

RESOLUTION NO. 19-116

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE DUVAL PROMENADE PILOT PROGRAM, ALSO KNOWN AS MALL ON DUVAL; A PEDESTRIAN-ONLY CORRIDOR ON THE 500, 600 AND 700 BLOCKS OF DUVAL STREET FROM FLEMING STREET TO PETRONIA STREET WITH POSSIBLE EXPANSION AT THE DISCRETION OF THE CITY MANAGER; ALLOWING FOR STREET ARTISTS AND PERFORMERS IN THE DUVAL PROMENADE PILOT PROGRAM; ESTABLISHING SPECIFIC DATES AND TIMES FOR THE EXTENDED PILOT PROGRAM; AUTHORIZING THE CITY - MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON REVIEW AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Commissioner Jimmy Weekley established the Duval Street Committee in 2008; and

WHEREAS, the City Commission for the City of Key West, as well as the majority of the merchants in the Duval Promenade Pilot Program area see a need to take central Duval Street corridor in a different direction to generate excitement and commercial interests, while creating an arts, culinary and entertainment attraction; and

WHEREAS, a majority of members of the Duval Street Committee determined that it would be beneficial to extend the pilot program

providing for the weekend closure of Duval Street on the 500, 600, and 700 blocks to vehicular traffic, as well as other blocks on Duval Street, at the discretion of the City Manager, in order to promote a pedestrian-oriented outdoor shopping, dining, and entertainment destination for residents and visitors alike; and

WHEREAS, it is the desire of the City Commission to grant the city manager the authority to expand the Duval Promenade Pilot Program, also known as the Mall on Duval to include other blocks of Duval Street; and,

WHEREAS, accordingly the City Commission passed Resolution 19-046 on February 5, 2019 creating the pilot program that is set to expire on April 27, 2019; and

WHEREAS, it is the desire of the majority of the members of the Duval Street Committee to extend the dates of the pilot program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the Duval Promenade Pilot Program shall be extended, beginning on Friday, May 3, 2019 and shall sunset on ~~July 14, 2019~~ July 27, 2019, unless otherwise cancelled or extended by Resolution of the City Commission. The hours shall be from 5:00 p.m. to 12:00 a.m. (midnight) on Friday and Saturday nights. During any city recognized holidays involving a Monday, the Duval Promenade Pilot Program shall also include Sunday nights from 5:00 p.m. to 12:00 a.m. (midnight).

Section 2: Participants shall secure all necessary approvals from all other governmental agencies in order to sell or serve their primary product(s) on the public right of way.

Section 3: Participants shall add the City of Key West as an additional insured and execute a hold-harmless agreement to benefit the City of Key West to the satisfaction of the Risk Manager with the advice and consent of the City Attorney.

Section 4: That the City Manager is authorized to enter into any necessary documents to effectuate the terms of this Resolution with the advice and consent of the City Attorney.

Section 5: Art Vendors and Street Performers will be permitted to establish themselves in the Duval Promenade area during operational hours consistent with Secs. 6-1 through 6-9.

Section 6: The City Commission hereby grants the city manager the authority to expand the Duval Promenade Pilot Program, pursuant to Se. 70-31 to include other blocks of Duval Street at the discretion of the city manager.

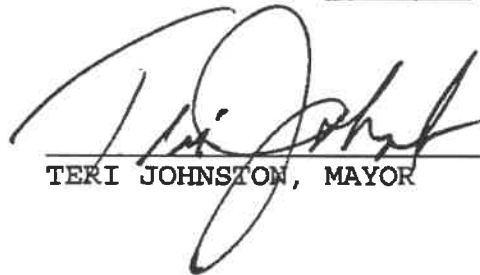
Section 7: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held  
this 2nd day of April, 2019.

Authenticated by the Presiding Officer and Clerk of the  
Commission on 3rd day of April, 2019.

Filed with the Clerk on April 3, 2019.

Mayor Teri Johnston	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



TERI JOHNSTON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST  
1300 White Street, Key West, FL 33040 (305) 809-3792

---

## EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager  
**FROM:** Steve McAlearney, Director of Engineering  
**CC:** Greg Veliz, Assistant City Manager  
**DATE:** March 22, 2019  
**SUBJECT:** Duval Promenade Pilot Program Extension

### ACTION STATEMENT

Approve an extension to 12:00 am, July 14, 2019, to the City of Key West sponsored special event Duval Promenade Pilot Program, also known as Mall on Duval, to close the 500, 600 and 700 blocks of Duval Street to vehicular traffic and allow possible expansion to other Duval Street blocks, as well as allowing participation of licensed Street Artists and performers, at the discretion of the City Manager.

### PROCEDURE

- Dates: May 3-4, 10-11, 17-18, 24-26, 31; June 1, 7-8, 14-15, 21-22, 28-29; July 5-6, 12-13.
- Time: 5 pm to 12 am.
- Barricades will be erected on Duval in such manner that Fleming, Southard, Angela, Petronia and any additional cross streets (perpendicular to Duval) remain open to vehicular traffic. (See Appendix A)
- ROW averages 50' wide for entire length of experiment. Businesses may extend 17' into ROW from the face of building at each end of their property line. A clear, 4' travel lane for wheel chair access must be maintained on all sidewalks, and, as required by the City Fire Marshall, a 16' clear travel lane for Emergency Services must be maintained in roadway. **Note, centerline of road is not centerline of ROW.** (See Appendix A)
- Canopies, tents, umbrellas, etc. shall be appropriately anchored (without damage to pavement).
- There will be no sub-leasing of property or encroached ROW.

- Each participating establishment will complete and submit a Duval Promenade Pilot Program Right-Of-Way Use Permit application to the Planning Department, acknowledging compliance with conditions of participation. (See Appendix B)
- Licensing: The pilot program will be treated as a “Special Event” with respect to City/State vending and alcohol policies.
- Services provided within the ROW shall be consistent with the applicant’s current business practice.
- There will be no preparation of food or beverages within the ROW.
- Food trucks and mobile vendors will not be allowed to operate in the pilot program zone.
- All glass serving containers shall be prohibited (cans/plastic only).
- Without exception, no delivery vehicles in trial zone after 5 pm.

### **PURPOSE AND JUSTIFICATION**

The purpose of this special event extension is to build upon the well-received Duval Promenade Pilot Program, also known as Mall on Duval, with potential expansion to other Duval Street blocks, and to introduce licensed Street Artists and performers to the trial. Additional justification is to evaluate the social and economic impacts of the event outside of tourist season and effects of the higher temperatures of June and July. Results of extension will be used to evaluate possible continuation of the program in a more permanent manner.

### **FINANCING**

Costs to City for this City sponsored special event including Fire, Police, Community Services and Code support will not exceed \$5,275 per night. Costs funded using City Manager reserves.

### **RECOMMENDATION**

Staff recommends approving pilot program extension for entire 11 weekend period, allowing, at City Manager discretion, expansion to additional Duval Street blocks and participation of licensed Street Artists and performers.

RESOLUTION NO: 19-046

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, CREATING THE DUVAL PROMENADE PILOT PROGRAM, A PEDESTRIAN-ONLY CORRIDOR ON THE 500, 600 AND 700 BLOCKS OF DUVAL STREET FROM FLEMING STREET TO PETRONIA STREET; GRANTING A RIGHT OF WAY USE/SPECIAL EVENT PERMIT; ESTABLISHING SPECIFIC DATES AND TIMES FOR THE DUVAL PROMENADE PILOT PROGRAM; REQUIRING PARTICIPANTS TO PROVIDE HOLD HARMLESS AGREEMENTS AND INSURANCE WITH THE CITY AS AN ADDITIONAL INSURED; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Commissioner Jimmy Weekley established the Duval Street Committee in 2008; and

WHEREAS, The City Commission for the City of Key West, as well as the majority of the merchants in the Duval Promenade Pilot Program see a need to take central Duval Street corridor in a different direction to generate excitement and commercial interests, while creating an arts, culinary and entertainment attraction; and

WHEREAS, a majority of the Duval Street Committee members decided to create a pilot program for the weekend closure of Duval Street on the 500, 600, and 700 blocks to vehicular traffic in order to promote a pedestrian-oriented outdoor shopping, dining,



and entertainment destination for residents and visitors alike.

WHEREAS, accordingly the City Commission accepts the recommendation of the Duval Street Committee, and herein shall establish the "Duval Promenade Pilot Program."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Commission for the City of Key West hereby establishes the Duval Promenade Pilot Program.

Section 2: That the attached right-of-way use/special event permit is hereby approved consistent with Ch. 6, Art. II of the Code of Ordinances for vendors to sell only their primary product or service.

Section 3: That the Duval Promenade Pilot Program shall commence on Friday, February 15, 2019 and shall sunset on Monday, April 27, 2019 unless extended by Resolution of the City Commission. The hours shall be from 5:00 p.m. to 12:00 a.m. on Friday and Saturday nights. During any city recognized holidays involving a Monday, the Duval Promenade Pilot Program shall also

include Sunday night from 5:00 p.m. to 12:00 a.m. Monday.

Section 4: Participants shall secure all necessary approvals from all other governmental agencies in order to sell or serve their primary product(s) on the public right of way.

Section 5: Participants shall add the City of Key West as an additional insured and execute a hold-harmless agreement to benefit the City of Key West and to the satisfaction of the Risk Manager with the advice and consent of the City Attorney.

Section 6: That the city manager is authorized to enter into any necessary documents to effectuate the terms of this Resolution with the advice and consent of the City Attorney.

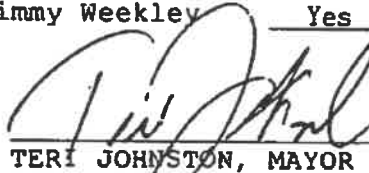
Section 7: Due to the expected higher pedestrian congestion, in the interests of public safety, Art Vendors and Street Performers will be prohibited from establishing themselves in the Duval Promenade during operational hours and shall relocate themselves to other permitted areas.

Passed and adopted by the City Commission at a meeting held  
this 5th day of February, 2019.

Authenticated by the Presiding Officer and Clerk of the  
Commission on 6th day of February, 2019.

Filed with the Clerk on February 6, 2019.

Mayor Teri Johnston	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>No</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
TERI JOHNSTON, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK

**City of Key West  
DUVAL STREET PROMENADE PILOT PROGRAM  
RIGHT OF WAY USE PERMIT**

DATE OF APPLICATION: Click here to enter text  
(AT LEAST 3 BUSINESS DAYS PRIOR TO EVENT)

PERMIT NO.

REQUESTED DATE(S) OF USE: February 15-17, 22-23;  
March 1-2, 8-9, 15-16, 22-23, 29-30; April 5-6, 12-13, 19-20, 26-27.

ADDRESS: Click here to enter text.	
PROPERTY OWNER: Click here to enter text.	PHONE: Click here to enter text.
COMPANY: Click here to enter text.	
PRIMARY CONTACT: Click here to enter text.	PHONE: Click here to enter text.
	EMAIL: Click here to enter text.

Permit Approved by:

1. I, Click here to enter text. (owner) hereby agree to indemnify the City of Key West, its employees, agents, and invitees, from any injuries to person, and/or damage to property as a result of participation in this (these) event(s). This indemnification shall survive the dates of use described above.
  
2. I, Click here to enter text. (owner) hereby agree to carry Commercial General Liability insurance with minimum limits of \$1,000,000, with the City of Key West named as an "Additional Insured." I am able to provide evidence on request that this policy is not "Site Specific."
  
3. **IF SERVING ALCOHOL:** I, Click here to enter text. (owner) hereby agree to maintain Full Liquor Liability coverage with minimum limits of \$1,000,000. Please note the word Full. A standard Commercial General Liability policy provides limited Liquor Liability coverage but does not apply to businesses that sell, manufacture or distribute alcoholic beverages. This limited Liquor Liability coverage is commonly referred to as "Host Liquor Liability" coverage. The City shall be named as an "Additional Insured" on the required Liquor Liability policy. Any required extension or amended sketch of licensed premises permit shall be approved by the Florida Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco (DBPR ABT - 6029)
  
4. The public Right-of-Way (ROW) averages 50' wide for entire length of Duval. Businesses may extend 17' into ROW from the face of building at each end of their property line.
5. A clear, 4' travel lane for wheel chair access must be maintained on all sidewalks and a 16' clear travel lane for Emergency Services must be maintained in roadway.
6. Canopies, tents, umbrellas, etc. shall be securely anchored (with no damage to pavement).
7. There will be no sub-leasing of property or encroached ROW.
8. There will be no preparation of food or beverages within the ROW.
9. Glass beverage containers are prohibited (cans/plastic only).
10. Without exception, no delivery vehicles in pilot project zone after 5 pm.

*\*\* Please email application to [mmiller@cityofkeywest-fl.gov](mailto:mmiller@cityofkeywest-fl.gov), or contact Megan Miller at 305 809 3725 for information or stop by City Hall, Planning Division at 1300 White Street \*\**



THE CITY OF KEY WEST  
1500 White Street, Key West, FL 33040 (305) 809-3792

## EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager  
**FROM:** Steve McAlearney, Director of Engineering  
**CC:** Greg Veliz, Assistant City Manager  
**DATE:** January 17, 2019  
**SUBJECT:** Duval Promenade Pilot Program

### ACTION STATEMENT

Approve a trial program as a City of Key West sponsored special event to close the 500, 600 and 700 blocks of Duval Street to vehicular traffic to provide a pedestrian friendly shopping and dining experience, stimulate economic activity, and provide lessons learned for potential expansion of restricted vehicle events.

### BACKGROUND

The Duval Street Committee has held informal sessions with multiple local business owners discussing the pros, cons and issues involved with closing Duval Street to vehicular traffic. These meetings led to tasking of City staff to propose a low cost, trial program to gage business owner and public interest in Duval Street as a pedestrian promenade. In concert with the EDSA study completed 2012, staff selected a trial area of the 500, 600 and 700 blocks based on the minimization of impacts to the public right-of-way (ROW), access, emergency services requirements and area business owner support.

### PROCEDURE

- Dates: February 15-17, 22-23; March 1-2, 8-9, 15-16, 22-23, 29-30; April 5-6, 12-13, 19-20, 26-27.
- Time: 5 pm to 12 am.
- Barricades will be erected on Duval in such manner that Fleming, Southard, Angela and Petronia remain open to vehicular traffic. (See Appendix A)
- ROW averages 50' wide for entire length of experiment. Businesses may extend 17' into ROW from the face of building at each end of their property line. A clear, 4' travel lane for

wheel chair access must be maintained on all sidewalks, and, as required by the City Fire Marshall, a 16' clear travel lane for Emergency Services must be maintained in roadway. Note, centerline of road is not centerline of ROW. (See Appendix A)

- Canopies, tents, umbrellas, etc. shall be appropriately anchored (without damage to pavement).
- There will be no sub-leasing of property or encroached ROW.
- Each participating establishment will complete and submit a Duval Promenade Pilot Program Right-Of-Way Use Permit application to the Planning Department, acknowledging compliance with conditions of participation. (See Appendix B)
- Licensing: The pilot program will be treated as a "Special Event" with respect to City/State vending and alcohol policies. "
- Services provided within the ROW shall be consistent with the applicant's current business practice.
- There will be no preparation of food or beverages within the ROW.
- Food trucks and mobile vendors will not be allowed to operate in the pilot program zone.
- All glass serving containers shall be prohibited (cans/plastic only).
- Without exception, no delivery vehicles in trial zone after 5 pm.

#### **PURPOSE AND JUSTIFICATION**

The purpose of the pilot program is to evaluate the social and economic impacts of Duval Street as a pedestrian promenade. The program will also evaluate impacts to the businesses and roadways immediately surrounding the program area. Results of pilot program will be used to evaluate continuation of the pilot program and potential future expansion beyond pilot program limits.

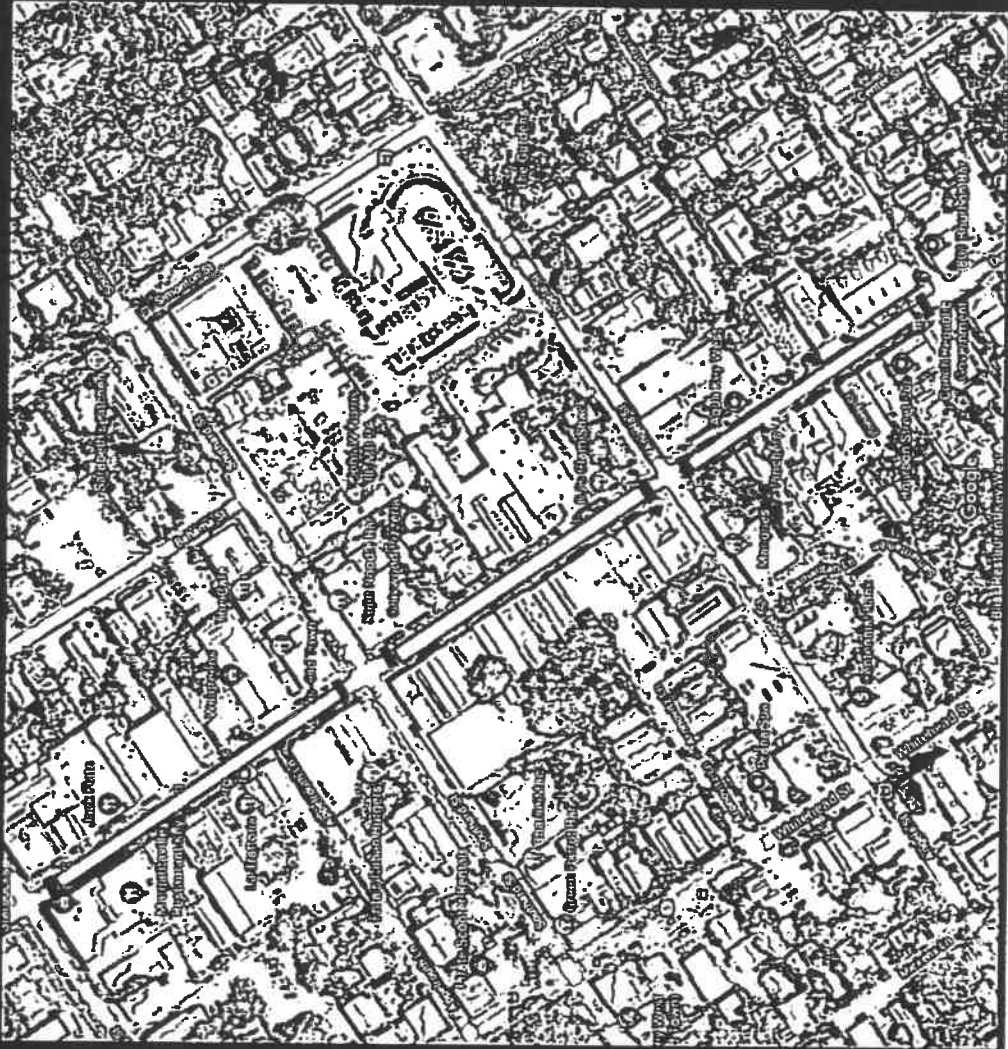
#### **FINANCING**

Costs to City for this City sponsored special event including Fire, Police, Community Services and Code support will not exceed \$5,600 per night. Costs funded using City Manager reserves.

#### **RECOMMENDATION**

Staff recommends approving pilot program for entire 11 weekend trial period, allowing adjustments to initial procedures as lessons are learned and plan matures.

# APPENDIX A



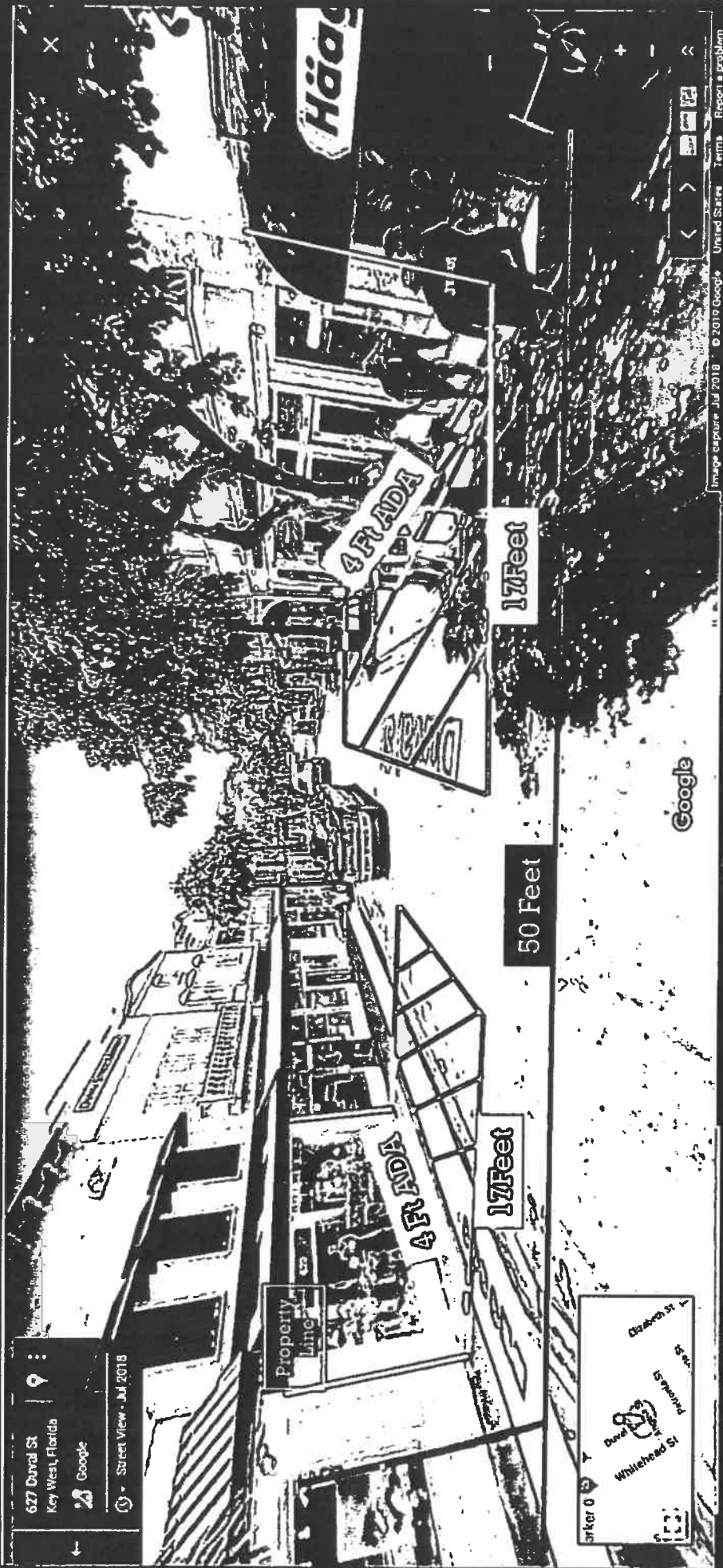
Barricade



Area of closure



# APPENDIX A





City of Key West  
**DUVAL STREET PROMENADE PILOT PROGRAM**  
**RIGHT OF WAY USE PERMIT**

DATE OF APPLICATION:  
 (AT LEAST **3 BUSINESS DAYS** PRIOR TO EVENT)

<b>PERMIT NO.</b>
-------------------

REQUESTED DATE(S) OF USE: **May 3-4, 10-11, 17-18, 24-26, 31;**  
**June 1, 7-8, 14-15, 21-22, 28-29; July 5-6, 12-13.**

ADDRESS:	
PROPERTY OWNER:	PHONE:
COMPANY:	
PRIMARY CONTACT:	PHONE:
	EMAIL:

Permit Approved by:

1. I, \_\_\_\_\_ (owner) hereby agree to indemnify the City of Key West, its employees, agents, and invitees, from any injuries to person, and/or damage to property as a result of participation in this (these) event(s). This indemnification shall survive the dates of use described above.
  
2. I, \_\_\_\_\_ (owner) hereby agree to carry Commercial General Liability insurance with minimum limits of \$1,000,000, with the City of Key West named as an "Additional Insured." This policy is not "Site Specific." I am providing the City a Certificate of Insurance (COI) with this application.
  
3. **IF SERVING ALCOHOL:** I, \_\_\_\_\_ (owner) hereby agree to maintain Full Liquor Liability coverage with minimum limits of \$1,000,000. Please note the word Full. A standard Commercial General Liability policy provides limited Liquor Liability coverage but does not apply to businesses that sell, manufacture or distribute alcoholic beverages. This limited Liquor Liability coverage is commonly referred to as "Host Liquor Liability" coverage. The City shall be named as an "Additional Insured" on the required Liquor Liability policy. Any required extension or amended sketch of licensed premises permit shall be approved by the Florida Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco (DBPR ABT - 6029)
  
4. The public Right-of-Way (ROW) averages 50' wide for entire length of Duval. Businesses may extend 17' into ROW from the face of building at each end of their property line.
5. A clear, 4' travel lane for wheel chair access must be maintained on all sidewalks and a 16' clear travel lane for Emergency Services must be maintained in roadway.
6. Canopies, tents, umbrellas, etc. shall be securely anchored (with no damage to pavement).
7. There will be no sub-leasing of property or encroached ROW.
8. There will be no preparation of food or beverages within the ROW.
9. Glass beverage containers are prohibited (cans/plastic only).
10. Without exception, no delivery vehicles in pilot project zone after 5 pm.

*\*\*Please email application to [mmiller@cityofkeywest-fl.gov](mailto:mmiller@cityofkeywest-fl.gov), or contact Megan Miller at 305 809 3725 for information or stop by City Hall, Planning Division at 1300 White Street\*\**