

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, FEBRUARY 15, 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, February 15, 2011.

Mayor Craig Cates called the meeting to order at 6:03 p.m.

Answering roll call were Commissioners Barry Gibson, Teri Johnston, Clayton Lopez, Mark Rossi, Billy Wardlow, Jimmy Weekley and Mayor Craig Cates.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Interim City Planner Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Finance Director Roger Wittenberg, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Information Technology Director Patti McLaughlin, Utilities Manager Jay Gewin, Port and Transit Director Jim Fitton, Engineering Senior Project Manager Doug Bradshaw, Senior Property Manager Marilyn Wilbarger, Deputy Clerk Angela Budde and City Clerk Cheri Smith.

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 Resolution Items #19, #20 and #21 to be postponed indefinitely as requested by the applicant. The City Attorney suggested any re-advertising of these individual items would be at the applicants cost as all three items have been postponed three times thus far.

Commissioner Johnston requested Resolution Item #11 to be removed from the Consent Agenda for discussion.

The City Clerk announced Resolution Items #6, #7 and #9 had speakers and asked for those items to be removed from the Consent Agenda.

Without opposition, the agenda was accepted as changed.

PRESENTATIONS:

25 Year Award – John Peter Malott – Key West Fire Department

City Attorney’s Report

The City Attorney announced he had authorized the filing of the notice of appeal in the City v Florida Keys Community College Stormwater case.

City Attorney Smith spoke of the recent discussion in the press regarding the Truman Waterfront Conceptual Plan. After a discussion with the Commission, the City Manager offered to hold a special LRA meeting on March 3, 2011 at Old City Hall beginning at 5:00 P.M. and the Commission agreed.

Commissioner Weekley inquired to the City Attorney the status of KOTS and the City Attorney reported he had sent a request to KOTS attorney to encourage a sit down meeting with City staff and the group that is complaining about KOTS to resolve the issue.

City Manager’s Report

City Manager Scholl reported the Engineering Department has a construction spreadsheet available to view on their webpage showing the current statuses of City projects.

The City Manager reminded the Commission of the scheduled meeting at Horace O’Bryant Middle School on February 17, 2011 beginning at 5:30 P.M. regarding the Leon Street sidewalk project.

He presented a slideshow and answered questions from the Commission on the building of a new City Hall and the particulars involved with that project.

Commissioner Rossi inquired about FEMA reimbursement and the City Manager stated he will follow up with the City’s lobbyist. Commissioner Rossi also asked the City Manager to have all City vehicles affixed with stickers identifying which department they belong too.

Commissioner Johnston asked the City Manager for the status on the widening of the ships channel and the City Manager advised he would provide an update to them later on in the week.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Lopez 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:

- December 7, 2010 (Regular)
- January 4, 2011 (Regular)
- January 13, 2011 (Special)
- January 18, 2011 (Regular)

RESOLUTIONS:

RESOLUTION NO. 11-044

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 RITA MURPHY FOR AN EVENT TO TAKE PLACE DURING THE HOURS OF 6:00 P.M. TO 12:00 MIDNIGHT AT 816 TERRY LANE ON FRIDAY, MARCH 4, 2011 AND ON SATURDAY, MARCH 5, 2011; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-045

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING PURSUANT TO SECTION 2-797(3) OF THE CODE OF ORDINANCES THE ATTACHED PROPOSAL OF GARBER AUTOMALL IN THE TOTAL AMOUNT OF \$327,486.90 FOR THIRTEEN E-85 FLEX FUEL COMPLIANT POLICE PATROL VEHICLES FOR USE BY THE KEY WEST POLICE DEPARTMENT; APPROVING BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-046

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771(3)C OF THE CODE OF ORDINANCES THE DISPOSAL OF THE FORMER POLICE STATION PEDESTRIAN BRIDGE (ASSET #980185); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-047

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS FOR REIMBURSEMENT OF CERTAIN PUBLIC ACCESS WATER-RELATED EXPENSES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed Indefinitely

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MAJOR DEVELOPMENT PLAN; APPROVING MODIFICATIONS TO REQUIRED AISLE WIDTH AND PARKING STALL SIZE PER SECTION 122-688(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 CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed Indefinitely

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE OF THE INSTALLATION OF STACKED BOAT RACKS AT SUNSET MARINA IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT FOR PROPERTY LOCATED AT 5555 COLLEGE ROAD, KEY WEST (RE #00072080-001400); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed Indefinitely

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE SECOND AMENDED SETTLEMENT AGREEMENT AMONG THE CITY, THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND SUNSET VENTURES

**OF KEY WEST, INC. FOR THE SUNSET MARINA PROPERTY
LOCATED AT 5555 COLLEGE ROAD (RE# 00072080-0001400).
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. 11-048

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY
WEST, FLORIDA, APPOINTING DANIEL METZLER TO THE
HISTORIC ARCHITECTURAL REVIEW COMMISSION (HARC);
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 Weekley and seconded by Commissioner Lopez 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. 11-049

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY
WEST, FLORIDA, SUPPORTING IN CONCEPT A 'COOL ROOF
POLICY' RECOMMENDED BY THE SUSTAINABILITY ADVISORY
BOARD OF THE CITY OF KEY WEST; PROVIDING FOR AN
EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Nils Muench, 700 Margaret Street
Mark Songer, 1310 Newton Street
Dr. Ross Williams, 1427 Vernon Street
City Attorney Smith

It was moved by Commissioner Johnston to amend the Resolution to include the following language: “That in interpreting and following this Resolution all parties shall have due regard for the requirements of the Historical Architectural Review Commission (HARC) regarding the roofs of Historic structure in Old Town and elsewhere in Key West, which requirements shall be followed. (It should be noted that the HARC has approved a cool roof coating which is gray in color and may be used on Historic structures)”. The motion was seconded by Commissioner Rossi that the Resolution be passed as amended.

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. 11-050

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING KEY WEST CULTURAL PRESERVATION SOCIETY TO CONDUCT AN APRIL FOOLS PARTY AT MALLORY SQUARE DOCK & PLAZA ON APRIL 1, 2011 FROM 6:45 P.M. TO 10:45 P.M., PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; 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
City Manager Scholl

It was moved by Commissioner Rossi and seconded by Commissioner Lopez 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, 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. 11-051

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXERCISING THE TWO-YEAR RENEWAL OPTION CONTAINED IN THE CONTRACT FOR GENERAL ENVIRONMENTAL CONSULTING SERVICES WITH PBS&J, ORIGINALLY APPROVED IN RESOLUTION NO. 08-061; 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 Lopez and seconded by Commissioner Rossi 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, 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. Postponed to March 1, 2011

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE CITY MANAGER PERFORMANCE EVALUATION; 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 Weekley 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. 11-052

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF BG GROUP, LLC FOR THE DEMOLITION OF THE BUILDINGS LOCATED AT 525 ANGELA STREET AND 604 SIMONTON STREET IN RESPONSE TO INVITATION TO BID (ITB) #11-001 IN AN AMOUNT NOT TO EXCEED ~~\$202,529.10~~ \$214,616.70; 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
Engineering Senior Project Manager Doug Bradshaw
City Manager Scholl

It was moved by Commissioner Lopez and seconded by Commissioner Weekley for discussion to modify the amount not to exceed to \$214,616.70 and that the Resolution be passed as amended.

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: Commissioners Rossi and 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. 11-053

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE VII – LEON STREET SIDEWALKS PROJECT WITH CHARLEY TOPPINO AND SONS, INC. UNTIL SEPTEMBER 13, 2011; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Paul Toppino, 1500 Catherine Street
Assistant City Manager Fernandez
City Attorney Smith

It was moved by Commissioner Rossi and seconded by Commissioner Lopez 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, 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. 11-054

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AN ADJUSTMENT IN LOWER KEYS SHUTTLE; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Port and Transit Director Jim Fitton

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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, 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. 11-055

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ESTABLISHING A REASONABLE APPLICATION FEE FOR PROCESSING SPECIAL EXCEPTIONS PURSUANT TO CITY CODE OF ORDINANCES SECTION 18-28; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Weekley 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. 11-056

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 34.84 SQUARE FEET TO ADDRESS THE ENCROACHMENT OF STRUCTURAL PIERS AND WINDOWS RELATED TO AN HISTORIC STRUCTURE LOCATED ON THE SOUTHEAST SIDE OF FLEMING STREET AT 730 FLEMING STREET, KEY WEST FLORIDA (RE #00008670-000000); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Todd Kemp, 730 Fleming Street
City Attorney Smith
City Manager Scholl

It was moved by Commissioner Weekley and seconded by Commissioner Johnston 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, 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. 11-057

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF APPROXIMATELY 441 SQUARE FEET TO ADDRESS THE ENCROACHMENT OF AN EXISTING KNEE WALL AND CHAIN LINK

FENCE ENCLOSING PARTS OF A FRONT PORCH, WALKWAY AND CARPORT RELATED TO A NON-CONTRIBUTING HISTORIC STRUCTURE LOCATED ON THE NORTHEAST SIDE OF CATHERINE STREET AT 1009 CATHERINE STREET, KEY WEST, FLORIDA (RE #00031880-000000); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Peter Batty
Interim City Planner Don Craig

It was moved by Commissioner Weekley and seconded by Commissioner Rossi 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, 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

ORDINANCES - FIRST READING:

ORDINANCE NO. Failed

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES", ARTICLE XI "WRECKERS AND TOWING SERVICE" BY ADDING DIVISION 3 "NON-CONSENSUAL PRIVATE TOWING SERVICES", SECTIONS 70-701, 70-702, 70-703, 70-704, 70-705, 70-706, 70-707, 70-708, 70-709, 70-710, 70-711, 70-712 AND 70-713 TO PROVIDE FOR AUTHORITY, PURPOSE AND DEFINITIONS IN ENACTING REGULATIONS GOVERNING NONCONSENSUAL TOWS; PROVIDING FOR THE ISSUANCE OF OPERATING PERMITS; PROVIDING FOR THE SETTING OF RATES AND REQUIREMENTS FOR NON-CONSENSUAL TOWS; REQUIRING PRIOR EXPRESS INSTRUCTION OF REAL PROPERTY OWNER OR DULY AUTHORIZED AGENT PRIOR TO TOW; INSTITUTING NOTICE REQUIREMENTS FOR NON-CONSENSUAL TOW SERVICES;

**REQUIRING MAINTENANCE OF A MANIFEST AND RECORDS
RETENTION; PROVIDING FOR ENFORCEMENT AND PENALTIES;
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:

Linda Hunt, 1901 South Roosevelt Blvd
Patricia Bonay, 1218-D Duval Street
Margaret Romero, 1615 Washington Street
William S. Evans III, Key West
Doris Arnold, 5540 3rd Avenue, Stock Island
Ricky Arnold Jr., 5540 3rd Avenue, Stock Island
Greg Harden, 524 Bahama Street
Denise Jackson, 620 Ashe Street
Christine Rodriguez, 111 US1, Stock Island
City Attorney Smith

It was moved by Commissioner Rossi and seconded by Commissioner Johnston for discussion 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 Rossi, Weekley and Mayor Cates

Nays: Commissioners Gibson, Johnston, Lopez and Wardlow

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

SO ORDERED

The Mayor called for a 15 minute recess.

The Mayor called the meeting to order at 8:56 P.M.

ORDINANCE NO. Second Reading March 1, 2011

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES
ENTITLED "CEMETERIES" BY AMENDING SECTION 22-16, "
USE OF THOROUGHFARES", TO DEFINE BONA FIDE VISIT;
DEFINING EXCEPTIONS; 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 the following letters into the record:

Katie Leigh and Owen Fisher, 1404 Olivia Street
John Parce, 824 White Street
Debra Yates, 1205 Von Phister
Ty Symroski, 2328 Staples Avenue
Lucinda Emmet, 1020 Southard Street
Martha Lockwood, Key West
Ann Francis-B. Ford, 1227 Washington Street
Don Bartolone, 1118 Watson
Cheryl Bradley, 314 Peacon Lane
Fernando Alcantara, Trumbo
Daniel Rosenblatt, 3330 North Roosevelt Drive
Kim Bradley, 2024 Fogarty Avenue
Michael Soule, Culpeper Virginia
William Griggs, Key West
Tim Mills, 728 Elizabeth Street
James Moore, Nashville Tennessee
Nancy Curran, 1118 Watson Street
Tom Theisen, 314 Peacon Lane
Shirly Papy Wood, 1021 Washington Street
Liz Lumb, Corner of Frances and Angela
Carolyn Gorton Fuller, 905 Angela Street

The following people spoke on the matter:

Nils Muench, 700 Margaret Street
Margaret Romero, 1615 Washington Street
Ben Harrison, 827 White Street
Helen Harrison, 827 White Street
Susan White, 1119 Petronia Street
Sheila Mullins, 830 Fleming Street
Cynthia Edward, 1402 Olivia Street
Rick Boettger, 1402 Olivia Street
Christine Russell, 1014 Grinnell Street

It was moved by Commissioner Weekley and seconded by Commissioner Johnston for discussion that the Ordinance be amended with the following changes: remove from Sec. 22-16 “reasonable periods of time” and add the language “one hour”. Additionally, including the language in

Sec. 22-16 “Additionally, except as provided above, the Frances Street Gate shall remain open during Cemetery hours”.

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: Commissioner Wardlow

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

SO ORDERED

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 11-04

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED “WRECKERS AND TOWING SERVICE”, BY AMENDING SECTION 70-650, 70-652, 70-653, 70-657, 70-658, 70-661 TO PROVIDE CONSISTENCY FOR THE CITY TOW ROTATION LIST; INCREASED FEES; INDEMNIFICATION; 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
Doris Arnold, 5500 3rd Avenue, Stock Island
City Attorney Smith
Key West Police Lieutenant J.R. Torres

It was moved by Commissioner Rossi and seconded by Commissioner Gibson for discussion for the Ordinance to be amended with the proposed language creating a new “Section 70-663 Sunset Competitive Solicitation”: “The division shall sunset and be of no further effect upon the City Commissions issuance of a competitive solicitation for Police initiated tows subsequent acceptance of a vendor or vendors and final implementation of a contract to provide such services”.

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

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

Nays: Commissioners Gibson and Weekley

The Mayor acknowledged the Ordinance was amended as stated.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston for the Ordinance to be amended with the proposed language: Adding to Section 70-661, Section 1: “The container shall not be considered a weather tight building”.

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

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

Nays: None

The Mayor acknowledged the Ordinance was amended as stated.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston for the Ordinance to be amended with the proposed Where as clause language: “Whereas the City Commission desires to transistion in an orderly fashion from the current rotation list to the selection of a vendor or vendors through a competitive solicitation process”.

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

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

Nays: Commissioners Gibson and Weekley

The Mayor acknowledged the Ordinance was amended as stated.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston for the Ordinance to be passed and adopted as amended.

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

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

Nays: Commissioners Gibson and Wardlow

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 a letter into the record from Michael Ritchie, Key West

Douglass Mellon, 2705 Flagler Avenue
Margaret Romero, 1615 Washington Street

COMMISSION COMMENTS:

Commissioner Lopez offered his condolences to the family of his fellow HARC member Jim Thorton who also served on the CRB. The Commissioner also spoke of a recent advertisement in the local newspaper that caused great distress to him and his family.

Commissioner Rossi offered his condolences to the family of Floyd Sweeting whom recently passed away.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 10:17 p.m.



Cheryl Smith, MMC, CPM
City Clerk