

## MINUTES

### KEY WEST BIGHT MANAGEMENT DISTRICT BOARD MEETING

OLD CITY HALL, 510 GREENE STREET

DECEMBER 14, 2011

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 14, 2011.

The Chairman called the meeting to order at 9:01 a.m.

Answering roll call were Board Members Jermy Ashby, Jimmy Lane, Paul McGrail, Dan Probert, Michael Wilson and Chairman Michael Knowles presiding.

Board Member Kathryn Ovide arrived at 9:03 a.m.

Also present were Assistant City Attorney Ron Ramsingh, Key West Bight Marine Manager Mark Tait, Senior Property Manager Marilyn Wilbarger and Deputy Clerk Angela Budde.

Others in attendance were Jack Anderson from the Tenants Association.

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

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

The Chairman asked for objections and seeing none, the items on the agenda were accepted unanimously.

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

- 1) November 9, 2011 (Regular)

It was moved by Mr. Probert and seconded by Mr. Wilson to approve the minutes of November 9, 2011.

The Chairman acknowledged the motion and second and asked for verbal approval. There were no objections.

**ITEMS FOR ACTION:**

2) 2012 Key West Bight Management District Board Meeting Dates

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

The Chairman acknowledged the motion and second and asked for verbal approval. There were no objections.

3) Lease Renewal for Key West Artworks, LLC.

During this item Board Member Kathryn Ovide arrived at the meeting.

Ms. Wilbarger reviewed the lease particulars and the tenant's recent history for the Board.

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

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, Lane, McGrail, Ovide, Probert, Wilson and Chairman Knowles

Nays: None

4) New Transient Dockage Rates and Deposit Policies for Key West Bight Marina

Mr. Tait reviewed this item for the Board regarding hourly rates and group rates.

The following person spoke on the matter:

Jeffrey Page, 301 Grinnell Street

Discussion on adding a "weather" clause to the policy and the discussion on Insurance for every transient rental occurred in length.

Mr. McGrail stated transient rentals (fishing boats) were not allowed to disembark passengers-one way transaction. Mark Tait removed the 8 night minimum from the agreement. Mr. Ashby asked Mark Tait how they collect from people who show up at the last minute.

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

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, Lane, McGrail, Ovide, Probert, Wilson and Chairman Knowles

Nays: None

5) One Year Commercial Marina Dockage Agreement

Board Member Paul McGrail recused himself from the item.

The following person spoke on the matter:

Jack Anderson, 800 Caroline Street

Mr. Tait answered questions from Mr. Anderson and Ms. Wilbarger explained the insurance requirements.

It was moved by Ms. Ovide and seconded by Mr. Wilson to postpone the item to the January 11, 2012 meeting.

The Chairman asked the Clerk to call the roll.

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

Nays: None

The item was postponed to January 11, 2012.

6) Premiere Racing Contract – Second Amendment

The following person spoke on the matter:

Richard Tallmadge, 1700 Jamaica Drive

Chairman Knowles asked Mr. Tait to provide a total recap after the race of how many boats came from Premiere Racing at \$1.75 per foot and how many were available on race day when they started.

It was moved by Ms. Ovide and seconded by Mr. Probert to approve the item.

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, Lane, McGrail, Ovide, Probert, Wilson and Chairman Knowles

Nays: None

7) Tow Boat US Dockage Agreement

Mr. Tait presented the item to the Board. He said Tow Boat US had not been required to pay rent in lieu of services for security, towing and salvage as needed. More recently these services are no longer required from this tenant and a Dockage Agreement would be appropriate at this time. As towing and salvage is immediately available to the City from Tow Boat US they would receive a 50% discount. Ms. Wilbarger said this is a working tenant and as such is able to take advantage of the discount.

Assistant City Attorney Ramsingh suggested the Board could move forward with the amendments suggested by Ms. Ovide (50% discount on towing and hazmat services) and a separate motion to take the amended agreement back to Tow Boat US.

It was moved by Ms. Ovide and seconded by Mr. Probert to modify the proposal for the Tow Boat US Dockage Agreement with a 50% discount for towing and hazmat services.

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, Lane, McGrail, Ovide, Probert, Wilson and Chairman Knowles

Nays: None

It was moved by Ms. Ovide and seconded by Mr. Probert to extend the contract as amended to Tow Boat US as discussed.

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, Lane, McGrail, Ovide, Probert, Wilson and Chairman Knowles

Nays: None

8) Water Testing at Key West Bight, Key West Bight Ferry Terminal and City Marina at Garrison Bight – Bid #12-006

Mr. Tait reviewed this item for the Board. Ms. Wilbarger discussed termination options.

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

The Chairman asked the Clerk to call the roll.

Yeas: Board Members Ashby, Lane, McGrail, Ovide, Probert, Wilson and Chairman Knowles

Nays: None

## **REPORTS:**

### Manager's Report

Ms. Ovide wanted to thank Mr. Castro for including the summary on the capital improvement running total. She asked if the remaining balance from 2011 rolled into 2012. Ms. Wilbarger clarified the budget question for the lighting project.

Mr. Probert commented on the move of Terri Otto to Garrison Bight from the Key West Bight. He suggested she receive a letter of commendation as she had worked at the Bight for a long time.

Ms. Ovide asked about the signage policy for the marina. Ms. Wilbarger stated this information was in the new proposed rules and regulations. The poles and signs had not yet been provided.

Mark Tait discussed Conch Harbor dock reconfiguration and provided a handout for the Board

Craig Hunt, owner of Conch Harbor, spoke to the Board about the dock reconfiguration.

#### Accounts Receivable Report:

Ms. Ovide asked about the CRB using space at the Ferry Terminal. Ms. Wilbarger attempted to address the situation with Assistant City Manager Mark Finigan. However, Mr. Finigan is presently out of the country. She would speak with him again once he returned to the office.

#### Tenants Association Report:

Jack Anderson reported the Boat Parade was very successful and the Key West Bight parking lot was full. He spoke of an issue currently in the Planning Department considering making Caroline Street into a one-way westbound street. Mr. Anderson made the Board aware that he was against the idea. He wished everyone a great holiday.

Mr. Probert would like to see answers to items on the Tenants Report that appear blank. Mr. Anderson responded that those items were unfinished business.

#### Old Business

Ms. Ovide asked about the postponement from the previous meeting regarding annual rate increases and late fees. Ms. Wilbarger understood that the item would be brought back by a Board Member as an action item but she had not received any information to place it on this agenda. Ms.

Wilbarger would put this on the January 11, 2012 agenda as an action item with Jimmy Lane sponsoring a Resolution.

**PUBLIC COMMENTS:**

Scott Cates, 201 William Street spoke regarding the 5% increase and lights.

**BOARD COMMENTS**

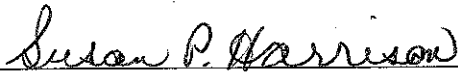
Mr. Probert wished everyone a Merry Christmas

Chairman Knowles added and a Happy New Year.

Ms. Ovide wished everyone a happy holiday.

**ADJOURNMENT:**

There being no further business the Chairman adjourned the meeting at 10:41 a.m.

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

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME--FIRST NAME--MIDDLE NAME McGrail, Paul	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Key West Bight Management District Board
MAILING ADDRESS 328 Simonton Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Key West	COUNTY Monroe
DATE ON WHICH VOTE OCCURRED December 14, 2011	NAME OF POLITICAL SUBDIVISION: City Of Key West MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Paul McGrail, hereby disclose that on December 14, 20 11:

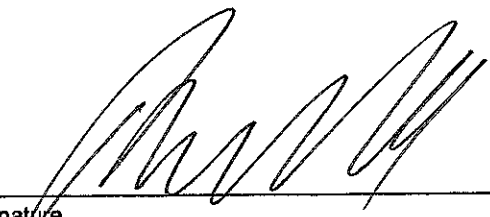
(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ITEM #5: One Year Commercial Marina Dockage agreement

December 14, 2011  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.