

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

WEDNESDAY, SEPTEMBER 5, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Wednesday, September 5, 2012.

Mayor Craig Cates called the meeting to order at 6:00 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Billy Wardlow, Jimmy Weekley, Tony Yaniz and Mayor Craig Cates.

Commissioner Mark Rossi was absent.

Also present were Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donie Lee, Code Compliance Manager Jim Young, Port and Transit Director Jim Fitton, Transit Manager Myra Wittenberg, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Deputy City Clerk Angela Budde and Senior Deputy City Clerk Sue Harrison.

Reverend Dr. Randolph Becker, Unitarian Universalist Fellowship, 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:

Assistant City Manager Fernandez requested Resolution Item 5 be postponed to October 16, 2012. Without opposition the agenda was accepted as changed.

PRESENTATIONS:

Key West Historic Resources Survey 2011 – Stacey Griffin, Panamerican Consultants, Inc.

City Planner Don Craig introduced Ms. Griffin for the presentation.

City Attorney's Report

The City Attorney had no report. Commissioner Yaniz asked the City Attorney to clarify what constitutes a trailer versus a boat trailer in relation to the recent passage of the Ordinance related to parking on the City streets or right-of-ways. Mr. Smith spoke on the LDR rules set in 1997 and he suggested the Commission would be well served with a comprehensive review of the regulations with respect to parking in Chapter 70 and Chapter 108.

Commissioner Wardlow commented on covered vehicles and boats and trailers parked behind the police station on Duck Avenue.

Commissioner Johnston said the language is clear regarding the use of public right-of-way for storage. Mr. Smith defined storage as 72 hours but there are other regulations that prohibit vehicles for any length of time in another section of the Code.

Police Chief Donie Lee and Code Compliance Manager Jim Young responded to questions from the Commission regarding enforcement of the parking laws.

The City Attorney stated he would work with the Police Department and Code Compliance to bring something back before the Commission that is reasonable and clear.

City Manager's Report

Assistant City Manager Fernandez advised the Commission they had received the Glynn Archer Report Condition Analysis. Mr. Fernandez requested that staff be able to brief each Commissioner individually on the report and to set a special meeting for the engineers to present the report and answer questions. He stated October 24 is the expiration date for the due diligence period for the school board. The date for the special meeting was to be determined.

Mr. Fernandez asked Utilities Manager Jay Gewin to give a brief presentation on the Sewer Deduct Meter program and to discuss storm debris and/or vegetation.

CONSENT AGENDA:

The Deputy Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley 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 pass the Resolutions as read.

RESOLUTIONS:

RESOLUTION NO. 12-254

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING DAHLIA WOODS TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-255

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING STEVE HENSON TO THE KEY WEST BIGHT MANAGEMENT DISTRICT BOARD (HISTORIC PRESERVATION); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-256

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AMENDMENT TO AGREEMENT" BETWEEN THE CITY AND THE CUNNINGHAM GROUP; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO OCTOBER 16, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE SUSTAINABILITY COORDINATOR TO WORK WITH CITY STAFF TO RECOMMEND PACE AND GREEN BUSINESS CERTIFICATION; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-257

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-258

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING THE EMERGENCY APPROVAL OF WORK CHANGE DIRECTIVE 6, IN AN AMOUNT NOT TO EXCEED \$157,631.16 TO THE CONTRACT WITH EBSARY FOUNDATION COMPANY, INC. FOR NAVY MOLE BULKHEAD 497 REPAIRS, PROJECT OM1201; APPROVING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-259

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A 1.6 PERCENT ADJUSTMENT TO INCREASE THE USER FEE OF EACH EQUIVALENT STORMWATER UNIT (ESU) TO \$7.80 FOR FISCAL YEAR 2013; 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. 12-260

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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); PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow 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 pass 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

RESOLUTION NO. 12-261

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

Deputy Clerk Budde read the following letter into the record from Clifford Fick, 415 Julia Street.

The following people spoke on the matter:

Tom Milone, 832 Caroline Street
Elissa Bishop-Becker, 818 Thomas Street
Dr. Randolph Becker, 818 Thomas Street
Shawn Smith, City Attorney
Assistant City Manager Mark Finigan
Code Compliance Manager Jim Young

It was moved by Commissioner Lopez and seconded by Commissioner Wardlow that the Resolution be passed and adopted as read.

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

Yeas: Commissioners Lopez, Wardlow, Yaniz and Mayor Cates

Nays: Commissioners Johnston and Weekley

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. SECOND READING SEPTEMBER 18, 2012

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR 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

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Shawn Smith, City Attorney

It was moved by Commissioner Yaniz and seconded by Commissioner Weekley adding a requirement of a notice to surrounding property owners in a 300 foot radius and that the Ordinance be passed on first reading as amended.

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

Yeas: Commissioners Johnston, Lopez, 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. SECOND READING SEPTEMBER 18, 2012

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR 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

The Clerk read the title of the Ordinance.

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

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

Yeas: Commissioners Johnston, Lopez, 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. SECOND READING SEPTEMBER 18, 2012

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, 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

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

Don Craig, City Planner
Shawn Smith, City Attorney
Nadja Girard, 1214 Newton Street
Donna Bosold, for White Street Partners
James Landers, for White Street Partners
Daniel Kolbe, 1214 Knowles Lane
Steve Dawkins, 1212 Angela Street

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to amend the ordinance to 8.6 units per acre.

The Mayor requested the Clerk call the roll.

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

Nays: None

Motion passed.

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Wardlow, Yaniz and Mayor Cates

Nays: Commissioners Johnston and Weekley

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

SO ORDERED

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 12-28

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

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

Patrick Stecher, 1015 Simonton Street
Ron Ramsingh, Assistant City Attorney
Shawn Smith, City Attorney

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to amend the Ordinance by including an extension of the Artisans and Performers Corridor in Exhibit A.1 to include that portion of the pier up to the Emma Cates Monument and for the Ordinance to be passed on second reading as amended.

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

Yeas: Commissioners Johnston, Lopez, 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

CITIZEN COMMENTS:

John Patrick Hanley, formerly of 408 Aronovitz Lane

COMMISSION COMMENTS:

Commissioner Yaniz spoke on the ordinance of parking boats and trailers in the right-of-way and would like to see a 30 days moratorium.

Commissioner Wardlow agreed that the ordinance should be clarified and supported the 30 day moratorium.

Mayor Cates also agreed the ordinance needed clarification.

Commissioner Johnston restated the ordinance referenced not using the public right-of-way for storage.

Commissioner Lopez thanked staff for the preparation prior to Tropical Storm Isaac.

Commissioner Wardlow offered condolences to the family of Josh Yarbrough and Keys Energy.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:50 p.m.



Cheryl Smith, MMC, CPM
City Clerk