



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final - Final

City Commission

Tuesday, September 20, 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 - 6:00 P.M.

ROLL CALL

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

INVOCATION - Pastor Ozzie Vater, Fifth Street Baptist Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Southernmost Soccer Association U12 Boys Travel Team Day

Sponsors: Mayor Cates, Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow and Commissioner Weekley

Attachments: [Proclamation](#)

PRESENTATIONS

City Attorney's Report

City Manager's Report

2 Truman Waterfront Amphitheater

Attachments: [*Large File* Presentation](#)

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

3 *September 7, 2016 (Regular)

Attachments: [Minutes](#)

Approved

4 *September 8, 2016 (Special)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

5 *Re-appointing Frank P. Toppino to the Housing Authority of the City of Key West Board of Commissioners.

Sponsors: Mayor Cates

Attachments: [Resolution](#)
[Request for Re-Appointment](#)
[Certification of Appointment](#)

Passed

Enactment No: Res 16-265

- 6 *Authorizing Master Chief Jim King to conduct a Welcome Reception for Retired US Colonel Gary West who is riding a bike from Maine and ending at Bayview Park on Saturday, October 1, 2016 from 11:00 A.M. to 2:00 P.M.; Pursuant to terms and conditions set forth by the City Manager. Authorizing the closure of Jose Marti Drive from Truman Avenue to Virginia Street from 11:00 A.M. to 2:00 P.M.

Sponsors: Commissioner Kaufman and City Manager Scholl

Attachments: [Resolution](#)
 [Application](#)
 [Advertisement](#)

Passed

Enactment No: Res 16-266

- 7 *Authorizing the Key West Gator Club as an affiliate of the University of Florida Alumni Association, Inc. to conduct a full and 1/2 Marathon on Friday, October 7, 2016 from 12:00 P.M. to 9:00 P.M. and Saturday, October 8, 2016 from 4:00 A.M. to 2:00 P.M.; Authorizing the closure of Front Street from Duval Street and Simonton Street including Simonton Street Beach area; Authorizing certain street closures thereof during the event; Granting an exemption from the Noise Control Ordinances from 4:00 A.M. to 2:00 P.M.. Authorizing the Sale and Consumption of Alcoholic Beverages within the enclosed area. Pursuant to Terms and Conditions set forth by the City Manger.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [*Large File* Application](#)
 [Advertisement](#)

Passed

Enactment No: Res 16-267

- 8 *Authorizing We Cycle, Inc. to conduct the annual Zombie Bicycle Ride Event starting at East Martello Towers and ending on the 100, 200 and 300 Block of Duval Street on Sunday, October 23, 2016, from 7:00 P.M. to Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 100, 200 & 300 Block of Duval Street on Sunday, October 23, 2016 from 7:00 P.M. to Midnight.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Application](#)
 [Advertisement](#)

Passed

Enactment No: Res 16-268

- 9 *Accepting the attached Grant award package for Grant No. EMW-2016-PU-00529 from the Department of Homeland Security / FEMA 2016 Port Security Grant Program (PSGP) in the amount of \$275,592.00 for the purchase of a new patrol boat (City match of 25% - \$91,865.00); Authorizing any necessary budget amendments.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 16-269

- 10 *Approving the attached "Contract Amendment" to Contract #22776, Urban and Community Forestry Grant, between the Florida Department of Agriculture and Consumer Services and the City of Key West, providing for a no-cost six month time extension to March 31, 2017; Authorizing the City Manager to execute necessary documents on behalf of the City.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Contract Amendment](#)
 [*Large File* Contract](#)
 [Resolution 15-192](#)

Passed

Enactment No: Res 16-270

- 11 *Approving the Proposed Settlement Agreement in Robert and Joan Kocher v. City of Key West, in the amount of \$98,000.00; Authorizing the City Manager to Execute Settlement Documents upon the Advice and Consent of the City Attorney.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 16-271

- 12 *Appointing Erin Stover Sickmen to the Art in Public Places Board.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
 [Letter](#)
 [Resume](#)

Passed

Enactment No: Res 16-272

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.

13

Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Viva Saloon 903 Duval Street for a "Day of the Dead" party during the hours of 7:00 P.M. to ~~2:00 A.M.~~ 12 Midnight on Wednesday, October 26, 2016.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Application](#)
[Advertisement](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed as Amended with the event ending at 12 Midnight. 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 16-273

14

Supporting in concept the siting of a U.S. Navy Triton Unmanned Aircraft System at Naval Air Station Key West; Urging Navy personnel to consider the use of vacant Navy housing at Sigsbee Park and other locations, to minimize impact to the Affordable Housing stock in Key West and the Lower Keys.

Sponsors: Commissioner Wardlow

Attachments: [Resolution](#)
[Navy Press Release](#)
[*Large File* Navy Draft Environmental Assessment Report](#)

A motion was made by Commissioner Payne, seconded by Commissioner Kaufman, to amend the Resolution by removing Section 2. The motion carried by the following vote:

Yes: Commissioners Kaufman, Payne, Romero and Weekley

No: Commissioners Wardlow, Lopez and Mayor Cates

A motion was made by Commissioner Wardlow, seconded by Commissioner Kaufman, that the Resolution be Passed, as Amended. 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 16-274

- 15 Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Fausto's Food Palace, LLC for a "90th Year Anniversary Party" during the hours of 4:00 P.M. to 7:00 P.M. on Saturday, October 15, 2016 at 522 Fleming Street.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Application](#)
[Advertisement](#)

A motion was made by Commissioner Richard Payne, seconded by Commissioner Clayton Lopez, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 16-275

- 16 Accepting the recommendation of the Key West Bight Management District Board by authorizing the siting of a surface parking lot at 609 Greene Street; Directing City Staff to solicit design proposals from qualified consultants.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Preliminary Concept](#)
[Key West Bight Management District Board meeting minutes](#)
[KB1035 CIP](#)
[Resolution 14-325](#)

A motion was made by Commissioner Kaufman, 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 16-276

17

Approving the use of Deepwater Horizon Settlement Funds in an amount not to exceed \$148,800.00 for construction / permitting fees for the new FKSPCA Animal Shelter on College Road; Authorizing necessary budget transfers.

Sponsors: Commissioner Kaufman and City Manager Scholl

Attachments: [Resolution](#)
[Supporting Information](#)
[Resolution 15-279](#)

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

No: 3 - Commissioner Lopez, Commissioner Romero and Commissioner Wardlow

Yes: 4 - Commissioner Kaufman, Commissioner Payne, Commissioner Weekley and Mayor Cates

Enactment No: Res 16-277

ORDINANCES - SECOND READING (Public Hearing)

18

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-121 to add a Civil Penalty for Violation of Section 70-497 Bus Parking Restricted; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

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

A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Jimmy Weekley, that the Ordinance be Adopted. The motion passed by an unanimous vote.

Enactment No: Ord 16-17

19

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Article II, entitled "Nuisances," Division 3 "Use of Beaches on City Property" by amending the Title of Division 3; By amending Section 26-96, "Definitions"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

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

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Adopted. 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: Ord 16-18

20

An Ordinance of the City of Key West, Florida amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Article II, entitled "Nuisances," Division 4 "Use of Parks on City Property" by amending the Title of Division 4; By amending Section 26-96, "Definitions"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

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

A motion was made by Commissioner Sam Kaufman, seconded by Commissioner Clayton Lopez, that the Ordinance be Adopted. The motion passed by an unanimous vote.

Enactment No: Ord 16-19

21

An Ordinance of the City of Key West, Florida, amending Chapter 2 entitled "Administration," Article VI entitled "Code Enforcement", by amending Section 2-636 entitled "Staff Support and Legal Counsel to the Special Master"; By amending Section 2-639 entitled "Presentation of City's Case"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

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

A motion was made by Commissioner Richard Payne, seconded by Commissioner Jimmy Weekley, that the Ordinance be Adopted. The motion passed by an unanimous vote.

Enactment No: Ord 16-20

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 8:34 P.M.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WEEKLEY JAMES		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE KEY WEST CITY COMMISSION	
MAILING ADDRESS PO BOX 1409		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY KEY WEST	COUNTY MONROE	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED SEPTEMBER 20, 2016		NAME OF POLITICAL SUBDIVISION: KEY WEST	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jimmy Weekley, hereby disclose that on Sept 20, 2016:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;

☒ inured to the special gain or loss of my business associate, _____;

☐ inured to the special gain or loss of my relative, _____;

☐ inured to the special gain or loss of _____, by whom I am retained; or

☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

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 FAUSTO'S FOOD PALACE, LLC for A "90th YEAR ANNIVERSARY PARTY" DURING THE HOURS OF 4:00 P.M. to 7:00 P.M. ON SATURDAY, OCTOBER 15, 2016 AT 522 FLEMING STREET; PROVIDING FOR AN EFFECTIVE DATE.

Date Filed

September 20, 2016 Jimmy Weekley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME KAUFMAN SAMUEL		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE KEY WEST CITY COMMISSION
MAILING ADDRESS PO BOX 1409		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY KEY WEST	COUNTY MONROE	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED SEPTEMBER 20, 2016		NAME OF POLITICAL SUBDIVISION: KEY WEST
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Samuel Kaufman, hereby disclose that on September 20, 20 16 :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

An Ordinance of the City of Key West, Florida, amending Chapter 2 entitled "Administration," Article VI entitled "Code Enforcement", by amending Section 2-636 entitled "staff Support and Legal Counsel to the Special Master"; By amending Section 2-639 entitled "Presentation of City's Case".

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

September 20, 2016

Signature

Samuel Kaufman

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.