



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Tuesday, June 1, 2010

6:00 PM

Commission Chambers

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### CALL MEETING TO ORDER

6:00 p.m.

### ROLL CALL

Commissioner Gibson, Commissioner Johnston, Commissioner Lopez,  
Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley  
and Mayor Cates

### INVOCATION

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

### PROCLAMATIONS

1 Mote Marine Laboratory 55th Anniversary

Sponsors: Mayor Cates

### PRESENTATIONS

City Attorney's Report

City Manager's Report

### CONSENT AGENDA\*

**\*Item is considered to be routine and enacted by one motion with no separate discussion, unless requested by a Commission Member or citizen, in which event the item will be removed from the order and considered in its normal sequence on the agenda. The City of Key West may take action on any matter during this meeting, including items that are not set forth within this agenda.**

- 2 Authorizing the Rotary Club of Key West to conduct a picnic with all Rotary Clubs at Bayview Park and the softball fields on Saturday, June 5, 2010 from 12:00 Noon to 4:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 10-171

- 3 Authorizing Sloppy Joe's to conduct an event for Hemingway Days on Saturday, July 24, 2010 from 12:00 Noon to 11:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval and Ann Streets from 12:00 Noon to 11:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 10-172

- 5 Extending the contract for Stormwater gravity injection wells Phase IV with CEB Construction, Inc. through June 30th, 2010.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 10-173

- 6 Approving the transfer of historic telegraph cable excavated at the intersection of Catherine and Whitehead Streets to the Mel Fisher Maritime Museum; Authorizing the City Manager to enter into a transfer agreement.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 10-174

### **Approval of the Consent Agenda**

**A motion was made by Commissioner Rossi and seconded by Commissioner Weekley to approve the Consent Agenda. The motion was carried unanimously.**

### **RESOLUTIONS**

- 4 Authorizing Rick's & Durty Harry's Entertainment complex to conduct a Seafood Lobster Festival on Saturday, August 7, 2010, from 10:00 A.M. to 12:00 Midnight, pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 100, 200, 300, 400 & 500 blocks of Duval Street between Front and Southard Streets including the Greene Street intersection and Telegraph Lane from 10:00 A.M. to 12:00 Midnight; Granting a special event permit pursuant to Section 6-86 of the Code of Ordinances from 12:00 Noon to 11:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Teri Johnston, that this Resolution be Passed . The motion carried unanimously.**

**Recuse:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 10-175

- 7 Approving the City Attorney Performance Evaluation.

**Sponsors:** City Attorney Smith

**A motion was made by Commissioner Billy Wardlow, seconded by Commissioner Clayton Lopez, that this Resolution be Passed . The motion carried by the following vote:**

**Yes:** 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 10-176

- 8 VARIANCE: 1908 FLAGLER AVENUE  
To allow a Variance to Section 18-28 of the Code of Ordinances of Key West, Florida regarding the sale of alcohol within 300 Feet of Church, School, Cemetery or Funeral Home for property located at 1908 Flagler Avenue.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Mark Rossi, seconded by Commissioner Billy Wardlow, that this Resolution be Passed . The motion carried by the following vote:**

**Yes:** 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 10-177

## ORDINANCE – FIRST READING

- 9 An Ordinance of the City Commission of the City of Key West, pursuant to Section 7.03 of the City Charter, calling for a Referendum for the authority to sell real property owned by the City of Key West and commonly known as 529 Front Street (RE number 00072082-000600); 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.

**Sponsors:** Commissioner Weekley

**A motion was made by Commissioner Weekley, seconded by Commissioner Gibson, that this Ordinance be Passed to Second Reading . The motion carried by the following vote.**

**No:** 1 - Mayor Cates

**Yes:** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Weekley

#### **ORDINANCE - SECOND READING**

- 10 An Ordinance of the City of Key West, pursuant to Section 8.01 of the Key West Charter, proposing that Section 6.01 of the Key West Charter be amended to provide that runoff elections if necessary, shall be held on the first Tuesday following the first Monday in November between the two candidates receiving the greatest number of votes; Setting the General Election of November 2, 2010, as the date of Referendum; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Mayor Cates

**A motion was made by Commissioner Mark Rossi, seconded by Commissioner Teri Johnston, that this Ordinance be Adopted . The motion carried by the following vote:**

**Yes:** 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 10-11

- 11 An Ordinance of the City of Key West, Florida, amending Chapter 42 of the Code of Ordinance entitled "Miscellaneous Offenses" by amending Section 42-9 to provide for an exemption from the nudity prohibition in areas specifically designated for that purpose by Resolution of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Johnston

**A motion was made by Commissioner Teri Johnston, seconded by Commissioner Mark Rossi, that this Ordinance be Postponed . The motion carried by the following vote:**

**Yes:** 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

- 12 An Ordinance of the City of Key West, Florida, amending Section 58-34 of the Code of Ordinances entitled "Collection and Disposal, Unlawful Disposal" by Adding subsection (f) to prohibit the storing or disposing of certain materials in vehicles or trailers; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Weekley

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Mark Rossi, that this Ordinance be Adopted . The motion carried by the following vote:**

**Yes:** 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 10-12

- 13 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Parking, Stopping and Standing" by amending Section 70-116 to prohibit the storing or disposing of certain materials in vehicles or trailers, and by amending Section 70-121 to provide for revised and added penalties for violations of provisions of Chapter 70; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (Commissioner Weekley)

**Sponsors:** Commissioner Weekley

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Mark Rossi, that this Ordinance be Adopted . The motion carried by the following vote:**

**Yes:** 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 10-13

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT**

7:38 p.m.