

Update

Truman Annex Property Owners' Associations



President's Message

We now have voluminous testimony taken under oath during depositions that have been taken in preparation for trial against the City. They provide a very clear window on the attitudes and operation of City personnel.

The office has copies of these depositions, but here is an overview of some of them taken in chronological order of their appearance. I have now read them twice and, like a good movie, there is much to get the second time around.

Commissioner Menendez is a very kind-hearted and well-meaning gentleman who has absolutely no idea about our 2000 traffic contract, the mediation, or, the legalities involved. He re-

sponded over thirty times with answers indicating he had no knowledge, no understanding or no recollection of facts of this litigation. His response to "Have you ever had any business relationship with Ed Swift?".... "No. I have been very unfortunate not to be involved with his wealthy enterprises" was an unexpected point of levity in his deposition.

Commissioner Verge: Our own District I Commissioner seems to be at least as interested in other districts in Key West as he is in promoting ours. According to his own testimony, he had not even seen the actual document (City Resolution 00-43) which is the 2000 traffic contract between the City and TAMPOA. His deposition testimony questioning the legality of our contract is in direct contradiction to a supportive written communication he made to one of our members prior to his election.

City Manager Julio Avel has not even seen our legal complaint against the City. He does admit later, however, that the City would not have received the waterfront property if it had not come to an agreement with TAMPOA in 2000. He readily admits to writing a letter asking TAMPOA for an extension to the deadline for contract compliance. When asked what he thinks the Commission wants to happen with respect to traffic and development of the waterfront he responded: "I have no idea."

Former Mayor Weekley was clear in his recollections and forthright in his answers. He acknowledged that the goal of economic development of Bahama Village was part of the traffic plan and recognized the fractious nature of that community's goals and leaders. He also acknowledged that resentment against the development of Truman Annex by other residents in Key West is part of the problem.

Commissioner Lopez's deposition was very long (almost 60 pages) and I'm hard pressed to describe it. He was combative and blamed TAMPOA for everything surrounding this matter. He repeatedly did not or could not describe a solution to this matter. My best guess is that he has a case of Truman Annex derangement syndrome and is very angry.

Commissioner Rossi readily admits that the Commissioners have instructed the City Manager not to live up to the contract. Also, despite the fact that he testified that he hasn't read any of the documents he stated that he thought the contract wasn't in the "best interest of the City." When asked how he could make this decision in the absence of reading the documents he replied "Good question!"

Former Commissioner Oosterhoudt, like former Mayor Weekley, was clear in his recollections and forthcoming in his answers. While he

President's Message, Continued...

said he was "conflicted" in his "opinion" as to the ownership of Southard Street he was knowledgeable about the economic conveyance, the 2000 contract and the City's conceptual master plan. He provided a straightforward perspective of events.

Mayor McPherson was the most informed of the Commissioners. He had an incorrect view of a purported 1800's City easement for Southard, but was conversant with the documents and the most obviously honest of the Commissioners deposed.

Aside from trying to escape his recorded affirmative vote for our 2000 contract, Commissioner Bethel was the most realistic. He repeatedly stated or implied that this matter would only be solved by the courts. The most upsetting part of his testimony was his opinion that contracts may be unilaterally voided by the City. "I think a new Commission has the ability to change it (the contract) if they so choose." Within the past few years, this mentality is what has repeatedly got the City into legal hot water.

Former City Attorney Tischenkel understandably could not answer many questions based on attorney/client privilege. He did, however, plainly recognize the documents relating to this matter which is one of the evidentiary bases of our litigation.

Raymond Archer, as port director, recognizes the lack of performance of the

City but his role is to act on the orders of the Manager and Commission. He sets no policy. When asked why the City does what it does he replied that in his experience he "did not try to figure out what the thought process was."

Gail Henson is the City planner who has taken over after Ty Simroski. She was generally professional, but embarrassed that she was not even aware of the City's Conceptual Master Plan (resolution 05-42) for the waterfront or of our 2000 traffic contract. I'm quite sure she will go back and read up on them now.

Robert Cintron is Commissioner Lopez's personal attorney and friend. He works at the law firm of Morgan and Hendrick. Perhaps the most interesting portion of his testimony was his sketch of a meeting at Grand Vin where he, Hugh Morgan, Lopez and a few others conjured up the idea of the march on Southard Street. Must have been the wine. His testimony about who organized the Southard Street march directly conflicts with Lopez's and his description of the conversation he directly had with me about this matter is inaccurate.

Timothy Koenig was the attorney that processed the original title work for the property for the developer. Without getting too deeply into it, it appears that there may be issues associated with him and the title company that we may need to follow up on. Our title, though, is clearly safe and

we own the streets fee simple. He has no documents or opinion to the contrary.

Michael Halpern was at one time an attorney for the developer. Last March, when our mediation was brought up and then tabled at a Commission meeting, he stood up and proposed to the Commission that he research, pro bono, the ownership of Southard Street. He has not done so, he has no documentation to produce at this time and he has only a recollection of an informal conversation many years ago with an agent who did not write our current title policy.

A few parting observations:

- It becomes apparent after reading many depositions who is being obscure (to say it most politely) and who is being candid. My opinion is that there must be something in the water at City Hall to account for the level of memory loss evident in some of the current Commissioners. This problem seems to subside as officials no longer frequent the halls of power and are no longer actually responsible for City actions.
- No City official, or any other party deposed, gives unequivocal testimony, or has any document whatsoever, that contradicts our position of ownership, the validity of our contract, or our legal claims.
- The level (low level, that is) of actual knowledge of the details of either the contract or the mediation

by most Commissioners is appalling. I think it is outright dereliction of duty.

- The nature of the Commission decision making process is disorganized. Under deposition they do not state goals and cannot say how this matter should be resolved. Also, there is no discernable leadership.
- Within the past few years, the belief by some of the Commissioners that a new Commission can unilaterally void contracts without the other party approving is the foundation for several of their problems. Until this mistaken attitude is changed these municipal problems will continue.
- Various officials deflected questions with what appeared to be two spoon-fed responses. The first was "it is not in the best interest of the City" and the second was "legislative privilege". This latter obfuscation is highly questionable given that it was explicitly expunged from the Florida constitution. These two ways of avoiding direct answers deny us, specifically, and constituents, generally, any way to evaluate their decision making thought process. The inescapable conclusion is that most Commissioners simply will not take straight up responsibility for their decisions. Given their obvious negligence, is it any wonder?

Tom Tukey,
President TAMPOA

Harbour Place

It is hard to believe that we are heading into spring. The winter months have proved warm as compared to the rest of the country, to the delight of the many residents at Harbour Place.

Our annual meeting held in January updated the membership to the many accomplishments of the past year. This included:

- Repair of the roofs
- Installation of a security fence
- Tiling of hallways
- Landscaping
- New compactor installation
- Seal coating of the driveway
- Repair of a water leak in the pool area
- Purchase of additional

chairs for the pool area

- Pressure washing of the building
- Seal the exterior surface of the buildings

Our next major project will be to replace the outside decks. A committee of owners has been put together to make recommendations regarding that pro-

ject. The Board appreciates the help for this next project.

Happy spring!

Kathy Melendy

President, Harbour Place

Mills Place

We had a successful annual meeting with a reelection of our previous board members. I will continue as President with Linda Jackson as Vice President and Linda Harra as Secretary /

Treasurer. The social, which preceded the meeting, gave all of us a chance to renew friendships. The grounds are looking great with new growth on our recently planted landscap-

ing. Once again, let me thank all that volunteered to lend a hand in the brickwork, pool painting, and hospital stairs painting projects.

We are looking forward to another rewarding year.

Steve Kiel

President, Mills Place

Over the Fence in Porter Court

Porter Court held its annual meeting on Feb 1st and as part of the meeting the existing board was re-elected. Once again, we have a board comprised of Al Mott, VP, Lynne Johnston, Secretary / Treasurer and myself as President. I believe we were re-elected because Lynne has done such a fantastic job with our landscaping. Seeing is believing so why would you change? Al, with his insurance background, has been a terrific asset in dealing with the insur-

ance issues we all face. And I'm going along for the ride! After completing the painting of "The Court" the real issue left facing us is wind insurance. It's not unique, but that doesn't minimize the concern. At our annual meeting we accessed ourselves for the payment of the premium. The actual bill was somewhat less than what we anticipated, giving us a little float for next year. With a kinder, gen-

tle, legislation that finds a way to put limits on Condo wind premiums and with another mild hurricane season, we hopefully will see a little relief next year.

The litigation with the city has made for interesting poolside conversation. Tom Tukey attended our meeting to fill in the blanks as to what got us here and where we think we are going with this issue.

It is frustrating and even aggravating to be spending money without seeing a corresponding improvement in our property, buildings etc... Ahhhh well, I'm back to the pool, can't afford to waste a minute.

Dave Sgro

President, Porter Court

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Shipyard

I had my first opportunity to escape the cold and snow of the north and see our completed landscaping project. The feeling of many owners including myself is that the grounds look better than they ever have. Thanks to the Landscape Committee and all who were involved for returning it to the paradise we all enjoy.

The Annual Meeting was preceded the evening before by a wine and cheese reception at the pool. The "Meet Your Shipyard Neighbors"

event, by all accounts, was a great success. I'd like to thank Jack Agnew for the idea and his help, along with many volunteers who pitched in. This was a great opportunity to get to know our neighbors as well as discuss issues prior to the next day's meeting. With the large turn out, I truly believe this made for a much more productive meeting the next morning. We're making this an annual event so mark your calendars for next year. The Annual Meeting and elections went very well this year thanks to Sterling, Stephanie,

and a few volunteers.

New Finance and Pool Committees were formed to offer suggestions and recommendations to the board in each of those areas. Please feel free to pass on any ideas or concerns you may have to them so they can present them to the board.

The substantial increase in wind insurance premiums is going to be the challenge this year with our budget. We will have more information on this in the months

to come.

As always, a special thanks to Sterling and his Staff for all they do to help keep Shipyard a great place to be.

I hope to see everyone at our next board meeting on March 29th at 10am.

Steve Bergstraesser
President, Shipyard

Reminders

- 2006 CPA prepared financial statements for each association are now available in the management office for your review.
- Approved hurricane shutters may be kept closed from the middle of July through the middle of November, once a hurricane warning or watch has been issued for the area provided that all reinforcing hardware has been painted to match the shutters and that louvers on Colonial and Bahama shutters are exposed. Please note that corrugated storm panels and plywood are not

approved to be left in place throughout hurricane season (July 15—Nov. 15). They may only be installed once a hurricane watch or warning has been issued for Key West and they must be removed within 72 hours after the watch or warning has been lifted.

- Don't forget to turn off your water when you leave town for more than 48 hours.
- All changes to properties including paint colors must be approved in advance by the Architectural Control Committee.

Your Administrative Staff

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