



# The Fort Myers Beach **TIDELINES**

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EDITION

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# For the RECORD **OPINION** A MATTER OF TRUST

By Lee Melsek

Councilwoman Jo List has done some good things from her seat in our local government. She's taken on some projects that deserve all of our admiration. Her on-going work with the kids at Beach Elementary School defines commitment to our community. She's been introducing the kids to government, bringing them into Town Hall and Town Hall to them at the school. That's something that Civic Association's like ours are advocating across the country.

But List needs to think much harder about what she'd doing on voting to expand outdoor entertainment on our island.

People who accept the public trust by ascending to public office need to avoid even the appearance of conflict of interests. In Florida, Judges are required by law to not only stay away from outright conflicts but to avoid even the appearance of conflicts. That means anything the reasonable person could perceive as a conflict.

All other public officials should do the same, if not by law surely by conscience. After all, it's a matter of public trust.

With that in mind, it's time the councilwoman stopped using her council seat to help her friends in the entertainment business and the businesses that hire them and her. Those votes don't make her a bad or corrupt public official. Believe me, I have covered some truly corrupt public officials over the years and Jo List is not but those votes do demonstrate a lapse in judgment, one that she needs to deal with some serious introspection.

Increasingly, this council is expanding outdoor entertainment, much of it within or on the periphery of single family neighborhoods. They are allowing places with indoor entertainment to bring it outside, too often near the front yards of private homes.

List, an entertainer herself who does gigs in various spots on the island, is one of the council leaders at advocating this expansion. Her votes may not violate the letter of Florida's ethics law, which have been so watered down by the state Legislature over the last 20 years there is little left of the high standards they once represented. But that doesn't make what she's doing okay. What she's doing certainly creates the appearance - and odor - of a conflict. Each time she and the council approve another outdoor venue they are creating more venues for some businesses and entertainers, who pay List for her own gigs.

That certainly has raised a perception of conflict for her among many folks I hear from. She needs to bow out when outdoor entertainment issues come before her council, especially ones involving businesses where she even occasionally entertains.

Unfortunately, her latest votes on expanding outdoor entertainment isn't the first time she's triggered questions about her voting habits. Last year, she voted on a legal issue in a way that benefited her landlord without publicly disclosing that relationship. Landlord-tenant relationships are financial relationships. She should have abstained, or at least revealed it publicly before casting her vote. Instead, she created for herself the very reasonable perception of a conflict of interest, in this case, helping her landlord from her council seat.

## Lawyers Welfare

Our town council has earned a new name. Let's call them the Legal Aid Society.

No, not the one that helps poor folks get justice. This bunch is special. They help lawyers get money. Preferably the ones in big firms.

During their vendetta against our Library District the council

and a few residents dreamed up all sorts of nefarious allegations about how it went about planning and setting aside funds for its expansion project. The most serious: The library board violated the law by "over-budgeting" for their insurance and for the expansion, the council alleged. The library was obliged to get voter's permission to do the expansion, they claimed.

Their own attorney, Jim Humphrey, himself in a big law firm, seemed to agree with all of this even though his own firm had represented the library a few years back in its bonding process.

But some non-lawyers in the community, relying on little more than common sense, argued that the council and its town attorney were simply wrong. Besides, there was noting the council could do about any of this anyway even if it were true, which it wasn't, the library supporters argued.

There wasn't much doubt about that. The town has no authority over the library's operations. The library is a separate government, guided by its own elected board.

But the council, egged on by Mayor Larry Kiker and a small group of residents flinging all kinds of accusations, was pumped full of self-righteousness and morale indignation at the library. They were on a righteous high that was nearing orbit stage. Never retreat, their mantra seemed to be. So, unhappy with all the criticism they were getting, and by the library board's refusal to bend to their demands, they hired yet another law firm to investigate the library's budget and expansion process.

The council, it turns out, was all wet. The library was not required to ask the voters for expansion approval. And their budget process violated no laws, the firm has reported.

Yes, the library was required to file a "facilities report" on the expansion, the firm said. But everyone already knew and had agreed to that. That was done in December. Whether it was written to the letter of the Legislature's guidelines is a matter of debate.

The price tag for our taxpayers of this council vendetta and its generous lawyer's welfare program isn't all in yet. We'll keep you up on how much it cost all of you.



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## OUR MISSION

The Fort Myers Beach Civic Association is the island's largest home-based organization. Our mission is to make Fort Myers Beach the finest community in the Sunshine State. We do that with a single minded commitment to protect the environment, promote civic pride, support our town's comprehensive plan and vigorously insist on accountability in our town government. We are a non-profit association, have no affiliations with special interest groups and exist only to benefit all of the residents of our island.

# ANOTHER GREAT DAY THANKS TO OUR FRIENDS

Nowhere in Florida is there any town with more community spirit among its businesses and residents than right here on our island.

That was made clear once again this July Fourth holiday. When it's time to step up to the plate and help raise money and fund island events, it's hard to beat the folks who do it for all of us.

They're the reason why this Fourth of July was again such a huge success. They're the ones who gave thousands of residents and visitors alike a reason to line our beaches and boulevard to celebrate the nation's 235th birthday. They're the reason why close to 40,000 people jammed along our shore to join in the best celebration Lee County has to offer.

The Civic Association's parade and the Semmer family fireworks couldn't happen without those business folks. Together, they produce the finest Fourth of July celebration in the state. It's so popular even Miss Florida joins us each year.

It begins months earlier with fundraisers at businesses across the island to raise money for the fireworks show. It ends with an exhausted but happy crowd of revelers who know they picked the perfect spot to enjoy some holiday fun.

You need to know the folks who make it possible. After all, they're the real leaders of our island when it comes to stepping up.

Scott, Kathy and Valerie Van Selow worked hard at their Mermaid Lounge to raise money for the fireworks, and then pitched in cash of their own to make sure the parade marched down Estero Boulevard. Kathy and Valerie even donated time away from their busy lounge to serve as parade judges. This family's generosity has been helping our island for decades.

Marty Harrity at The Beached Whale and Doc Fords, and Bruce Cermak at the Surf Club, put their business stamps on the day, too. Their donations to the day and to the community are automatic, generous and annual.

The Kolar family at the Yucatan Grill joined the cause this year. They helped raise money for the fireworks and donated money toward putting on the parade. They also hosted Miss Florida and her court of queens at the end of the parade.

The Anglim family, owners of Mango Bay and Winds, were also a big player in making sure the island had the kind of day our nation's birthday deserves. They gave generously to the fireworks fund and the parade. And they donated the t-shirts the Civic Association sells each year to raise money for our Little League and youth soccer programs.

Mike Stanton at Charley's Boat House was a major donor with us

again this year also. Mike has long loved this island community and is always there for its worthy fundraisers.

The Pink Shell Resort Hotel helped fund the parade again this year, a generous offer from a company used to helping our town.

The folks at Dolphin Sunset Cruises joined us this year with raffle passes for sunset cruises.

And then there were the worker bees. Dennis Boback, who worked for months to put the parade together, and Pat Smith, who worked the staging area getting everyone signed in and lined up.

Last but not least, Bill Semmer, his family and employees, once again worked long and late into the night to put together the greatest fireworks show in Southwest Florida. They raised \$25,000 and put on a display that filled the night sky for 23 minutes and got a rousing show of appreciation from a crowd that had to be close to 40,000 people.

To the Van Selows, the Anglims, the Kolars, the Beached Whale, the Surf Club, Charley's Boat House, The Pink Shell Resort Hotel, Sunset Cruises, the Semmers, Boback and Pat Smith, a sincere thank you from all of us. These folks and businesses are exactly who it is that make our island a community.

We hope you'll show your appreciation by dropping by their businesses to say thank you. They're the kind of business people we should all be doing business with.

## *We're still growing*

The Fort Myers Beach Civic Association's membership numbers 250 households and well over 600 individual members. We mail Tidelines to each of those households and also to the five town councilmen, the five Fort Myers Beach Fire District Commissioners and the five Lee County Commissioners.

We Also put Tidelines in 30 beach businesses for distribution to the general public.

New memberships are coming in all the time and the board of directors hopes to reach 800 members by this winter. Our membership is open to all Fort Myers Beach Residents and Families. If you would like to join an organization whose members are diverse, civic minded and entergetic as volunteers please fill out the membership form at the bottom of this page and send a check for \$25. That's all there it to it.

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# TIME FOR A BIG APOLOGY

Our Town Council owes our library board and its director a big fat apology. But don't hold your breathe waiting for it.

The good folks at the library don't expect one and say they don't want one. They should. The council's unwarranted and petty verbal attacks on our library district over the past nine months or so were an embarrassment to our island and its government. This council smeared our library and its administrators.

It began last fall with Mayor Larry Kiker complaining about the fact that the library didn't have to pay the town property taxes. He suggested the library should have to pay the town some kind of fee for use of its resources.

Things seemed to escalate when library officials, told of Kiker's idea of collecting a fee, said they had no intention of paying the town such a fee. Suddenly, a small group of residents appeared at a council meeting complaining about the library's planned expansion and asking the council to help stop it. Kicker was more than willing to help. Backed by the small band of expansion protesters, the mayor began a winter-long witch hunt for anything he and the protesters could find to embarrass the library folks.

First, it was a little knows state law requiring special districts like our independent library district to file with the town a "facility report" of its plans. Never mind that the state didn't include any penalties for not doing so, or for not giving the town and county any authority to stop such plans. To Kiker and the rest of the council he had solicited for help, it was a horrible oversight that warranted great amounts of finger pointing.

Next, Kiker and his council publicly implied that the library board and its director might be guilty of all sorts of nefarious crimes. The library should have asked the voters for permission to expand, they decided. And, in its most vicious allegation, they claimed the library was actually violating the state constitution in its budgeting process.

Turns out, those claims were as shallow as a mud puddle in an afternoon shower. The law firm the town hired to check out the library's alleged crimes, has reported its findings. The library didn't have to ask for permission to expand. And as far as its budgeting process, it's all perfectly legal the law firms attorneys said.

Was this all a vendetta by a mayor who didn't like the library's rejection of his idea to pay fees to his government? It has that smell

to it, the rancid odor of vindictive politics.

Whether you agree with the library expansion or not, the actions of this council have been shameful, not to mention expensive, time consuming and downright shabby.

Now, just when they should be spending time working hard on planning the next budget, getting repairs to our broken water system started and figuring out how not to raise our taxes to the tentative 1.1 mil tax rate they've announced, they've taken the month of July off while Councilman Bob Raymond summers in his New Hampshire home.

The first order of business upon its return in August should be a resounding apology to the good folks who are giving us a library that even those opposed to expansion have called first rate. Let's hear it council.

Perhaps the council should have to dig into their own pockets to pay the legal fees for this vendetta.

## **Publisher: Civic Association Board of Directors**

**Editor in Chief - Lee Melsek**

Editorial opinions are those of the Civic Association Board of Directors.

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*Why have the mermaids returned?*

*Scott, Kathy and Family are back at the*

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# THEN AND NOW: A FORMER MAYOR SPEAKS OUT

By Lee Melsek

Anita Cereceda, the island's first mayor, remembers well the earliest discussions of the first council 15 years ago. The focus was planning, joining with residents to decide and put in motion what we wanted to be as a town.

"We could see clearly what we wanted to be. We wanted small town charm. Creating the Comprehensive Plan and the Land Development Code were my favorite parts of the job," she recalls. Keeping the government small was a big part of the future, she said. "We reduced building densities and building heights. The Diamondhead Hotel was the iconic image of what we didn't want."

Government Lite was a priority.

"I loved government lite. We really thought that by 15 years from then there wouldn't be much to do."

And now, 15 years later?

"We've strayed a long way from government lite. This government's become a machine you have to fuel with more money, more taxes."

Cereceda believes this council is too often ignoring the Comp Plan she helped create.

"The town is steering away from the plan. But only those paying close attention notice it. It's anarchy now. People can do whatever they want to do. The plan was so noble and we need to get back on track with it."

The growing bureaucracy at Town Hall also bothers her. There were five or six town employees when she served. Now, there are 55 full and part time employees.

"The more money we get the more we seem to spend. We didn't intend the town to have a large staff. The Mound House is costing us money because there's been a lack of direction. I think the Mound House and the Newton Park has become an arm of government. Everybody connected with them seems to have a project going in order to keep their jobs."

The council's latest proposal to expand alcohol consumption onto the bathing beaches also bothers her.

"I absolutely will speak out against that, she said. "I agree with our Land Planning Agency that it violates the Comp Plan and the Land Development Code. A small town atmosphere with drunken beach babes doesn't go together. It isn't about fairness, as the



**Anita Cereceda**  
Former Mayor  
Ft. Myers Beach

council claims. It's about what's right. They are two different notions. We discussed this issue early on. The consensus of that council was that there was enough alcohol on the island. It is logistically impossible to keep those drinkers in one spot on those beaches. The whole notion of this is ludicrous and potentially dangerous and it is just foolish."

If she were whisked back into the mayor's chair today, what would be her first moves?

"I would put the expansion of alcohol onto the beaches to bed. And I would work hard to rebuild the trust and confidence with the county. That's missing today."

How does she remember her time as an elected public official?

"Something comes over you when you get elected.

You think you know everything. Every day you have people telling you how great you are, how smart you are. It's like a drug. Only when you recognize it is not real, there's nothing special about you just because you have a title after your name, only then can you see things clearly.

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