

**MINUTES**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, APRIL 5, 2011**

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, April 5, 2011.

Mayor Craig Cates called the meeting to order at 6:05 p.m.

Answering roll call were Commissioners Barry Gibson, Teri Johnston, Clayton Lopez, Billy Wardlow, Jimmy Weekley 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, Finance Director Roger Wittenberg, Interim City Planner Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Fire Department Division Chief Craig Marston, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Licensing Official Carolyn Walker, Code Compliance Manager Jim Young, Information Technology Director Patti McLauchlin, Parking Manager John Wilkins, Port and Transit Director Jim Fitton, 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.

Rabbi Simon Dudai, Congregation B’Nai Zion Synagogue, 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 Wardlow requested Items #23 and #24 be removed from the Consent Agenda.

The City Manager requested Item #32 be postponed to May 3, 2011.

The Clerk announced speakers for Items #15, #19, #20, #22, #28 and #29 and those items would need to be removed from the Consent Agenda.

Without opposition, the agenda was accepted as changed.

**COMMENDATIONS:**

Key West High School Academic Excellence Award  
- Jordan Pfost and Acola Remy

Key West High School Excellence in Visual, Performing and Vocational Arts Award  
- Dominic Giardino and Tesia Theriault

Key West High School Outstanding Achievement/Unsung Hero Award  
- Marta Staniec and Alioht Valdez-Marrero

**PROCLAMATIONS:**

Children's Day in Key West

Comcast Cares Day

Water Conservation Month

**PRESENTATIONS:**

Sustainability Advisory Board Annual Report – Dr. Ross Williams, Chairman

City Attorney's Report

City Attorney Shawn Smith expressed his condolences at the passing of former Commissioner Jose Menendez.

City Manager's Report

City Manager Jim Scholl updated the Commission on the Glynn Archer appraisal which would be the basis of the memorandum of understanding with the School Board. Mr. Scholl reported on his recent visit for Florida Keys Day in Tallahassee, Horace O'Bryant School conditions and requirements to comply with the LDRs and Comprehensive Plan, and on Life Start Emergency Ambulance Services.

**CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

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

- February 8, 2011 (Workshop)
- February 15, 2011 (Regular)
- March 1, 2011 (Regular)
- March 15, 2011 (Regular)

**RESOLUTIONS:**

**RESOLUTION NO. 11-093**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REAPPOINTING JOHN G. PARKS, JR. TO THE HOUSING AUTHORITY OF THE CITY OF KEY WEST BOARD OF COMMISSIONERS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-094**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REAPPOINTING ROOSEVELT SANDS, JR. TO THE HOUSING AUTHORITY OF THE CITY OF KEY WEST BOARD OF COMMISSIONERS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-095**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING MICHAEL MARRERO TO THE ART IN PUBLIC PLACE BOARD; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-096**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-68 OF THE CODE OF ORDINANCES TO THE WE'VE GOT THE KEYS FOR AN EVENT TO TAKE PLACE DURING THE HOURS OF 6:00 P.M. TO 10:00 P.M. ON THURSDAY, APRIL 7, 2011 AT THE SOUTHERNMOST HOUSE 1400 DUVAL STREET; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-097**

**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 THE KEY WEST SONGWRITERS FESTIVAL FOR AN EVENT TO TAKE PLACE DURING THE HOURS OF 6:00 P.M. TO 8:00 P.M. ON WEDNESDAY, APRIL 27, 2011 AT THE OCEAN KEY HOUSE RESORT SUNSET PIER; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-098**

**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 THE KEY WEST SONGWRITERS FESTIVAL FOR EVENT TO TAKE PLACE DURING THE HOURS OF 8:00 P.M. TO 11:00 P.M. ON SATURDAY, APRIL 30, 2011 AT THE CONCH REPUBLIC SEAFOOD COMPANY; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-099**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE V – EISENHOWER DRIVE SIDEWALKS, TELEGRAPH LANE SIDEWALKS AND PETRONIA STREET/WHITEHEAD RAMPS WITH CHARLEY TOPPINO AND SONS, INC. UNTIL DECEMBER 31, 2011; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-100**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING PURSUANT TO SECTION 7-797(4)(B) OF THE CODE OF ORDINANCES THE ATTACHED PROPOSAL OF MURRAY MARINE, INC. IN THE TOTAL AMOUNT OF \$21,778.00 FOR TWO MERCURY MARINE 250HP OPTI-MAX OUTBOARD ENGINES FOR USE BY THE KEY WEST POLICE DEPARTMENT MARINE UNIT; AUTHORIZING TRADE-IN OF USED MOTORS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-101**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED KEY WEST COMPREHENSIVE EMERGENCY MANAGEMENT PLAN 2010 (CEMP); PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-102**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING AMENDMENT NUMBER ONE TO HISTORIC PRESERVATION GRANT NO. F1005 FROM THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, FOR UPDATING THE HISTORIC RESOURCES SURVEY OF KEY WEST, FOR A TOTAL GRANT AWARD OF \$50,000.00; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-103**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE SETTLEMENT OF DENTON V. KEY WEST, CASE NUMBER 2010-DR-937-K; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. Postponed to May 3, 2011**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 307.26 SQUARE FEET AT THE END OF CARABALLO LANE TO ADDRESS THE ENCROACHMENT OF A PROPOSED SECURITY GATE AT THE REAR OF PROPERTY LOCATED AT 327 WILLIAM STREET, KEY WEST, FLORIDA (RE #00003270-000000); PROVIDING FEES AND CONDITIONS; 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. 11-104**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT BETWEEN THE CITY OF KEY WEST, FLORIDA, AND THE CONCH REPUBLIC INDEPENDENCE CELEBRATION, AIDS HELP, INC., THE KEY WEST CULTURAL PRESERVATION SOCIETY, BOURBON STREET PUB, 801 BOURBON STREET BAR & XENA FUND FOR THE 2011 CONCH REPUBLIC INDEPENDENCE CELEBRATION FROM APRIL 22 THROUGH MAY 1, 2011; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE CELEBRATION; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Tom Milone, 832 Caroline Street

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 Gibson, Johnston, Lopez, 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. 11-105**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING LA TE DA REDUX, INC. TO CONDUCT THE QUEEN MOTHER PAGEANT ON MONDAY, MAY 9, 2011 FROM 12:00 NOON TO 12:00 MIDNIGHT; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 1100 BLOCK OF DUVAL**

**STREET FROM 12:00 NOON TO 12:00 MIDNIGHT; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 7:00 P.M. TO 10:30 P.M. (SOUND CHECK AT 4:00 P.M. TO 4:30 P.M.); AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE; 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  
John "Ma" Evans, Applicant

It was moved by Commissioner Lopez and seconded by Commissioner Johnston 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. 11-106**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF BELLA CONSTRUCTION OF KEY WEST, INC. FOR THE MARTIN LUTHER KING CENTER RENOVATIONS PROJECT IN ACCORDANCE WITH THE TERMS SPECIFIED IN ITB #11-007 IN AN AMOUNT NOT TO EXCEED \$350,000.00; AUTHORIZING NECESSARY BUDGET ALLOCATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS CONTAINED IN THE BID PACKAGE ON BEHALF OF THE CITY OF KEY WEST; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

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, 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. 11-107**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED AGREEMENT WITH GRAY/ROBINSON TO SERVE AS THE CITY'S FLORIDA LEGISLATIVE AND EXECUTIVE BRANCH GOVERNMENT LOBBYIST; 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  
Ed Scales, 201 Front Street, on behalf of Gray/Robinson

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, 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. 11-108**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE APPROVAL OF TASK ORDER 01-2011-STM FOR RED OAK CONSULTING, A DIVISION OF MALCOLM PIRNIE, INC., IN AN AMOUNT NOT TO EXCEED \$19,750.00 TO PROVIDE A RATE STUDY FOR PREPARATION OF THE**



**CITY'S STORMWATER BILLING; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Jay Gewin, Utilities 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, 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**

**RESOLUTION NO. 11-109**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE APPROVAL OF TASK ORDER 01-2011-SWR FOR RED OAK CONSULTING, A DIVISION OF MALCOLM PIRNIE, INC., IN AN AMOUNT NOT TO EXCEED \$19,750.00 TO PROVIDE A RATE STUDY FOR PREPARATION OF THE CITY'S WASTEWATER BILLING; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, 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**

**RESOLUTION NO. 11-110**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED CONTRACT BETWEEN THE CITY AND MBI/K2M ARCHITECTURE, INC., FOR DESIGN, ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES FOR THE NELSON ENGLISH/WILLIE WARD PARK ENHANCEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$95,000.00; 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  
Christine Russell, 1014 Grinnell Street  
Jim Scholl, City Manager  
Doug Bradshaw, Senior Project Manager  
Greg Veliz, Community Services Director  
Mark Finigan, 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 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. 11-111**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ~~ACCEPTING THE RANKING OF THE EVALUATION COMMITTEE OF RESPONDENTS TO RFP 002-11 FOR MERCHANT SERVICES; AUTHORIZING THE EVALUATION COMMITTEE, IN CONJUNCTION WITH CITY STAFF, RANKING THE RESPONDENTS TO RFP 002-11 FOR MERCHANT SERVICES;~~**

**CONTRACT NEGOTIATIONS TO BE 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:

Tom Milone, 832 Caroline Street  
Jim Scholl, City Manager  
Diane Gibson, First State Bank  
Mike Mongo, 1218 Pearl Street  
Mark Finigan, Assistant City Manager  
Roger Wittenberg, Finance Director  
Shawn Smith, City Attorney

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez that the Resolution be amended selecting First State Bank as first ranked proposer.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Johnston

It was moved by Commissioner Lopez and seconded by Commissioner Wardlow that the Resolution be amended selecting eGov Strategies as the second ranked proposer.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Johnston

The said Resolution was thereupon declared by the Mayor to have been amended and duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 11-112**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, OPPOSING FLORIDA HOUSE BILL 883 AND FLORIDA SENATE BILL 476, WHICH, IF PASSED, WOULD REMOVE MOST LOCAL JURISDICTION OVER VACATION RENTAL PROPERTIES IN THE CITY OF KEY WEST AND THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution. The Clerk read a letter into the record from Barbara Ramey, 615 Rear William Street.

The following people spoke on the matter:

Tom Milone, 832 Caroline Street  
Sheila Mullins, 830 Fleming Street  
Mark Songer, 13010 Newton Street for Last Stand  
Ed Scales, on behalf of Gray/Robinson

It was moved by Commissioner Weekley 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, 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. 11-113**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 204 SQUARE FEET TO ALLOW CONSTRUCTION OF A FENCE, BRICK PAVERS AND LANDSCAPE PLANTING AT 1415 OLIVIA STREET, KEY WEST, FLORIDA (RE #00023940-000000); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution. The Clerk reported there were 9 notices sent to property owners within 50 feet; 4 responses were received, 1 objection from Joan Langley, 821 Georgia Street.

The following people spoke on the matter:

David Knoll, Architect for the Applicant  
Don Craig, Interim City Planner  
Tom Milone, 832 Caroline Street  
Lyris Leinbach, 1022 Fleming Street, Co-Chair Pedestrian Action Committee

It was moved by Commissioner Gibson 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, Wardlow and Mayor Cates

Nays: Commissioner 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**

The Mayor called for a brief recess.

### **ORDINANCES - FIRST READING:**

#### **ORDINANCE NO. Second Reading May 3, 2011**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA AMENDING CHAPTER 46, SECTION 323 THE POLICE AND FIRE PENSION PLAN TO PROVIDE FOR TERMS REGARDING REEMPLOYMENT OF POLICE OFFICERS AS FIREFIGHTERS, AND REEMPLOYMENT OF FIREFIGHTERS AS POLICE OFFICERS; 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 Wardlow that the Ordinance be passed on first reading.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, 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**

**ORDINANCE NO. Withdrawn**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND PARKING" BY AMENDING SECTION 70-246, DEFINITIONS; AMENDING SECTION 70-247 TO CLARIFY THE RESIDENTIAL PARKING PERMIT AREA; AMENDING SECTION 70-248, ELIGIBILITY; REPEALING SECTION 70-249, ADDITIONAL ELIGIBILITY; AMENDING AND RENUMBERING SECTION 70-251, APPEAL OF DECISIONS; AND RENUMBERING SECTIONS 70-250 AND 70-252; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance and read letters into the record from the following:

Suki  
Bill Cottrill, National Weather Service, 1315 White Street  
Allen Tidball  
Sandra Pickut McMannis, 3624 Sunrise Drive  
John R. Allison, III, P O Box 2129  
Camille Blatz, 2625 Gulfview Drive

The following people spoke on the matter:

Tom Milone, 832 Caroline Street  
Margaret Romero, 1615 Washington Street  
John Wilkins, Key West Parking Manager

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to postpone the item to the next meeting on May 3, 2011.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Weekley and Mayor Cates

Nays: Commissioners Gibson, Johnston and Wardlow

Motion to postpone failed.

Commissioner Weekley made a motion to amend the Ordinance to include the entire city with residents showing proof of residence under a pilot program for one year. There was no second to the motion.

Commissioner Weekley withdrew the Ordinance for consideration.

**SO ORDERED**

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

**ORDINANCE NO. 11-07**

**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 Clerk read letters from the following:

Tina Shenk  
Gabrielle Reese  
George and Jill Edson, 3702 Paula Avenue  
Bob Widener, 409 Fleming Street  
Piper Smith, 719 Eisenhower Drive  
Chris Remmert, Wyland Galleries, 102 Duval Street  
Charlie Bauer, Fury Water Adventures, 201 Front Street  
Cara Higgins, President Key West Chamber of Commerce

The following people spoke on the matter:

Chuck Goldberg, 430 Duval Street  
Susan Cardenas, 221 Simonton Street  
Kirk Tomecek, 1200 Fourth Street

Patrick Stecher, 1015 Simonton Street  
Meike Zuchner, 529 Bahama Street  
Margaret Romero, 1615 Washington Street  
Elise Scott, 918 White Street  
Steve Clark, 5650 Laural Avenue  
Fred Gaines, 833 Elizabeth Street  
C. J. Groth, 833 Elizabeth Street  
Lee Ann Milazzo McCarthy, 825 Fleming Street  
Scott Marks, 500 Duval Street  
Burt White 674 Whitehead Street  
Mike McClain, 200 Duval Street  
Matthew Boa, 2806 Fogarty Avenue  
Megan Jacob, 419 Williams Street  
Emily Orchier, 614 Whitehead Street  
Jeep Caillouet, Box 0521  
Ron Ramsingh, Assistant City Attorney  
Shawn Smith, City Attorney  
Jim Young, Code Compliance Manager  
Donald Lee, Chief of Police  
John Wilkins, Parking Manager  
Carolyn Walker, Chief Licensing Official

It was moved by Commissioner Gibson and seconded by Commissioner Weekley to amend the Ordinance under Section 6.1 to eliminate language providing for review of art vendor permits by the city manager as follows: “. . . review and approved by the City Manager or his designee with guidance from the Art in Public Places Board. Other mediums of artistic expression may also be permitted upon the city manager’s designee’s studied determination and approval with guidance from the Art in Public Places Board”.

The Mayor acknowledged the motion and second and asked for objections, seeing none the motion to amend was approved.

It was moved by Commissioner Lopez and seconded by Commissioner Gibson to amend the Ordinance under Section 6-4(k) to increase the size of the footprint of the display from three by three feet to four by four feet.

The Mayor acknowledged the motion and second and asked for objections, seeing none the motion to amend was approved.



It was moved by Commissioner Gibson and seconded by Commissioner Lopez to amend the Ordinance under Section 6-3(a)(x) and 6-3(a)(xi) to include the areas not to be used by street performers or street artists on Whitehead Street from Front Street to Eaton Street and the area commonly known as Clinton Square including those portions of Whitehead, Greene and Front Streets.

The Mayor acknowledged the motion and second and asked for objections, seeing none the motion to amend was approved.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to amend the Ordinance under Section 6-7(d) to include “and shall be appealable directly to circuit court.”

The Mayor acknowledged the motion and second and asked for objections, seeing none the motion to amend was approved.

It was moved by Commission Lopez and seconded by Commissioner Weekley to amend Section 10 regarding insurance to read as follows: “Section 6-2(c)(vi) of this ordinance shall go into effect (sixty) 60 days from its passage. All other portions of this ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.”

The Mayor acknowledged the motion and second and asked for objections. Mayor Cates stated he was opposed to this amendment, all others were in favor and the motion was approved.

It was moved by Commissioner Johnston and seconded by Commissioner Gibson to strike Section 6-3(f) removing identifying markers.

The Mayor requested the Clerk call the roll.

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

Nays: None

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

The Mayor acknowledged the motion and second and asked for objections. Commissioner Johnston and Mayor Cates were opposed, all others were in favor and the Ordinance was approved as amended on second reading.

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:**

The Clerk read letters into the record from Douglass Mellen, Project Manager for "Hands to Havana" and Joan Langley, 821 Georgia Street.

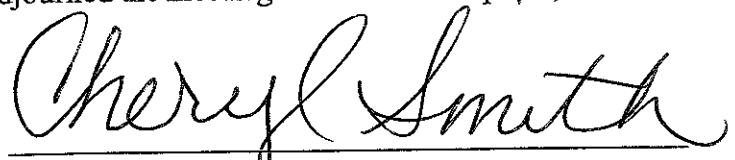
Nils Muench, 700 Margaret Street  
Christine Russell, 1014 Grinnell Street  
Bo Walton

**COMMISSION COMMENTS:**

Commissioner Lopez thanked everyone for the well wishes for his mother. Commissioner Lopez congratulated his son-in-law who is now a U. S. citizen.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 12:30 a.m. April 6, 2011.

  
Cheryl Smith, MMC, CPM  
City Clerk