

RESOLUTION NO. 09-061

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDOR LICENSE (MVL) #12767 FROM CAROL ANDERSON TO MEIKE ZUECHNER DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to section 18-325(d) of the Code of Ordinances, the City Manager recommends the proposed hardship transfer of MVL #12767;

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

Section 1: That transfer of the MVL 12767 is hereby approved.

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 17 day of March, 2009.

Authenticated by the presiding officer and Clerk of the Commission on March 18, 2009.

Filed with the Clerk March 18, 2009.



MORGAN MCPHERSON, MAYOR

ATTEST


CHERYL SMITH, CITY CLERK

RECEIVED

FEB 27 2009

CITY MANAGER

02-26-09

*copy to legal
2/27/09*

TO: City Commission
Key West, Fl. 33040

It is with regret that I write this letter to the commission to request the right to exercise my right to transfer my active Mobile Vendor's License #09 00002, control number 12767, under the "hardship transfer clause" to Meike Zuechner, a property owner and Key West business woman. On December 18, 2008 my companion of 30 years William Lynch Hatton, suffered a debilitating stroke, here in Key West, and was air lifted to Jackson Memorial Hospital for neurosurgery. He remains to this day in the MICU at Miami VA hospital, ventilator and feeding tube dependent in guarded condition. I am no longer able to operate my business, Coral Head Shells, due to amount of time I spend in Miami, attending to his care.

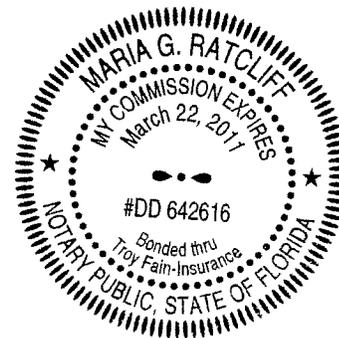
Thank you for your prompt attention to this matter.

Most sincerely,



Carol Anderson

cc: Meike Zuechner



*Address #9 Barabara Drive
Key West, FL 33040*

PH: 294-7996

*Maria G. Ratcliff
Maria G. Ratcliff*

3/4/09

Please find enclosed check
for \$100.00 for license transfer
from Carol Anderson

Sec. 18-325. Transferability.

(a) *Generally.* Except as provided in subsections (b), (c) and (d) of this section, the mobile vendor's license is nontransferable, and shall be used only by the person in whose name it is issued. Exceptions to nontransferability may be made upon application to the city manager in accordance with this section.

(b) *Temporary transfer for medical reasons.* Documentation of medical necessity shall be provided to the city manager upon presentation of a physician's certificate that the mobile vendor's license holder is unable to function as a mobile vendor. Prior to commencement of the temporary transfer, the substituting party shall provide the information and payments required by section 18-318(a)(1) through (8) to the city manager. In no event shall a temporary transfer be allowed more than once, for a period of up to 90 consecutive days, within any one licensing year. The substituting party shall comply with all sections of this article and shall pay any renewal fees which become due during the temporary transfer period.

(c) *Transfer to surviving spouse.* Upon the death of the holder of an active valid mobile vendor's license, the mobile vendor's license may be transferred to the surviving spouse not holding a separate mobile vendor's license. Intent to so transfer must have been documented by the mobile vendor's license holder while still living by means of a will, trust document, or other statement of intent to transfer meeting all statutory requirements for validity at the time of execution. In order to obtain transfer, the surviving spouse must make a written request to the city manager within 45 days of the death of the mobile vendor's license holder, accompanied by a copy of the death certificate and a copy of the will, trust document, or other statement of intent referred to in this subsection. Prior to issuance of the transfer, the surviving spouse shall provide the information and payments required by sections 18-318(a)(1) through (8) to the city manager. The surviving spouse shall comply with all sections of this article.

(d) *Hardship.* Upon receipt of a mobile vendor's license holder's sworn, written statement of hardship addressed to the city manager and upon the advice of the city manager, the city commission may approve the transfer of a mobile vendor's license. To obtain approval of a transfer under this subsection, the mobile vendor's license holder must demonstrate that special conditions or circumstances exist beyond the mobile vendor's license holder's control that cause a personal hardship to the license holder. The city commission may consider the following factors, among others, in its determination:

- (1) The length of time the mobile vendor's license holder has held his mobile vendor's license;
- (2) The substantiality of investment the mobile vendor's license holder has made in his business;
- (3) The nature of the personal hardship, whether it concerns age, illness, death, family affairs or financial setback;
- (4) Whether the mobile vendor's license holder obtained the mobile vendor's license prior to December 15, 1986, the date at which transferring the mobile vendor's license became restricted; and
- (5) Whether the proposed transfer will be detrimental to the public welfare.

A transfer under this subsection shall not be approved if it results in or contributes to a person holding more than one mobile vendor's license, nor may a transfer be approved primarily for the benefit of or based on the hardship of the transferee. Upon approval of a hardship transfer, the transferor shall pay to the city the amount of \$100.00 representing a hardship transfer processing fee. This fee shall be in addition to all fees required under section 18-318. The city commission's grant of a hardship transfer shall not constitute precedent for a later application for transfer.

(Code 1986, § 107.33)