

## MINUTES

### CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, AUGUST 7, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, August 7, 2012.

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

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Mark Rossi, Jimmy Weekley, Tony Yaniz and Mayor Craig Cates.

Commissioner Billy Wardlow was absent.

Also present were City Manager Bob Vitas, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donnie Lee, Community Services Director Greg Veliz, 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.

Rev. Tom Sterner, First Congregational 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:**

The City Manager requested Item 15 be postponed to October 16, 2012 and Item 22 to be postponed indefinitely.

The Clerk announced there was a speaker for Item 9 and that item would need to be removed from the Consent Agenda.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to accept the agenda as changed. The Mayor acknowledged the motion and second and asked for verbal approval, there were no objections.

The Mayor recognized County Commissioner Heather Carruthers who would be speaking at the meeting.

**PRESENTATIONS:**

Key West Art Festival – There was no one present for this presentation.

FIRM Update – Monroe County Commissioner Heather Carruthers

City Attorney’s Report

The City Attorney had no report for the Commission.

City Manager’s Report

City Manager Vitas thanked the Mayor and Commissioners for their support through the recruiting process. He also thanked former City Manager Jim Scholl for the guidance he received over the past three weeks. Mr. Vitas thanked the Department Directors and looked forward to working with them. He stated he had received a warm welcome from the business community and the citizens who have made him feel at home.

Mr. Vitas introduced Doug Bradshaw, Senior Project Manager, to provide the Glynn Archer Update for the Commission. Mr. Bradshaw reported the last week of April was the initial site visit with CH2M Hill. Environmental testing for lead, asbestos, mold and mildew had been completed. All the data will come back in reports in August.

Commissioner Rossi asked the City Attorney about office space in the building for the School Board Superintendent. He wanted to know if this was negotiable as to the location of that office. Mr. Smith would raise the issue with the Superintendent when they meet later in the week. Mr. Rossi asked about the landscaping at HOB. Mr. Smith stated that was a budgeted program for the project.

Commissioner Yaniz asked about credit card fees. Mr. Finigan stated this would be on the agenda at the next budget workshop meeting August 20, 2012.

Mr. Vitas expressed his gratitude for the assistance he has received from Mark Finigan, David Fernandez, Portia Navarro and Maria Ratcliff as he has been orienting himself to the City.

**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:**

July 24, 2012 (Workshop)

**RESOLUTIONS:**

**RESOLUTION NO. 12-231**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING BRIAN DUNLAP TO THE KEY WEST CIVIL SERVICE BOARD; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-232**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DESIGNATING THE SIGNATURES OF CERTAIN CITY PERSONNEL FOR THE WITHDRAWAL OF CITY FUNDS FROM FIRST STATE BANK AND OTHER AUTHORIZED DEPOSITORIES OF CITY FUNDS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-233**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AH OF MONROE COUNTY TO CONDUCT A GAY TO BAY 1K RUN ON DUVAL STREET STARTING AT THE SOUTHERNMOST POINT TO DUVAL STREET, DOWN**

**DUVAL STREET AND ENDING AT MALLORY SQUARE FROM 1:30 P.M. TO 5:30 P.M. SATURDAY, SEPTEMBER 29, 2012; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-234**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PARADISE CHARITABLE FOUNDATION TO CONDUCT PARROT HEADS IN PARADISE STREET PARTY ON FRIDAY, NOVEMBER 2, 2012 FROM 8:00 A.M. TO 6:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 500 BLOCK OF DUVAL STREET BETWEEN FLEMING AND SOUTHARD STREETS; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 8:00 A.M. TO 6:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-235**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING TRIKW, LLC TO CONDUCT THEIR ANNUAL TRIATHLON ON SATURDAY, DECEMBER 1, 2012 AT HIGGS BEACH; AUTHORIZING CERTAIN STREET CLOSURES THEREOF DURING THE EVENT AND CLOSING ATLANTIC BOULEVARD EXCEPT RESIDENTS DURING THE EVENT; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 5:00 A.M. TO 12:00 NOON; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE**

**ORDINANCE NO. POSTPONED TO OCTOBER 16, 2012**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "STREET PERFORMERS AND STREET ARTISTS" BY AMENDING SECTION 6-4 "PERMIT REGULATIONS; PROHIBITIONS" TO PROVIDE FOR A PROHIBITION OF ART VENDORS TO ESTABLISH THEIR WARES ON CITY SIDEWALKS WITHIN SEVENTY-FIVE FEET OF STOREFRONTS SELLING LIKE GOODS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

**ORDINANCE NO. POSTPONED INDEFINITELY**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO ADD SECTION 8.04 TO THE CITY CHARTER TO REQUIRE THE APPOINTMENT OF A CHARTER REVIEW COMMITTEE AT LEAST ONCE DURING A 10-YEAR PERIOD, TO TAKE PLACE CONCURRENTLY WITH THE CENSUS DISTRICT BOUNDARY REVIEW; SETTING THE GENERAL ELECTION OF NOVEMBER 6, 2012, AS THE DATE OF REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; 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. 12-236**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REJECTING THE BID RECEIVED IN RESPONSE TO INVITATION TO BID (ITB) #12-020, CRUISE SHIP PASSENGER SHUTTLE SERVICE, PURSUANT TO SECTION 2-834 OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Greg Wythe, CityView Trolley Tours, 234 Front Street  
Jim Fitton, Port and Transit Director  
Shawn Smith, City Attorney

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Weekley, Yaniz 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**

**QUASI JUDICIAL HEARING:**

**RESOLUTION NO. 12-237**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR REDEVELOPMENT OF THE PROPERTY FORMERLY KNOWN AS JABOUR'S CAMPGROUND AND TRAILER COURT FOR USE AS A HOTEL COMPLEX FOR PROPERTY LOCATED AT 223 ELIZABETH STREET (RE# 00000710-000101, 00000710-000102, 00000720-000000, 00000730-000000, 00000740-000000, 00000750-000000, 00000760-000000, 00000810-000000, 00000840-000000) IN THE HRCC-1 ZONING DISTRICT, KEY WEST, FLORIDA; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution. The Clerk swore in those about to giving testimony on this item. A letter was read into the record from Michael Halpern, 209 Duval Street.

The following people spoke on the matter:

David Van Loon, of Koenig, Highsmith & Van Loon, on behalf of the applicant  
Don Craig, City Planner  
Shawn Smith, City Attorney  
Gloria Shaw, 327 Elizabeth Street  
Judy Martinez, 1020 Emma Street  
Maureen Bramlage, 812 Carsten Lane  
Black Dog, 6 Baptist Lane  
Richard Curry, 630 Caroline Street  
Bob Goldman, 619 Eaton Street  
Pritam Singh, Applicant

Commissioner Weekley divulged he had been in attendance in meetings for this project.

It was moved by Commissioner Johnston and seconded by Commissioner Rossi that the Resolution be passed and adopted with the following conditions: 1) that the applicant secure the off-site parking rights, located in the City's surface lot on Caroline Street, as determined in a Settlement Agreement entered into by the Developer and the City and subsequently approved by the Department of Economic Opportunity; 2) that all power lines are to be placed underground; 3) that any proposed exterior lighting will comply with Section 108-284; 4) to clarify that the referenced park shall not be fenced, and that the applicant will work with staff to outline other conditions for the park; 5) that a

parking program for employees will be required consistent with the Settlement Agreement prior to issuance of the Certificate of Occupancy (CO).

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Yaniz 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 AUGUST 21, 2012**

**AN ORDINANCE OF THE CITY OF KEY WEST AMENDING CHAPTER 108 OF THE CODE OF ORDINANCE ENTITLED "PLANNING AND DEVELOPMENT" BY AMENDING SECTION 108-680 AND SECTION 108-681 TO PROVIDE AN EXCEPTION FOR PROPERTIES IN THE SF AND MDR ZONING DISTRICTS; AMENDING SECTION 108-682 TO CLARIFY EXCEPTIONS; AMENDING 108-683 TO CLARIFY EXCEPTIONS; ADDING SECTION 108-684 TO PROVIDE FOR 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:

Judy Martinez, 1020 Emma Street  
Jack Hackett, 1917 Seidenberg Avenue  
Shawn Smith, City Attorney  
Don Craig, City Planner

Commissioner Rossi wanted to include the Medium Density Residential (MDR) Zoning District in the ordinance.

Commissioner Johnston requested the following language be added: “This ordinance is not complaint driven. It will be uniformly and indiscriminately enforced by the Key West Police Department, Key West Parking Division and the Key West Code Compliance Department.”

Commissioner Yaniz requested that if the boat fits on the property it is to be allowed, removing the length requirement from the ordinance.

The City Attorney suggested the elimination of provision 4(b) and additional language be added to the beginning of paragraph 4(a) that the recreational vehicles be properly registered and licensed.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston to amend the ordinance with the language as provided by the City Attorney under Section 4.

The Mayor requested the Clerk call the roll.

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

Nays: None

**SO ORDERED**

It was moved by Commissioner Rossi and seconded by Commissioner Weekley to amend the ordinance with the following language: “This ordinance is not complaint driven. It will be uniformly and indiscriminately enforced by the Key West Police Department, Key West Parking Division and the Key West Code Compliance Department.”

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

**SO ORDERED**

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Ordinance be passed on first reading as amended including the Medium Density Residential (MDR) Zoning District where appropriate throughout the ordinance.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Weekley, Yaniz 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 AMENDING THE LAND DEVELOPMENT REGULATIONS, AND THE OFFICIAL ZONING MAP FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE# 00006730-000000, ALTERNATE KEY# 1006963) AMENDING THE OFFICIAL ZONING MAP LEGEND; AMENDING CHAPTER 122, ARTICLE IV, TO CREATE A NEW HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL DISTRICT (HSMDR), PROVIDING FOR PERMITTED USES, CONDITIONAL USES, PROHIBITED USES AND DIMENSIONAL REQUIREMENTS; AMENDING CHAPTER 122, ARTICLE V, PROVIDING AMENDMENTS TO THE TABLES OF USES AND DIMENSIONAL REQUIREMENTS FOR HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL DISTRICT (HSMDR); PROVIDING FOR CONCURRENT AND CONDITIONAL ADOPTION UPON ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance. A letter was read into the record from Doug Behrens, 1406 Newton Street.

The following people spoke on the matter:

Donna Bosold, Planner with White Street Partners  
Maureen Bramlage, 812 Carsten Lane  
Naja Girard, 1214 Newton Street  
James Landers, with White Street Partners  
Mark Songer, 1310 Newton Street  
Don Craig, Planning Director  
Shawn Smith, City Attorney

It was moved by Commissioner Rossi and seconded by Commissioner Johnston, for discussion, that the Ordinance be passed on first reading. The motion was not recognized by the Mayor in order to hear the presentation from the City Planner.

After discussion, it was moved by Commissioner Johnston and seconded by Commissioner Lopez to approve the ordinance.

Under discussion about the change in the number of units proposed it was then moved by Commissioner Johnston to amend her motion to clarify the correct numbers and bring the ordinance back at the next meeting.

It was suggested by the City Attorney that the item be withdrawn. Commissioner Johnston withdrew her motion and Commissioner Lopez withdrew his second.

City Manager Vitas withdrew the item for consideration.

**SO ORDERED**

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

**ORDINANCE NO. 12-20**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES ENTITLED "MISCELLANEOUS OFFENSES" BY ADDING SECTION 42-16, TO PROHIBIT THE SALE, OFFER FOR SALE, PURCHASE WITH INTENT TO SELL OR PUBLIC DISPLAY FOR SALE OF SYNTHETIC CANNABINOID HERBAL INCENSE; PROVIDING DEFINITIONS; PROVIDING FOR SEIZURE AND INJUNCTIVE RELIEF; PROVIDING PENALTIES; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

Judy Martinez, 1020 Emma Street

It was moved by Commissioner Rossi and seconded by Commissioner Lopez for the ordinance to be passed on second reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Weekley, Yaniz 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. 12-21**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES ENTITLED "MISCELLANEOUS OFFENSES" BY ADDING SECTION 42-17, TO PROHIBIT THE SALE, OFFER FOR SALE, PURCHASE WITH INTENT TO SELL OR PUBLIC DISPLAY FOR SALE OF SYNTHETIC BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC AMPHETAMINES AND OTHER SYNTHETIC STIMULANTS THAT MIMIC ILLEGAL DRUGS; PROVIDING DEFINITIONS; PROVIDING FOR SEIZURE AND INJUNCTIVE RELIEF; PROVIDING PENALTIES; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez for the ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and asked for verbal approval, there were no objections.

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 SEPTEMBER 5, 2012**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED  
“STREET PERFORMERS AND STREET ARTISTS” BY AMENDING  
SECTION 6-1 DEFINITIONS TO PROVIDE FOR AN AMENDMENT TO  
THE DEFINITION OF THE DUVAL STREET CORRIDOR CULTURAL  
DISTRICT; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

A petition was received in the City Clerk’s office stating “If you have ever enjoyed street art or performance on Duval Street, we request that you sign our petition to oppose these amendments” with 131 signatures. Letters were read into the record from the following:

Sloan Bashinsky, Little Torch Key  
Emily Orchier, 614 Whitehead Street  
Chris Craig, 312 Margaret Street  
Ryan Stimers, 5 Lopez Lane  
Beth Hodgkin, 1075 Duval Street  
Trish  
Veronica Flora  
Marc Nason, Toledo, Ohio  
Ross Pilot, Mahwah, New Jersey  
Adam Berardo, Absecon, New Jersey  
Jane Snider, Naples, Florida  
Robert Lederman, New York City

The following people spoke on the matter:

Naja Girard, 1214 Newton Street  
Black Dog, 6 Baptist Lane  
Patrick Stecher, 1015 Simonton Street  
Elise Scott, 918 White Street  
Meike Zuchnes, 529 Bahama Street  
Steve Clark, 5650 Laurel  
Lee Anne McCarthy, 6621 Maloney Avenue  
Ron Ramsingh, Assistant City Attorney

It was moved by Commissioner Lopez and seconded by Commissioner Rossi, for discussion, that the ordinance to be passed on second reading as amended.

After discussion, Commissioners Lopez and Rossi withdrew their motion and second.

It was moved by Commissioner Lopez and seconded by Commissioner Johnston to postpone the item to September 5, 2012 until Commissioner Lopez had time to meet with the organizers representatives.

The Mayor acknowledged the motion and second and asked for verbal approval, there were no objections.

**SO ORDERED**

**ORDINANCE NO. 12-22**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 1.08 TO REPEAL THE CURRENT REQUIREMENT FOR ELECTOR APPROVAL OF ANNEXATION OR ACQUISITION OF REAL PROPERTY AND REPLACE IT WITH A REQUIREMENT FOR THE AFFIRMATIVE VOTE OF A MINIMUM OF FIVE CITY COMMISSIONERS FOR ACQUISITION OF REAL PROPERTY; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2012; 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:

Shawn Smith, City Attorney  
Margaret Romero, 1615 Washington Street  
Maureen Bramlage, 812 Carsten Lane  
Sloan Bashinsky, Little Torch Key  
Naja Girard, 1214 Newton Street

It was moved by Commissioner Lopez and seconded by Commissioner Yaniz for the ordinance to be passed on second reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Weekley, Yaniz and Mayor Cates

Nays: Commissioners Johnston and Rossi

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**

It was moved by Commissioner Lopez to extend the meeting past 11:00 p.m. The Mayor passed the gavel to Vice-Mayor Rossi and seconded the motion.

Vice Mayor Rossi requested the Clerk call the roll.

Yeas: Commissioners Lopez, Weekley, Yaniz and Mayor Cates

Nays: Commissioners Johnston and Rossi

**SO ORDERED**

**ORDINANCE NO. 12-23**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 3.08 TO INCLUDE PROVISIONS FOR A SUPER-MAJORITY OR UNANIMOUS AFFIRMATIVE VOTE OF THE CITY COMMISSION WHEN REQUIRED; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2012; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

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

The Mayor acknowledged the motion and second and asked for verbal approval. The response was unanimous with Commissioner Rossi opposed.

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. 12-24**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 3.09 TO AMEND DUTIES OF THE MAYOR; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2012; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Margaret Romero, 1615 Washington Street

It was moved by Commissioner Yaniz and seconded by Commissioner Weekley for the ordinance to be passed on second reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Weekley, Yaniz 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. FAILED**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO ADD CITY CHARTER SECTION 3.11 TO THE CITY CHARTER TO SPECIFY THAT AMENDMENTS TO THE CITY OF KEY WEST COMPREHENSIVE PLAN SHALL ONLY BECOME EFFECTIVE UPON APPROVAL OF A MINIMUM OF FIVE MEMBERS OF THE CITY COMMISSION, EXCEPT AS OTHERWISE REQUIRED BY LAW; SETTING THE GENERAL ELECTION OF NOVEMBER 6, 2012, AS THE DATE OF REFERENDUM; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Mark Songer, 1310 Newton Street

It was moved by Commissioner Johnston to approve the ordinance as read. The Mayor asked for a second and hearing none the motion failed.

**SO ORDERED**

**ORDINANCE NO. 12-25**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, CALLING FOR A REFERENDUM TO AMEND CITY CHARTER SECTION 6.01 TO SCHEDULE THE ELECTION CYCLE TO BE HELD IN EVEN-NUMBERED YEARS, IN CONJUNCTION WITH STATE ELECTIONS; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR NOVEMBER 6, 2012; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley for the ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and asked for verbal approval. The response was unanimous with Commissioner Lopez objecting.

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. 12-26**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY ADOPTING A NEW DISTRICT BOUNDARY MAP FOR THE CITY COMMISSION'S ELECTORAL DISTRICTS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez for the ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and asked for verbal approval, there were no objections.

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:**

There were no comments from the public.

**COMMISSION COMMENTS:**

There were no comments from the Commission.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 11:14 p.m.



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Cheryl Smith, MMC, CPM  
City Clerk