

Sarah Taggart

From: Cheri Smith
Sent: Friday, April 1, 2022 4:36 PM
To: Sarah Taggart
Subject: Fwd: [EXTERNAL] Fwd: Pier B agreement

Sent from my iPhone

Begin forwarded message:

From: Joanne Tarantino <joanne1kw@gmail.com>
Date: April 1, 2022 at 4:17:02 PM EDT
To: Cheri Smith <csmith@cityofkeywest-fl.gov>
Subject: [EXTERNAL] Fwd: Pier B agreement

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I forgot to copy you on my letter to Mary Lou Hoover.

Joanne Tarantino, CRS

Broker Associate - Berkshire Hathaway Knight & Gardner Realty

Cell: 305-304-2012
Fax: 305-296-0946

www.kwhomes.net

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"TALL on Real Estate Service"

----- Forwarded message -----

From: Joanne Tarantino <joanne1kw@gmail.com>
Date: Fri, Apr 1, 2022 at 4:12 PM
Subject: Pier B agreement
To: <mlhoover@cityofkeywest-fl.gov>

Marilou, please pay very close attention to the new findings by Wheeler and Brookes. It is extremely important that the city does not join into another long-term, "iron clad", never ending contract concerning pier B before very very careful consideration.

Don't give away the rights of the Key West citizens to the interests of the very powerful cruise ship industry.

We count on you to protect the interest of those who live here.

Joanne Tarantino Wilson
1002 Washington St
Key West Fl

305-304-2012

Sarah Taggart

From: Cheri Smith
Sent: Friday, April 1, 2022 4:36 PM
To: Sarah Taggart
Subject: Fwd: [EXTERNAL] Pier B

Sent from my iPhone

Begin forwarded message:

From: Robert Silverman <rob@silvermanassociates.us>
Date: April 1, 2022 at 4:18:30 PM EDT
To: Jimmy Weekley <jweekley@cityofkeywest-fl.gov>
Cc: Cheri Smith <csmith@cityofkeywest-fl.gov>
Subject: [EXTERNAL] Pier B

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Dear Jimmy,

There should be **NO NEW AGREEMENT WITH PIER B** unless and until a judge can determine whether or not the current Agreement is valid under the law.

Rob and Fran Silverman
1205 Olivia St.
Key West

Sent from Mail for Windows

Sarah Taggart

From: Cheri Smith
Sent: Friday, April 1, 2022 4:37 PM
To: Sarah Taggart
Subject: Fwd: [EXTERNAL] Proposed ordinance

Sent from my iPhone

Begin forwarded message:

From: SAM BROWN <samwbrown@mac.com>
Date: April 1, 2022 at 4:24:02 PM EDT
To: Clayton Lopez <clopez@cityofkeywest-fl.gov>, Mary Lou Hoover <mlhoover@cityofkeywest-fl.gov>, Gregory Davila <gdavila@cityofkeywest-fl.gov>, Billy Wardlow <bwardlow@cityofkeywest-fl.gov>, Samuel Kaufman <skaufman@cityofkeywest-fl.gov>, jweekly@cityofkeywest-fl.gov, Teri Johnston <tjohnston@cityofkeywest-fl.gov>, Cheri Smith <csmith@cityofkeywest-fl.gov>
Subject: [EXTERNAL] Proposed ordinance

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Dear Members of Council - I have had a chance to review the basic elements of the ordinance proposed by the City Attorney and, on the face of it, the proposal directly undercuts the stated will of the people and gives away, seemingly with nothing in return, additional rights to the owner of Pier B. It is clearly worse than no ordinance at all. I strongly encourage you to reject this proposed ordinance and allow a review of current use to see whether Pier B is currently violating the terms of the lease.

Please take the time to get it right. And the current proposed ordinance is certainly not right. Best,

Sam Brown
814 Ashe Street
Key West, FL 33040

SAM BROWN
samwbrown@mac.com
202 468-4726
202 331-5250 (fax)

Sarah Taggart

From: Cheri Smith
Sent: Friday, April 1, 2022 4:37 PM
To: Sarah Taggart
Subject: Fwd: [EXTERNAL] Surprising Facts on Pier B

Sent from my iPhone

Begin forwarded message:

From: Joanne Tarantino <joanne1kw@gmail.com>
Date: April 1, 2022 at 4:24:34 PM EDT
To: Teri Johnston <tjohnston@cityofkeywest-fl.gov>
Cc: Cheri Smith <csmith@cityofkeywest-fl.gov>
Subject: [EXTERNAL] Surprising Facts on Pier B

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Wow, how surprised we are to learn there are cracks in the "concrete" contract for Pier B. Please pay very close attention to the new findings by Wheeler and Brookes. Don't let Governor De Santis and his cronies tell us how to run our City! Don't give away the rights of the Key West citizens to the interests of the very powerful cruise ship industry. We count on you to protect those of us who live here.

Joanne Tarantino, CRS

Broker Associate - Berkshire Hathaway Knight & Gardner Realty

Cell: 305-304-2012
Fax: 305-296-0946

www.kwhomes.net

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"TALL on Real Estate Service"

Sarah Taggart

From: Cheri Smith
Sent: Friday, April 1, 2022 4:37 PM
To: Sarah Taggart
Subject: Fwd: [EXTERNAL] Fwd: Recent Cruise Ship Agreement Comments

Sent from my iPhone

Begin forwarded message:

From: Mark Schulte <markdschulte@gmail.com>
Date: April 1, 2022 at 4:26:35 PM EDT
To: Cheri Smith <csmith@cityofkeywest-fl.gov>
Subject: [EXTERNAL] Fwd: Recent Cruise Ship Agreement Comments

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Please attached this forwarded email that I sent to the mayor and council members, to the agenda for the upcoming April 5th council meeting.

----- Forwarded message -----

From: Mark Schulte <markdschulte@gmail.com>
Date: Wed, Mar 30, 2022, 10:46 PM
Subject: Recent Cruise Ship Agreement Comments
To: Mayor Teri Johnston <tjohnston@cityofkeywest-fl.gov>, <DistrictI@cityofkeywest-fl.gov>, <DistrictII@cityofkeywest-fl.gov>, <DistrictIII@cityofkeywest-fl.gov>, <DistrictIV@cityofkeywest-fl.gov>, <DistrictV@cityofkeywest-fl.gov>, <DistrictVI@cityofkeywest-fl.gov>

We just read details about the proposed agreement on cruise ships coming to Key West. Our first reaction is utter disappointment! This is not what our citizens demanded and not what our environment requires! Our city attorney and others who structured this agreement are not serving the interests of our citizens and our environment. We are tired of seeing profits and politics getting in the way of doing the right thing for our environment and local economy.

Our third largest barrier reef and our fishing industry cannot tolerate these large cruise ships, their destructive prop wash, and the plastics and other trash that they dump overboard.

The most appropriate response from our city government is to require all cruise ships to anchor outside of the reef and use tenders to bring guests ashore. Also consider using local captains and their charter boats as tenders to help them earn a living. We also should require the cruise ship companies to significantly increase their financial contributions to organizations which work to clean up the oceans (particularly the plastic islands that are contributing to increased ocean temperatures) and rebuild reefs.

Cheri Smith

From: Scott Newman <snewman.2@outlook.com>
Sent: Sunday, April 3, 2022 6:59 PM
To: Clayton Lopez
Cc: Cheri Smith
Subject: [EXTERNAL] NO NEW AGREEMENT WITH PIER B

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioner Lopez,

I urge you and the entire City Commission to:

1. Withdraw the proposed new agreement with Pier B without consideration.
2. Follow the recommendations in the Legal Memorandum prepared by attorneys Linda Wheeler and Ralf Brookes to pause negotiations until there is a judicial decision regarding the rights of the parties.
3. Demand the immediate resignation of City Attorney Smith and terminate the City's agreement with outside counsel working under Mr. Smith's direction.

Proposed New Agreement with Pier B.

Despite the referendum overwhelming approved by Key West voters, and the City Commission's clear direction to the City Attorney and outside counsel to follow the intent of that voter referendum in any negotiations with Pier B, this proposed new agreement is clearly written by Pier B for the sole benefit of Pier B and aggressively displays contempt for the citizens and city government of Key West, and disdain for our City's future.

Not only would this agreement authorize more larger cruise ships than Key West has ever seen, it would give a portion of Mallory Square to the cruise industry to use as they see fit.

Furthermore, this dangerous agreement would permanently extinguish the City's rights to pursue any legal action against Pier B for any reason forever! Only a moron or a person with a gun at their head or someone receiving a payoff would even consider signing under these terms.

This proposed agreement is being presented to the City under false pretense and should be withdrawn immediately without question. It does not merit discussion.

Legal Memorandum by Wheeler and Brookes.

This fully documented and well reasoned Legal Memorandum makes clear that the operation of the present-day Pier B cruiseport is not legally authorized by the 1994 Restrictive Covenant with the City which is well within its rights to declare the present-day cruiseport operations in material breach of its contractual obligations. Given that Pier B is in violation of its agreement, there are remedies in law available to the City which should be pursued.

Also, as is made clear, the right to use or operate a portion of its cruise ship activities on Mallory Square, as well as any agreement to convey, or to continue to convey an interest in the City's right to operate a cruise ship port at Truman Annex requires approval by voter referendum.

For these reasons as well as others articulated more fully, I urge you to accept the recommendation of this Memorandum.

Resignation of the City Attorney and Termination of Outside Counsel.

Cheri Smith

From: Loretta DiTocco <lorettamdt@gmail.com>
Sent: Sunday, April 3, 2022 4:18 PM
To: Teri Johnston; Jimmy Weekley; Billy Wardlow; Samuel Kaufman; Mary Lou Hoover; Gregory Davila; Clayton Lopez; Shawn D. Smith; Cheri Smith
Subject: [EXTERNAL] Shocked!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor Johnston and City Commissioners,

I am shocked and dismayed to hear of the recent document that appears to sell out the citizens of Key West for the private interests of Pier B Development Corp.

I am asking you to reject this proposal as I feel that it is a betrayal of our trust in the very government entity that assured us that it would honor the vote on smaller, safer ships and subsequent discussions with the smaller safer ships committee.

I am also shocked to see that there has been an uncovering of evidence that supports the dissolution of the contract of pier B due to some irregularities in recent construction. Whereas, we were told by the City attorney that the contract was such that it would remain in perpetuity and that it was irrevocable.

Again, I urge you to take a step back from this proposal and vote NO and withdraw this flawed agreement.

Loretta M Di Tocco
1018 James St
Key West, FL 33040

Cheri Smith

From: Bruce Hirshman <bruce.hirshman@gmail.com>
Sent: Sunday, April 3, 2022 3:49 PM
To: Mary Lou Hoover
Cc: Cheri Smith
Subject: [EXTERNAL] Pier B

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have been a resident of Key West since 1992. My wife is also a resident of Key West. We feel strongly that the vote of the people of Key West to limit the size and capacity of cruise ships should guide your hand in negotiating the agreement that we make with the Pier B corporation. Please negotiate for smaller, cleaner ships with fewer passengers. The town and the reef need a break from mass tourism. Thank You. Bruce Hirshman, D.O. and Marsha Walters, PhD

Cheri Smith

From: Elaine Mchale <emchale12@yahoo.com>
Sent: Sunday, April 3, 2022 2:49 PM
To: Cheri Smith; Clayton Lopez
Subject: [EXTERNAL] SAFER CLEANER SHIPS

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello

I am one of many voters who voted for smaller clear ships. I am a small local business owner with my husband in Key West. We sell watersports equipment and our livelihood depends on our reef system and clean water. If these large ships continue to dock in our harbor our company will not survive just like our reef system. We are hard work people who love our community.

proposed new agreement with Pier B Development Corporation, **WITHDRAW this proposed Agreement.** Nothing good will happen by discussing or voting on this flawed agreement. Remember we have power in numbers, and we will not forget in the next election

Elaine McHale

Cheri Smith

From: Greta Philips-Ford <gford@caribenautical.com>
Sent: Sunday, April 3, 2022 2:25 PM
To: Cheri Smith
Subject: [EXTERNAL] Support docking ships at Pier B

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Good Afternoon:

Please support the agreement between Pier B and the City of Key West to dock ships at Pier B in perpetuity. We need cruise ship passengers in the mix of tourist that visit Key West. They provide a different dimension to the Tourist mix that supports the Tour Operators/Attractions that the individual staying for 2-4 days does not. These tourist have played a major roll in re-building our economy after named Hurricanes have wiped out housing in the lower/middle Keys and Hotels were needed for our families.

b/r

Greta Philips-Ford

Sent from Mail for Windows



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Cheri Smith

From: JIM MANARI <jmanari@comcast.net>
Sent: Sunday, April 3, 2022 2:10 PM
To: Jimmy Weekley
Cc: Cheri Smith
Subject: [EXTERNAL] Proposed new agreement with Pier B

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Commissioner Weekley,

There should be no new agreement with Pier B. The citizens of Key West have spoken out against large cruise ships. Why is Pier B so desperate for a new agreement? What will the public gain from bigger and more ships at Pier B? Please do not support a new agreement. The current one may be invalid and time should be spent exploring that possibility Thank you.

James Manari
907 Georgia Street
Key West FL 33040

Cheri Smith

From: Jim Marquardt <jim@gardenshotel.com>
Sent: Sunday, April 3, 2022 1:58 PM
To: Teri Johnston; Jimmy Weekley; Billy Wardlow; samkaufman@cityofkeywest-fl.gov; Gregory Davila; Mary Lou Hoover; Clayton Lopez
Cc: Cheri Smith; Shawn D. Smith
Subject: [EXTERNAL] Agenda item 21 Public comment

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Sunday, April 3, 2022

Madam Mayor, Commissioners,

My name is Jim Marquardt, 204 Olivia Street, Key West, Florida, 33040.

My comments are addressing Agenda Item 21:

Approving the attached "Operating and Settlement Agreement" ("Agreement") between the City and Pier B Development Corp.; Authorizing the City Manager to execute the Agreement and any related documents upon advice and consent of the City Attorney

There should be NO NEW AGREEMENT WITH PIER B unless and until a Judge can determine whether or not the current Agreement is valid under the law.

Thank you for your time.

Signed Jim Marquardt

Jim Marquardt
General Manager
The Gardens Hotel and Cottages
d'Vine Wine Gallery
526 Angela Street
Key West, FL 33040
O 305-294-2661
C 305-304-7683

gardenshotel.com

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Cheri Smith

From: Suzanne Sullivan <keywestsuzie@gmail.com>
Sent: Sunday, April 3, 2022 12:15 PM
To: Teri Johnston
Cc: Cheri Smith
Subject: [EXTERNAL] Pier B agreement

Dear Mayor Johnston,

I am writing to ask you to please withdraw the proposed agreement with Pier B. It appears that will only bring more and larger ships and many more visitors to Key West. That is opposite of what the citizens of Key West had voted for on the cruise ship referendum. It would also appear that the original Pier B agreement needs further review.

I ask that the Commission stand by protecting our community and the will of the voters. Thank you. Suzanne Sullivan

Suzanne Sullivan
1210 Watson St
Key West, Fl. 33040

305 849-1070
keywestsuzie@gmail.com

Cheri Smith

From: kdbehmke@aol.com
Sent: Sunday, April 3, 2022 10:12 AM
To: Cheri Smith
Subject: [EXTERNAL] Fw: New Information

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Please add to the record. Thanks, Kay Behmke

Sent from AOL Mobile Mail
Begin forwarded message:

On Sunday, April 3, 2022, 10:10 AM, KAY BEHMKE <kdbehmke@aol.com> wrote:

In light of all the new information discovered by attorneys Linda Wheeler and Ralf Brooks regarding current legality and totally flawed contract with Pier B, the proposal drafted by our city attorney and outside counsel, at considerable cost, should be thrown out. I have to ask why our city attorney did not bring any of this very pertinent information forward. We are counting on you to discard the current proposal so injurious to our city and find other attorneys, perhaps Linda Wheeler and Ralf Brooks, to draft a LEGAL proposal favorable to Key West and it's future that respects the referenda of the voters. Thank you, Kay Behmke 51 Front Street Key West
Sent from my iPhone

Cheri Smith

From: kdbehmke@aol.com
Sent: Sunday, April 3, 2022 9:42 AM
To: Cheri Smith
Subject: [EXTERNAL] Fw: Pier Development Proposal

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Please enter for the record. Thank you, Kay Behmke

Sent from AOL Mobile Mail
Begin forwarded message:

On Sunday, April 3, 2022, 9:19 AM, Roger Kostmayer <rogerkostmayer@gmail.com> wrote:

This is an accurate history and REASONABLE questions and requests. Please stand with your constituents on this critical issue.

Roger

On Apr 3, 2022, at 12:12 AM, Jane Winfrey <janewinfrey@hotmail.com> wrote:

April 2, 2022

Dear Commissioners,

Throughout the cruise ships deliberations little has been said about the elephant in the room: the relationship between yourselves and the City Attorney. Many months ago you assigned the City Attorney to write an ordinance. He persuaded the Commission that he couldn't compose an ordinance himself and he needed outside counsel to do that. When finally engaged, at great cost, the outside attorney persuaded you that writing an ordinance wasn't the whole job. There needed to be negotiations with the Walsh company, purportedly to seek concessions. The outside attorney's brief was expanded to include meetings with the Walsh company.

The City Attorney and the outside attorney proceeded to negotiate, without any apparent oversight by any commissioners. You delegated total authority to the City Attorney and did not observe, participate or supervise the negotiations. You appeared to *many* citizens of Key West to be too intimidated and too cowed by the City Attorney to demand faster results, to ask questions that called out for answers or to do

Cheri Smith

From: T Bottar <tbottar@gmail.com>
Sent: Sunday, April 3, 2022 7:48 AM
To: Teri Johnston; Jimmy Weekley; Samuel Kaufman; Billy Wardlow; Gregory Davila; Mary Lou Hoover; Clayton Lopez
Cc: Cheri Smith; Shawn D. Smith
Subject: [EXTERNAL] Proposed Agreement with Pier B Development Corporation

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Dear Key West City Council,

I am deeply concerned with the proposed agreement with Pier B Development Corporation. As a fly fishing tourist who visits Key West multiple times a year and invests ~\$2,000 per day on fishing guides, lodging, and food, it is my opinion that facilitating the cruise industry is a race to the bottom for the City of Key West.

Overcrowding and congestion, not to mention detrimental impacts to Key West's most important asset - the saltwater ecosystem - are well documented issues that are exacerbated by large cruise ships. Key West needs to foster the right tourism industry, one focused on quality that drives an increase in dollars spent per tourist and not quantity of trinket buying cruise ship passengers.

I urge you to support the proposals of the Key West Committee for Safer Cleaner Ships.

With Regards,

Taylor Bottar
Syracuse, NY

Cheri Smith

From: Maryann Matter <ma@a2zmatter.com>
Sent: Saturday, April 2, 2022 5:57 PM
To: Teri Johnston; Clayton Lopez; Shawn D. Smith
Cc: Cheri Smith
Subject: [EXTERNAL] Withdraw Pier B Agreement

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We voted! You promised!

Please withdraw the proposed new Agreement in light of this new finding. **We were told that a negotiated agreement would bring smaller and fewer cruise ships to Pier B.** This new Agreement does the exact opposite. And it would **give new rights to Pier B where none now exist.**

There should be **NO NEW AGREEMENT WITH PIER B** unless and until a Judge can determine whether or not the current Agreement is valid under the law.



Please do the right thing.

Thank you,

Mary Ann Matter
1309 Elizabeth St

Cheri Smith

From: Michael Jones <mikfjone@sprynet.com>
Sent: Saturday, April 2, 2022 12:01 PM
To: Jimmy Weekley; Teri Johnston
Cc: Cheri Smith
Subject: [EXTERNAL] Pier B Agreement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have just read the document supplied by Ms. Wheeler and Mr. Brookes. Their research has uncovered the reason for PBDC's instance on a new agreement to cover their Pier B property usage. The reason appears to be that the original agreement's validity is suspect.

There can be no doubt that the proposed new agreement is more favorable to PBDC and considerably less favorable to the City.

Thus, as is often the case, doing NOTHING is probably in the best interest of the City.

So, it would be beneficial to first let the legal wrangling decide the validity issue. It may be that the best path forward involves fresh legal minds.

Michael Jones
804 Eisenhower Dr
Key West

Please enter this into the public record.

Cheri Smith

From: Ruth Cahoon <RMC250KW@live.com>
Sent: Saturday, April 2, 2022 11:54 AM
To: Jimmy Weekley
Cc: Cheri Smith
Subject: [EXTERNAL] Ships. (and to attach to agenda, please)

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Commissioner Weekley:

Please vote against the "agreement" with the current operator of Pier B. This document appears to be a mere statement of what he is going to do. I see no advantage to Key West in this document. We will not be able to court the business of the smaller boutique ships whose passengers have more money to spend.

Now, it appears that the lease to Pier B may have expired and that the current operator constructed his additional pier space on city and state underwater land without permission. This is not a person I would like to do business with.

Please vote against this so-called agreement.

Thank you,
Ruth and Franz Cahoon

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Cheri Smith

From: Ruth Cahoon <RMC250KW@live.com>
Sent: Saturday, April 2, 2022 11:46 AM
To: Teri Johnston
Cc: Cheri Smith
Subject: [EXTERNAL] Ships (and to attach to agenda please)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor Johnston:

Please vote against this "agreement" with Pier B operator. It is merely a statement of what he intends to do and has many disadvantages to the city of Key West. If the most recent info from "Safer Cleaner Ships" is true, then the lease has expired and he has taken without permission areas that belong to the city and state in order to increase the size of his pier.

Please refuse to honor this document.

Sincerely,
Ruth Cahoon

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Cheri Smith

From: David R. Kaminsky <drkesq@aol.com>
Sent: Saturday, April 2, 2022 11:09 AM
To: Teri Johnston; jweekley@keywestcity.gov; Samuel Kaufman; bwardlaw@cityofkeywest-fl.gov; Gregory Davila; Mary Lou Hoover; Clayton Lopez
Cc: Shawn D. Smith; Cheri Smith
Subject: [EXTERNAL] Pier B Agreement

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Hello Madam Mayor and Honorable Commissioners,

You are having before you an agreement involving cruise ships in Key West that purports to settle issues associated with the voters' overwhelming preference and the state's action making the voters' wishes unenforceable.

I see that the proposed agreement would (1) allow ships bigger than ever before, (2) more ships than ever before, (3) more ship passengers than ever before, and (4) give away control of Mallory Square.

The proposed agreement would also exist in perpetuity.

In this instance the voters have demanded an arrangement that reduces the size, number and passenger capacity of ships. The proposed agreement does not meet any of the wishes of the voters.

The agreement in perpetuity is also egregious. Any agreement in perpetuity that gives only one party the option to renew is ridiculous. I am an attorney and I would expect, if I ever advised a client to accept such an agreement, that I would be sued for malpractice.

Do what the voters want and pay for the litigation that it may take to get there.

David Kaminsky
1118 Olivia Sweet
drkesq@aol.com
202-669-9628

Cheri Smith

From: Todd Creely LAST_NAME <toddcreely@comcast.net>
Sent: Saturday, April 2, 2022 10:26 AM
To: Cheri Smith
Subject: [EXTERNAL] Pier B

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello City Clerk Smith,

We have been receiving e-mails from Safer Cleaner Ships (SCS). If what SCS is stating in their e-mails is correct, we ask that the Key West City Council not agree to any contract with Pier B at this time. Thank you.

Sincerely,
Laura Say & Todd Creely

1310 Johnson St., Key West.

Cheri Smith

From: Jeannie Gray <jeannie.gray555@gmail.com>
Sent: Saturday, April 2, 2022 8:03 AM
To: Teri Johnston; Cheri Smith; Mary Lou Hoover; Jimmy Weekley; Samuel Kaufman; Billy Wardlow; Gregory Davila; Clayton Lopez
Subject: [EXTERNAL] Pier B Agreement - Cheri Smith please attach to public agenda

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Dear Mayor Johnston and City Council,

Found myself honestly appalled by the proposed agreement between the City of Key West and Pier B and urge you STRONGLY TO VOTE NO.

Have seen some doozies over my almost 30 years on this rock but this one might take the cake. First time I've ever honestly been angry.

The Citizens of Key West have spoken on the issue and spoken forcefully. And the will of the people is certainly not to make it even easier for The Walshes to profit at the expense of our quality of life and safety.

Again, I urge you ALL to VOTE NO.

Best,

Jeannie Gray
1000 Johnson St
Key West, FL 33040

Sent from my ingenious iPad

Cheri Smith

From: Linda Grist Cunningham <keywestwatch@gmail.com>
Sent: Friday, April 1, 2022 7:49 PM
To: Jimmy Weekley
Cc: Cheri Smith; Teri Johnston
Subject: [EXTERNAL] Pier B contract

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

For the public record:

Dear Commissioner Weekley,

If Safer Cleaner Ships' latest assessment is accurate and I have no reason to doubt that it is, I respectfully ask that:

1. The commission delay any decision on the proposed new contract;
2. That the commission explore the legal interpretations brought forth by Safer Cleaner Ships;
3. And, that the commission provide to the public detailed and thorough point-by-point explanations for the points raised by Safer Cleaner Ships.

I am concerned about the terms of the proposed new contract and, to date, have been unable to understand why the city would consider proceeding in a fashion that appears not only contrary to the wishes of voters, but which also appears to make an untenable situation worse. I am also concerned that once again it has taken the diligence of Safer Cleaner Ships to research and make public alternatives to the city's current approaches. It seems to me the city staff should be the lead on such research. A third party should not bear the burden of proactively doing the work that should fall to the city once the voters have made clear their wishes.

If I am in error in my understanding of the proposed contract and my understanding of the legal research brought forth by Safer Cleaner Ships, I, as well as the public, would benefit from additional contextual information from the City Commission and the city staff.

I attempted to use the Legistar comments platform and will continue to do so; however, it was not accessible as of this writing.

LGC
Linda Grist Cunningham
Key West Island News
KeyWestWatch Media
Websites and Digital Solutions for Small Businesses
1310 Olivia St.
Key West, FL 33040
(305) 294-3066



Cheri Smith

From: George Fontana <unclegkw@yahoo.com>
Sent: Friday, April 1, 2022 10:15 PM
To: unlegkw@yahoo.com
Subject: [EXTERNAL] Operating and Settlement Agreement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Madam Mayor and Commissioners,

City Attorney Shawn Smith drafted the heinous Operating and Settlement Agreement (Pier B). Clearly his loyalty is to the Pier B faction and NOT to the people of Key West. If Mr. Smith has a shred of integrity, a shred of honor, he will do the right thing and resign his position with the City of Key West. If not, then the City Commission must act to terminate Mr. Smith's position.

George Fontana. Registered voter

Cheri Smith

From: Gregory Long <gregorylong383@gmail.com>
Sent: Friday, April 1, 2022 5:49 PM
To: Shawn D. Smith
Cc: Cheri Smith
Subject: [EXTERNAL] Please withdraw this faulty agreement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Smith, I am writing to ask you to withdraw the faulty cruise ship agreement. It denies the wishes of the voters as demonstrated in the referendum by permitting BIGGER SHIPS and MORE SHIPS. MORE PASSENGERS. It would give away City-owned Mallory Square property rights, it would deny the City the right of a trial by jury, and it would tie the City's hands in perpetuity. Why are you behind such a draft, so obviously in the interest of Pier B and AGAINST the best interests of the City? How could such a draft even be submitted to the commissioners for discussion?

Please withdraw this faulty draft. And please make this letter part of the public record and attach it to the agenda for your forthcoming meeting.

Gregory Long 711 Ashe Street

--

Gregory Long
President Emeritus
New York Botanical Garden

Cheri Smith

From: Jed Dodds <jeddodds@gmail.com>
Sent: Friday, April 1, 2022 5:29 PM
To: Teri Johnston; Jimmy Weekley; Samuel Kaufman; Billy Wardlow; Gregory Davila; Mary Lou Hoover; Clayton Lopez
Cc: Cheri Smith; Shawn D. Smith
Subject: [EXTERNAL] Please WITHDRAW Proposed Pier B Agreement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Johnston and City Commissioners,

When I saw the proposed agreement with Pier B regarding cruise ships today, I assumed it was an April Fool's joke. Far from progress towards what the citizens of Key West have clearly expressed as their intent, it appears to be a huge step in the opposite direction and commits the City to that course in perpetuity. The fact that the proposal has even been put forward as an agenda item for the Commission raises serious questions about how the process has been conducted so far.

Perhaps I'm misunderstanding the proposal, in which case a great deal more communication is needed. In either event, I strongly urge it be pulled from the upcoming agenda before it goes any further.

Jed Dodds
1700 Rose Street

Cheri Smith

From: Emily Sorkin <emsork@gmail.com>
Sent: Friday, April 1, 2022 5:23 PM
To: Teri Johnston; Jimmy Weekley; Samuel Kaufman; Billy Wardlow; Gregory Davila; Mary Lou Hoover; Clayton Lopez
Cc: Cheri Smith; Shawn D. Smith; Emily Sorkin; David Greenberg
Subject: [EXTERNAL] No New Agreement With Pier B

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and Commissioners,

We live and vote in Key West. We are opposed to this agreement with Pier B, there should be **NO NEW AGREEMENT WITH PIER B.**

The proposed new agreement with Pier B runs in direct opposition to what was passed in a citywide vote by a large majority. People came out in person during the early stages of Covid to make their voices heard.

We are asking City Clerk Cheri Smith to kindly attach this correspondence to the agenda of the April 5, 2022 meeting.

Sincerely,
Emily Sorkin and David Greenberg
1212 Packer Street , Key West 33040

Sent from my iPhone

Cheri Smith

From: Brian Harrison <briangharrison@me.com>
Sent: Friday, April 1, 2022 5:17 PM
To: Jimmy Weekley; Teri Johnston; Samuel Kaufman; Billy Wardlow; Gregory Davila; Mary Lou Hoover; Clayton Lopez; Shawn D. Smith
Cc: Cheri Smith
Subject: [EXTERNAL] Wheeler Brooks Legal memo

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

In view of the revelations in the Wheeler Brooks legal memo concerning the contractual status of the Pier B agreement, I strongly oppose moving forward with the proposed new agreement with Pier B owners.

The proposal is not good for Key West. The city should not have any agreement that is not subject to legal dispute. The voters have already spoken on this issue and their views should be heard.

Please reject this proposed agreement and nullify the present illegal operations of the pier B management.

Please make this part of the city records.

Brian G. Harrison
#314 Atlantic Blvd.
Key West
FL 33040
484-919-9460

Cheri Smith

From: D K <kkoos@myfairpoint.net>
Sent: Friday, April 1, 2022 4:53 PM
To: Teri Johnston
Cc: Cheri Smith; Jimmy Weekley; Samuel Kaufman; Billy Wardlow; Gregory Davila; Mary Lou Hoover; Clayton Lopez; Shawn D. Smith; D K
Subject: [EXTERNAL] Please Stop the Continuing Shell Game

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To All,

As this plays out, It's becoming even clearer to all of us reading these emails that the will of the people is being overlooked or ignored.

Those of you that may continue to vote in favor of larger ships with more people are pushing a different idea of Key West's future than the voters have asked for. Your responsibility is not to the cruise industry.

Please stop the shell game and get this right, Remember who you represent.

Best and Thanks,

Doug Koos

Cheri Smith

From: Lisa Menditch <lmenditch@mac.com>
Sent: Friday, April 1, 2022 4:47 PM
To: Teri Johnston; Jimmy Weekley; Samuel Kaufman; Billy Wardlow; Gregory Davila; Mary Lou Hoover; Clayton Lopez; Shawn D. Smith
Cc: Cheri Smith
Subject: [EXTERNAL] Pier B Negotiations and Port Operations

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Johnston and Commissioners,

Based on the latest communications received from Key West Committee for Safer Cleaner Ships referencing the Legal Memorandum of Wheeler-Brooke's and also based on the referendums approved in November of 2020 by a majority of voters to restrict large cruise ships docking in Key West, I request that no new agreement be made with Pier B Development Corporation by the City of Key West.

The negotiation reports thus far have been preposterous as well as laughable, if not so maddening. I suggest when the dust settles, a thorough review of your legal oversight and processes be held and that those who have led this circus be held accountable. I am sure this has not been simple or easy but your attorneys appear out of step with your citizens. As a voter who trusted you to do as you promised after the vote, I have been severely disappointed watching your feet so at odds with your voices. I expected more and sincerely hope you will use the evidence now in front of you to tell Pier B their desperate tactics will no longer work here.

Sincerely,

Lisa Menditch
1701 Patricia Street
Key West FL 33040

Sent from my iPhone

Sarah Taggart

From: Key West Bar Pilots Association <kwbp@comcast.net>
Sent: Monday, April 4, 2022 8:51 AM
To: Teri Johnston; Samuel Kaufman; Mary Lou Hoover; Clayton Lopez; Billy Wardlow; Jimmy Weekley; Gregory Davila
Cc: Patti McLauchlin; Shawn D. Smith; City Clerk External E-Mail
Subject: [EXTERNAL] Vote Yes on Pier B Agreement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Clerk, please attach the below letter to the comments section for agenda item #21.

Thank You.

Capt. Robert Maguire

Dear Mayor, City Commission members and City Staff,

I am writing in support of the proposed agreement between Pier B and the City of Key West and I urge you to vote yes on this agreement.

This agreement provides significant funding for coral restoration and gets the parties talking about Admiral's Cut. This agreement sets black out days when no ships are allowed and it sets ship size and passenger limits. There are currently no ship limits of any type set in the current agreement other than seven ships a week.

Nothing precludes the Federal Government from, some day in the future, dredging and widening this channel and harbor to accommodate the largest Navy vessels, subsequently allowing larger cruise ships. There are currently many cruise ships sailing, and under construction, that already exceed the proposed limits in this agreement. These are forward looking proposals. This agreement with Pier B acts as a sensible cap and would limit any expansion later. No one knows what the port will look like in 50 years, or what the political climate will be.

Allowing ships currently calling into Key West the option to use a mooring bollard on Mallory dock is sensible and good seamanship, it increases the safety factor for the ship, the passengers and our marine environment. It does not interfere with operations at Mallory, for you voted at last meeting to not allow a ship at Mallory when a ship is already scheduled at Pier B.

At the last Commission meeting the City passed a resolution that divested the City from bringing cruise ships into the Navy Mole and Mallory dock. Some people seem to not recognize that as a significant action. Going from three ship days to no more than one ship on a given day is a huge concession. Instead of potentially 1095 ships a year, the port could no longer have more than 349 ships in a year if you vote yes on the Pier B agreement. This represents a massive 67% reduction in potential cruise ship activity.

I do not agree with the Cruise ship resolution you passed at the last meeting. That decision has

caused, and will cause considerable harm to my business, to myself and my family. I strongly request you to reconsider the resolution you passed in March and I implore this Commission to not make another erroneous decision.

Vote yes on the Pier B agreement.

Sincerely,
Capt. Robert W. Maguire
Key West Bar Pilots Association

Cheri Smith

From: janet goodman <good909@bellsouth.net>
Sent: Saturday, April 2, 2022 3:44 PM
To: Mary Lou Hoover
Cc: Anna Barfield; Cheri Smith; info@safercleanerships.com
Subject: [EXTERNAL] Fw: 🐼 WAIT, — IT GETS WORSE!

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Dear Mary Lou,

There are below set of documents which were sent to me by Safer, Cleaner Ships Group. I am sure you have seen them but just in case you have not I forward them to you. May we have truly independent legal opinion on what is being presented in these documents. (implying there perhaps is an air of fishiness about the present City legal team). There seems to me much redundancy, obfuscation, and irrelevancy in the City legal statements on the Cruise Ship topic, but then I am not a Dr. of Law. Where does the factual truth lie? Not the Welschian version. Are you able and willing to clarify this matter before we proceed any further with the Pier B issue?

Before the City does any further negotiation with pier B (and why are they talking anyhow) please can the City Commissioners clarify the situation for their constituents and communicate this clarification to us.

One very unhappy disenfranchised voter.

Dr, Janet S. Goodman

----- Forwarded Message -----

From: anna barfield <annabarfield@yahoo.co.uk>
To: janet goodman <good909@bellsouth.net>
Sent: Friday, April 1, 2022, 09:32:50 AM PDT
Subject: Fw: 🐼 WAIT, — IT GETS WORSE!

----- Forwarded message -----

From: Safer, Cleaner Ships <info@safercleanerships.com>
To: anna barfield <annabarfield@yahoo.co.uk>
Sent: Thursday, 31 March 2022, 23:07:42 BST
Subject: 🐼 WAIT, — IT GETS WORSE!

[View this email in your browser](#)



Friends:

As we wrote yesterday, the City has proposed a new agreement with Pier B Development Corporation which would **authorize larger cruise ships than Key West has ever seen and give a portion of Mallory Square to the cruise industry** to use as they see fit.

For almost a year now, City officials have told us that any cruise limits at Pier B would come through this new Agreement. Now we see this Agreement will not only encourage a **massive expansion of cruise ship operations at Pier B**, but will "fully and finally resolve all present and potential disputes regarding cruise ship operations at the Port of Key West" and **"WAIVE THE CITY'S RIGHT TO A TRIAL BY JURY."**

We've been told we need this new Agreement because the original Agreement **"could not be amended unless both parties agreed."**

We've been told the original Agreement for Pier B is **"inviolable and firm."**

We've been told the original Agreement is so strong that Pier B would win a **\$100 million lawsuit** if the City tried to place any limits at all on its cruiseport operation.

But if Pier B's current Agreement is so good for them, why do they want a brand-new agreement?

The answer is clear. The original Agreement is deeply flawed. **Pier B's modern cruiseport has never been authorized by the City.** The City is in fact entitled to terminate the agreement immediately and start over from scratch. Pier B is desperate for a new agreement which will cure its legal defects and protect its cruiseport for eternity.

So why is the City so eager to give Pier B a new Agreement that it will irrevocably give up its rights to a trial by jury?

We can't answer that question, but here's what we've learned:

A new certified document presents evidence that Pier B Development Corporation is operating its cruiseport entirely outside of the parcel authorized by the City.



The Original Agreement in question ([Resolution 93-405](#)) was signed in 1994, when Pier B was still in its historic configuration. This Agreement's "[Exhibit A](#)" includes a precise legal description of "Historic Pier B," the parcel of real property upon which the City authorized the operation of the cruiseport. Five years later, in 1999, a new cruiseport facility was built on adjacent lands not owned by Pier B Development Corporation and not authorized by the City's Agreement. This is "Modern Pier B." This modern facility also includes three concrete "Mooring Dolphins" required by large cruise ships, more than 600 feet away from the authorized cruiseport.



As you can plainly see on the certified legal description sketch above and below ([click for full-size attachment](#)), the site where the City authorized the cruiseport in 1994 is NOT where the cruiseport operates today. In fact, the large cruise ship visible in the surveyor's drawing does not come into physical contact with the authorized cruiseport site at any point. Thus, operation of the present-day cruiseport is not legally authorized by the 1994 Agreement with the City and **the City is entitled to remedies in law including the immediate termination of Pier B Development Corporation's right to operate a cruiseport.**



The City should immediately withdraw the proposed new Agreement in light of this new finding. **We were told that a negotiated agreement would bring smaller and fewer cruise ships to Pier B.** This new Agreement does the exact opposite. And it would **give new rights to Pier B where none now exist.**

Please write your Commissioners, attend the 4:30pm Tuesday April 5 meeting in-person, and sign up to speak. Tell the Commission there should be **NO NEW AGREEMENT WITH PIER B** unless and until a Judge can determine whether or not the current Agreement is valid under the law.



Thank you for your support. We will keep you posted.

Key West Committee for Safer, Cleaner Ships

Evan Haskell, President

Jolly Benson, Vice President

Arlo Haskell, Treasurer

David Dunn, Secretary

Capt. Will Benson, Member-at-large

Contact your Commissioners:

IMPORTANT: To ensure that your comments are part of the public record, **please copy City Clerk Cheri Smith [csmith@cityofkeywest-fl.gov]** and ask her to attach your correspondence to the agenda.

Mayor Teri Johnston

tjohnston@cityofkeywest-fl.gov

305-809-3840

Commissioner District 1

Jimmy Weekley

jweekley@cityofkeywest-fl.gov

305-809-3844

Commissioner District 2

Sam Kaufman

skaufman@cityofkeywest-fl.gov

305-809-3844

Commissioner District 3

Billy Wardlow

bwardlow@cityofkeywest-fl.gov

305-809-3841

Commissioner District 4

Gregory Davila

gdavila@cityofkeywest-fl.gov

305-809-3844

Commissioner District 5

Mary Lou Hoover

mlhoover@cityofkeywest-fl.gov

305-809-3844

Commissioner District 6

Clayton Lopez

clopez@cityofkeywest-fl.gov

305-797-3584

City Attorney Shawn Smith
sdsmith@cityofkeywest-fl.gov



They have deep pockets. We have you.

Key West Committee for Safer, Cleaner Ships Inc. is operating as a 501(c)4 Florida Not For Profit corporation, and contributions are not deductible for federal income tax purposes as charitable contributions. The Committee has complied with the registration requirements of Chapter 496, Florida Statutes, the Solicitation of Contributions Act. Registration Number: CH62413. A copy of the official registration and financial information may be obtained from the Division of Consumer Services by calling 1-800-435-7352 or online at www.FDACS.gov. Registration does not imply endorsement, approval, or recommendation by the state.



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Our mailing address is:

Key West Committee for Safer, Cleaner Ships
2612 Harris Ave.
Key West, FL 33040

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Cheri Smith

From: Scott Tenney <scott@clayeproperties.com>
Sent: Saturday, April 2, 2022 2:25 PM
To: Teri Johnston; Jimmy Weekley; Samuel Kaufman; Billy Wardlow; Gregory Davila; Mary Lou Hoover; Clayton Lopez; Shawn D. Smith
Cc: Cheri Smith
Subject: [EXTERNAL] Follow Your Voters Wishes in Regards to Cruise Ships!!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

You guys have seriously proposed a new agreement with Pier B Development Corporation which would authorize larger cruise ships than Key West has ever seen and donate a portion of Mallory Square to the cruise industry? Do care one bit about how your citizens have voted? Enough of this! Why can't you stand behind your voters as you have promised?

NO NEW AGREEMENTS IN REGARDS TO CRUISE SHIPS, PERIOD!

Please go do your job and push thru the necessary legal to uphold with wishes of your constituents in regards to cruise ships in Key West!!

Thank you,

Scott Tenney

scott@clayeproperties.com

281.236.8698 cell

tjohnston@cityofkeywest-fl.gov

jweekley@cityofkeywest-fl.gov

skaufman@cityofkeywest-fl.gov

bwardlow@cityofkeywest-fl.gov

gdavila@cityofkeywest-fl.gov

mlhoover@cityofkeywest-fl.gov

clopez@cityofkeywest-fl.gov

sdsmith@cityofkeywest-fl.gov

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