

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
TUESDAY, JULY 20, 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, July 20, 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, Jimmy Weekley and Mayor Craig Cates.

Commissioner Billy Wardlow was absent.

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, Division Fire Chief of Operations Michael Davila, Community Services Director Greg Veliz, Code Compliance Manager Jim Young, Licensing Official Carolyn Walker, Parking Manager John Wilkins, Senior Project Manager Marilyn Wilbarger, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Reverend Phil Smedstad from the Unity 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City Manager Jim Scholl requested Resolution Item (6) be withdrawn, Items (14), (15) and (17) be removed from the consent agenda and Item (24) be postponed to September 7 regular City Commission meeting. Without opposition, the agenda was accepted as changed.

PRESENTATIONS:

- (a) Strategic Planning Committee – Todd German
- (b) North Roosevelt Blvd Project - FDOT
- (c) City Manager’s Report

The City Manager introduced the Administrator of the Monroe County Health Department Robert Eadie gave an update on Dengue Fever affecting Key West.

Commissioner Weekley asked to have a City policy developed that required any location meeting held by the City Commission, City Staff or hosting a meeting were ADA accessible.

Commissioner Weekley also asked the City Manager to clarify on the contaminated land and cleanup efforts at the Truman Waterfront. The City Manager explained he was waiting for the final data from the Restoration Advisory Board on what the clean up efforts would be if necessary on Parcel K.

- (d) City Attorney’s Report

The City Attorney updated the Commission on the progress of the lease agreement with the Florida Keys Assisted Care Coalition (FKACC) and the latest update is the FKACC have received two responses from their requests for proposals on operators of an independent assisted residential care facility. The City Attorney stated the Commission’s lease agreement with the FKACC specifies that the commencement date is the earlier of a date upon which a sub-lease is granted by this Commission or on Dec. 31, 2011.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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) May 18, 2010 (Regular)
- b) May 22, 2010 (Workshop)
- c) June 1, 2010 (Regular)

RESOLUTIONS:

RESOLUTION NO. Withdrawn

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING HUNT FISH GUIDE PERMISSION FOR A FISHING/SPEARFISHING TOURNAMENT OUT OF THE KEY WEST BIGHT AT THE FOOT OF WILLIAM STREET ON AUGUST 5 THROUGH 8, 2010 FROM 10:00 A.M. TO 9:00 P.M.; AUTHORIZING THE CLOSURE OF LAZY WAY LANE FROM 10:00 A.M. TO 9:00 P.M. DURING THE EVENT; AUTHORIZING THE 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 ON AUGUST 5 THROUGH AUGUST 8, 2010 FROM 10:00 A.M. TO 11:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER.

RESOLUTION NO. 10-212

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SPECIAL EVENT PERMIT TO THE KEY WEST BUSINESS GUILD FOR A STREET FAIR FOR WOMENFEST TO TAKE PLACE ON SATURDAY, SEPTEMBER 11, 2010 DURING THE HOURS OF 12:00 NOON TO 8:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 700 & 800 BLOCKS OF DUVAL STREET DURING THE HOURS OF 10:00 A.M. TO 10:00 P.M.; GRANTING AN EXEMPTION FROM THE NOISE ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE EVENT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-213

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AIDS HELP INC. TO CONDUCT THE CORONATION OF THE KING & QUEEN OF FANTASY FEST AT THE SOUTHERNMOST BEACH CAFE ON FRIDAY, OCTOBER 22, 2010 FROM 9:00 A.M. TO 12:00 MIDNIGHT; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 6:00 P.M. TO 10:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-214

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF THE AGREEMENT BETWEEN THE CITY OF KEY WEST AND THE SUNRISE ROTARY CLUB FOR POKER RUN ON SEPTEMBER 17 & 18, 2010; AUTHORIZING THE CLOSURE OF DUVAL STREET FROM SOUTHARD TO FRONT STREETS, ON FRIDAY, SEPTEMBER 17, 2010 FROM 10:00 A.M. TO 12:00 MIDNIGHT AND ON SATURDAY, SEPTEMBER 18, 2010, 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; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-215

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE COMPOSITION OF THE "SUSTAINABILITY ADVISORY BOARD" TO REDEFINE THE MEMBERS REQUIRED TO ESTABLISH A QUORUM AND ESTABLISH ALTERNATE YOUTH MEMBERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-216

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A PURCHASING EXCEPTION PURSUANT TO SECTION 2-797 OF THE CODE OF ORDINANCES, TO ALLOW CUMULATIVE EXPENDITURES DURING FY 09-10 TO EXPOSE YOURSELF USA. INC. FOR EXTERIOR REFURBISHMENT (VINYL BUS WRAP) OF CITY BUSES IN A TOTAL AMOUNT NOT TO EXCEED \$31,350.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-217

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE TASK ORDER 01-10-GEN WITH RED OAK CONSULTING, A DIVISION OF MALCOLM PIRNIE, INC., IN AN AMOUNT NOT TO EXCEED \$49,000.00 TO PROVIDE A GENERAL FUND COST ALLOCATION STUDY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-218

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A LOCAL AGENCY PROGRAM (LAP) AGREEMENT BETWEEN THE CITY OF KEY WEST AND FDOT IN THE AMOUNT OF \$437,726.00 FOR SAFE ROUTES TO SCHOOL - POINCIANA ELEMENTARY SCHOOL SIDEWALK INSTALLATION (FM# 425854 - 1/EN11-1); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-219

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST POLICE DEPARTMENT (KWPD) TO APPLY FOR, AND ACCEPT IF AWARDED, THE US DEPARTMENT OF JUSTICE BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION, TO ALLOW FOR CONTINUED EXPANSION AND ENHANCEMENT OF KWPD INFORMATION TECHNOLOGY CAPABILITIES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-220

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A \$10,000.00 DONATION FROM THE LAW ENFORCEMENT OFFICERS TRUST FUND (STATE FOREFEITURE FUNDS) TO THE KEY WEST POLICE ATHLETIC LEAGUE SUMMER CAMP PROGRAM; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-221

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RECOGNIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION'S (FDOT) MAINTENANCE OF TRAFFIC PLAN (MOT) TO BE IMPLEMENTED DURING THE CONSTRUCTION OF NORTH ROOSEVELT BOULEVARD; REQUESTING FDOT TO PROCEED EXPEDITIOUSLY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-222

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE II - FLEMING STREET CORRIDOR RAMPS WITH CHARLEY TOPPINO AND SONS, INC. UNTIL SEPTEMBER 8, 2010; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-223

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE III - CAROLINE STREET AND EATON STREET CORRIDOR RAMPS WITH CHARLEY TOPPINO AND SONS, INC. UNTIL AUGUST 30, 2010; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-224

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXERCISING THE THREE-YEAR RENEWAL

OPTION CONTAINED IN THE CONTRACT FOR SMATHERS AND REST BEACH CLEANING SERVICES WITH EVANS ENVIRONMENTAL & GEOSCIENCES (EE&G), LLC., ORIGINALLY APPROVED IN RESOLUTION No. 05-248; PROVIDING FOR AN EFFECTIVE DATE

MODIFICATION TO A MAJOR DEVELOPMENT PLAN

RESOLUTION NO. Postponed to September 7, 2010

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MAJOR DEVELOPMENT PLAN; APPROVING MODIFICATION TO REQUIRE AISLE WIDTH AND PARKING STALL SIZE PER SECTION 122-699(9) AND SECTION 108-91(A) (2) (B) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE PROPERTY LOCATED AT 512 GREENE STREET (RE #00001170-000000); 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. 10-225

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING STAFF TO PREPARE AND ATTEMPT TO OBTAIN ROADWAY EASEMENTS FOR THE BENEFIT OF, AND SUBSEQUENT CONVEYANCE TO, THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) ON THE SOUTH SIDE OF NORTH ROOSEVELT BOULEVARD, FOR THE PURPOSE OF IMPLEMENTING THE FDOT PLAN TO IMPROVE THE ROAD AND CONSTRUCT SIDEWALKS; AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED FOR PROPERTY ALONG THE NORTH SIDE OF NORTH ROOSEVELT BOULEVARD IN FAVOR OF FDOT; AUTHORIZING THE EXECUTION OF A WARRANTY DEED FOR 200 SQUARE FEET OF PROPERTY KNOWN AS PARCEL 124 ALONG NORTH ROOSEVELT BOULEVARD IN FAVOR OF THE FDOT IN ACCORDANCE WITH CITY CHARTER PROVISION 7.03 (A); PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

City Manager Scholl

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

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

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. 10-226

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A TRANSFER OF FUNDS IN THE AMOUNT OF \$15,000.00 FROM THE TREE COMMISSION RESERVE FUND TO 001-3701-537-52 FOR TREE PLANTING/LANDSCAPING ALONG FLAGLER AVENUE FROM WHITE STREET TO GEORGE STREET AND FROM BERTHA STREET TO DUNCOMBE STREET; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Manager Scholl
Cynthia Domenech-Coogle, Urban Forestry Manager

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

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

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. Postponed to August 3, 2010

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE MONROE COUNTY SCHOOL DISTRICT AND KEY WEST POLICE DEPARTMENT REGARDING SCHOOL RESOURCE OFFICERS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Manager Scholl
Assistant City Manager Finigan

It was moved by Commissioner Johnston and seconded by Commissioner Gibson for discussion that the Resolution be postponed to August 3, 2010 City Commission meeting.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Weekley and Mayor Cates

Nays: Commissioners Gibson and Rossi

The said Resolution was thereupon declared by the Mayor to have been postponed.

SO ORDERED

RESOLUTION NO. 10-227

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, OPPOSING PROPOSED AMENDMENTS TO THE COUNTY'S COMPREHENSIVE PLAN AND FUTURE LAND USE MAP UNDER CONSIDERATION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO WISTERIA Island; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Gary Burchfield, 800 Simonton Street
Sheila Mullins, 830 Fleming Street
Gail Kenson, Key West
Roger Bernsteen, Key West

Tom McMurray, Westin
Owen Trepanier, Appelrouth Lane
Mark Songer, 1310 Newton Street
William Barry, 618 Dey Street
Sloan Bashinsky, Little Torch Key
Judy Marrinez, 1020-3A Emma Street
Christine Russell, 1014 Grinnell Street
Shirley Freeman, 724 Eaton Street
Margaret Romero, 1615 Washington Street
Black Dog, Key West
Scott Fraser, Key West
Monroe County Mayor Sylvia Murphy
City Attorney Smith

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

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, 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. 10-229

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ~~ALLOWING TO DENY A VARIANCE TO SECTION 18-28 OF THE CODE OF ORDINANCES OF KEY WEST, FLORIDA REGARDING THE SALE OF ALCOHOL WITHIN 300 FEET OF A CHURCH, SCHOOL, CEMETERY OR FUNERAL HOME FOR PROPERTY LOCATED AT 512 EATON STREET (RE #00006500-000000); PROVIDING FOR AN EFFECTIVE DATE~~

The Clerk read the title of the Resolution.

Each member of the Commission disclosed they have received e-mails, letters and they have discussed this issue with residents, members of the community and business owners. The City Attorney asked the Commission if the substance of the e-mails and letters they received including conversations

they have had on this item differed from the information disclosed and discussed in the testimony heard at the July 6th Commission meeting and each of the Commissioners and Mayor replied no.

The following people spoke on the matter:

City Attorney Smith
Fr. Larry Hooper, Rector St. Paul Episcopal Church, 401 Duval Street
Ginny Stones, Stones and Cardenas, 221 Simonton Street
Amy Kimball-Murley, City Planner
Reverend Ruben Velasco, 411 Simonton
Mark Annicelli, 1013 Southard Street
Margaret Romero, 1615 Washington Street
Joe Mather, 3229-202 Flagler Avenue
Sandy Lee, 3608 Eagle Avenue
Elizabeth Mardeusz, 1622 Spalding Court
Michael Carbone, 5236 Suncrest Road
Seabrook Wilkinson, 611 Fleming Street
Mary Sparacio, 813 Eaton Street
Sandy Higgs, 80 Key Haven Road

It was moved by Commissioner Rossi to deny the Resolution.

There was no second.

It was moved by Commissioner Johnston to approve with the 10 conditions and amending the closing time of operations to 12 Midnight.

There was no second.

It was moved by Commissioner Rossi to amend the time of operations to 6:00 P.M. to 10:00 P.M.

There was no second.

It was moved by Commissioner Johnston to approve with the existing conditions in place and adding the time of operations to be 6:00 P.M. to 10:00 P.M.

There was no second.

It was moved by Commissioner Lopez to approve with the existing conditions in place and adding the times of operations from 6:00 P.M. to 12 Midnight and seconded by Commissioner Johnston.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll

Yeas: Commissioners Johnston, Lopez, and Mayor Cates

Nays: Commissioners Gibson, Rossi and Weekley

The City Attorney stated the motion made was rejecting the application as put forward and it was amended with the conditions as stated and the Resolution failed.

The said Resolution was thereupon declared by the Mayor to have failed and was denied, authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCE – FIRST READING:

ORDINANCE NO. Second Reading August 3, 2010

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA PURSUANT TO SECTION 1.08 OF THE CITY CHARTER, CALLING FOR A REFERENDUM AUTHORIZING THE CITY OF KEY WEST TO PURCHASE 4.25 ACRES OF REAL PROPERTY COMMONLY KNOWN AS 2800 FLAGLER AVENUE (RE NUMBER 00065090-000100) FROM THE FT. ZACHARY TAYLOR SURCHARGE FUND, WHICH IS SET APART FOR THE PURCHASE OF SUCH LANDS, FOR THE USE AS A PUBLIC PARK INCLUDING A CHILDREN'S PLAYGROUND AND PASSIVE RECREATIONAL SPACE; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 2, 2010; 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
Mark Songer, 1310 Newton Street
City Attorney Smith
City Manager Scholl

The City Attorney clarified the Florida Statue 380.0685 regarding areas of critical state concern and Key West is recognized as an area of critical state concern. The State of Florida imposes a surcharge of .50 cents to each person who enters into a State Park (Ft. Zachary) and the proceeds from the

surcharge are placed into the Ft. Zachary Taylor surcharge fund. Those funds can only be used to purchase property in a designated critical state concern from which the funds are generated.

Commissioner Johnston asked for the cost of all maintenance to operations of the park and the annual cost to the City and Commissioner Rossi concurred with her request. Commissioner Johnston suggested a Workshop to inform the voters on what the proposed park would entail.

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

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Gibson, Lopez, Weekley and Mayor Cates

Nays: Commissioners Johnston, Rossi

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first reading.

SO ORDERED

ORDINANCE – SECOND READING: (PUBLIC HEARING)

27 ORDINANCE NO. 10-16

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER 109 OF THE CODE OF ORDINANCES ENTITLED “DOGS IN PUBLIC FOOD SERVICE ESTABLISHMENTS”; 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:

City Manager Scholl
Chief Licensing Official Carolyn Walker

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

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, 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

ORDINANCE NO. Postponed to August 3, 2010

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED AMUSEMENTS AND ENTERTAINMENT; BY AMENDING SECTION 6-1, TO ADD DEFINITIONS; SECTION 6-2 TO AMEND PERMIT, APPLICATION AND APPEAL PROCESSES, ADDING PALM WEAVING PERMITS AND EXTENDING 2010 PERMITS; AMENDING SECTION 6-3, REGARDING LOCATIONS; AMENDING SECTION 6-4 BY AMENDING PERMIT REGULATIONS AND PROHIBITIONS; AMENDING SECTION 6-7 REGARDING REVOCATION OF PERMITS; AMENDING SECTION 6-8, ADJUSTING PERMIT FEES; AMENDING SECTION 6-9 REGARDING PENALTY ENFORCEMENT; 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:

Assistant City Attorney Ron Ramsingh
Assistant City Manager Mark Finigan
Aaron Clason, 529 Bahama Street
Patrick Stecher, 1015-11 Simonton Street
Robert Mathison, 918 White Street
Meike, 529 Bahama Street
Elise Scott, 918 White Street
Kurt Tomecek, 7009 Shrimp Road
Ginny Stones, 221 Simonton Street
Steve Clark, 5650 Laurel
Scott Balcom, 3920 South Roosevelt
Black Dog, living in Paradox
Bo Kirkpatrick, 2405 Seidenberg Avenue
Christine Russell, 1014 Grinnell Street
Tim "Stitch" Pratt
Andrea Quigley, Baptist Lane
Mike Mongo, 1218 Pearl Street
Margaret Romero, 1615 Washington Street

Darlene Gorman, 918 White Street
Michael Baander, 1015-44 Simonton Street
Jim Young, Code Compliance Manager
John Wilkins, Parking Manager

Assistant City Attorney Ron Ramsingh read aloud the proposed added definition in Section 6-1 Definitions, to add the following: Duval Street Corridor Cultural District shall mean those portions of public sidewalk on Duval Street from Petronia Street to South Street including all intersecting streets up to but not including Whitehead Street and Simonton Street as described in “Exhibit C”

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the added definition as read be added to the proposed Ordinance.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

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

Nays: None

The motion to add a new definition to Section 6-1 Definitions was approved.

Assistant City Attorney Ron Ramsingh read aloud the proposed amendment in Section 6-2 sub paragraph A, Permit Required, Application; Appeal. The Assistant City Attorney read the added language to insert after the word District, “within the area defined in 6-1 as the Artisan and Performer Corridor”

It was moved by Commissioner Weekley and seconded by Commissioner Lopez for discussion that the added definition as read be added to the proposed Ordinance.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

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

Nays: Commissioner Rossi

After roll call was taken, Commissioner Johnston changed her vote to no.

The motion to amend the language in Section 6-2 was approved.

Assistant City Attorney Ron Ramsingh read aloud the proposed amendment in Section 6-3 sub paragraph A - viii, Locations. The amendment was to remove the language ~~under license agreement at.~~

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the added definition as read be added to the proposed Ordinance.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

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

Nays: None

The motion to amend the language in Section 6-3 Sub-paragraph viii was approved.

Assistant City Attorney Ron Ramsingh read aloud the proposed amendment in Section 6-3 sub paragraph A - ix, The area defined in 6-1 as the Duval Street Cultural District. The Assistant City Attorney stated public input would be allowed on this item.

The Mayor postponed calling for a motion on this item until public input was received.

Assistant City Attorney Ron Ramsingh read aloud the proposed amendment in Section 6-3 sub paragraph D removing in the second sentence after the word “within” removing thirty and in the third sentence after the word “within” removing the word twenty.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the wording be removed as read in the proposed Ordinance.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

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

Nays: None

The motion to amend the language in Section 6-3 sub-paragraph D was approved.

Assistant City Attorney Ron Ramsingh read aloud the proposed amendment in Section 6-2 sub paragraph C – xii: A Certificate of Appropriateness issued by the Art in Public Places Board for all permit B applications; (vii) Permittee shall furnish and maintain ~~such~~ public liability and property

damage insurance providing coverage for all claims and damage to property or bodily injury, including death which may arise from street performances or art vending on City Right of Way under this Ordinance. Such insurance shall provide coverage of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and property damage respectively, per occurrence. The City shall be named as an additional insured. All policies required under this Ordinance shall provide such policies may not be terminated or cancelled without 30 days written notice sent via certified mail to the licensing official for the City of Key West.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Ordinance be postponed to August 3, 2010 meeting.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi and Mayor Cates

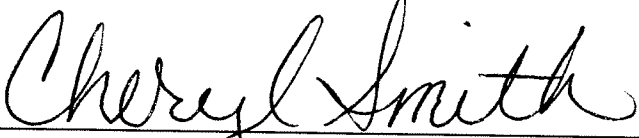
Nays: Commissioners Gibson, Weekley

The said Ordinance was thereupon declared by the Mayor to have been postponed.

SO ORDERED

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 10:46 p.m.


Cheryl Smith, MMC, CPM
City Clerk