

**MINUTES**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, MARCH 20, 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, March 20, 2012.

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, Tony Yaniz and Mayor Craig Cates.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, City Planner Don Craig, Police Chief Donnie Lee, Fire Department Division Chief Michael Davila, Deputy Community Services Director Rodrigo Delostrinos, Senior Planner Ashley Monnier, Planner Nicole Malo, Information Technology Director Patti McLauchlin, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Reverend Phillip Smedstad, Unity of the Keys 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:**

Commissioner Johnston requested Resolution Item # 10 to be removed from the Consent Agenda for discussion.

The City Manager requested Commendation Item # 1 to be postponed to April 3, 2012.

The Mayor acknowledged the change and without opposition the agenda was accepted as changed.

## **PRESENTATIONS:**

### City Attorney's Report

The City Attorney gave a brief overview on the rules and regulations governing the meetings. City Attorney Smith emphasized 2 factors prevalent at every meeting; the chair recognizes the speakers and equally as important each Commission member has the ability to speak their point.

City Attorney Smith reported the firm, Colin Baenziger & Associates, was hired to conduct the recruitment of the New City Manager. Mr. Baenziger asked for input from the Commission on a salary range.

A discussion ensued on the salary range with majority of the Commission agreeing to have a salary range from \$150,000.00 to \$200,000.00.

The City Attorney took a moment to recognize two groups of City employees who, in his opinion, perform exemplary service on a daily basis; school crossing guards and the crews who work the ball fields.

Commissioner Johnston asked the City Attorney for an update on the parking of boats and trailers in the City's Right of Way. City Attorney Smith advised he has had conversations with Parking Manager John Wilkins and Commissioner Yaniz on this issue and it was his understanding from those conversations there were two portions of an Ordinance coming forward; One having to do with Land Development Regulations and the screening from view in single family districts and the process was to go through the Planning Board for approval first. The other would be a regulation that had to do with parking permits and he understood Mr. Wilkin's intent to combine the two and bring them before the Commission for approval.

### City Manager's Report

City Manager Scholl updated the Commission on the FDOT meeting at the Doubletree Resort. It was attended by a large portion of the community and he said he was very encouraged by the meeting and to have the project begin.

**CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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.

**RESOLUTIONS:**

**RESOLUTION NO. 12-087**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING HISTORIC MARKERS, INC. D/B/A HISTORIC KEY WEST TO PLACE UP TO EIGHTY-FOUR (84) "500 YEARS OF PARADISE" BANNERS ALONG DUVAL STREET AND TRUMAN AVENUE IN ACCORDANCE WITH SECTIONS 114-35 AND 114-103 (A) (2) OF THE CODE OF ORDINANCES; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-088**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING MR. Z'S TO CONDUCT A BLOCK PARTY FUNDRAISER FOR THE WESLEY HOUSE ON SUNDAY, APRIL 1, 2012 STARTING AT 12:00 NOON TO 4:00 P.M.; AUTHORIZING THE CLOSURE OF THE 500 BLOCK OF SOUTHARD STREET BETWEEN DUVAL STREET & BAHAMA STREETS; AUTHORIZING THE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA OF THE EVENT' GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE EVENT; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-089**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE AMERICAN CANCER SOCIETY TO CONDUCT THEIR ANNUAL RELAY FOR LIFE FUNDRAISER AT BAYVIEW PARK STARTING ON FRIDAY, APRIL 20, 2012 AT 5:00 P.M. ENDING ON SATURDAY, APRIL 21, 2012 AT 2:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-090**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A ONE YEAR EXTENSION OF THE AGREEMENT BETWEEN THE CITY AND LAW OFFICES OF J. JEFFERSON OVERBY, P.A.; FOR CODE ENFORCEMENT SPECIAL MAGISTRATE SERVICES; PROVIDING FOR A TWO PERCENT (2%) RATE ADJUSTMENT, EFFECTIVE AS OF MARCH 28, 2012; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-091**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING THE MAXIMUM INCOME, SALE AND RENT SCHEDULE; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-092**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE APPROVAL OF TASK ORDER 02-2012 STM FOR RED OAK CONSULTING; A DIVISION OF MALCOLM PIRNIE, INC. IN AN AMOUNT NOT TO EXCEED \$19,750.00 TO PROVIDE A RATE STUDY FOR PREPARATION OF THE CITY'S STORMWATER BILLING; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-093**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE APPROVAL OF TASK ORDER 03-2012 SWR FOR RED OAK CONSULTING, A DIVISION OF MALCOLM PIRNIE, INC. IN AN AMOUNT NOT TO EXCEED \$19,750.00**

**TO PROVIDE A RATE STUDY FOR PREPARATION OF THE CITY'S  
SEWER BILLING; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-094**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY  
WEST, FLORIDA, APPROVING THE ATTACHED AMENDMENT TO  
CONTRACT FOR AMBULANCE SERVICES BETWEEN THE CITY OF  
KEY WEST AND LIFESTAR RESPONSE OF ALABAMA, D/B/A CARE  
AMBULANCE; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-095**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY  
WEST, FLORIDA, APPROVING THE ATTACHED INTERLOCAL  
AGREEMENT BETWEEN MONROE COUNTY AND THE KEY WEST  
FIRE DEPARTMENT FOR SELF-CONTAINED BREATHING  
APPARATUS (SCBA); 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. 12-096**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY  
WEST, FLORIDA, APPROVING THE ATTACHED ONE-YEAR  
"AGREEMENT FOR CITY OF KEY WEST KEYS OVERNIGHT  
TEMPORARY SHELTER (KOTS)" BETWEEN THE CITY AND THE  
SOUTHERNMOST HOMELESS ASSISTANCE LEAGUE, INC. (SHAL);  
PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Attorney Smith  
Wendy Coles, SHAL President and Executive Director  
Michael Browning, 402 Appelrouth Lane

A discussion on managing the Keys Overnight Temporary Shelter (KOTS) ensued with SHAL President Wendy Coles and Board Member Michael Browning and both Commissioner Wardlow and Mayor Cates commended SHAL for their hard work at KOTS.

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

The Mayor 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**

#### **RESOLUTION NO. Postponed to April 3**

#### **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AGREEMENT FOR CONVEYANCE OF REAL PROPERTY" BETWEEN THE CITY AND SCHOOL BOARD OF MONROE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Attorney Smith  
Judy Martinez,  
Margaret Romero, 1615 Washington Street  
Jay Gewin, Utilities Manager  
City Manager Scholl

Discussion on the agreement began with the City Attorney commenting on the various changes made in the document as a result of conversations between his office and the School District office and

he gave examples of items that would be removed from the agreement such as taxes from paragraph 6 and Stormwater from paragraph 9.

City Attorney Smith offered a suggestion to the Commission to consider extending the due diligence period from 90 days found in paragraph 10.

Commissioner Yaniz spoke on the subject of extension by offering a time frame of 180 days to make sure the City has all of the due diligence covered.

Commissioner Johnston went over various points throughout the document with the City Attorney and the City Attorney answered her concerns.

City Manager Scholl reported the School Board would have to comply with the capital improvements timeline outlined in our Code of Ordinances.

It was moved by Commissioner Wardlow and seconded by Commissioner Rossi, for discussion, that the Resolution be postponed.

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 postponed to April 3.

### **SO ORDERED**

#### **RESOLUTION NO. 12-097**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO REMOVE THE PROPOSED RAILING ALONG THE SEAWALL ON THE NORTH SIDE OF NORTH ROOSEVELT BOULEVARD FROM PLANS FOR RIGHT-OF-WAY IMPROVEMENTS SCHEDULED ON NORTH ROOSEVELT BLVD.; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Judy Martinez, 1020- Emma Street  
Virginia Panico, Key West Chamber of Commerce  
City Manager Scholl

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

The Mayor 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**

**RESOLUTION NO. Postponed to April 3**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MINOR DEVELOPMENT PLAN FOR REAL PROPERTY LOCATED AT 313 MARGARET STREET; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE; 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:

Architect Michael Ingram, Representing the Applicant  
Nicole Malo, Planner  
Mark Langley, 310 Margaret Street  
Joyce Moore, 910 James Street  
Craig Fazo, 910 James Street  
Jynke Salminen, 912 James Street  
Eddie Chapman, 910 James Street front  
Don Morris, 916-918 James Street  
Cliff Saylor, 321 Margaret Street  
Scott Saunders, 412 White Street

It was moved by Commissioner Rossi and seconded by Commissioner Yaniz that the Resolution be postponed to the April 3, 2012 meeting.

The Mayor 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 postponed to April 3.

The Mayor called for a 10 minute recess at 8:36 P.M.

The Mayor reconvened the meeting at 8:47 P.M.

### **SO ORDERED**

#### **RESOLUTION NO. Postponed to April 3**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR PROPERTY LOCATED AT NELSON ENGLISH AND WILLIE WARD PARKS IN THE HDMR AND THE HHDR ZONING DISTRICTS – 306 CATHERINE STREET (RE#00026460-000000), 304 CATHERINE STREET (RE#00026470-000000, 00026480-000000), 300 LOUISA STREET (RE #00026500-000000), 307 LOUISA STREET (RE# 00026490-000000,00026510-000000) 250 AMELIA STREET (RE#00026610-000000, 00026610-000100), KEY WEST, FLORIDA; 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:

Nicole Malo, Planner for the Applicant  
Patricia Eables, 313 Catherine Street  
Dr. Becker, 818 Thomas Street  
City Manager Scholl

It was moved by Commissioner Lopez and seconded by Commissioner Johnston, for discussion, that the Resolution be postponed to April 3, 2012 meeting.

The Mayor 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 postponed.

**SO ORDERED**

**PROPOSED ADD-ON**

The City Attorney introduced the proposed add-on Resolution and asked for a motion and second to add the item to the agenda.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to accept the proposed add on Resolution to the Agenda.

The Mayor acknowledge the first and second motions and asked for a verbal approval.

The proposed add-on was passed unanimously and added to the Agenda.

**RESOLUTION NO. 12-098**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING THE "MOVE TO AMEND" CAMPAIGN TO CALL FOR AN AMENDMENT TO THE CONSTITUTION TO ABOLISH CORPORATE PERSONHOOD AND THE DOCTRINE OF MONEY AS SPEECH; CALLING ON OTHER JURISDICTIONS TO JOIN THE MOVE TO AMEND" CAMPAIGN; SUPPORTING EDUCATION TO INCREASE PUBLIC AWARENESS OF THE THREATS POSED BY CORPORATE PERSONHOOD; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The Clerk read the following letter into the record:

Constance Gilbert, 226 Julia Street

The following people spoke on the matter:

Midge Jolly, Upper Sugarloaf Key  
John Gish, 5200 College Road  
Mrs. Becker, 818 Thomas Street

Diana Dodson, Spanish Main, Cudjoe Key  
Randy Becker, 818 Thomas Street

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

The Mayor requested the Clerk to call the roll.

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

Nays: Commissioner Rossi

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**

**AN ORDINANCE OF THE CITY OF KEY WEST, ADDRESSING THE COMPATIBILITY OF LANDS ADJACENT TO OR CLOSELY PROXIMATE TO MILITARY INSTALLATIONS IN THE FUTURE LAND USE ELEMENT IN THE CITY OF KEY WEST COMPREHENSIVE PLAN; REVISING POLICE 1-3.9.1, AND CREATING POLICY 1-3.9.2, POLICY 1-3.9.3, POLICY 1-3.9.4, POLICY 1-3.9.5, POLICY 1-3.9.6 AND POLICY 1-3.9.7; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE; PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN**

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Ron Demes, 182 Venetian Way, Sugarloaf Key

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Ordinance be passed.

The Mayor requested 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**

**CITIZEN COMMENTS:**

Margaret Romero, 1615 Washington Street

**COMMISSION COMMENTS:**

Commissioner Johnston announced the meeting regarding the HOB construction status has been set for April 5<sup>th</sup> at 6:00 p.m. in the HOB Gym located at 1105 Leon Street.

Commissioner Lopez made an announcement and encouraged everyone to attend the Charter Review and District Boundary Committee meeting on March 22, 2012 at 6pm at Old City Hall.

Commissioner Rossi announced he was having a meeting on March 29 at the City's Ferry Terminal to discuss Garrison Bight Marina at 6:30 p.m.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 9:37 p.m.



Cheryl Smith, MMC, CPM  
City Clerk