

**JOINT WORKSHOP  
FORT MYERS BEACH TOWN COUNCIL  
AND SANIBEL CITY COUNCIL  
APRIL 17, 1997  
Nations Bank, Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA**

**I CALL TO ORDER**

The meeting was opened on Thursday, April 17, 1997, at 9:05 A.M. by Anita T. Cereceda, Mayor of the Town of Fort Myers Beach.

Present from the Town of Fort Myers Beach: Mayor Anita T. Cereceda; Vice Mayor Ted FitzSimons; Council Member Ray Murphy; Town Manager Marsha Segal-George; Assistant Town Manager John Gucciardo; and Town Attorney Richard Roosa. Excused from the meeting: Council Members Rusty Isler and Garr Reynolds.

Present from the City of Sanibel: Mayor Bob Davison; Vice Mayor Robert P. Janes; Council Members George Madison, Wallace M. Kain, and Andrew Reding; and City Manager Gary Price.

Mayor Cereceda welcomed the Sanibel City Council and stated that the purpose of the meeting was to talk about the future of tourism on the Lee Island Coast, since these two councils represent the two main islands contributing to that tourism. It is intended to be a positive discussion of ways to benefit the community as a whole.

Mayor Davison thanked the Fort Myers Beach Town Council for the invitation and hospitality.

**II PLEDGE OF ALLEGIANCE**

All assembled recited the Pledge of Allegiance to the flag.

**III DISCUSSION ON THE TOURIST DEVELOPMENT COUNCIL**

Marsha Segal-George said that the basis of the discussion is to have a dialog between the two councils regarding four major issues: a.) should the Town and City request permanent seats on the TDC? b.) what are the long-range plans of the BOCC regarding TDC revenues? c.) should the Town and City request a voice in how their communities are marketed by the TDC? d.) how should the impacts of tourism be shared by the county?

Gary Price gave a short history of the TDC. State statute says that the county has one appointment (chairman of TDC), the largest city (Cape Coral) has one, and the other municipal appointment rotates through the rest of the cities. Sanibel, Captiva and Fort Myers Beach contribute about 60% of the bed tax funds. Over 53% of the money collected goes toward advertising and promotion, over 13% for retirement of debt on the baseball stadium, and 33% goes for beach and shoreline improvement.

Mr. Reding expressed his opinion that the two municipalities should ask for seats on the TDC since 3/5 of the revenue comes from them. Since big population centers are not necessarily big tourist centers, he felt that it would be appropriate to ask for an amendment to the state statute so that it would apply to other counties besides our own. Mr. Kain, who has been Sanibel's representative on the TDC, stated that city representatives have a different point of view than tourist centers. He often felt like the odd duck on votes. He looks at natural resources, preservation, nature, impact, traffic, and crowding, while the others look at the health of the hospitality industry. Neither viewpoint is wrong, but they just see with different eyes.

Mayor Cereceda said that the TDC is working within certain parameters which they have been given, and we can't fault them for operating within those parameters. Mr. Roosa confirmed that state statute allows for only 9 seats. There are two municipal representatives, and one is always from the city of highest population. The second is selected from the other cities but it doesn't say they have to be rotated. In some counties this arrangement may be good, but in Lee it is an injustice. He felt that it would be worth the effort to try to provide a mechanism for greater representation, but he did not feel that the political likelihood was good. In the meantime, he proposed a legal remedy through a resolution for the county commission that

would direct the selection of representatives. Rather than assigning only one member as delegate, there would also be 3 alternates. The first alternate would have voting authority if the delegate was absent. If the first alternate was not in attendance, the vote would go down to other alternates. All three would have participation rights in the discussions.

Mr. Madison asked if under state home rule, the statute could be amended as it pertains to Lee County, but Mr. Roosa replied that you cannot have an exception to general law. Mr. Kain said that non-member input is taken at the first of the TDC meeting, but it is not allowed item by item. Surely that could be changed within the TDC. Regarding alternates, there is a need for continuity because some issues require studies and committee work and some time may pass before a vote is taken. Alternates would have to be in tune and fully engaged to do a responsible job. Mayor Davison said it seems clear that they all believe they should have voting representatives on TDC as an ultimate objective, but they need to start the discussion at the county level. The question is whether to adopt Mr. Roosa's proposal first before going to state. Participation on the TDC is fine, but it is well short of having a vote. Mayor Cereceda asked if it would create chaos to have all the cities represented on TDC. Would everyone want their own things instead of working for the good of the industry as a whole? Mr. Kain was not sure that Sanibel and Fort Myers Beach would agree on everything because they are very different. He does not think it would end up being the cities vs. industry. Mr. Reding said that since the funds come from the coastal areas and are dispersed to the coastal areas, representation is absurd the way it is currently. The statute may need to have two standards. If we don't try to change how it is done in other counties, it may not be an obstacle, and the only way to know is to try. Mr. Janes stated that he is not opposed to legislative relief, but he doesn't think it would pass muster to treat some areas differently from others. The other problem is our legislative delegation, which may not even support it because they have more voters in Fort Myers and Cape Coral than on these two islands. If the proposal appears before legislative committees, and you don't have the support of your legislators and major cities, it is not very likely to get passed. He also pointed out that even with increased representation on the TDC, the islands will still be outvoted and he fears it will only stir up a confrontational state without accomplishing what we want to do. Are we trying to get a larger share of the pie? If we only want our voices heard, there are other ways to do it. Why not look at the makeup of the TDC itself in light of geography. Someone on the TDC has to own a hotel, but it does not have to be a downtown hotel. It could be island hotel owner. Mayor Cereceda said that although Fort Myers Beach has two business people on the TDC, and she thinks they are doing a great job, she thinks she would bring a different perspective to the TDC than they would.

Marsha Segal-George suggested looking at goal #4 which gets beyond the TDC. Perhaps TDC is not the answer and there should be another mechanism for the whole county to address the impacts of tourism and not just the island residents. An example is the Town's trolley situation. The Town recently had to expend money to increase the trolleys. They asked TDC for help, but they determined they legally couldn't. Then they decided that they could legally, but their policies don't allow them to help. So they agreed to create a subcommittee to study the problem. Now the season is over and the Town still hasn't heard from the subcommittee. The real question is why we have a problem. Is it caused by seasonals, day trippers, or residents? We want someone to help us determine fairness. Mr. Janes said we have a problem with the mechanism to assist tourism. Tourist funds are used to pay off bonds for a baseball park, but you can't get a bus to move the tourists around. People come to see the beaches, not Cape Coral. It is a much deeper issue than just more representation. Mayor Davison suggested that TDC members, who are BOCC appointees, reflect community input. Let two or so be chosen by Sanibel, two or so by Fort Myers Beach. Those citizens would in fact represent the city as a whole. Mr. Reding said it is a good suggestion but does not go far enough. Mr. Madison said he thinks Mr. Roosa's resolution is a reasonable first request. Once this is implemented, they can move forward to something else. Don't go for a major change that will probably go down in defeat. Be reasonable so no one will get defensive. Mayor Davison reminded them that 40% of the money does come from other locations and that tourism is a factor in the other places too. We don't want to give the impression we are the only ones. Mr. Murphy said he is not against representation on TDC, and we all know the good things that TDC does, but we need to identify the negative impacts of tourism, such as the problem with trolleys. It would bolster the municipalities' case if they were identified and could show the reasoning behind the requests.

Elaine McLaughlin, executive director of the TDC, spoke about the representatives who are now on the board, all of whom are BOCC appointees except the city appointments. Three represent collectors of the tax (Scott Siler from South Seas Resorts, Roxie Smith for small properties, and Solomon Cokes who

represents inland property); Will Prather represents arts and entertainment; Fran Myers represents retail business; and Joe McCully is in the restaurant industry. So Sanibel effectively has three, Fort Myers Beach has two, and inland has three.

Regarding Question #4, Mayor Cereceda said a dialog is necessary with the county on the impacts of tourism (daytrippers, tourists and seasonals), and whether these impacts should be addressed by TDC or Economic Development or some other forum. It is a separate issue from core level service and should be shared with the entire county and should involve the other cities. She gave an analogy that there is a party being thrown, we are the hosts, but we didn't send out the invitations and we don't know how many there will be and how long they will stay. But we have to address the burden. Traffic is our #1 problem. Our residents did not want us to spend the money for a trolley for the tourists. But they are here and they have to be addressed. Parking is another major issue.

Ms. McLaughlin said two things must be considered regarding the use of TDC funds. They cannot do anything state statute does not allow, and they must follow the Lee County Tourist Plan which says that 33% is earmarked for beach and shoreline projects, 13% on stadium debt service and maintenance, and the rest for promoting tourism. The money in beach related funds can only be used for that. The rest of the money is committed, at least until the stadium debt is paid off. Trolleys are not a legal expenditure, although to advertise on the trolleys could be.

Mr. Madison said they are wasting effort beating up on TDC when TDC does not have control of the dollars. Mayor Cereceda questioned whether it is adequate to share our concerns within the parameters of TDC, or if we should be making an effort to alter those parameters through the BOCC. Marsha Segal-George said we need to look further than the TDC. We need to look at the larger government. There are stresses on this industry that must be addressed through long-range planning. Any decision made by the county should ask what the impacts on tourism are. For example, how can we deal with a new major university that may create year-round Spring Break on Fort Myers Beach? Mayor Cereceda suggested perhaps a body to address those issues could be formed by the islands rather than by the BOCC. Mr. FitzSimons said the TDC is sending out the invitations but not spending enough funds to accommodate them when they get here. They are not getting a quality product when they are spending too much money on the invitations. People say they won't come back because traffic is so bad. Mr. Kain said that when using promotion money, more is not necessarily better. The increased number of landings at the airport shouldn't be celebrated if we can't cope with them. Solomon Cokes may say more is better because he is concerned with the inland hotel business. There are two points of view on same issue. Another debate is whether TDC should spend money on beach acquisition. He thinks it is the best investment, it is something the area will have forever, and he is sure the residents of Sanibel would agree. However, the vote at TDC was 8-1, because the rest of his colleagues see the benefit on spending money on the invitation. Mr. FitzSimons said it was safe to say that the residents of Fort Myers Beach would agree that beach acquisition was important. There must be a place for the invitees to land. Mr. Kain feels it is safe to say that the majority of the BOCC will agree with the more-is-better viewpoint.

Bruce Rogers, planning director for Sanibel, said it is important to look at the large picture of tourism. You have a much healthier tourist economy if you are attracting a large number of repeat visitors. If all you are attracting is first time visitors, then you are having a declining industry because you are not holding up your promises in advertising. What is being advertised are the natural assets that Lee County has to offer. Sanibel's plan is based on the first priority being protection of natural resources, through acquisition or otherwise. For example, sometimes you need to limit access to that resource in order to protect it. Ding Darling is the single most visited national wildlife refuge in the U.S. Some years back the managers recognized that with more and more people, the wildlife was being threatened. After a study, the refuge is now closed on Fridays. The gates don't open as early because the birds are feeding near the shoreline and drive and the activity puts stress on birds. Big diesel buses are no longer permitted. You must protect the resources being advertised and strike a balance, or you will have a declining tourist economy. He gave another example regarding traffic. He talked to a first-time visitor who promised that she would never return because of the traffic. Some see that as a defeat; others look at it as a good thing. Mr. Price said we need to learn from history. If you sell tourism and don't manage the resource, they are gone. Mr. FitzSimons said that you must have management and protection of the resource that is publicized. Sanibel has a head start, but unfortunately Lee County left Fort Myers Beach with a heritage that we can't deal with.

Mr. Roosa said that since TDC is committed to the Lee Tourist Plan, it seems that is the area that we should do something about. We could hold public hearings on it and make recommendations for change and take them to the BOCC. Mr. Kain said that it is important to remember that 33% of the money is going to good causes for preservation. The money is well-spent and we don't want to leave the impression that TDC is not sensitive to the value of our resources. The issue might be what is a more appropriate division.

Ms. McLaughlin wanted to clarify some points. TDC is concerned with natural resources and works to maintain and improve the infrastructure. The work of the Visitor and Convention bureau is to promote the off-season period. Winter weather up north will always impact the major months, but they are trying to balance the seasons and keep people employed year round. She feels that their efforts are working and it is now the exception that people are laid off in summer. She noted that people who visit in homes and with relatives, day trippers, and seasonals do not contribute to the bed tax. The impression is that hotel-based tourism causes all the problems and should pay full freight. Perhaps the burden should be shared by more than just the hotel registrants. She also stated that repeat visitation is going up, not down. Most tourists come from New York, Chicago, etc. and they are used to sitting in traffic there too. Our perspective on traffic may be different from the visitors perspective.

Mr. Price said knowing who is causing the traffic would be nice, but it doesn't matter to a bird that is disturbed whether he is being disturbed by a day tripper, a seasonal, or a tourist. Mr. Madison said that just because they sit in traffic and still come back does not make it right. We need to look at the quality of life of the residents, too, and make it look the way we want it to look.

Mr. Reding suggested going forward with Mr. Roosa's resolution but also incorporating Mr. Janes' suggestion in order to deal with TDC. As a separate issue, they need to take on the bigger issue than just TDC and the buck stops at BOCC who set the policies. He feels that Ray Judah is the lone voice who is intelligent and thoughtful about looking at the future for this area. Mr. Reding stressed that he is pro development, but not in the way it is being done now because of a majority of the commissioners.

The two councils agreed that traffic and acquisition of resources and other big picture issues must be addressed through the BOCC. The councils should pass the resolution regarding TDC and then ask the BOCC for time on their agenda and make a presentation to them and ask them for help in solving the problems. Mr. Roosa suggested that the council members should be given copies of the Lee Tourist Plan to review, and then hold public hearing before going to the BOCC.

Regarding the attempt to change State legislation, it was agreed that it was too late in the legislative season to have a chance this year.

David Bessey, director of the Sanibel Chamber of Commerce said that the TDC cannot be the whipping boy. The TDC takes in \$8 million in tourist tax and he feels we get a good return on the investment. He feels that the TDC is very responsive to the Chamber's needs. He thinks it is imperative that there must be a traffic study.

D. J. Petrucelli, President of the Greater Fort Myers Beach Area Chamber of Commerce, said there was a traffic study in 1991 or 1992 in conjunction with the CRA project, but it was an origination and termination study only. The major complaint they get is traffic. People say they will never come back, but they still come back. His chamber has a good relationship with TDC.

The two councils decided that Marsha Segal-George and Gary Price should work on a position paper to be presented to the TDC and the BOCC.

The council members took at break at 10:50 AM and reconvened at 11:10 AM.

#### **IV UPDATE ON PREVIOUS AGENDA ISSUES**

##### **A ACQUISITION OF OFF-ISLAND BUFFER LAND**

Marsha Segal-George reported that Sanibel and Fort Myers Beach had submitted a joint application for a TDC grant to purchase Bunche Beach, but it was ruled legally impermissible. Both councils have passed resolutions regarding this land. Dr. Rob Laughlin, Natural Resources Director at Sanibel reported that they have been trying to look at other ways to acquire the land. They looked into adding this to the CARL program, but because the Estero Bay project is ranked 6<sup>th</sup> and is already in the money, the state did not recommend this approach. They want to actively pursue the Estero Bay project

because it is in imminent danger of development. So he is looking at other state and federal grant programs, such as Florida Communities Trust, Save Our Rivers, etc. He has gotten a good response from other entities in the county (such as DEP) and will be drawing on these to get the best chance at acquisition. The 1300 acres of Bunche Beach are not in either of the two municipalities' borders, so we must have the cooperation of Lee County and they must be the sponsor on all grant applications. The next step is for the BOCC to approve their staff spending their time and energy on the grant applications.

#### **B HURRICANE PREPARATION**

Marsha Segal-George reported that Sanibel is much further down the road on this than Fort Myers Beach. She has discussed this issue with Gary Price, and expressed an interest in the concept of an off-island center. Sanibel is trying to locate a place and the Town would be interested in going in with them and renting space. Gary Price said that he has been negotiating for a site and is excited about the potential and will keep Marsha Segal-George and the fire districts advised on the progress.

#### **V DISCUSSION OF LEE COUNTY'S REQUEST FOR APPROVAL OF COUNTY-WIDE MSTU TO FUND THE 2020 LAND ACQUISITION PROGRAM**

Mr. Price reported that this request had been received from the county attorney. They want to have a separate line item county-wide and all four cities would have to agree to be taxed. The County has already appointed a committee (they didn't accept Sanibel's recommendation for an appointment), and the question is whether any of the money will go to benefit our part of the county. He feels they are adding insult to injury by asking us to support an MSTU so they won't have to increase taxes. However he thinks they need to be concerned about not supporting 2020 so the commissioners won't use that as an excuse not to enact it. Sanibel already has a land acquisition program of about \$700,000 a year and it has been very successful. This would be on top of that but not controlled by the city in any way.

Mr. Reding, an original member of the 2020 committee, feels that the majority of the Commissioners are opposed to public land acquisition, and are therefore at cross purposes with the majority of residents in the county. Their position has not been changed by the referendum and they are influenced by development interests, so he thinks they are looking for an opportunity to get out of it. If we make the mistake of not going along with the MSTU, they will use it to say that the cities don't want it, particularly Sanibel and FMB, and they will not enact the program. Mr. Kain asked if there is any opportunity to shape the program and have a voice for more responsible use of the funds. Marsha Segal-George said that she has talked to Ray Judah and he is concerned that if we try, it will be viewed as a way to make this go down. He thinks we have to take it like it is in order for it to move forward. Mayor Cereceda asked if we should communicate with Cape Coral and Ft. Myers to help the chances for passage. Mr. Roosa suggested making a public statement in the form of a letter or resolution.

#### **VI FUTURE AGENDA ITEMS AND MEETINGS**

Bunche Beach, hurricane preparedness and tourist development are all still open issues. Mr. Price suggested not setting a specific meeting but letting he and Marsha Segal-George meet and work out the details. Everyone agreed that the meetings have been helpful and suggested holding annual meetings to maintain communication.

#### **VII ADJOURNMENT**

The meeting was adjourned at 11:50 AM.

Respectfully submitted,

Peggy Salfen  
Recording Secretary

Per telephone call from Sandy on 5/8/97, the following changes to the minutes were made by the Sanibel City Council:

Page 1, agenda item II: Delete the entire sentence after the heading.

Page 4, paragraph 7: David Bessey changed to David Besse.

Page 4, last sentence: Rob Laughlin changed to Rob Loflin