

FORT MYERS BEACH
SPECIAL MEETING: WORKSHOP
JUNE 27, 1996
Nations Bank, Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA

I CALL TO ORDER

The meeting was opened on Thursday, June 27, 1996, at 6:30 P.M. by Anita T. Cereceda, Mayor. Present at the meeting were: Anita T. Cereceda, Mayor and Council Member; Ted FitzSimons, Vice Mayor and Council Member; Council Members Rusty Isler, Ray Murphy, and Garr Reynolds; and Marsha Segal-George, Town Manager.

II PLEDGE OF ALLEGIANCE

All assembled recited the Pledge of Allegiance to the flag.

III PRESENTATION BY COUNTY STAFF

A. CHARLIE GREEN, LEE COUNTY CLERK OF COURT

Mr. Green answered Mr. Roosa's question about whether there is a way Fort Myers Beach can procure some of the proceeds from traffic tickets written on the Beach. Should the Town have a special master (perhaps shared with Sanibel)? He answered that the municipality where the ticket is written usually gets the revenue from fees collected, after the clerk's fee is deducted. He suggested we talk with Lee County to come up with an interlocal agreement or ordinance. Our tickets are written by the Sheriff's office under Statute 125. He brought copies of the new traffic statutes. Mr. Green's question is how many tickets will be issued by the Sheriff's office. Most tickets in the county are issued by the Highway Patrol, followed by the City of Fort Myers, then Cape Coral, then the sheriff. This would include parking tickets at the county parks.

In addition to traffic citations, he thought the Council might have some questions about the clerk's office. He brought a fee book that covers their fees and duties. They also have an extensive computer setup which the Town can use to access court dockets, public records, land records, plats of condos and subdivisions, deeds, mortgages, liens, etc.

B. LEIGH FRIZZELL HAYES, SENIOR STAFF ATTORNEY FOR THE TWENTIETH JUDICIAL CIRCUIT

The Twentieth Circuit includes five counties. There are thirty-three judges of which twenty are circuit judges and thirteen are county judges. Six of the county judges and ten of the circuit judges are sitting in Fort Myers. Judge Hugh Starnes is the chief judge and Doug Wilkinson is the court administrator who is responsible for the day-to-day operations. She advised that the Council should sit down with Doug Wilkinson when we write our ordinances, to see how they will impact the courts. (The best law is one which requires the offender to pay for an ordinance violation rather than going to court, because the municipality gets the money faster and the court doesn't have to hear the case. If it goes to court, the court costs will have to come out of the fines.) Her office works with judges who have cases pending before the courts (drafting orders, doing research, handling appeals from county to circuit court, etc.) They also have an administrative function (negotiating contracts with attorneys when the public defender is not available, etc.) They have a citizen's dispute program which uses a free volunteer mediator (which is not binding), and a mediation department (which is binding) which allows the judges to handle a larger case load. They have a witness management program so that police officers can call in to make sure they are still scheduled for court appearances. They have probation and supervised release programs. In addition they have a domestic violence department and also a pro se litigant program, which helps people who are going through a divorce figure out how to access the system without an attorney. They will be most involved with Fort Myers Beach on code enforcement and ordinances. Their budget comes from the state (less than one half of one percent of the state budget) and it is supplemented by the county (which pays for some salaries and court-appointed attorneys, and for programs such as citizen's dispute and mediation). All the judges, secretaries, judicial assistants, and the court administrator are state employees.

C. BILL FUSSELL, LEE COUNTY TAX COLLECTOR

According to Code Enforcement, there are 191 mobile homes on Fort Myers Beach (126 at Red Coconut, 10 at Island Bay Marina, and 55 at Gulf View Colony.) If the mobile home is on the ground on their own land, it is not included in this count—only those that are on rental property. Mobile home fees are collected by the state DMV. The state keeps \$1.50 per tag (you need two tags for a double-wide unit) and sends half of the remainder to the school board and half to the county commission. (In the cities, the second half goes to the city and the county gets none.) Since the average tag is about \$65, he does not expect that the town will receive much revenue from this source. Anything added to property, such as an air conditioner, screen room, slab, etc. is on a tangible tax if it is on rental ground. If they own the land, it is considered real property. The distributions we will be getting from his office are mostly from real estate and tangible tags. His office takes in half a billion dollars per year, mostly property tax, then car tags, garbage, tourist development tax, etc. There are 424,000 parcels plus 60,000 tangibles on their rolls. Ad valorem taxes are distributed two times in November, two times in December, two in January, and one time in February and March, usually on the 15th and 30th of the month. Probably 75% will be paid by the end of December.

IV SOUND SYSTEM

Rusty Isler spoke about the need for a new sound system. He originally thought we could get more speakers and solve the problem, but it will not work. He spoke with several sound experts and found that we have too many mikes open, the speakers are too small, and the amp is inadequate. He feels that we wouldn't see a lot of improvement unless we replace the whole system. Sanibel spent \$7000-\$12,000 to fix their sound system which has 14 mikes. He received one proposal for \$5600 including labor, and another proposal for about \$2500 for the hardware if we do most of the labor. The new system would give three times more output. We have about \$700 invested in our system now. He would like to return the current equipment to Radio Shack in trade for four speakers. The amp is all one piece (it includes a 300-watt amp with eight channels, an equalizer, and each microphone is adjustable) so it is portable and could be used for town functions. He recommended getting one radio microphone so that a speaker could walk around if making a presentation, but getting goose-neck microphones for the council members. There was a discussion about whether the town should keep the present equipment to use for the LPA, but Mr. Isler thought that the LPA problem could be helped just by putting an external microphone on the tape recorder rather than using the internal microphone.

Motion: Rusty Isler moved and Garr Reynolds seconded that the Council spend up to \$3000 to replace the sound system. The motion passed unanimously.

Discussion: Mr. Reynolds did not think they should vote on this without more time to think about it and discuss with more people, and that perhaps the Town should spend a little more and get a better system. He would like it to be postponed until the next regular meeting. Mayor Cereceda felt that it is somewhat of an emergency and should be taken care of now, preferably before the workshop on boating ordinances on July 11. Mr. Isler felt that he had already talked to enough experts and heard the same diagnosis from all of them, so that if the Council postponed the decision, he wouldn't have any better proposals to present to them anyway.

V CONTINUING DISCUSSION OF BUDGET ITEMS

The typos have been fixed and the budget republished. There will be copies at the library and at the Town Hall for the public to review. There is also a copy at the Print Shop where the public can buy copies for \$3.74. A line has been added to fund the work of the charter review commission, and some of the Town Manager's salary has been moved to the LPA as has the line for the transcription of minutes. There are still issues for the Council to decide, such as whether to go with private sector bidders or the county on things like road maintenance and code enforcement.

Why are Marsha Segal-George's bar association fees included in the budget? Because it was part of her contract negotiations.

Why are the figures such odd numbers? Doesn't it imply more accuracy than is really there? The reason is because they started with the revenue figures and tried to get them as precise as possible. Then when you take 95% of those numbers, you start getting odd numbers. Since expenditures need to equal revenue, it caused more odd numbers.

Should we delete some of the “taxable values by land use” that do not apply to our Town? It is a county document, so the staff did not feel it should be modified.

Concerning the municipal utility tax, the county is proposing a 3%-5% franchise fee, and if they do implement it now, they could not impose it on the incorporated portions of the county. If the Council decides to include the municipal utility tax in the budget, it would raise taxes, but only to the level that the residents would have paid to the county if they had remained unincorporated. Marsha Segal-George said that it is up to the Council whether they want to include it or not. If they don’t want to include it, it will be dropped from the budget and the staff will adjust the expenditures to balance the budget. They only need to give FP&L 90 days notice before the money will start flowing. The staff has only included the FP&L tax in the proposed budget, but the Council can choose others such as telephones if they wish. If the county becomes a charter county, then they will have more authority regarding taxing the municipalities. Marsha Segal-George thinks that the Council should pass an ordinance on potential revenues in order to stake out our territory before the county does. Even if the Council never decides to go with any of those revenues, it would preclude the County from imposing them on us.

Concerning the Long property, Mr. Isler said it is not clear what the property will be used for if we buy it. He said perhaps it could be rented out and generate some income until the Town decides whether to make it a park or whatever. He wonders if the Historical Society should be the one to manage it. Marsha Segal-George would like to see it converted for use as soon as possible. There is grant money that can be applied for in order to do rehabilitation to the site. The current status on the property is that the Estate of Florence Long is not planning to oppose the historical designation. The property did not close at the last deadline and the staff does not believe there is any money at risk on the contract. The Town should get an appraisal on the property in about a week.

Mr. Isler mentioned that the comprehensive annual financial report seems to be overwhelming to some cities. Since the staff has no experience in filing the report, they don’t know how much of a concern it will be. Perhaps our small size will make it easier to file.

Mr. Isler asked about the statement that “all property is assessed at 100% of real value, which approximates 85% of the market value.” This is in the statutes and John Gucciardo said that one explanation is that it means the value of your property on the open market less your selling costs which would give you the actual value of your property.

Mr. Isler also asked to clarify the statement about the Save Our Homes Property Tax Initiative that limits growth in assessed values for continuously occupied homesteaded property to 3% per year. Does this mean that it excludes commercial establishments, second homes, rental property, etc. and that their appraisals can rise more than 3% per year? Yes.

Why is there no cash carryover in the budget? Will there be any? The staff does expect to have some, but they don’t know the figure for it. Once the town gets a software package, they can get better historical information and it can be added later. The budget does make reference to the \$500,000 that is in Tallahassee that has not been tapped yet. There is also no reference to the \$247,000 that is with DOT for this year’s road maintenance.

When the budget refers to state revenue sharing, it refers to the state gas tax and the cigarette tax. There are two different cigarette taxes at different rates.

On page 9, shouldn’t “debt repayment” say “Long Property” instead, in order to be more clear? It is explained fully in the narrative that follows.

The \$50,000 budgeted for animal control is estimated very high because we do not know how much it will be yet. The Humane Society’s list of services includes picking up animals, investigating claims of abuse, responding to calls about raccoons, etc. It does not include road kill or picking up dead sea creatures. The staff will have a meeting with Public Safety next week to consider joining with Cape Coral, Fort Myers and Fort Myers Beach to create a power group to negotiate with the Humane Society to get a better bid for services.

The \$500,000 that is in Tallahassee is making about \$6000 per year in interest. Are we going to retire any of this or not? Since there was a \$4000 fee to set it in place, we do not want to get rid of it too soon. It is only a one year rate and we are negotiating for a better rate. Is there a limitation on how long we can keep the money? Marsha Segal-George feels that we should be able to roll the note and it wouldn’t cost another fee.

The \$20,000 that is proposed for Human Services - does anyone else provide this service, such as soup kitchens? The county has a small budget that is used to fund various service agencies. The staff does

not have a good feel for what is available on the Beach. Marsha Segal-George is planning to meet with the organization of ministers and priests on the Beach to see what needs of the town are not being addressed already. The town attracts transients and the churches are always getting requests for aid. The reason it is in the budget is so that when the Council is faced with requests, they would have some money to grant to the interfaith council so the Town Council would not have to address each request individually. In the past the beach was included in the population calculations for Community Development block grant money for Lee County, and based on the population of the beach, we would be eligible for a grant ceiling of \$600,000 if we submit our own block grant.

Mr. FitzSimons mentioned that he has a problem with the community development budget, and the staff agreed. They are working on other options, but in order to get the budget prepared, they had to go with this figure. The County's bid is \$325,000 to have them continue to do building inspections, code enforcement, etc. and in addition they keep the fees. We are still trying to get some historical data on what fees they have been collecting.

Vi CONTINUING DISCUSSION OF POLICIES AND PROCEDURES

John Gucciardo asked if the Council wants business cards, and if so, they need to let him know what information they want on the card.

The staff is working on wallet and clip-on IDs for the Council in case of emergency.

Mayor Cereceda has been watching Wilbur Smith and he runs a good meeting. Does the Council want her to be more formal? Wally Kane, past mayor of Sanibel, had given her the advice to be careful about dress, etc. so that you do not alienate the public. Other public meetings announce the date, attendees, time, etc. The Council felt that it would be a good idea to have that information on the taped record, and it would also set the tone for dignity. Also, should each member be polled for the vote individually? Should the motion be restated just before the vote? No consensus was stated by the Council on these two questions.

Mr. Isler suggested making name plates for guests who come to make a presentation.

Mayor Cereceda feels that if a podium is used, it should be placed so that public input is for the Council's benefit, not the public's.

VI ADJOURNMENT

The meeting was adjourned by Mayor Cereceda at 9:07 P.M.

Respectfully submitted,

Peggy Salfen
Recording Secretary