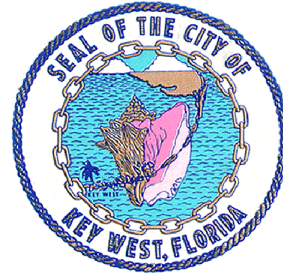


# Executive Summary



**TO: Key West Bight Board**

**CC: David Fernandez**

**FR: Marilyn Wilbarger, RPA, CCIM**

**DT: November 6, 2012**

**RE: Sebago Booths Souvenir Photo Sales**

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## **ACTION STATEMENT**

This is a request received from Sebago Watersports for an action item to be placed on the Bight Board agenda to allow them to sell souvenir photos from their ticket and check in booths.

## **HISTORY**

Sebago Watersports has a lease for the ticket booth on Lazy Way and operates the Appledore Booth at William Street Plaza. The allowable uses per each of the leases are excerpted here:

### **Sebago**

**6. USE OF THE DEMISED PREMISES** -TENANT shall use the Demised Premises for the purposes of:

Sales, ticketing and check-in for patrons of TENANT for vessels operated by TENANT in the Key West Bight Marina only and for no other purpose

### **Appledore**

**6. USE OF THE DEMISED PREMISES** -TENANT shall use the Demised Premises for the purposes of:

Ticket sales and check in for Schooner Appledore only and no other purpose.

Recently, an independent photographer was utilizing the common area and docks without a lease or license and therefore has been prohibited from continued operation on city property. The other water sports tenants have elected to continue to offer photos that they sell onboard their vessels resolving any conflict of use of the common areas. They had the same concern about the gratuities that their crews receive being diminished however it was a business decision that they made.

## **CONCLUSION:**

The sales/ticket/check-in booths have been a source of contention for many years and to this day there are many ambiguities that need to be sorted out. For example, the leases clearly state the limitation on sales to the tenant's patrons however in reality they sell other business tickets as well. We have also had code compliance come down and meet with each of the tenants to go over the off premise canvassing regulations but there are continuing violations and complaints are received on a regular basis. There are two ticket booths that have been located on Schooner Wharf's demised area for years however the lease is silent on their existence, allowable uses and any restrictions. The new tenant, Schooner Hindu has also requested a booth yet there is no established policy regarding their request.

Staff believes that it is time for the Board to address all of the commercial tenants needs for ticketing and check in booths and the allowable uses prior to expanding the use of these two booths with the goal of establishing a City policy that can be applied equitably going forward.