

## **MINUTES**

### **CITY COMMISSION MEETING**

**OLD CITY HALL, 510 GREENE STREET**

**TUESDAY, AUGUST 3, 2010**

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, August 3, 2010.

Mayor Craig Cates called the meeting to order at 6:03 p.m.

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

Commissioner Barry Gibson was absent.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, City Planner Amy Kimball-Murley, Police Chief Donie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Code Compliance Manager Jim Young, Environmental Programs Manager Annalise Mannix, Information Technology Director Patti McLaughlin, Citizen Review Board Executive Director Stephen Muffler, Utilities Manager Jay Gewin, Deputy Parking Manager John Wilkins, Port Operations Project Manager Doug Bradshaw, Senior Property Manager Marilyn Wilbarger, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Deacon Peter Batty, of St. Mary's Star of the Sea Catholic 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**

City Manager Scholl stated Ordinance 17, the Street Performer Ordinance, would need to be postponed to September 21, 2010. Mr. Scholl stated the resolution item on the CRA agenda was being withdrawn.

The City Clerk stated there was a speaker signed up for Resolution Item 6 and the item would need to be removed from the Consent Agenda.

Commissioner Johnston requested Resolution Items 3 and 10 be removed from the Consent Agenda for discussion and clarification.

Without opposition, the agenda was accepted as changed.

**PRESENTATIONS:**

- (1) 20 Year Service Award - Key West Police Captain Scott Smith
- (2) Clinton Square Six Month Progress Update – John Woodson Parking Manager

City Attorney's Report –

The City Attorney had no report.

City Manager's Report –

City Manager Jim Scholl reported the millage rate for the TRIM notice would be 3.066. This would be the maximum millage rate they could approve in September.

Mr. Scholl stated BP would be hosting briefings in Key West at the Gato Building at 2:00 p.m. August 5, 2010 and Staff would be present representing the City.

Commissioner Weekley asked Mr. Scholl what happened to the report they were to receive on a compromise to the closure of the Frances Street cemetery gate. Mr. Scholl has not yet received the additional information needed from the Sexton. He would follow up.

Commissioner Wardlow asked when the City Manager's contract would come up again for discussion. Mr. Scholl said it was approved to next July so they would see it again in January 2011.

Commissioner Johnston asked when they would receive the formal proposal from Spottswood-Meisel. Mr. Scholl stated they would wait for the County Commission's request for the Attorney General's opinion on the use of funds. He would find out when a proposal would be brought forth. Commissioner Johnston asked for consistent updates regarding that matter.

**CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley and seconded by Commissioner Rossi 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. 10-230**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING EXECUTION OF A SUSTAINABLE COMMUNITIES INITIATIVE MEMORANDUM OF UNDERSTANDING FOR THE SOUTHEAST FLORIDA REGION; SUPPORTING THE REGIONAL PLANNING COUNCILS OF SOUTHEAST FLORIDA IN PREPARING A COMPREHENSIVE JOINT APPLICATION UNDER THE FEDERAL SUSTAINABLE COMMUNITIES INITIATIVE; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-231**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE MONROE COUNTY SCHOOL DISTRICT AND KEY WEST POLICE DEPARTMENT REGARDING SCHOOL RESOURCE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-232**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ACCEPTANCE, AUTHORIZATION AND EXECUTION OF A "UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT" WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), FOR INSTALLATION OF NORTH ROOSEVELT SEWER FORCE MAINS, IN THE TOTAL AMOUNT OF \$1,931,672.06 (CITY SEWER UTILITY FUNDS SHARE 35%); PROVIDING FOR NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-233**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MODIFICATION TO EXHIBIT B OF THE LOCAL AGENCY PROGRAM AGREEMENT – FM NO. 421380-1, BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR ATLANTIC BOULEVARD IMPROVEMENTS IN THE TOTAL AMOUNT OF \$649,000.00; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-234**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MODIFICATION TO EXHIBIT B OF THE LOCAL AGENCY PROGRAM AGREEMENT – FM NO. 421379-1 / GN0711, BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR COLLEGE ROAD IMPROVEMENTS IN THE TOTAL AMOUNT OF \$325,000.00; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-235**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING BY 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE NO. 10-07 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 BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-236**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE SETTLEMENT IN THE CASE OF WILLIAM R. GROSSCUP V. CITY OF KEY WEST; 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. 10-237**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PARADISE CHARITABLE FOUNDATION TO CONDUCT PARROT HEADS IN PARADISE STREET PARTY ON FRIDAY, NOVEMBER 5, 2010 FROM 8:00 A.M. TO 6:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 500 BLOCK OF DUVAL STREET BETWEEN FLEMING & SOUTHARD STREETS; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 8:00 A.M. TO 6:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Jim Scholl, City Manager

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley 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**

**RESOLUTION NO. 10-238**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO REMOVE COCONUT PALM TREES ALONG THE NORTH ROOSEVELT BOULEVARD PROMENADE AND PLANT GRASS ANOTHER VARIETY OF TREE OR LANDSCAPING AT THE CONCLUSION OF THE RECONSTRUCTION PROJECT; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Scholl, City Manager

Mark Songer, 1310 Newton Street representing Last Stand

It was moved by Commissioner Weekley and seconded by Commissioner Johnston that the Resolution be passed and adopted revising the resolution to reflect Option 2: “Directing FDOT to plant another variety of tree or landscaping with input from Cynthia Domenech-Coogle, City of Key West Urban Forestry Program Manager, agree to sign a maintenance contract and agree to assume liability associated with the new trees or landscaping.”

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley 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**

#### **RESOLUTION NO. 10-239**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO ADOPT REVISIONS TO ITS BUILDING PERMIT ALLOCATION SYSTEM; DIRECTING BUILDING AND PLANNING STAFF TO CONTINUE THE POLICY OF DEFERRING THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS REQUIRING THE ISSUANCE OF BUILDING PERMIT ALLOCATIONS; CONTINUING THIS POLICY UNTIL NEW BUILDING PERMIT ALLOCATION REGULATIONS ARE ADOPTED BY THE CITY COMMISSION OR UNTIL THE PASSAGE OF 90 DAYS FROM THE DATE OF THIS RESOLUTION, WHICHEVER OCCURS FIRST; DIRECTING STAFF TO CONTINUE PREPARATIONS OF NEW BUILDING PERMIT ALLOCATION REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Shawn Smith, City Attorney

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley 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**

**RESOLUTION NO. 10-240**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING ONE MEMBER TO THE CITIZENS REVIEW BOARD; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution. She stated the applicants for this appointment were present and would have three-minutes to make their presentations to the Commission. She introduced the applicants in alphabetical order.

Ami Emanuel  
Rev. Douglas Forbes (not present)  
Robert H. Johnson  
Thomas C. Milone  
Edward A. Shields

The following people spoke on the matter:

Stephen Muffler, Executive Director CRB

The Clerk read the results of the Commission's selection as follows:

Commissioner Johnston	-	Tom Milone
Commissioner Lopez	-	Tom Milone
Commissioner Rossi	-	Rev. Forbes
Commissioner Wardlow	-	Rev. Forbes

Commissioner Weekley - Edward Shields  
Mayor Cates - Rev. Forbes

(The Official Tally Sheets are attached hereto and made a part of these minutes.)

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Resolution be passed and adopted appointing Reverend Douglas "Sinclair" Forbes to the Citizen Review Board.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley 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**

#### **RESOLUTION NO. 10-241**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A MAJOR DEVELOPMENT PLAN FOR THE RECONSTRUCTION AND EXPANSION OF AN EXISTING CHURCH IN THE SINGLE FAMILY RESIDENTIAL DISTRICT (SF) FOR PROPERTY LOCATED AT 3424 NORTHSIDE DRIVE, KEY WEST (RE #00065830-000000); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

At this time the Clerk asked anyone giving testimony on this item to please stand to be sworn in; the Clerk administered the oath.

The following people spoke on the matter:

Richard Gaines, McCree Architects & Engineers, Applicant  
Clyde Louchez  
Wayne Hails  
Amy Kimball-Murley, City Planner

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



The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley 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**

**ORDINANCE - FIRST READING:**

**ORDINANCE NO. Second Reading August 17, 2010**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 1.08 OF THE CITY CHARTER CALLING FOR A REFERENDUM AUTHORIZING THE CITY OF KEY WEST TO ACQUIRE THE GLYNN ARCHER SCHOOL SITE AT 1302 WHITE STREET FROM MONROE COUNTY SCHOOL BOARD FOR USE AS A CITY HALL; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 2, 2010; 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:

Margaret Romero, 1615 Washington Street  
Shawn Smith, City Attorney  
Jim Scholl, City Manager

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: Commissioner Johnston

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. Postponed to August 17, 2010**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 1.08 OF THE CITY CHARTER, CALLING FOR A REFERENDUM AUTHORIZING THE CITY OF KEY WEST TO PURCHASE 4.25 ACRES OF REAL PROPERTY COMMONLY KNOWN AS 2800 FLAGLER AVENUE (RE NUMBER 00065090-000100) FROM THE FT. ZACHARY TAYLOR SURCHARGE FUND, WHICH IS SET APART FOR THE PURCHASE OF SUCH LANDS, FOR THE USE AS A PUBLIC PARK INCLUDING A CHILDREN'S PLAYGROUND AND PASSIVE RECREATIONAL SPACE; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 2, 2010; 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 postponed to August 17, 2010.

**ORDINANCE NO.: Postponed to September 21, 2010**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED AMUSEMENTS AND ENTERTAINMENT; BY AMENDING SECTION 6-1, TO ADD DEFINITIONS; SECTION 6-2 TO AMEND PERMIT, APPLICATION AND APPEAL PROCESSES, ADDING PALM WEAVING PERMITS AND EXTENDING 2010 PERMITS; AMENDING SECTION 6-3, REGARDING LOCATIONS; AMENDING SECTION 6-4 BY AMENDING PERMIT REGULATIONS AND PROHIBITIONS; AMENDING SECTION 6-7 REGARDING REVOCATION OF PERMITS; AMENDING SECTION 6-8, ADJUSTING PERMIT FEES; AMENDING SECTION 6-9 REGARDING PENALTY ENFORCEMENT; 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 postponed to September 21, 2010.

The Mayor requested the Clerk call the roll.

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

Nays: None

**SO ORDERED**

**CITIZEN COMMENTS:**


Reverend Douglas Sinclair Forbes, 907 Thomas Street

**COMMISSION COMMENTS:**

There were no comments from the Commission.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 7:27 p.m.

  
\_\_\_\_\_  
Cheryl Smith, MMC, CPM  
City Clerk

# OFFICIAL TALLY SHEET

## Selecting One Member to the Citizen Review Board

August 3, 2010

Upon completion, the form is to be submitted to the City Clerk for tabulation as part of the selection process records.

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### Candidates for Selection:

1. Ami Emanuel
2. Reverend Douglas "Sinclair" Forbes
3. Robert H. Johnson
4. Thomas C. Milone
5. Edward A. Shields

\*\*\*\*\*

Candidate Selection:

Tom Milone

Signature Teri Johnston

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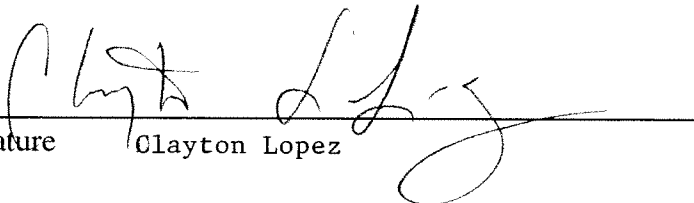
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### Candidates for Selection:

1. Ami Emanuel
2. Reverend Douglas "Sinclair" Forbes
3. Robert H. Johnson
4. Thomas C. Milone
5. Edward A. Shields

\*\*\*\*\*

Candidate Selection:       # 4      

  
Signature Clayton Lopez

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### Candidates for Selection:

1. Ami Emanuel
2. Reverend Douglas "Sinclair" Forbes
3. Robert H. Johnson
4. Thomas C. Milone
5. Edward A. Shields

\*\*\*\*\*

Candidate Selection: \_\_\_\_\_

*Forbes*

\_\_\_\_\_  
Signature Mark Rossi

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### Candidates for Selection:

1. Ami Emanuel
2. Reverend Douglas "Sinclair" Forbes
3. Robert H. Johnson
4. Thomas C. Milone
5. Edward A. Shields

\*\*\*\*\*

Candidate Selection: Forbes

  
Signature Billy Wardlow

# OFFICIAL TALLY SHEET

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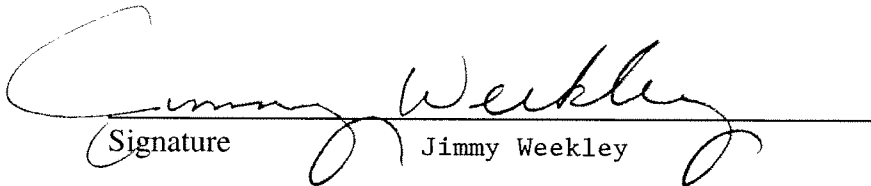
### Candidates for Selection:

1. Ami Emanuel
2. Reverend Douglas "Sinclair" Forbes
3. Robert H. Johnson
4. Thomas C. Milone
5. Edward A. Shields

\*\*\*\*\*

Candidate Selection: \_\_\_\_\_

*Ed Shields*

  
Signature \_\_\_\_\_ Jimmy Weekley



# OFFICIAL TALLY SHEET

## Selecting One Member to the Citizen Review Board

August 3, 2010

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### Candidates for Selection:

1. Ami Emanuel
2. Reverend Douglas "Sinclair" Forbes
3. Robert H. Johnson
4. Thomas C. Milone
5. Edward A. Shields

\*\*\*\*\*

Candidate Selection: PASTOR FORBES

  
\_\_\_\_\_  
Signature Craig Cates