

MINUTES

CITY CHARTER AND DISTRICT BOUNDARY REVIEW COMMITTEE

OLD CITY HALL, 510 GREENE STREET

THURSDAY, JANUARY 12, 2012

A regular meeting of the City Charter and District Boundary Review Committee of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Thursday, January 12, 2012.

Vice Chair Perry Johnston called the meeting to order at 1:00 p.m.

Answering roll call were Robert Harvey, Perry Johnston, Clark Knight, Bill Lilley, Tom Milone, and Philip Schaeffer.

Chair Virginia Panico arrived at 1:19 p.m.

Also present were City Attorney Shawn Smith and City Clerk Cheri Smith.

The pledge of allegiance to the flag of the United States of America was given by all present.

APPROVAL OF AGENDA

It was moved by Tom Milone and seconded by Clark Knight to approve the agenda. There were no objections.

APPROVAL OF MINUTES

1) December 8, 2011

It was moved by Phillip Schaeffer and seconded by Robert Harvey to approve the minutes of December 8, 2011 as amended adding the word acquisition to the title of Section 1.08 and a grammar change on page 3.

The Vice Chair asked for objections, seeing none the minutes were approved as amended.

ACTION ITEMS:

- 2) Changing the time of all future day meetings from 1:00 p.m. to 1:30 P.M.

It was moved by Tom Milone and seconded by Bill Lilley for approval.

Vice Chair Johnston acknowledged the motion and second and requested verbal approval.

The motion passed unanimously.

- 3) Upon the effective date of the provision the City shall not provide solid waste, sewer and stormwater services to unbridged offshore islands (properties separated by a watercourse) which are not located within the City's boundaries as described in City Charter Section 2.01.

City Clerk Smith stated Chair Panico requested that the committee not vote on this item until she arrived.

Vice Chair Johnston suggested they could begin discussion on the item.

City Attorney Smith stated the language as proposed would prohibit the City from providing services, the State Statue makes it discretionary so you would be prohibiting something the state allows as a basic principal of law the City cannot prohibit something the State allows and the City cannot allow something the State prohibits. The language prohibiting even the consideration of allowing a discretionary act under State Statue would make it problematic and subject to legal challenge.

The following person spoke on the matter:

Ed Scales, 201 Front Street, #333

After discussion it was moved by Bill Lilley to postpone the item until ownership of Wisteria Island is determined. Chair Panico passed the gavel to the Vice Chair and seconded the motion

Vice Chair Johnston requested the Clerk call the roll.

Yeas: Mr. Harvey, Mr. Knight, Mr. Lilley and Chair Panico

Nays: Mr. Johnston, Mr. Milone and Mr. Schaeffer

Motion passed to postpone.

City Attorney Smith stated there was a high probability the issue of ownership will not be resolved before this Committee concludes its business. He suggested prior to the conclusion of this Committee the item be brought back for either approval or denial.

CITIZEN COMMENTS:

None

COMMITTEE COMMENTS:

There was direction from Mr. Milone to have an action item on the next agenda for meeting dates for March and April.

There was discussion concerning the clarification on action taken on Section 1.08; Annexation by electorate required for annexation of any real property and Section 1.05(a) and (b) Height restriction. It was decided to agenda the items following the Legislation session.

There was also discussion on the Section placement of annexation which will also be clarified ^{A+} a future meeting.

Mr. Milone questioned the sunset date of the Committee. City Attorney Smith clarified the Committee does not sunset until the Committee completes its review and presents recommendations to the City Commission.

It was decided to cancel the day meetings and for the Committee to meet once a month on the fourth Thursday of the month at 5:00 p.m.

City Clerk Smith stated City Planner Don Craig had been working with the County on the redrawing of the district boundaries with six districts and will make a presentation at the next meeting. It was suggested to ask the County to also do a map with the four districts as discussed at the October 25 meeting.

ADJOURNMENT:

There being no further business the meeting was adjourned at 1:56 p.m.

A handwritten signature in cursive script that reads "Cheryl Smith". The signature is written in black ink and is positioned above a horizontal line.

Cheryl Smith, MMC, CPM
City Clerk