

MINUTES

**CITY CHARTER AND DISTRICT
BOUNDARY REVIEW COMMITTEE**

OLD CITY HALL, 510 GREENE STREET

THURSDAY, DECEMBER 8, 2011

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, December 8, 2011.

Chair Virginia Panico called the meeting to order at 1:05 p.m.

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

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 Philip Schaeffer and seconded by Bob Harvey to approve the agenda. There were no objections.

APPROVAL OF MINUTES

1) October 25, 2011

It was moved by Tom Milone and seconded by Philip Schaeffer to approve the minutes of October 25, 2011.

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

ACTION ITEMS:

- 2) Approving language for requiring an affirmative vote of five members of the City Commission in order to change the building height restrictions.**

City Attorney Smith read the language into the record:

1.05 Height Restriction

a) Building height restrictions in the city's land development regulations and building code in effect as of the adoption of this charter section are subject to change only upon an affirmative vote of a minimum of five members of the City Commission. ~~Approval of a majority of the qualified electors casting ballots at a general municipal election.~~

There was discussion concerning changing from a seven member Commission to five member Commission as discussed at the last meeting as it would effect the outcome of other action items on the agenda. Mr. Schaeffer stated the consensus at the last meeting was to sustain a seven member Commission.

It was moved by Perry Johnston and seconded by Tom Milone to approve the item.

Chair Panico requested the Clerk call the roll.

Yeas: Mr. Harvey, Mr. Johnston, Mr. Knight, Mr. Lilley, Mr. Milone and Mr. Schaeffer

Nays: Chair Panico

- 3) Approving language for requiring an affirmative vote of five members of the City Commission for acquisition of real property.**

The City Attorney read the language into the record:

1.08 Approval by electorate required for annexation of any real property. Acquisition of any and all real property shall only occur upon the affirmative vote of a minimum of five members of the City Commission.

It was clarified by the City Attorney that this is only for acquisition of any real property not the sale of property.

It was moved by Tom Milone and seconded by Bill Lilley to approve the item.

Chair Pánico acknowledged the motion and second and requested verbal approval. The motion passed unanimously.

4) 1.05 Height Restriction.

Approving language for requiring an affirmative vote of five members of the Board of Adjustment in order to approve a height variance for habitable building space.

The City Attorney recommended this item be postponed until after the legislation has made a decision on the elimination for referendums for height restriction. This came up in the course of the new legislation. There could be a bill introduced this legislation session that allows for communities that have referendum requirements for issues like this to maintain that requirement. He suggested deferring final action until the Committee makes final recommendations to the Commission. The Legislative session begins in January.

It was moved by Philip Schaeffer and seconded by Bill Lilley to postpone the item.

Chair Panico acknowledged the motion and second and requested verbal approval. The motion passed with Mr. Milone opposed.

5) Approving language requiring an affirmative vote of five members for amendments to the City's Comprehensive Plan.

The City Attorney read the language into the record:

3.11 Changes to the City's Comprehensive Plan

Except as otherwise required by law, changes to the City of Key West Compressive Plan shall only become effective upon approval of a minimum of five members of the City Commission.

The City Attorney explained this is a new provision to the Charter.

It was explained these items were approved in concept and now they are approving the specific language.

It was moved by Philip Schaeffer and seconded by Clark Knight to approve the item.

Chair Panico acknowledged the motion and second and requested verbal approval. The motion passed with Chair Panico opposed.

6) Approving language requiring an affirmative vote of five members for expanding or contracting the territorial boundaries of the City of Key West.

The City Attorney read the language into the record:

2.01- Description

An affirmative vote of a minimum of five members of the City Commission is required to expand or contract the boundaries of the City of Key West.

It was moved by Tom Milone and seconded by Perry Johnston to approve the item.

Chair Panico requested the Clerk call the roll.

Yeas: Mr. Harvey, Mr. Johnston, Mr. Knight, Mr. Milone and Mr. Schaeffer

Nays: Mr. Lilley and Chair Panico

7) Approving language to prohibit the City from providing 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.

The City Attorney read the language into the record:

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.

There was discussion concerning the City's Comprehensive Plan and if this would affect it. The City Attorney confirmed it would be a change in the Comprehensive Plan. There was also questions concerning whether the island would become a park or other public facility the City would need to provide services.

After discussion of the Committee Members it was moved by Tom Milone and seconded by Philip Schaeffer to postpone the item to January 12, 2012.

Chair Panico acknowledged the motion and second and requested verbal approval. The motion passed with Mr. Lilley and Chair Panico opposed.

The City Attorney apologized for the confusion concerning Section 3.08-Quorum; voting. It is not on the agenda and no action can be taken.

There was a motion made by Mr. Schaeffer and seconded by Mr. Lilley that the item be on the January 12, 2012 agenda.

Chair Panico acknowledged the motion and second and requested verbal approval. The motion passed unanimously.

8) Reference to an office-holder's gender.

Mr. Johnston stated the reference to an office-holder's gender is not consistent in the Charter. All gender references should be neutral. The City Attorney suggested maybe they could make a sentence change at the end of Charter Section 1.04 Equality of rights, which could state any reference in the Charter or Code of Ordinance to he or she is not exclusive of one gender or the other and it would be in one place and one line and wouldn't have the need to amend other provisions unless you are amending that provision. The City Attorney will look at it and make a suggestion on the language.

It was as moved by Perry Johnston and seconded by Tom Milone to postpone the item.

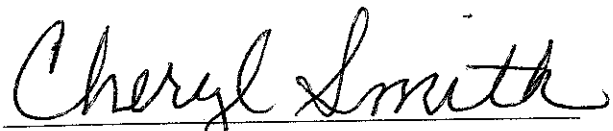
Chair Panico acknowledged the motion and second and requested verbal approval. The motion passed unanimously.

COMMITTEE COMMENTS:

It was clarified that the agenda for this meeting was for agenda items that were approved in concept with language from the City Attorney coming back for approval by the Committee as an action item. In the end everything will come back to the Committee for approval before it goes to the City Commission. The City Clerk stated she would put together a list of all the changes to date the Committee has voted on for informational purposes only.

ADJOURNMENT:

There being no further business the meeting was adjourned at 1:52 p.m.


Cheryl Smith, MMC, CPM
City Clerk