

## MINUTES

### KEY WEST BIGHT MANAGEMENT DISTRICT BOARD MEETING

OLD CITY HALL, 510 GREENE STREET

DECEMBER 11, 2013

A regular meeting of the Key West Bight Management District Board of the City of Key West, Florida, was held in Commission Chambers, Old City Hall, 510 Greene Street, on Wednesday, December 11, 2013.

The Chairman called the meeting to order at 5:00 p.m.

Answering roll call were Board Members Jermy Ashby, Harry Bowman, Jimmy Lane, Dan Probert and Chairman Michael Knowles presiding.

Board Members Steve Henson and Kathryn Ovide arrived at 5:03 p.m.

Also present were Chief Assistant City Attorney Larry Erskine, Port and Marina Services Director Doug Bradshaw, Deputy Director Marine Services John Castro, Key West Bight Marine Manager Mark Tait, Senior Property Manager Marilyn Wilbarger and Clerk of the Board Sue Harrison.

The pledge of allegiance to the flag of the United States of America was given by all present.

#### **CHANGES TO THE AGENDA:**

It was moved by Board Member Ashby and seconded by Board Member Lane to approve the agenda. The Chairman asked for objections and seeing none, the agenda was accepted.

#### **APPROVAL OF MINUTES:**

- 1) November 13, 2013 (Regular)

It was moved by Mr. Probert and seconded by Mr. Bowman to approve the minutes of

November 13, 2013. The Chairman asked for objections and seeing none the minutes were approve.

**ACTION ITEMS:**

2) Approving the Meeting Dates for 2014

It was moved by Mr. Probert and seconded by Mr. Lane to approve the item as presented.

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, Bowman, Henson, Lane, Ovide, Probert and Chairman Knowles

Nays: None

3) Approving the Lease for Harbor Walk Unit C - Ice Cream Factory

Mr. Castro introduced the item. He stated this is a five-year lease at \$34.03 per square foot.

The unit where the Ice Cream Factory was now is incorporated into the Brewery space. The Ice Cream Factory was moved to Unit C.

Ms. Wilbarger stated this is a separate unit lease. The Ice Cream Factory will continue to be on the Harbor Walk in the remaining space available.

It was moved by Mr. Lane and seconded by Mr. Henson to approve the item as presented.

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, Bowman, Henson, Lane, Ovide, Probert and Chairman Knowles

Nays: None

4) Approving Dinghy Dock Rules

Mr. Tait introduced the item and explained the pump out ordinance in place. All boats using the dingy dock will be required to show proof of pump out services or they will be refused dockage.

Additionally, if not in compliance with the law, dinghies can be confiscated.

The Code will need to be amended in order to provide enforcement of the law.

Mr. Tait described how a sticker program could be used for proof of pump out. Mr. Erskine suggested more specific wording for this ordinance be worked out and with that the Board would have more information on which to review and decide upon this item.

It was moved by Mr. Henson and seconded by Mr. Lane that the item be postponed to the next meeting on January 15, 2014.

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, Bowman, Henson, Lane, Ovide, Probert and Chairman Knowles

Nays: None

**REPORTS:**

5) Manager's Report – November 2013 Monthly Report

Ms. Ovide asked for a status update on the Brewery. Mr. Joe Walsh, Waterfront Brewery, reported most of the construction permits had been acquired, most of the site work was finished and most of the underground utilities were in place. They are working on a construction schedule and he stated he would have a more detailed analysis at the next meeting on the completion. The time table should be 150 days of construction time and he hoped for an opening at the end of March or the beginning of April 2014.

Mr. Tait explained the drop in transient dockage revenues for November. One of the problems was due to the minimum requirement for the powerboat racers follow-up boats (Florida Power Boats). There were complaints about the minimum 5-day requirement to the City Manager's office and they were allowed to pay for only the days docked. Mr. Tait would bring something back next month for the Board to consider regarding the minimum.

6) Accounts Receivable Report

Mr. Probert asked about the receivables. Mr. Castro stated partial payments were coming in from tenants but none were to the point of eviction. Mr. Bradshaw stated this needed to change and he would look to see how to make improvements.

Chairman Knowles asked Mr. Bradshaw for a comparison on receivables with last year at the next meeting.

7) Old Business

Mr. Tait reported he had communications with Key West Express regarding the proposal from last month regarding fuel.

Mr. Castro had not heard back from the contractors on the cost of the roofs for Turtle Kraals and Half Shell. The Board would eventually have to make a recommendation to the CRA if they would go outside the parameters of the lease for this work. He would bring back a recommendation to the Board.

Mr. Henson asked about the legal opinion as far as their responsibilities as a Board to the lease agreements and the transfer of the lease agreements to pay for the roof improvements. In addition, Mr. Henson wanted Mr. Castro to look at the project from a construction standpoint, what type of damage was obvious and could be seen clearly or was the roof damage covered and unknown damage was done to the foundation or tie-beams.

Ms. Ovide asked what due diligence was done on behalf of both parties. Mr. Bradshaw stated the previous tenant and new tenant is where the disclosure should have occurred. At that time the new tenant should have brought that to the attention of the City as a point of negotiations on the lease.

Mr. Erskine recalled the lease states the tenants are responsible to maintain and replace the roofs. Mr. Castro confirmed this.

8) Key West Bight Preservation Association Report

There was no report.

**PUBLIC COMMENTS:**


There were no comments from the public.

**BOARD COMMENTS**

The Board members wished everyone a Merry Christmas. Mr. Ashby commented on the great job on the holiday decorations at the Bight.

**ADJOURNMENT:**

There being no further business the Chairman adjourned the meeting at 6:07 p.m.

  
Susan P. Harrison, CMC, Clerk of the Board  
Senior Deputy City Clerk