



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Tuesday, May 17, 2011

6:00 PM

Old City Hall

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**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 at 305-809-1000 or the ADA Coordinator at 305-809-3951 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 Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

**INVOCATION** - Pastor Timothy Jemly, Impact Community Church

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

### PROCLAMATIONS

1 Frank Garner Day

**Sponsors:** Mayor Cates

**Attachments:** [Proclamation](#)

Received and Filed

2 Peace Officers Memorial Day & Key West Police Week

**Sponsors:** Mayor Cates

**Attachments:** [Proclamation](#)

Received and Filed

## PRESENTATIONS

3 20 Year Service Award:  
Key West Police Sergeant Frank Blasberg

**Sponsors:** City Manager Scholl

**Not Received**

4 20 Year Service Award:  
Key West FireFighter Diego Toiran

**Sponsors:** City Manager Scholl

**Not Received**

5 Independent Auditor Presentation of 2011 CAFR and Compliance Report

**Sponsors:** City Manager Scholl

[illegible]

Received and Filed

## City Attorney's Report

## City Manager's Report

## 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.**

## RESOLUTIONS

6 \*Appointing J. Jon Ashby to the Key West Bight Management District Board .

**Sponsors:** Mayor Cates

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

**Passed**

Enactment No: Res 11-138

- 7                    \*Appointing Bill Lilley (Comm. Gibson), Perry Johnston (Comm. Johnston), Tom Milone (Comm. Lopez), Virginia Panico (Comm. Rossi), Clark Knight (Comm. Wardlow), Phillip Schaeffer (Comm. Weekley) and Robert Harvey (Mayor Cates) to the City Charter and District Boundary Review Committee.

**Sponsors:**        Commissioner Weekley

**Attachments:**     [Resolution](#)  
                              [Resolution 11-084](#)  
                              [Bill Lilley Resume](#)  
                              [Perry Johnston Resume](#)  
                              [Tom Milone Resume](#)  
                              [Virginia Panico Resume](#)  
                              [Clark Knight Resume](#)  
                              [Phillip Schaeffer Resume](#)  
                              [Robert Harvey Resume](#)

**Passed**

Enactment No: Res 11-139

- 8                    \*Authorizing Key West Cultural Preservation Society to conduct a Summer Solstice Celebration at Mallory Square Dock on Tuesday, June 21, 2011 from 6:00 p.m. to 10:00 p.m. pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

**Sponsors:**        City Manager Scholl

**Attachments:**     [Resolution](#)  
                              [Application](#)  
                              [Advertisement](#)  
                              [Fire Marshal's approval](#)

**Passed**

Enactment No: Res 11-140

- 9                    \*Authorizing Sloppy Joe's to conduct an event for Hemingway Days on Saturday, July 23, 2011 from 12:00 Noon to 11:00 p.m. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval and Ann Streets from 11:00 a.m. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 11-141

- 10                   \*Authorizing the Southernmost Beach Cafe the use of City property at 1405 Duval Street for a Brewfest Key West Festival on Saturday, September 3, 2011 from 4:00 p.m. to 8:00 p.m. (rain date of Sunday, September 4, 2011); Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 11-142

- 11                   \*Approving transfer of Mobile Vendor License (MVL) #12769 from Matthew Boa to Michael P. Schwarz due to hardship.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Hardship Letter request](#)

**Passed**

Enactment No: Res 11-143

- 12                   \*Approving the attached amendment to Interlocal Agreement between Monroe County and the City for Emergency Transportation Services.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Agreement](#)  
[Resolution 08-091](#)

**Passed**

Enactment No: Res 11-144

- 13                    \*Approving the attached Interlocal Agreement between the City of Key West and the Keys Energy Services for maintenance of essential lighting infrastructure.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Agreement](#)  
                              [Exhibit A](#)

**Passed**

Enactment No: Res 11-145

- 14                    \*Approving the attached contract for Merchant Services between the City of Key West and First State Bank of The Florida Keys.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [Resolution 11-111](#)  
                              [Merchant Services Contract](#)  
                              [Exhibit A \(RFP\)](#)  
                              [Exhibit B \(1st State response\)](#)

**Passed**

Enactment No: Res 11-146

- 15                    \*Approving a Release of Lien for the property located at 2500 Patterson Avenue.

**Sponsors:**            City Manager Scholl

**Attachments:**        [Resolution](#)  
                              [Executive Summary](#)  
                              [1st Mortgage](#)  
                              [Warranty Deed](#)  
                              [2nd Mortgage](#)  
                              [Line of Credit](#)  
                              [Release 1st Mortgage](#)  
                              [Lis Pendens](#)  
                              [Assignment of Mortgage](#)  
                              [City Lien](#)  
                              [Seller Letter](#)

**Passed**

Enactment No: Res 11-147

- 16                   \*Authorizing the Rotary Club to conduct a fundraiser at McCoy Indigenous Park July 4, 2011 (set up July 2, 2011) from 5:00 p.m. to 10:00 p.m.; Authorizing fireworks display off the White Street Pier on July 4, 2011 from 8:00 p.m. to 10:00 p.m.; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the July 4th Fireworks Celebration; Authorizing the sale and consumption of alcoholic beverages at McCoy Indigenous Park.

**Sponsors:**           City Manager Scholl

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

**Passed**

Enactment No: Res 11-148

#### **Approval of the Consent Agenda**

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez to Approve the Consent Agenda. The motion was carried unanimously.**

- 17                   Urging local vendors to cease the sale and marketing of all candy flavored tobacco products, which tend to promote and influence underage and/or youthful consumption; urging citizens not to purchase or use candy flavored products.

**Sponsors:**           Mayor Cates and Commissioner Lopez

**Attachments:**       [Resolution](#)

**A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that the Resolution be passed. The motion carried by the following vote:**

**Yes: 7 -** Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-149

- 18                   Waiving Building Permit fees for roof replacement and air conditioning improvements to be done at The Waterfront Playhouse.

**Sponsors:**           Commissioner Weekley

**Attachments:**       [Resolution](#)  
                              [Letter from Key West Players, Inc.](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Johnston for discussion, that the Resolution be passed . The motion carried by the following vote:**

**No:** 3 - Commissioner Gibson, Commissioner Johnston and Commissioner Rossi

**Yes:** 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-150

19

Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to John Faulds for an event to take place during the hours of 5:00 p.m. to 10:00 p.m. on Friday, June 24, 2011 at the Southernmost House 1400 Duval Street.

**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. The motion carried by the following vote:**

**No:** 1 - Commissioner Wardlow

**Yes:** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-151

20

Approving and authorizing execution of the attached agreement between the City of Key West and the Sunrise Rotary Club for Poker Run on September 16 & 17, 2011; Authorizing the closure of Duval Street from Southard to Front Street on Friday, September 16, 2011 from 10:00 a.m. to 12:00 Midnight and on Saturday, September 17, 2011 from 10:00 a.m. to 12:00 Midnight; All cross streets shall remain open except Greene Street between Elizabeth to Whitehead Streets; Authorizing the sale and 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.

**Sponsors:** City Manager Scholl

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

**A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that this Resolution be Passed. The motion carried by the following vote.**

**Yes:** 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-152

21

Directing the City Manager to ~~pursue all available options regarding move forward with the Angela Street location for~~ a new City Hall Facility; Directing the submission of Variance applications for the Angela Street site.; ~~Extending the deadline for negotiations regarding the Glynn Archer site originally established in Resolutions 10-337 and 11-083.~~

**Sponsors:** Mayor Cates

**Attachments:** [Resolution](#)  
[Resolution 11-083](#)  
[Resolution 10-337](#)

**A motion was made by Commissioner Johnston, seconded by Commissioner Wardlow, that the Resolution be passed as amended. The motion carried by the following vote:**

**No:** 1 - Mayor Cates

**Yes:** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 11-153

22

Approving the First Amendment to Lease Agreement between the City and Hillsborough Center Associates, LLC for the property located at 3132 Flagler Avenue.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Lease](#)  
[Exhibits](#)

**A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that the Resolution be passed. The motion carried by the following vote:**

**No:** 1 - Mayor Cates

**Yes:** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 11-154

23

Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Danielle Rondinone for an event to take place during



the hours of 6:00 p.m. to 10:00 p.m. on Saturday, November 19, 2011 at the Southernmost House at 1400 Duval Street.

**Sponsors:** City Manager Scholl

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

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be passed as amended. The motion carried by the following vote:**

**No:** 1 - Commissioner Wardlow

**Yes:** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-155

24

Approving construction of a parking lot on City owned property at the Poinciana Housing Complex in an amount not to exceed \$150,000 under the City's General Services Contract; Authorizing the use of Traffic Impact Fee funds to fund the project.

**Sponsors:** City Manager Scholl

**Attachments:** Resolution  
Executive Summary - Revised  
Cost Estimate  
Parking Lot Design

**City Manager asked for this item to be Withdrawn from the Agenda.**

#### **ORDINANCES - SECOND READING (Public Hearing)**

25

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Parking" by amending Section 70-246, definitions; Amending Section 247 to clarify the Residential Parking Permit Area; Amending Section 70-248, eligibility; Repealing Section 70-249, additional eligibility; Amending and renumbering Section 70-251, appeal of decisions; and renumbering Sections 70-250 and 70-252; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Weekley

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Residential parking program area](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed on Second Reading. The motion carried by the following vote:**

**No:** 5 - Commissioner Gibson, Commissioner Johnston, Commissioner Rossi, Commissioner Wardlow and Mayor Cates

**Yes:** 2 - Commissioner Lopez and Commissioner Weekley

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

**9:20 P.M.**