

**MINUTES**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, MAY 4, 2010**

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, May 4, 2010.

Mayor Craig Cates called the meeting to order at 6:00 p.m.

Answering roll call were Commissioners Barry Gibson, Teri Johnston, Clayton Lopez, Mark Rossi, Billy Wardlow, Jimmy Weekley 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 Amy Kimball-Murley, Police Chief Donie Lee, Fire Chief David Fraga, Division Chief/EMG Management & Training Craig Marston, Chief Building Official John Woodson, Code Compliance Manager Jim Young, General Services Director Gary Bowman, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Department of Transportation Manager Myra Wittenberg, Utilities Manager Jay Gewin, Parking Manager John Wilkins, Senior Property Manager Marilyn Wilbarger, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Fr. John Baker, St. Mary's Star of the Sea Catholic 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**

City Manager Scholl advised the Commission there was a typo on Resolution Item 10(d), the time for the event should be "from 6:00 p.m. to end at 10:00 p.m." and the resolution would include a rain date of May 24, 2010. The changes would be read during the consent agenda.

Commissioner Weekley requested Resolution Item 10(e) be removed from the consent agenda.

City Clerk Smith announced there were speakers signed up to speak on Resolution Items 10(i) and 10(p) and these items would need to be removed from the consent agenda

Commissioner Johnston requested Resolution Item 10(o) be removed from the consent agenda.

Without objection, the agenda was accepted as changed.

**PROCLAMATIONS: (Mayor Cates)**

- (a) Bike Month
- (b) Law Enforcement Memorial Week

**PRESENTATIONS:**

- (a) Good Neighbor Award – Suburban Propane (Commissioner Lopez)
- (b) City Attorney’s Report

City Attorney Smith reported to the Commission possible Referendum dates. He stated the deadline for the August ballot is June 7, 2010. An ordinance would need final Commission approval by June 1 in order to meet the Supervisor of Elections deadline. The November ballot deadline is August 17, 2010.

Mr. Smith updated the Commission regarding the BCCLT and their properties. He stated he had a meeting with the Housing Authority and that agency has had further discussions with the BCCLT.

Mr. Smith asked the Commission for a closed attorney/client session in the case of City of Key West v. Eloy Lopez, Jr. and Stacey O’Keefe. He would get with each of the Commissioners to schedule a date and then provide public notice.

- (c) City Manager’s Report

City Manager Scholl recognized the Ambassador Graduating Class 14 with the assistance of David Oatway.

Mr. Scholl provided an update on the oil spill response ongoing in the northern Gulf of Mexico. He stated the State of Florida is very involved with the response actions and preparations. He stated all the federal, state and local government agencies will be kept informed and ready to go if necessary. He stated the United States Coast Guard Sector Key West will be the lead agency should any response become necessary in the Keys and Monroe County. Mr. Scholl stated with regard to questions from the public they can volunteer through the website [www.dep.state.florida.us](http://www.dep.state.florida.us).

Mr. Scholl stated he had received today the preliminary engineering report on the Glynn Archer School and he would forward that report to the Commission.

Commissioner Wardlow asked about the total number of wells in the City. Assistant City Manager David Fernandez reported the original estimate was 293 wells, they presently have 90 wells and are installing 27 as part of the projects which were partially funded by stimulus money. He stated before they reached the total number there would be a master plan and they would be fine-tuning their planning. Mr. Scholl stated that number (273) was developed through prior engineering studies. There is now better information and data in the last year or so that would help with the re-evaluation for stormwater management systems.

#### **CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston 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:**

- a) March 16, 2010 (Regular)
- b) March 30, 2010 (Workshop)

c) April 6, 2010 (Regular)

**RESOLUTIONS:**

**RESOLUTION NO. 10-140**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING RAY LIMBERT TO THE KEY WEST CIVIL SERVICE BOARD; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-141**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING JOHN WOODSON TO THE BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES RETIREMENT PLAN; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-142**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING KEY WEST ROTARY TO CONDUCT A REGGAE CONCERT AT THE TRUMAN WATERFRONT SOUTHWEST FIELD ON SATURDAY, MAY 22, 2010 FROM 6:00 P.M. TO 11:30 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; 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. 10-143**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING WESLEY HOUSE TO CONDUCT A BAREFOOT MAN CONCERT AT MALLORY SQUARE ON SUNDAY, MAY 23, 2010 FROM 6:00 ~~7:00~~ P.M. TO 10:00 ~~11:00~~ P.M. AND AUTHORIZING A SET UP TIME STARTING AT 10:00 A.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 6:00 ~~7:00~~ P.M. TO 10:00 ~~11:00~~ P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-144**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ROTARY CLUB TO CONDUCT A FUNDRAISER AT MCCOY INDIGENOUS PARK JULY 2 THROUGH JULY 4, 2010; AUTHORIZING FIREWORKS DISPLAY OFF THE WHITE STREET PIER ON JULY 4, 2010 FROM 9:00 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 4<sup>TH</sup> FIREWORKS CELEBRATION; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT MCCOY INDIGENOUS PARK; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-145**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDER LICENSE (MVL) #12780 FROM MICHAEL MARRONE TO PETER KILLIUS DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-146**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING THE PURCHASE OF SAND TO REPAIR EROSION AT THE STOCK ISLAND LANDFILL IN AN AMOUNT NOT TO EXCEED \$44,890.00 FROM SOILTECH ON AN EMERGENCY PROCUREMENT BASIS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-147**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REJECTING ALL BIDS FOR ITB #10-010 FOR REPAIR OF EROSION OF COVER AND SUBSIDENCE OF WASTE AT THE STOCK ISLAND LANDFILL; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-148**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ACQUISITION OF TWO NEW PUMP-OUT VESSELS (SEWAGE REMOVAL) FROM PUMP-OUT USA, FOR KEY WEST PUMP-OUT SERVICE USING STATE OF FLORIDA GRANT FUNDING AVAILABLE FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; AUTHORIZING THE TRADE IN OF THE CURRENT PUMP-OUT BOAT TO PUMP-OUT USA AS THE 25% MATCH FOR A STATE GRANT TO PURCHASE ONE NEW PUMP-OUT BOAT; ACCEPTING FUNDING FROM MONROE COUNTY AS THE 25% MATCH FOR A STATE GRANT TO PURCHASE THE SECOND NEW PUMP-OUT BOAT; AUTHORIZING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-149**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE AWARD OF BID NO. 10-006 IN THE AMOUNT OF \$477,000.00 TO D. N. HIGGINS, INC. FOR UNITED STREET MILLING AND PAVING PHASE I AND II (GEORGE STREET TO PEARL STREET); PROVIDING FOR NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-150**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER 5-10-SWR FOR CH2M HILL FOR ENGINEERING SERVICE FOR DESIGN, PERMITTING AND BID PHASE SERVICES FOR THE PUMP STATION F IMPROVEMENTS AND FORCE MAIN UPGRADE IN AN AMOUNT NOT TO EXCEED \$202,151.00; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 10-151**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MONTH-TO-MONTH RENEWAL OF THE AGREEMENT FOR SECURITY SERVICES BETWEEN THE CITY AND PAYNE SAUNDERS & ASSOCIATES; 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. 10-152**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING MEDICINE SHOW LAND TRUST TO HOLD THE HOKA HEY MOTORCYCLE CHALLENGE ON SUNDAY, JUNE 20, 2010 STAGING & DEPARTING FROM THE MARRIOTT BEACHSIDE AND DIRECTLY OUT TO US 1 AT 8:00 A.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; ~~AUTHORIZING THE CLOSURE OF WHITEHEAD STREET FROM THE SOUTHERNMOST POINT NORTH APPROXIMATELY 2 BLOCKS OR MORE IF THE POLICE DEEMS NECESSARY FOR THE STAGING AREA AT 6:00 A.M.~~; 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**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Jim Scholl, City Manager

It was moved by Commissioner Weekley and seconded by Commissioner Johnston that the Resolution be passed and adopted amending the staging area from the Southernmost Point to the Marriott Beachside location.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley 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. 10-153**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDING PURSUANT TO SECTION 2-797(3) OF THE CODE OF ORDINANCES THE BID OF DUVAL FORD IN THE TOTAL AMOUNT OF \$35,610.00 FOR TWO FORD FUSION VEHICLES FOR USE BY THE KEY WEST POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Tom Milone, 832 Caroline Street  
Jim Scholl, City Manager

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Lopez, Rossi and Mayor Cates

Nays: Commissioners Johnston, Wardlow 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**

**RESOLUTION NO. 10-154**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AMENDMENT #2 TO THE AGREEMENT BETWEEN THE CITY OF KEY WEST AND THE DEPARTMENT OF ARMY FOR PLANNING DESIGN AND CONSTRUCTION OF FLORIDA KEYS WATER QUALITY IMPROVEMENT PROGRAM; AUTHORIZING THE MAYOR TO SIGN THE FINAL AMENDMENT AGREEMENT DOCUMENTS(S) ON BEHALF OF THE CITY UPON THE ADVICE AND CONSENT OF THE CITY MANAGER AND CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Scholl, City Manager  
David Fernandez, Assistant City Manager

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



The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley 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. 10-155**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RESPONDENTS IN CODE COMPLIANCE CASE NUMBER CES-07-2973 (804 TRUMAN AVENUE) PERMITTING A RELEASE OF LIEN UPON PAYMENT OF A MITIGATED FINE AMOUNT AND PROVISION OF A COMPLIANCE ESCROW; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Tom Milone, 832 Caroline Street  
Elaine Chinnis, 16991 Shore Drive, Sugarloaf Key  
Jim Young, Code Compliance Manager

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 call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley 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. 10-156**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXPLORE THE FEASIBILITY OF PURCHASING NANCY'S SECRET GARDEN (APPROXIMATELY .5 ACRES LOCATED AT 1 FREE SCHOOL LANE), AND THE CHABAD PROPERTY (APPROXIMATELY 4.25 ACRES LOCATED AT 2800 FLAGLER AVENUE) WITH LAND ACQUISITION FUNDS OR OTHER GRANT FUNDING, FOR USE AS PUBLIC RECREATION SPACES; AUTHORIZING EXPENDITURE OF UP TO \$15,000.00 FROM CONTINGENCY FUNDS FOR THE PURPOSE OF APPRAISALS AND RELATED STUDIES; DIRECTING THE CITY MANAGER TO REPORT PERIODICALLY TO THE COMMISSION ABOUT THE FEASIBILITY OF PURCHASING THE PROPERTIES; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

John Jones, 1024 James Street  
Sara Edith Hambright, 1122 Virginia Street  
Mark Songer, 1310 Newton Street  
Christine Russell, 1014 Grinnell Street  
Ed Swift, 201 Front Street

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Weekley and Mayor Cates

Nays: Commissioner Wardlow

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**

**MINOR DEVELOPMENT: 302 - 310 FRONT STREET**

**RESOLUTION NO. 10-157**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MINOR DEVELOPMENT PLAN FOR REAL PROPERTY LOCATED AT 302-310 FRONT STREET; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

William Horn, 915 Eaton Street  
Amy Kimball-Murley, City Planner

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 call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley 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**

**MAJOR DEVELOPMENT: 5701 COLLEGE ROAD**

**RESOLUTION NO. 10-158**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A MAJOR DEVELOPMENT PLAN TO REDEVELOP THE CITY OF KEY WEST SOLID WASTE TRANSFER STATION INTO THE PROPOSED KEY WEST DEPARTMENT OF TRANSPORTATION (KWDOT) PUBLIC TRANSIT AND PARKING FACILITY; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Myra Wittenberg, Department of Transportation Manager  
Oscar Bello, Project Manager Chen & Associates  
Larry Levis, PBS&J, 2001 NW 107<sup>th</sup> Avenue, Miami  
Amy Kimball-Murley, City Planner  
Joanne Alexander, 5601 College Road, #102  
John Jones, 1024 James Street  
Jim Scholl, City Manager  
David Fernandez, Assistant City Manager

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: Commissioner Johnston

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**

**ORDINANCE - FIRST READING:**

**ORDINANCE NO. SECOND READING MAY 18, 2010**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, AMENDING CHAPTER 108 OF THE CODE OF ORDINANCES ENTITLED "PLANNING AND DEVELOPMENT" BY AMENDING ARTICLE X PART B, LAND DEVELOPMENT REGULATIONS, BUILDING PERMIT ALLOCATION AND VESTED RIGHT, DIVISION 1; AMENDING SECTION 108-995 PERTAINING TO RENEWAL OF ALLOCATIONS; AMENDING SECTION 108-996 PERTAINING TO BENEFICIAL USE; 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:

Margaret Romero, 1615 Washington Street  
Amy Kimball-Murley, City Planner

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley 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. 10-09**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY ADDING SECTION 2-832 "AUDITS AND INSPECTIONS" TO REQUIRE AUDITS OF ALL CITY AGREEMENTS WHERE PERCENTAGE RENT IS COLLECTED; REQUIRING AUDITS TO BE DONE AT NO COST TO THE CITY; PROVIDING FOR THE INSPECTION OF BOOKS AND RECORDS OF GRANT RECIPIENTS AND OTHER SUBSIDIZED PROGRAMS OR ENTITIES; 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 Rossi 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 Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley 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**

## **TROLLEY STOP APPEALS:**

The City Attorney explained the process for the Commission regarding the following appeals.

(a) Suanne Kitchar, Block of 1800 White Street

The Clerk read a letter into the record from Suanne Kitchar, 1701 White Street. The City Attorney stated, based upon the letter, he considered the appeal withdrawn.

(b) Historic Tours of America – 430 Duval Street

The following people spoke on the matter:

Ed Swift, Historic Tours of America  
Greg Wythe, City View Trolleys  
Jim Scholl, City Manager  
Shawn Smith, City Attorney

It was moved by Commissioner Johnston and seconded by Commissioner Rossi to postpone the item until such time that traffic impact compels either party to request this be heard again before the Commission.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: None

### **SO ORDERED**

(c) Historic Tours of America – 804 Whitehead Street

The following people spoke on the matter:

Linda Test, 1805 Staples and Director of Operations Historic Tours of America  
Greg Wythe, City View Trolleys  
Jim Scholl, City Manager  
Shawn Smith, City Attorney

It was moved by Commissioner Johnston and seconded by Commissioner Lopez to deny the appeal.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: None

### **SO ORDERED**

(d) Historic Tours of America – Flagler Station Conch Train Depot

The following person spoke on the matter:

Ed Swift, Historic Tours of America, withdrew his appeal.

### **CITIZEN COMMENTS:**

Brian Gorham, 1717 Duncan Street  
John Jones, 1026 James Street  
Greg Wythe, City View Trolleys

### **COMMISSION COMMENTS:**

Commissioner Johnston commented that her new appointment to the Planning Board is Lisa Tennyson. She also thanked Mr. Gartenmeyer for his service on the Planning Board.

Commissioner Rossi wished everyone a Happy Mother's Day.

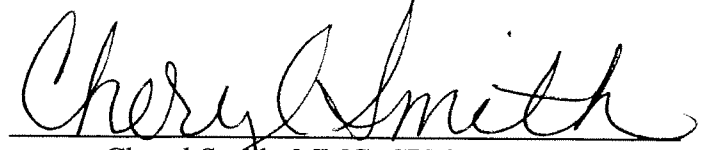
Commissioner Weekley commented on an issue discussed at a recent Frances Street Neighborhood meeting on the Frances Street Cemetery Gate closure. Mr. Weekley asked the City Manager to consider options to keep the gate open during certain times throughout the day. Mr. Weekley also commented on several contracts coming up for renewal, one with the federal lobbyist in June and the other for Jeff Sharkey in August. He thought the latter contract should expire without renewal. Mr. Weekley wanted to see a request for qualification bid issued for the federal lobbyist contract.

Commissioner Lopez thanked the community and boards for coming out for the recent meetings on the Truman Waterfront.

Mayor Cates commented on the meeting with Captain DeQuatro of the United States Coast Guard regarding the Deepwater Horizon oil spill.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 8:32 p.m.

  
Cheryl Smith, MMC, CPM  
City Clerk