

**MINUTES**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, JANUARY 18, 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, January 18, 2011.

Vice Mayor Mark Rossi called the meeting to order at 6:02 P.M.

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

Mayor Craig Cates was absent.

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, Port and Transit Director Jim Fitton, Utilities Manager Jay Gewin, Senior Property Manager Marilyn Wilbarger, Deputy Clerk Angela Budde and City Clerk Cheri Smith.

Father Larry Hooper of St. Paul's Episcopal 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**

Commissioner Weekley requested postponing Ordinance Item No. 9 to February 15 meeting. City Manager Scholl requested to postpone Resolution Items 5 and 6 to allow the Charter Boat representatives of the organizations at Garrison Bight to review the items. The City Manager also requested to postpone the Trolley Stop Appeal as requested by the applicant. Commissioner Gibson requested Resolution Item No. 3 to be taken off the Consent Agenda for discussion. The City Manager requested consideration of adding to the Agenda two (2) Add-On Resolution Items No. 7 and No. 8. The

Commission granted the Add-On Resolution Item No. 7 to the Consent Agenda however, Add-On Resolution Item No. 8 was not added to the Agenda.

It was moved by Commissioner Gibson and seconded by Commissioner Weekley to approve the Add on item for placement onto the Consent Agenda.

The Vice Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the agenda as changed.

**PRESENTATIONS:**

City Attorney's Report

No Report

City Manager's Report

The City Manager reported he had a briefing with the Army Corp of Engineers regarding the reconnaissance study on the expansion of the ships channel to accommodate larger ships. This is the first step in many steps and the next phase would be a feasibility study and that could take up to four (4) years.

Commissioner Weekley asked the City Manager to add more bicycle racks at the Key West Bight area close to Margaret Street.

**CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to approve the consent agenda items.

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

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

Nays: None

The Vice Mayor acknowledged the response to pass the Resolutions as read.

**RESOLUTIONS:**

**RESOLUTION NO. 11-020**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING TIM FAHEY TO THE BOARD OF TRUSTEES OF THE POLICE OFFICER'S AND FIREFIGHTER'S RETIREMENT PLAN; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-021**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST ART CENTER TO CONDUCT AN ART SHOW ON SATURDAY, FEBRUARY 26, 2011 AND SUNDAY, FEBRUARY 27, 2011 DURING THE HOURS OF 8:00 A.M. TO 8:00 P.M. ON WHITEHEAD STREET BETWEEN GREENE STREET AND EATON STREET INCLUDING CAROLINE ON FEBRUARY 26, 2011 AND FEBRUARY 27, 2011 FROM 6:00 A.M. TO 8:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-022**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING CUMULATIVE EXPENDITURES DURING FY 10-11 TO ENTITIES LISTED IN EXCESS OF \$20,000; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. Postponed**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED PROPOSED "LEY WEST CITY MARINA CHARTER BOAT ROW DOCK RULES AND REGULATIONS" FOR THE CITY MARINA AT GARRISON BIGHT; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. Postponed**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED UPDATED POLICY FOR THE "CITY MARINA SLIP LOTTERY PROCESS" FOR THE CITY MARINA AT GARRISON BIGHT; PROVIDING FOR AN EFFECTIVE DATE**

**ADD-ON**

**RESOLUTION NO. 11-023**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING BY AN ADDITIONAL 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE NO. 10-07, AND EXTENDED IN RESOLUTION NO. 10-235, ON THE ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATIONS RELATED TO MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF THE CITY STREETS IN THE OPERATION OF THEIR BUSINESS; PROVIDING FOR AN EFFECTIVE DATE**

The said Resolutions were thereupon declared by the Vice Mayor to have been duly passed and adopted and were authenticated by the signatures of the Vice Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 11-024**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST ROTARY CLUB FOUNDATION, INC. TO CONDUCT THE FIRST ANNUAL "KEY WEST CONCHFEST" AT BAYVIEW PARK ON SATURDAY, MARCH 5, 2011 FROM 11:00 A.M. TO 10:00 P.M. (SET UP STARTING AT 8:00 A.M. AND BREAKDOWN STARTING AT 10:00 P.M.) TO 12:00 MIDNIGHT; ~~AUTHORIZING THE CLOSURE OF JOSE MARTI DRIVE FROM 8:00 A.M. TO 12:00 MIDNIGHT;~~ PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 8:00 A.M. TO 12:00 MIDNIGHT; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The Clerk read the following letter into the record:

Jim and Linda Coontz, 1300 Virginia Street

The following people spoke on the matter:

Port and Transit Director Jim Fitton  
City Manager Scholl

It was moved by Commissioner Lopez to amend the Resolution by removing the street closure of Jose Marti Drive and seconded by Commissioner Johnston that the Resolution be amended and passed as read.

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

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

Nays:

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

**SO ORDERED**

**ORDINANCES – FIRST READING:**

**ORDINANCE NO. Postponed to February 15, 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.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the Ordinance be postponed.

The Vice Mayor acknowledged the motion and second and verbal approval. The response was unanimous to postpone the Ordinance on First Reading.

**SO ORDERED**

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

**ORDINANCE NO. Passed to Third Reading**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLES "BUSINESSES" BY AMENDING SECTION 18-28 TO PROVIDE CRITERIA FOR THE GRANTING OF A SPECIAL EXCEPTION FROM THE PROHIBITION AGAINST ALCOHOL SALES IN PROXIMITY TO CHURCHES, SCHOOLS, CEMETERIES AND FUNERAL HOMES; 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 letter into the record:

Cyndee Michaud, Key West

The following people spoke on the matter:

City Attorney Smith

The City Attorney brought to the attention of a missing word from Sub-Paragraph "E" on page 3 of the Ordinance where the word "Application" should be inserted after the word "the" in the sixth (6<sup>th</sup>) sentence.

It was moved by Commissioner Johnston and seconded by Commissioner Gibson with discussion.

It was moved by Commissioner Weekley and seconded by Commissioner Johnston to amend the Ordinance by including an appeals process for the Ordinance to be passed to a third reading as amended.

The Vice Mayor requested the Clerk call the roll.

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

Nays:

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

**SO ORDERED**

**ORDINANCE NO. 11-01**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY CREATING SECTION 2-487 ENTITLED "FUNDING OF ART IN NEW CONSTRUCTION AND MAJOR RENOVATION PROJECTS"; 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:

Michael Dively ,1616-1 Atlantic Blvd.  
Magali Alvarez, 2825 Harris Avenue  
Terry Olson, Orlando Florida  
Darlene Cullen  
Dale Dapkins  
Fran Decker  
Jane Gilbert, Cudjoe Key  
AnnMarie Anderson, Tavernier  
John Martini, Key West  
Patti Brassard Jefferson, Islamorada  
Frankie Zeh  
Joanna Schmida  
Elizabeth Young, Key West  
Alan Kennish III  
Karen and Bounce Grant-Margil

The following people spoke on the matter:

Dick Moody,1706 Seminary Street  
Michael Shields, 1826 Fogarty Avenue

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

The Vice Mayor requested the Clerk call the roll.

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

Nays: Vice Mayor Rossi

The said Ordinance was thereupon declared by the Vice Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Vice Mayor and the Clerk of the Commission.

**SO ORDERED**

**TROLLEY STOP APPEAL**

**CITY VIEW TROLLEY STOP APPEAL – 410 WALL STREET Postponed**

It was moved by Commissioner Weekley and seconded by Commissioner Johnston for the Appeal to be postponed.

The Vice Mayor requested the Clerk call the roll.

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

Nays: None

The Appeal was postponed.

**SO ORDERED**

**CITIZEN COMMENTS:**

Ron Deemes, Sugarloaf Key  
Tom Milone, 832 Caroline Street  
Christine Russell, 1014 Grinnell Street  
Douglass Mellon, 2405 Flagler Avenue

**COMMISSION COMMENTS:**

Commissioner Gibson gave a proposal of researching the cost for having electronic walk and do not walk lighted signage at Duval Street intersections.

Commissioner Lopez thanked the Community for participating in the Martin Luther King Jr. celebrations in Key West and making the day a success day of remembrance.

Commissioner Johnston reminded the Community the Higgs Beach Master Plan is on the agenda of the Board of County Commissioners meeting on January 19 beginning at 11 A.M. and encouraged



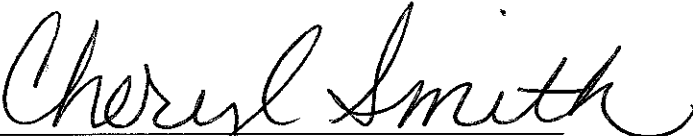
the Community to attend the meeting and contact their County Commissioner to show support for the plan.

Commissioner Weekley commended Commissioner Rossi on his duties as Vice Mayor at tonight's meeting.

Vice Mayor Rossi commented on the success of the Soldier Ride and of the events honoring the late Martin Luther King Jr.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 7:29 P.M.

  
Cheryl Smith, MMC, CPM  
City Clerk