

**FORT MYERS BEACH
TOWN COUNCIL MEETING
SEPTEMBER 8, 2003
REGULAR MEETING
Town Hall - Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER

The Regular Meeting of September 8, 2003 was opened by Mayor Daniel Hughes on Monday, September 8, 2003.

Council members present at the meeting: Mayor Daniel Hughes, Vice Mayor Terry Cain, Councilmembers Howard Rynearson, Bill Thomas and Bill Van Duzer.

Excused absence from meeting: None.

Staff present at meeting: Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo, Attorney Dick Roosa, and Dan Folke.

II. PLEDGE OF ALLEGIANCE

All assembled and recited the Pledge of Allegiance.

III INVOCATION BY REVEREND JEANNIE DAVIS, BEACH METHODIST CHURCH

IV. PUBLIC COMMENT

Terry Brennen with FGCU public broadcasting wanted to speak in reference to the special event funding. A few months ago, they had begun development of a historic television series devoted to producing historical documentaries on all communities in Southwest Florida. These will be 30-minute television programs that will run in prime time and they will be turned over to the school districts in the 6 counties within their coverage area. These programs will focus on the specific historic story of a community. One of the programs they want to focus on is Fort Myers Beach. At present is half of sufficient funding to produce 12 programs a year for the next 3 years. They have committed resources for \$12,000.00 of the \$25,000.00. These will be used as classroom instruction, comprised of documentary film, photographic material and interviews. They are asking the Town Council for \$12,000.00 for these programs. All material will be Internet archived and made available. Other municipalities have committed funding. He feels this is very worthwhile and has received no resistance.

Bob Guterrez 2201 Estero Boulevard, Shamrock Irish Pub, is here to speak for his mother in law and his family business. The first issue he would like to discuss is the dumpster ordinance. He is one of 47 people who received citations and he is one of 20 who cannot comply. He feels that no one from the City of Fort Myers Beach, except Councilman Thomas, has spoken to Lee County Solid Waste about this. The second is the drainage on Estero Boulevard at Delmar. It's a dead end sewer. Across the street was raised without a development order. It is unfair, and this has been going on for a year and a half. The street is collapsing and being undermined. It's a traffic hazard. Lastly, he's

just had a 100% increase in taxes and has been unable to get city staff to talk to the county to resolve his problems.

Mayor Hughes responded that there may be further discussion when the meeting discusses the budget, and that the Town is only responsible for 5% of the taxes, yet seems to be blamed for 100%.

V. CONSENT AGENDA

Item J, and easement for FPL and the Mound House has been withdrawn. It requires a public hearing and will be on the council agenda for September 22.

Motion to approve by Howard Rynearson, seconded by Vice Mayor Cain. Consent agenda is unanimously approved.

VI. ADMINISTRATIVE AGENDA

A. Matrix on funding request for event funding

Councilman Rynearson would like to postpone this item until the next council meeting, and made a motion accordingly. Motion fails for lack of a second. Town Manager Marsha Segal-George explained the process of the development and creation of the matrix. Councilman Van Duzer asked of the Deputy Town Manager, John Gucciardo, what the Town has budgeted for these items. The current draft budget has rounded numbers. There's \$50,000.00 for special events, \$50,000.00 for seasonal and also a designated amount for cultural events. How these are divided up can be determined throughout the year, and even with this matrix. Councilman Van Duzer asked whether other events such as the film festival were included in these budgeted figures. It was explained that the film festival and other events such as Monofilament Madness and Crosswalk Awareness were included in these budgeted amounts, but those breakouts were not yet available.

MOTION Made by Councilman Rynearson and seconded by Councilman Van Duzer to defer this item to the next council meeting.

VOTE Motion carries 3-2 with Councilman Thomas and Vice Mayor Cain dissenting. The understanding is that on the September 22 meeting the cultural and seasonal events' funding will be available along with the special events.

B. FIRST PUBLIC HEARING: BUDGET 03-04.

Mayor Hughes mentioned that they had accepted a draft budget in June that set the tentative millage rate at 1.04 which is that same as it has been for the past 2 years since the rollback. Mayor Hughes opened up the discussion for public hearing. Joerg Wiebe from 400 Lenell Road came forward. He questions why we are discussing a 1.04 rate when the tax appraiser increases the property values by 100%. Town Attorney Dick Roosa commented that there is an avenue for relief in the evaluation of property. On the TRIM notice, there is a procedure where you can ask for a review and even go to hearing if you choose. Mayor Hughes mentioned that that is a separate administrative procedure. What the Town Council does in budget hearings will only affect 5% of what the tax increase may be.

Anita Cereceda expressed her fear that the Town is becoming the victim of its own success. What she hears from other commercial property owners, is that their assessment has increased so exponentially that small businesses are jeopardized by huge increases in their property. She challenges the Council to think how we can protect the future of this community and maintain that Estero Streetscape will still be littered with small businesses. What can the Town do to protect the interests of these people, and the residents on fixed incomes who can't afford to pay the increase of the value in their home, or the small businessman who can't afford the increase of the assessed value on their property.

Mayor Hughes attempted to put numbers to the tax bill and explained that even if the Town levied no taxes, individual tax bills would only be reduced by 5%. Councilman Van Duzer commented that he believes that property values are being driven by the real estate businesses. The tax assessor is guided by what adjoining properties are being sold, and that it's the real estate market that is driving these values. He further commented that 2.5% of taxes go to the library, and 15% is to the Fire District. The taxes to the Town are not an additional tax. It's money that had been paid to Lee County. Off island, taxes will immediately increase. Taxes on Fort Myers Beach, exclusive of property values, have actually stayed status quo when they've increased in other areas. Vice Mayor Cain reiterated the appeal process with the Lee County Property Appraiser. Councilman Rynearson remarked that the money that the Town receives goes to the manage of many projects, specifically the demand by the Town for drainage improvements. Councilman Thomas suggested that complaints should be taken to the Board of County Commissioners to lower their millage rates. Mayor Hughes remarked that he doesn't think the Town can interfere with the assessed valuation process. Town Attorney Roosa stated that the Property Appraiser is a constitutional office and the Town has to accept his figures. He feels the Save our Homes amendment exaggerated this imbalance. In past years, that allocation was shared by residential and commercial owners and wasn't magnified as it is today. That is money that the Town, County or School Board is not getting. One possible solution would be to attempt a constitutional amendment that would limit the value of a property to the purchase price plus 3%. It would have to be done statewide. 30 years ago there wasn't the concept of fair market value. When legislature was allocating funds, they were having problems with some counties that were not giving an equitable local effort. They then determined that all counties would appraise at fair market value. The property appraiser is charged with that, and properties have increased in values throughout the state. Having said all this, Mayor Hughes believes that the Town should roll back to an even 1.00. This will reduce what we receive in taxes from \$2,360,000.00 to \$2,270,000.00. This will save the Town \$86,000.00 which is very little to each yet is significant and symbolic. Councilman Thomas supports a millage decrease, as he believes in government lite. Councilman Van Duzer feels that the legislature should look at the Save Our Homes discounted rate. He feels that rate of 3% should be increased so that non-homesteaded properties aren't hit that hard. Mayor Hughes mentioned that historically, values on this island have gone up 15%. Suddenly, it's 23%. Waterfront properties are considerably higher. Anita Cereceda came forward, again to challenge the Town Council to look at what can be done to keep the Beach the community that we love and not let it become an area where we have to cash in our property because of taxes. Councilman Van Duzer

responded that the Beach's population has not had a significant increase in the past 7 or so years, yet Lee County has been over 100,000, and we're paying an increase in our tax base for these services and that's why our taxes are going up tremendously. Mayor Hughes asked Deputy Town Manager John Gucciardo to reference a previous memo in which he determined that the residents of Fort Myers Beach have paid to Lee County in taxes \$25million over the last 4 years. The Mayor charged the community to evaluate whether they feel they have received that level of service from Lee County. Conversely, evaluate if property owners feel the Town had delivered their 5% of taxes in services. (The Mayor recognized Bob Guterrez from the audience for comment, however he must not have spoken into the microphone, and his comments are inaudible to this transcriber)

C. Introduction of Ordinance 03-10 Amending Elections

Mayor Hughes read the ordinance. This amendment is so the supervisor of elections will hold municipal elections on the presidential primary date on the second Tuesday in March and that will save the Town the cost of having to pay for its own elections. Therefore, this ordinance needs to be changed. This will come for hearing on September 22, 2003.

D. Request for Classification of Administrative Position

Town Manager Marsha Segal-George referred to the spring retreat when there was a request for two administrative positions. She explained that when advertising for a replacement for Julia Campbell, Administrative Services Director, she realized the need for an additional professional position. This position would be titled Director of Public Services and would be responsible for parks and rec, environmental issues, a number of projects going into the implementation stages, as well as the Harbor Plan, and the Town will be adding three new committees. She feels the office would do better with a professional position rather than an administrative position.

MOTION: Councilman Van Duzer made the motion and it was seconded by Councilman Rynearson to adopt this position into the new budget.

Marsha qualified that it is not a new position but a reclassification of a position. Councilman Thomas questioned if the Town Manager is requesting two new positions. Town Manager Segal-George explained that these two positions are in the budget before them to approve. Councilman Thomas is dedicated to government lite and doesn't feel we should be adding two new positions. Mayor Hughes commented that the Council has already been through all of this at the retreat. It is in the preliminary draft. Staff presents a draft budget, but we don't approve every line item. Councilman Thomas is not for these two new positions. Town Manager Segal-George commented that there is an increased demand for services. If the Council does not approve these additional staff, then there is the need to deal with cutting services as to what the people expect. Government Lite is not about how many people you have, but how you use them. Our philosophy has not changed, but there is an increase for services. Councilman Van Duzer commented that by adding professional staff, we reduce cost associated with having to hire outside professional consultants. Mayor Hughes reiterated that this position is in the tentative budget. He called the question.

VOTE Approved on a 4-1 vote with Councilman Thomas dissenting.

E. Update on Newton Property Acquisition

Staff member Dan Folke provided an update on the Newton Beach Park property. Out of the \$2.6 million cost, FCT pays exactly half, Lee County pays \$969,000. The remainder is paid by the Town of Fort Myers Beach, which is \$410,000.00. So out of a \$ 2.6 million project, the Town's contribution is \$410,000.00. Lee County requested an interlocal agreement between the Town and Lee County. One item is that it remains a public park available to all residents of Lee County. It will be brought to Council for review on September 22, 2003. Mayor Hughes commented he feels the public should be aware that the purchase price is \$2,560,000.00 and that the appraised value is \$3,920,000.000. Councilman Van Duzer added that "we" only paid \$410,000.00. Mayor Hughes stated that his point is that the purchase price was significantly less than the appraised value.

F. Anchorage Advisory Committee Appointments

This committee will consist of 7 members, and will advise the council on the construction and implementation of the Harbor Plan. Mayor Hughes is impressed with the résumés of the 10 candidates. Vice Mayor Cain asked whether the Town should have alternates for this committee, as she is thinking about the ease of meeting quorum. Attorney Roosa indicated that any alternates would have to fit into the categories defined in the ordinance. Mayor Hughes asked if any candidates were present and cared to come forward.

Jay Light spoke to the Council. He is a retired university professor, yet is passionate about sailing and the Harbor. He wants to be able to use the Harbor to its fullest. Mr. Light also mentioned an associate, Mike Ratliff, is also interested in serving this committee. Vice Mayor Cain mentioned that we do have candidates who meet the qualifications of the committee according to the ordinance.

Mike Ratliff came forward. He would like the committee to seek feedback from people with practical experience. He encourages the Town to have an active boater on the committee.

Town Manager Segal-George announced the results of the vote, and the 7 appointed members are:

Ralph Gordon, Jack Green, Jay Light, Mike Ratliff, Dave Richardson James Rodwell and Ken Stead.

G. Request for Council Sponsorship for Island Arts Foundation Play at Bowditch

Town Manager Marsha Segal-George mentioned that Bowditch is the only place in the area for an open-air situation. and there is parking. A cultural event is a good idea. The problem is that they are volunteers and non-profit. Paying for insurance is a big cost. We are looking for a way that the foundation can avoid the \$1200.00 cost of insurance. If the Town sponsors the event, we can extend the Town's liability insurance for the event for that one night. Otherwise, the foundation can pay \$1000.00 for insurance toward their request for Town funding. The play is "Crimes of the Heart" by Sam Shepard. If this is well received, hopefully it will encourage the County to make the Capital improvements to the park to hold these types of events.

MOTION by Terry Cain and seconded by Councilman Thomas to support the island arts foundation as sponsors for a play at Bowditch.

Discussion: Van Duzer asked if the Island Arts Foundation is still asking for the \$5,000.00 requested in the funding Matrix. Town Manager Segal-George explained that if the Town sponsored this event, the Island Arts Foundation's funding request would be reduced by way of match. Segal-George explained that an alternative to their expense for insurance would be the Town's sponsorship, and therefore a reduction in their request. Councilman Rynearson questioned if the Council was opening itself up to future requests of a similar nature. Segal-George answered that all requests are ultimately the Council's decision. Vice Mayor Cain remarked that in the interest of time restraints, that she brought this forward so this foundation knows whether or not they have the Town's support.

VOTE: 4-1 with Councilmember Bill Van Duzer dissenting.

H. Consideration of Pool Operations Contract Renewal & Extension of Hours

Deputy Town Manager John Gucciardo mentioned that there are 2 items for consideration. 1) is the extension of the contract. The second is a suggestion of the Champion staff to modify the entrance fee for a period of time in peak season to offset some capital improvement items that were suggested. They are asking to be able to raise the entrance fees by \$1.00 per fee during that peak period until the costs are augmented. He is relying on their judgment and their fees are very low comparatively.

MOTION made by Councilman Rynearson and seconded by Councilman Van Duzer to approve the addendum to the contract.

VOTE unanimously approved.

Regarding rate changes and capital improvements, Councilman VanDuzer would like the Town Staff to allow the proportionate adjustments in fees. Councilman Rynearson would like some status on attendance relative to the increase. John Gucciardo only needs direction from the Council to act, and is so directed.

VII. COUNCIL MEMBERS ITEMS AND REPORTS

Councilmember Bill Thomas mentioned he attended the VFW's 50-year anniversary of the end of the Korean War, and also the Florida League of Cities. He commented that he was confronted by two separate individuals who commented on the pleasant experiences that they had had as visitors to Fort Myers Beach. He had visited Alaska, and it was quite an experience.

Councilman Van Duzer commented on his Leadership Lee participation. He will be going to the six-mile cypress slough. It has all been very informative in the comradery and friendships. It is a very valuable service to the Town.

Vice Mayor Cain remarked to Van Duzer that he would have a fabulous time! She mentioned the Red White and Blue Concert with the Gulf Coast Chapter of the Sweet Adelines in Times Square on Thursday, September 11. On September 20 is the Pilot Club's Coastal Cleanup. September 27 is National Estuaries Day with an event at the

Mound House sponsored by the Town in cooperation with Lee County Parks and Rec and Charlotte Harbor National Estuaries Program. The Mound House is a very exciting place to see as a lot of original structure is being exposed.

Mayor Hughes commented on the Florida League of Cities. At the SWFL Regional League of Cities he will be moving up to vice president. At the Horizon Council luncheon the adopted proclamation will be presented by Vice Mayor Cain. On September 15 the Southwest Florida delegation meeting sponsored by Congressman Porter Goss is asking for any items to be put on an agenda for the federal congressional meeting.

VIII. TOWN MANAGER'S ITEMS

None

IX. TOWN ATTORNEY'S ITEMS

None.

X. PUBLIC COMMENT

None

XI. ADJOURNMENT

Meeting was adjourned at 8:35 PM

Respectfully submitted,

Michelle Mayher
Interim transcribing secretary