTION OF NOVEMBER 6, 2012, AS THE DATE OF REFERENDUM; 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:

Tom Milone, 832 Caroline Street
Assistant City Attorney Erskine

It was moved by Commissioner Johnston 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 the Clerk to call the roll.

Yeas: Commissioners Johnston, Weekley and Mayor Cates

Nays: Commissioners Lopez, Rossi, Wardlow and Yaniz

The said Ordinance was thereupon declared by the Mayor to have failed on first reading.

SO ORDERED

ORDINANCE NO. Denied on First Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, PROPOSING THAT SECTION 3.01 OF THE KEY WEST CHARTER BE AMENDED TO ABOLISH TERM LIMITS FOR THE MAYORAL AND CITY COMMISSION POSITIONS; SETTING THE GENERAL ELECTION OF NOVEMBER 6, 2012, AS THE DATE OF REFERENDUM; 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:

Tom Milone, 832 Caroline Street

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Ordinance is denied on first reading as read.

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

Yeas: Commissioners Johnston, Lopez, Rossi, Yaniz and Mayor Cates

Nays: Commissioners Wardlow and Weekley

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

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 3.08 TO INCLUDE PROVISIONS FOR A SUPER-MAJORITY OR UNANIMOUS AFFIRMATION VOTE OF THE CITY COMMISSION WHEN REQUIRED; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2012; 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
Assistant City Attorney Erskine

It was moved by Commissioner Johnston and seconded by Commissioner Lopez that the Ordinance be passed on first reading as read.

The Mayor acknowledged the motion and second and 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, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 3.09 TO AMEND DUTIES OF THE MAYOR; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2012; 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:

Mark Songer, 1310 Newton Street

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 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 duly passed on first reading.

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO ADD CITY CHARTER SECTION 3.11 TO THE CITY CHARTER TO SPECIFY THAT AMENDMENTS TO THE CITY OF KEY WEST COMPREHENSIVE PLAN SHALL ONLY BECOME EFFECTIVE UPON APPROVAL OF A MINIMUM OF FIVE MEMBERS OF THE CITY COMMISSION, EXCEPT AS OTHERWISE REQUIRED BY LAW; SETTING THE GENERAL ELECTION OF NOVEMBER 6, 2012, AS DATE OF REFERENDUM; 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:

Assistant City Attorney Erskine
City Planner Craig

It was moved by Commissioner Lopez and seconded by Commissioner Johnston that the Ordinance be passed on first reading as read.

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

Yeas: Commissioners Johnston, Lopez, Wardlow and Yaniz

Nays: Commissioners Rossi, Weekley and Mayor Cates

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, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 6.01 TO SCHEDULE THE ELECTION CYCLE TO BE HELD IN EVEN-NUMBERED YEARS, IN CONJUNCTION WITH STATE ELECTIONS; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2012; 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:

Mark Songer, 1310 Newton Street
Tom Milone, 832 Caroline Street

It was moved by Commissioner Rossi and seconded by Commissioner Weekley that the Ordinance be passed on first reading as read.

The Mayor acknowledged the motion and second and 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, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 8.04 TO THE CITY CHARTER TO REQUIRE THE APPOINTMENT OF A CHARTER REVIEW COMMITTEE AT LEAST ONCE DURING A 10-YEAR PERIOD, TO TAKE PLACE CONCURRENTLY WITH THE CENSUS DISTRICT BOUNDARY REVIEW; SETTING THE GENERAL ELECTION OF NOVEMBER 6, 2012, AS THE DATE OF REFERENDUM; 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 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 2 OF THE CITY OF KEY WEST CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY ADOPTING A NEW DISTRICT BOUNDARY MAP FOR THE CITY COMMISSION'S ELECTORAL DISTRICTS; 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:

The Deputy Clerk read the following letters into the record:

Owen Trepanier
John Wilson 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 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

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 12-18

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE II ENTITLED "NONCONFORMITIES" BY AMENDING SECTION 122026 TO ADD DEFINITIONS; ADDING SECTION 122-33 TO PROVIDE FOR AN EXCEPTION FOR PROPERTY AFFECTED BY EMINENT DOMAIN OR VOLUNTARY CONVEYANCE FOR PUBLIC TRANSPORTATION OR OTHER PUBLIC PURPOSE; ADDING SECTION 122-34 REGARDING STATUS OF PARCELS DURING OR AFTER ACQUISITION BY EMINENT DOMAIN OR VOLUNTARY CONVEYANCE FOR PUBLIC TRANSPORTATION OR OTHER PUBLIC PURPOSE; 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 Rossi and seconded by Commissioner Lopez that the Ordinance be passed on second reading as read.

The Mayor acknowledged the motion and second and 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. 12-19

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING", ARTICLE II ENTITLED "NONCONFORMITIES" BY AMENDING SECTION 122026 TO ADD DEFINITIONS; ADDING SECTION 122-33 TO PROVIDE FOR AN EXCEPTION FOR PROPERTY AFFECTED BY EMINENT DOMAIN OR VOLUNTARY CONVEYANCE FOR PUBLIC TRANSPORTATION OR OTHER PUBLIC PURPOSE; ADDING SECTION 122-34 REGARDING STATUS OF PARCELS DURING OR AFTER ACQUISITION BY EMINENT DOMAIN OR VOLUNTARY CONVEYANCE FOR PUBLIC TRANSPORTATION OR OTHER PUBLIC PURPOSE; 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 Lopez and seconded by Commissioner Rossi that the Ordinance be passed on second reading as read.

The Mayor acknowledged the motion and second and asked for verbal approval.

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:

Veronica Stafford, 331 Avenue B, Key West
Yul Knighten, 201 Coppit Road

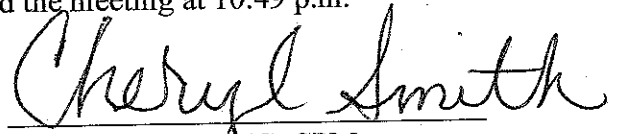
COMMISSION COMMENTS:

Commissioner Yaniz asked the Commission on the prevailing side of the First Reading of Ordinance Item #30 for storage of recreational vehicles, boats and trailers to reconsider bringing the item back. There was no motion.

Commissioner Johnston thanked City Manager Scholl for his professionalism leading our City having a difficult position and she wished him the best.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 10:49 p.m.


Cheryl Smith, MMC, CPM
City Clerk