

**MINUTES**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, JUNE 5, 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, June 5, 2012.

Mayor Craig Cates called the meeting to order at 6:01 p.m.

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

Commissioner Mark Rossi was absent.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donnie Lee, Finance Director Roger Wittenberg, Information Technology Director Patti McLauchlin, Port and Transit Director Jim Fitton, Department of Transportation Manager Myra Wittenberg, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Senior Property Manager Marilyn Wilbarger, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Reverend Pastor Gwendolyn Magby, Trinity Presbyterian 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 Weekley requested Item #23 be added to the Consent Agenda.

The Clerk announced a speaker for Item #21 and would need to be removed from the Consent Agenda.

Without opposition, the agenda was accepted as changed.

**COMMENDATIONS:**

Key West High School Academic Challenge Team:

Jason Correa  
Dylan Higbie  
Gwen Pearson  
Justin Poon  
Sherman Kaplitz  
Kelly Rosch

**PROCLAMATIONS:**

Key West Pride Week

**PRESENTATIONS:**

Independent Auditor Presentation – Bill Benson and Israel Gomez, Keefe, McCullen & Company

The City Manager acknowledged the Finance Director and his team for their good work. Mayor Cates also acknowledged the assistance of Assistant City Managers Mark Finigan and David Fernandez as well as the City Manager for their hard work.

City Attorney's Report

City Attorney Shawn Smith also recognized the diligence and hard work the City Manager has done over the last five years to get the City where it is today.

Mr. Smith called for a Closed Session for the Sunset Marina Residents Case CAK 11-911. He was anticipating scheduling the date after the new City Manager is on board.

Mr. Smith reported he met with Mr. Vitas today and discussed a number of things. He wanted to get direction from the Commission regarding specific provisions of the contract. He would attempt to have a working document ready for the Commission on June 19<sup>th</sup>.

Commissioner Johnston requested inclusion of the medical benefits and to look at relocation expenses.

Commissioner Wardlow wanted to see a cap on the relocation expenses. He also wanted to see a three year contract with a one-year option on both sides and a one year probation period.

Commissioner Lopez commented that a raise should be incumbent upon job evaluation.

Commissioner Wardlow confirmed that the salary would be consistent with the advertisement.

Mr. Smith commented on a severance package being consistent with current statutory provision.

Mr. Smith commented that he had the opportunity to visit the new children's park at Higgs Beach and complimented City Commission and the County Commission for the new park.

Commissioner Yaniz also commented that posted at the new Higgs Beach Park is a regulation that an adult must be accompanied by a child to enter the playground area.

#### City Manager's Report

Mr. Scholl reported on the old Easter Seal property for possible KOTS relocation.

Mr. Scholl reported that the Carrying Capacity Study had been completed. He stated Engineering and Planning, in conjunction with the Legal Department, were preparing ordinance changes that would come before the Commission.

Mr. Scholl reported that the budget preparation would begin the next day.

Commissioner Wardlow asked about the new walls at HOB and were they in compliance with that was agreed upon. Mr. Scholl would have staff confirm.

Commissioner Weekley asked about the new boxes assigned to panhandlers, specifically at Caroline and Margaret Street. He had received complaints that panhandlers were sleeping there and there also had been aggressive panhandling in the area that needed to be addressed. Mr. Scholl would have the Police and Code Compliance Departments patrol the area.

#### **CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

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

**APPROVAL OF MINUTES:**

April 16, 2012 (Regular)  
May 1, 2012 (Regular)

**RESOLUTIONS:**

**RESOLUTION NO. 12-176**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING AND URGING THE APPOINTMENT OF HARRY L. BETHEL TO A VACANT POSITION ON THE "STATE RETIREMENT COMMISSION" OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-177**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AMENDING RESOLUTION NO. 12-087 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 AROUND MALLORY SQUARE IN ACCORDANCE WITH SECTIONS 114-35 AND 114-103(A)(2) OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-178**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED FIRST AMENDMENT TO LEASE AGREEMENT WITH KEY WEST WOMEN'S CLUB, INC. FOR USE OF PROPERTY ADJACENT TO 319 DUVAL STREET; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-179**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING MEL FISHER DAYS, INC. TO CONDUCT A 2012 CELEBRATION OF THE FINDING OF THE ATOCHA ON SATURDAY, JULY 14, 2012 DURING THE HOURS OF 4:00 P.M. TO 9:00 P.M.; AUTHORIZING THE CLOSURE OF THE 100**

AND 200 BLOCK OF DUVAL STREET INCLUDING GREENE STREET FROM TELEGRAPH LANE TO ANN STREET FROM 11:00 A.M. TO 11:00 P.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 11:00 A.M. TO 11:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

**RESOLUTION NO. 12-180**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES TO SIMPLY YOU FOR AN EVENT AT THE HEMINGWAY HOUSE, 907 WHITEHEAD STREET, FOR WEDDING RECEPTION DURING THE HOURS OF 5:00 P.M. TO 11:00 P.M. ON SUNDAY, JANUARY 20, 2013; PROVIDING FOR AN EFFECTIVE DATE

**RESOLUTION NO. 12-181**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 08 TO SECURE A JOINT COASTAL PERMIT (JCP) FOR THE BEACH RENOURISHMENT AT REST BEACH, AS REQUIRED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND US ARMY CORPS OF ENGINEERS PROJECT, TO ATKINS NORTH AMERICA (FORMERLY PBS&J) IN AN AMOUNT NOT TO EXCEED \$86,707.00; AUTHORIZING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

**RESOLUTION NO. 12-182**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 6-12-FAC FROM CH2M HILL ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$273,816.00 FOR A FULL CONDITION ASSESSMENT OF THE GLYNN ARCHER SCHOOL FACILITY; PROVIDING FOR AN EFFECTIVE DATE

**RESOLUTION NO. 12-183**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF CASH CYCLE SOLUTIONS, INC. IN RESPONSE TO ITB #12-003 TO PROVIDE SERVICES FOR UTILITY BILL PROCESSING, PRINTING, POSTAGE, PRINT STOCK AND ENVELOPES; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-184**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF THE OTAK GROUP, INC. IN RESPONSE TO ITB #12-008 FOR DESIGN, PURCHASE AND INSTALLATION OF COMPLETE SEWER PUMP-OUT SYSTEMS FOR WAHOO AND KINGFISH DOCKS AT THE CITY MARINA AT GARRISON BIGHT IN THE TOTAL AMOUNT OF \$92,490.19; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-185**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF FLORIDA KEYS ELECTRIC, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$1,223,025.10, FOR ELECTRICAL DISTRIBUTION SYSTEM UPGRADES; APPROVING NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-186**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF FLORIDA ORCHIDMAN LANDSCAPE ARTISAN CORP. IN A TOTAL AMOUNT NOT TO EXCEED \$32,000.00 PER ANNUM, FOR GROUNDS MAINTENANCE AT THE NAVY MOLE; APPROVING NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-187**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OTAK GROUP, INC. FOR SIDEWALK INSTALLATION FOR THE SAFE ROUTES TO SCHOOL (SRTS) GERALD ADAMS ELEMENTARY SCHOOL SIDEWALK INSTALLATION PROJECT #FM 425851-1 IN AN AMOUNT NOT TO EXCEED \$375,793.80; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-188**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED JOINT PARTICIPATION AGREEMENT (JPA) BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST FOR FUNDING OF CONSTRUCTION COSTS OF THE NEW TRANSIT FACILITY AT 5701 COLLEGE ROAD IN THE AMOUNT OF \$1,000,000.00 (CITY MATCH 20% IN-KIND); PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-189**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CLEAN VESSEL ACT GRANT PROGRAM PROJECT AGREEMENT" (DEP AGREEMENT NO. MV 078 FOR CVA 12-643) BETWEEN THE CITY AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR FUNDING FOR THE PURCHASE AND INSTALLATION OF TWO MARINE SANITATION SYSTEMS FOR WAHOO AND KINGFISH PIERS AT THE CITY MARINA AT GARRISON BIGHT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-190**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED INTERLOCAL GRANT AWARD AGREEMENT WITH THE MONROE COUNTY TOURIST DEVELOPMENT COUNCIL (TDC) FOR FUNDING IN THE AMOUNT OF UP TO \$245,000.00 FOR REST BEACH RENOURISHMENT (CITY MATCH UP TO \$245,000.00); PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-191**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO SCHEDULE COMMENCEMENT OF THE SOUTH ROOSEVELT BOULEVARD CONSTRUCTION PROJECT TO COINCIDE WITH THE COMPLETION OF NORTH ROOSEVELT BOULEVARD CONSTRUCTION PROJECT; REQUESTING FDOT OVERSIGHT, MANAGEMENT AND CONSTRUCTION FUNDING; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-192**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING RICK'S & DURTY HARRY'S ENTERTAINMENT COMPLEX TO CONDUCT A SEAFOOD LOBSTER FESTIVAL ON SATURDAY, AUGUST 11, 2012 FROM 10:00 A.M. TO 12:00 MIDNIGHT, PURSUANT TO TERMS & CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF 100, 200, 300, 400 & 500 BLOCKS OF DUVAL STREET BETWEEN FRONT AND FLEMING STREETS INCLUDING THE GREENE STREET INTERSECTION AND TELEGRAPH LANE FROM 10:00 A.M. TO 12:00 MIDNIGHT; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 12:00 NOON TO 11:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; 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. 12-193**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING THE ON-GOING EFFORTS OF THE STATE OF FLORIDA AND THE JURISDICTIONS OF MONROE COUNTY, INCLUDING KEY WEST, TO REFINE CURRENT HURRICANE EVACUATION POLICIES AND PROCEDURES; AUTHORIZING THE USE OF THE CITY MANAGER GENERAL FUND CONTINGENCY ACCOUNT IN AN AMOUNT NOT TO EXCEED \$25,000.00 TO FUND THE CITY'S SHARE (25%) OF A COUNTRY-WIDE HURRICANE EVACUATION BEHAVIORAL STUDY FOR MOBILE HOME OWNERS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Mark Songer, 1310 Newton Street, on behalf of Last Stand  
Don Craig, City Planner  
Shawn Smith, City Attorney

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



The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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. 12-194**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RANKING THE RESPONDENTS TO RFP 005-12 FOR BANKING SERVICES; AUTHORIZING CONTRACT NEGOTIATIONS IN ACCORDANCE WITH THE ACCEPTED PROPOSALS WITH THE TOP RANKED FIRM AND EACH FIRM THEREAFTER AS NECESSARY UNTIL AN ACCEPTABLE CONTRACT IS BROUGHT BEFORE THE COMMISSION; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Scholl, City Manager  
Roger Wittenberg, Finance Director

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the Resolution be passed ranking firms as recommended by staff.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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**

**QUASI-JUDICIAL HEARING:**

**RESOLUTION NO. 12-195**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 157 SQUARE FEET TO ADDRESS THE ENCROACHMENT OF AN EXISTING HISTORICALLY CONTRIBUTING SINGLE FAMILY STRUCTURE AND SIDE YARD AREA ENCLOSED BY A FENCE AND PORTIONS OF THE FRONT YARD LOCATED AT 405 FRANCES STREET, KEY WEST, FLORIDA (RE#00004910-000000); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution. The Clerk administered the oath to those testifying on this item.

The following people spoke on the matter:

Andrea Amatto, Applicant  
Joan Langley, 821 Georgia Street  
Don Craig, City Planner

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Wardlow, Yaniz and Mayor Cates

Nays: Commissioners Johnston and Weekley

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**

**QUASI-JUDICIAL HEARING:**

**RESOLUTION NO. 12-196**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 219 SQUARE FEET TO ADDRESS THE ENCROACHMENT OF AN EXISTING CONTRIBUTING HISTORIC BUILDING, SIGN, ROOF OVERHANG AND BALCONY LOCATED AT**

**729 THOMAS STREET/305 PETRONIA STREET, KEY WEST, FLORIDA  
(RE#00013260-000000 AND 00013250-000000); PROVIDING FEES AND  
CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution. The Clerk administered the oath to those testifying on this item.

The following people spoke on the matter:

Holly Shea, Authorized Representative  
Don Craig, City Planner  
Joan Langley, 821 Georgia Street

It was moved by Commissioner Yaniz 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, 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**

Commissioner Johnston requested Staff provide all pertinent information in the Executive Summary regarding unpermitted work.

**ORDINANCES - FIRST READING:**

**ORDINANCE NO. Second Reading**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING  
CHAPTER OR AMENDING CHAPTER 70, "TRAFFIC AND  
VEHICLES", ARTICLE III OF THE CODE OF ORDINANCES  
ENTITLED "SPEED LIMITS" BY ADDING SECTION 70-61 TO  
PROVIDE FOR MAXIMUM SPEED LIMITS IN CERTAIN SECTION OF  
THE CITY; 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:

Judy Martinez, 1020 Emma Street  
Joan Langley, 821 Georgia Street  
Mark Songer, 1310 Newton Street  
Shawn Smith, City Attorney

It was moved by Commissioner Weekley and seconded by Commissioner Lopez, for discussion, that the Ordinance be passed on first reading as amended by Commissioner Wardlow to include all residential areas of the City.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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**

**ORDINANCES SECOND READING: (Public Hearing)**

**ORDINANCE NO. 12-10**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES ENTITLED "STREETS AND SIDEWALKS" BY AMENDING SECTION 62-4 ENTITLED "NO CAMPING" TO INCLUDE MAKE-SHIFT SHELTERS, CARDBOARD AND TARPAULINS; 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 Lopez and seconded by Commissioner Weekley for the Ordinance to be passed on second reading as read.

The Mayor requested the Clerk call the roll.

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

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCE NO. 12-11**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY CREATING SECTION 70-130 ENTITLED "NO LODGING IN VEHICLES" TO PROHIBIT LODGING IN VEHICLES LOCATED ON CITY RIGHTS OF WAY; 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:

Kevin Tobin  
Michelangelo Paluso, P.O. Box 5351, Key West  
Kurt Wagner, 1999 Dodge  
Shahdaroba Rodd, P.O. Box 742, Key West  
Dave Le Boutllia, P.O. Box 4691, Key West  
Shawn Smith, City Attorney

It was moved by Commissioner Lopez and seconded by Commissioner Yaniz for the Ordinance to be passed on second reading as read.

The Mayor requested the Clerk call the roll.

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

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCE NO. 12-12**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 38, ARTICLE V OF THE CODE OF ORDINANCES ENTITLED "DOMESTIC PARTNERSHIPS", BY REPEALING SECTIONS 38-291 THROUGH 38-294; ADDING A NEW SECTION 38-291 TO PROVIDE DEFINITIONS; ADDING A NEW SECTION 38-292 TO PROVIDE REGISTRATION, AMENDMENT, TERMINATION AND ADMINISTRATION PROCEDURES; ADDING A NEW SECTION 38-293, RIGHTS AND LEGAL EFFECT OF REGISTERED DOMESTIC PARTNERSHIP; ADDING A NEW SECTION 38-294, LIMITED EFFECT; 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 Lopez and seconded by Commissioner Weekley for the Ordinance to be passed on second reading as read.

The Mayor requested the Clerk call the roll.

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

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCE NO. 12-13**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY AMENDING SECTION 90-553 TO LIFT THE TWICE PER YEAR RESTRICTION ON COMPREHENSIVE PLAN AMENDMENTS; 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 Lopez for the Ordinance to be passed on second reading as read.

The Mayor requested the Clerk call the roll.

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

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCE NO. 12-14**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 102 OF THE CODE OF ORDINANCES ENTITLED "HISTORIC PRESERVATION" BY AMENDING SECTION 102-217 "REQUIRED PUBLIC MEETINGS", RELAXING THE REQUIREMENTS TO OBTAIN APPROVAL TO DEMOLISH NON-HISTORIC AND NON-CONTRIBUTING BUILDINGS OR STRUCTURES IN THE HISTORIC DISTRICT AND INCLUDING CONTRIBUTING BUILDINGS AND STRUCTURES OUTSIDE OF THE HISTORIC DISTRICT IN SECTION 102-216; 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 Yaniz for the Ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Ordinance as read.

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCE NO. 12-15**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 108 OF THE CODE OF ORDINANCES ENTITLED "PLANNING AND DEVELOPMENT" TO INCLUDE SECTION 108-999 TO PROVIDE FOR THE RETROACTIVE INVOKING OF THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS AND BUILDING PERMIT ALLOCATION SYSTEM; DIRECTING BUILDING AND PLANNING DEPARTMENT 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 OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION; PROVIDING FOR RETROACTIVE EFFECT, DIRECTING STAFF TO CONTINUE PREPARATIONS OF NEW BUILDING PERMIT ALLOCATION REGULATIONS; 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 Johnston for the Ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Ordinance as read.

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCE NO. 12-16**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTIONS 122-1016, 122-1017, 122-1018 AND 122-1020 TO PROVIDE FOR CLARIFICATION; 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 Johnston and seconded by Commissioner Weekley for the Ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Ordinance as read.

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**CITIZEN COMMENTS:**

Margaret Romero, 1615 Washington Street

**COMMISSION COMMENTS:**

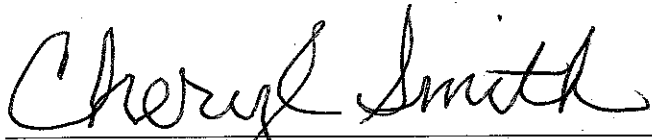
Commissioner Lopez expressed his condolences for the Major family in the loss of their wife, mother and grandmother Charlie Mae.

Commissioner Yaniz expressed his concerns on HARC regarding the location of the Fire Station.

Mayor Cates thanked Commissioner Johnston and Monroe County Commission Heather Carruthers for the job done at Higgs Beach Park.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 7:54 p.m.

  
Cheryl Smith, MMC, CPM  
City Clerk