

RESOLUTION NO. 10-235

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING BY 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE NO. 10-07 ON THE ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATIONS RELATED TO MOTORIZED AND NON-MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF CITY STREETS IN THE OPERATION OF THEIR BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, in Ordinance No. 10-07, the City Commission declared a 180 day moratorium on the issuance of any permit, license, business tax receipt, franchise or similar authorizations related to motorized and non-motorized commercial vehicles that make primary use of City streets in the operation of their businesses; and

WHEREAS, the moratorium became effective on February 17, 2010 and is due to expire August 16, 2010, if not extended;

WHEREAS, Section 2 of Ordinance 10-07 provides that the City Commission may extend the moratorium by Resolution for additional 180 day periods to complete the tasks outlined in the ordinance; and

WHEREAS, the City Commission finds that it is necessary to extend the moratorium ordinance by a period of 180 days to continue the process of conducting a Carrying Capacity Traffic Study;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the moratorium on commercial vehicle transportation licensing is hereby extended for 180 days. \_\_\_\_\_

Section 2: That this Resolution 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.

Passed and adopted by the City Commission at a meeting held this 3rd day of August, 2010.

Authenticated by the presiding officer and Clerk of the Commission on August 4, 2010.

Filed with the Clerk August 4, 2010.

ATTEST:

  
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CHERYL SMITH, CITY CLERK

  
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CRAIG CATES, MAYOR

## EXECUTIVE SUMMARY



**From:** Jim Scholl  
**Meeting Date:** August 3, 2010  
**RE:** Extension of Commercial Vehicle Transportation Moratorium (Ordinance 10-07)

### **ACTION STATEMENT:**

Request: Extension of the Commercial Vehicle Transportation Moratorium per Ordinance 10-07 for an additional 180-day period  
Location: Citywide

### **BACKGROUND:**

On February 16, 2010, the City Commission approved Ordinance 10-07 establishing a moratorium on the issuance of any new or additional licenses, business tax receipts, permits, franchises, or similar authorizations for motorized and non-motorized vehicles that make primary use of city streets in the operation of their businesses. The ordinance calls for a comprehensive traffic study in order to determine traffic capacity, volume, circulation, conflicts between vehicular and non-vehicular traffic for shared space, methods for reducing impacts of traffic residential neighborhoods, and similar issues.

This summary constitutes a report as required by Ordinance 10-07 regarding the City's progress towards accomplishing the comprehensive traffic study (subsequently called the Carrying Capacity Traffic Study) and the need for an extension of the associated moratorium. The moratorium would otherwise expire on August 16, 2010.

Since the moratorium was passed on February 16, 2010, city staff prepared a comprehensive Request for Qualifications (RFQ) for a Carrying Capacity Traffic Study. The RFQ was issued on March 5, 2010, staff short-listed the top three submittals by May 14, 2010, and the City Commission selected a consultant on June 15, 2010 to conduct the work. Contract negotiations are now underway and are expected to be complete in the 30-45 days. The following major steps and anticipated timeframes anticipated for each are outlined below:

- Contract negotiation (6 - 8 weeks)
- Contract consideration by city commission (within one month)
- Conduct of work (approximately one year, although longer timeframes necessitated by seasonal impact analysis may be required)
- Review and approval of recommendations (two months)
- Implementation (timeframe dependent upon recommendations)

The ordinance provides for an extension of the moratorium in 180-day increments to complete the study and provide for regulatory implementation. It is premature to suggest ordinance suggestions at this time. However, it is likely that the study will suggest management and regulatory approaches to address congestion and related concerns. A 180-day extension is required to continue the conduct of the study as outlined above.

**Options/Advantages/Disadvantages:**

**Option 1:** Approve an 180-day extension of the Commercial Vehicle Transportation Moratorium.

**1. Consistency with the City’s Strategic Plan, Vision, and Mission:**

This action would be consistent with the City’s Strategic Plan, Vision, and Mission as the temporary moratorium was established to serve the public purpose and protect the health, safety, and welfare of the public while maintaining the status quo of existing motorized and non-motorized vehicles utilizing City streets.

**2. Financial Impact:**

No direct financial impact is anticipated as a result of this extension.

**Option 2:** Do not approve an 180-day extension of the Commercial Vehicle Transportation Moratorium.

**1. Consistency with the City’s Strategic Plan, Vision, and Mission:**

This action would not be consistent with the City’s Strategic Plan, Vision, and Mission, specifically in that the Mobility section of the Strategic Plan was established “to provide a transportation and land use system for all people and pleasurable choice for arriving at their destinations while protecting the historic and residential character and ambiance of Key West.” The transportation moratorium was established due to the City’s concern that an increase in vehicle-based businesses could cause further congestion and potentially compromise the health, safety, and welfare of the City residents and visitors.

**2. Financial Impact:**

No direct financial impact is anticipated as a result of this action.

**Recommendation**

City staff recommends **approval of Option 1.**