



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Charter and District Boundary Review Committee

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Wednesday, September 8, 2021

2:30 PM

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

**FOR VISUAL PRESENTATIONS:** Individuals are responsible to share their presentation at the meeting on their laptop through zoom. For City Commission meetings the City Clerk's Office will need a copy for the agenda at least 6 days before the meeting.

**Call Meeting To Order - 2:30 P.M.**

#### Roll Call

**Absent** 2 - Mr. Bailey, and Mr. Cintron

**Present** 5 - Ms. Harrison, Ms. Holtz, Vice Chair Verge, Mr. Weekley, and Chairman Haskins

#### Pledge of Allegiance to the Flag

**Approval of Agenda - The agenda was unanimously approved as presented.**

#### Approval of Minutes

1 August 18, 2021

Attachments: [Minutes](#)

A motion was made by Ms. Harrison, seconded by Mr. Weekley, that the Minutes be Approved. The motion passed by unanimous vote.

#### Action Items

2

**Approve following proposed changes to Article III -  
Legislative:**

**3.01 City commission and mayor; election, term; term  
limits.**

- (a) There shall be a city commission with all legislative powers of the city vested therein. The city commission shall consist of seven (7) commissioners, six (6) of whom shall be elected from single member districts numbered I, II, III, IV, V and VI. The mayor shall be elected by the people at large for a term of two (2) years. Commissioners from districts numbered I, II, III, IV, V and VI shall be elected for a term of four (4) years.
- ~~(b) No person shall serve more than a total of eight years in the position of mayor. No person shall serve more than a total of twelve years in the position of city commissioner. No previous term, or term in progress as of the effective date of this provision, shall be counted toward the limitations contained herein. If the term limit occurs during a term in office, the person holding the office may complete the term.~~

Sponsors: Mr. Weekley

A motion was made by Mr. Weekley, seconded by Ms. Harrison, that Article III, Section 3.01 (b) shall read:

The currently serving mayor, as of (TBD - date to commission), shall serve no more than a total of eight years in the position of mayor. The currently serving city commissioners, as of (TBD - date to commission), shall serve no more than a total of twelve years in the position of city commissioner. No previous term, or term in progress as of the effective date of this provision, shall be counted toward the limitations contained herein. If the term limit occurs during a term in office, the person holding the office may complete the term.

The motion carried by the following vote:

**No:** 2 - Vice Chair Verge, and Chairman Haskins

**Absent:** 2 - Mr. Bailey, and Mr. Cintron

**Yes:** 3 - Ms. Harrison, Ms. Holtz, and Mr. Weekley

3

**Approve following proposed changes to Article III -  
Legislative:**

**3.07 Special meetings; minutes; rules; journal.**

The mayor, any two (2) members of the city commission, consistent with the Sunshine Law, or the city manager, may call special meetings of the commission, with every effort made to contact each member, upon at least twenty-four (24) hours' notice ~~to each member, served personally, or left at his usual place of residence with every effort made to contact the member by the city clerk.~~ All meetings of the city commission and of the committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall adopt Robert's Rules of Order, determine other of its own rules and order of business, and keep a journal of its proceedings.

**3.09 Duties of mayor.**

The mayor shall preside at all meetings of the commission and perform such other duties consistent with ~~the~~ his or her office as may be imposed by it, and ~~they~~ he or she shall have a voice and a vote in the proceedings of the commission, but no veto power. ~~They~~ He or she may use the title of mayor in any case in which the execution of legal instruments or writing or other necessity arising from the general laws of the state so requires, but this shall not be considered as conferring upon ~~them~~ him or her the administrative or judicial functions of a mayor under the general laws of the state. ~~The mayor~~ He or she shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the governor in the exercise of military laws; and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred upon ~~them~~ him or her by the city commission in pursuance of the provisions of this Charter

and no others.

**3.10 Power of voters to propose ordinances; initiative and referendum.**

(2) Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

~~Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee at the committee's expense.~~

(3) (c) Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that they ~~he~~ personally circulated the paper, the number of signatures thereon, that the signatures were affixed in their ~~his~~ presence, that they believe ~~he believes~~ them to be the genuine signature of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

4) (a) Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. Grounds for insufficiency are only those specified in subsection (3). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a

notice of intention to amend it with the clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection (3) of section 3.10, and within five (5) days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners committee does not elect to amend or request commission review under subsection (b) of this section within the time required, ~~(the clerk shall promptly present their ~~his~~ certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition).~~

If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee, may within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

(7)(a) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. If conflicting ordinances are approved at the same election,

the one receiving the greatest number of ; affirmative votes shall prevail to the extent of such conflict. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

**Sponsors:** Ms. Harrison

A motion was made by Ms. Harrison, seconded by Mr. Weekley, that Article III, various Sections below, shall read as follows:

**3.07 Special meetings; minutes; rules; journal.**

The mayor, any two (2) members of the city commission, consistent with the Sunshine Law, or the city manager, may call special meetings of the commission, with every effort made to contact each member, upon at least twenty-four (24) hours' notice. All meetings of the city commission and of the committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall adopt Robert's Rules of Order, determine other of its own rules and order of business, and keep a journal of its proceedings.

**3.09 Duties of mayor.**

The mayor shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it, and they shall have a voice and a vote in the proceedings of the commission, but no veto power. They may use the title of mayor in any case in which the execution of legal instruments or writing or other necessity arising from the general laws of the state so requires, but this shall not be considered as conferring upon them the administrative or judicial functions of a mayor under the general laws of the state. The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil processes; by the governor in the exercise of military laws; and for all ceremonial purposes. The powers and duties of the mayor shall be such as are conferred upon them by the city commission in pursuance of the provisions of this Charter and no others.

**3.10 Power of voters to propose ordinances; initiative and referendum.**

(2) Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

(3) (c) Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that they personally circulated the paper, the number of signatures thereon, that the signatures were affixed in their presence, that they believe them to be the genuine signature of the persons whose names they purport to be and that each signer

had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

4) (a) Within twenty (20) days after the initiative petition is filed and five (5) days for a referendum petition, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. Grounds for insufficiency are only those specified in subsection (3). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsection (3) of section 3.10, and within five (5) days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners committee does not elect to amend or request commission review under subsection (b) of this section within the time required, the clerk shall promptly present their certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee, may within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

(7)(a) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

The motion passed by unanimous vote:

**4**                                    **Approve following proposed changes to Article I -  
General:**

**1.05 Height restriction.**

The maximum allowable height for habitable space is 50 feet for affordable mixed-use development projects that include 70-percent workforce housing and that are located in appropriately zoned areas outside the Historic District.

Sponsors:            Ms. Holtz

A motion was made by Mr. Weekley, seconded by Ms. Harrison, that the Action Item be Postponed to September 29, 2021. The motion passed by unanimous vote.

**Discussion Items**

**5**                                    **Meeting Dates**  
**Received and Filed**



**6 Article IV - Executive and Administrative**

4.01 - City Manager

4.02 - Appointment of Manager

4.03 - Destination of administrative officer during temporary absence of Manager

4.04 - Duties of Manager

4.05 - Departments of City

4.06 - City Attorney

4.07 - City Clerk

4.08 - Records of boards and commissions to be filed

4.09 - Eligibility of elected board or commission member for city employment

4.10 - Disclosure of financial interests by officers and employees

Received and Filed

**7 Article V - Civil Service**

5.01 - Civil Service Board

Received and Filed

**Public Comment**

**Board Member Comments**

**Adjournment - 4:03 P.M.**