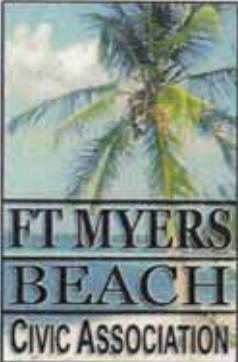


STOP MORE TOWN TAXES

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SEPTEMBER
2011
EDITION

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TROUBLED WATERS:

**Taxpayers Are Getting Soaked
In A Pool Of Broken Promises**

By Lee Melsek

Story on Pages 4, & 5

For the RECORD **OPINION** **BAY OAKS BLEEDER**

By Lee Melsek

Like the gambler at the roulette wheel chasing lost chips with fists full of fresh ones, the folks over at Town Hall seem to have their own affliction of throwing good money after bad.

The seductresses mesmerizing Town Hall are Bay Oaks Recreation Center and swimming pool. The more taxpayer dollars the town loses there, the more it throws at it the next year. The more members the center seems to lose, the more employees the town seems to hire for the place.

Council member Jo List said last month that Bay Oaks should be "sacrosanct" in any budget cuts. Sorry, Jo, but nothing in this government should be sacrosanct. Especially when it comes to the town's biggest financial drains.

I agree with Jo that the kids programs and the seniors programs should be saved. I agree with her this town can and should find ways to do that. But you can't make the rest of the center and the pool sacrosanct and expect to stop at least some of the bleeding.

I agree with her that government should provide parks for the public. But they must understand that once they do that they have taken on a huge financial responsibility that requires a lot of creativity and imagination to make it work without sticking taxpayers with outrageous costs. In other words, it's this government's responsibility to find ways to make those parks at least come close to paying for themselves. Surely there are other towns and counties that have done that. Why hasn't ours?

Jo and Mayor Larry Kiker keep saying that so many people tell them they want Bay Oaks. Okay, so where are they? The center has only 330 memberships. The pool, 453. There are 6,700 permanent residents of this town, a number that swells to over 43,000 in the winter months. And thirty percent of the center and pool members are from places other than our town. Those aren't the kind of numbers that convince the rest of us that there is a groundswell of demand for the center and pool. And memberships have declined in some programs since the town took over the center.

Simply put, the law of diminishing returns just doesn't seem to be understood by the folks entrusted with our public funds. Sooner or later, as the losses climb higher, this or some future council is going to be smacked in the face with the ultimate question: When is enough enough?

Alarm bells should be ringing

Frankly, I think some of this council has already begun to privately ask themselves that question. Unfortunately, they aren't listening to their own warning alarms. The alarms should be getting louder.

Let's face it, the county, with a lot of help from our council and the Build a Pool Foundation, really stuck us on the pool. We have to allow folks from all over the county use the pool because the county built it with countywide impact fees. That means it isn't just ours, it's the whole county's pool. And that means we can't charge off-islanders more to use it. My suggestion: Do it anyway. Charge much bigger fees to those who don't live here. The impact fee regulations were the county's problems not ours. If the county doesn't like that, let them threaten. Let's let a judge decide years from now if it's right or not. For now, let's take that bold step and make non-islanders pay more.

I've heard the arguments for continuing the loses. It's the town's responsibility to provide recreation for its residents, List and other supporters say. Yes, but it shouldn't have been everyone else's playpen too, not for a town as small as ours.

Former Lee County Manager Don Stilwell was pretty persuasive in taking the county out of the swimming pool and recreation center business and putting our little town in it. One of his master strokes was joining Commissioner Ray Judah in shifting their money-gobbling Bay Oaks Recreation Center and pool off of their budgets and onto our little town's budgets. They even used some well-placed political blackmail: Either take over the recreation center or we'll close it down, Judah told the town.

The alarm bells should have been sounding a warning of a bluff. But rather than negotiate a good compromise for both governments, our council fell for the bluff and committed our taxpayers to a bleak future of huge deficits. They never considered that there was no way Mr. Judah was going to anger some of his strongest island supporters by shuttering the recreation center. Not at the same time the county was spending our money to build a billionaire baseball team owner a spring training center. And the other four commissioner never even were asked publicly if they agreed with Judah's threat.

But instead of looking him in the eye, calling his bluff and telling him "I dare you," this council buckled, went comatose and fell for it.

So now young mothers and grandparents will take their kids to the

pool, teens will shoot hoops, seniors will play pickle ball and all of them will fork over the increasing fees the town will need just to help pay a little bit toward the light bill and the proposed new director's salary and benefits. And over at the pool, people from Bonita Springs and Estero and the other side of the bridge will use the pool for only \$3 a day, creating the need for more lifeguards and more maintenance our island's taxpayers have been stuck with.

Until the fees reach the point of diminishing returns. After all, how many dollars will those members be willing to spend for a few laps in the pool or an hour of deep knee bends. Especially in an economy expected to keep them watching their pennies.

The option for the town, of course, is to reduce the fees to attract more users. At least that would bolster their argument that the people want it. Then we could all see for sure how many people really want it.

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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YOUR CHANCE TO STOP MORE AND HIGHER TAXES

The town council is close to approving proposals to again raise the property tax rate and even create a new tax in the next budget. The public will be able to hear and respond to those and other parts of the proposed budget in hearings at Town Hall on Sept. 6 and again on Sept. 26.

The new tax rate and the budget must be approved by Sept. 26 and kicks in October 1.

The current property tax rate is .914 mills. The majority sitting on this council has already raised your property tax rate almost 52 percent in the past four years. If they raise it this year to the rollback rate of .95 mills it will be 58 percent higher than the rate they inherited. The staff has actually been asking for a tax rate of 1.05 mills. That would be 75 percent higher than the .60 mill rate this council inherited.

The town needs money and this council has shown little inclination to hunker down and settle for lower taxes, which would mean less property tax income. It's needed to make up for continuing shortfalls in other revenues such as gas and sales taxes and impact fees from the county. Huge losses at Bay Oaks and a generally expanding government also is creating Town Hall's appetite for more money.

A new tax also looks like it's coming soon.

There now appears to be a majority on the council willing to adopt a public service tax on islanders' electric bills, in their homes and at their businesses. That tax would kick in on bills of more than \$100 a month. The electric company will pass that tax on to its customers to pay.

The budget has outlined income and expenses needed to operate the town government of between \$5.8 million and \$6.1 million. Of that amount, \$2.1 million is for salaries and benefits. Another \$1.048 million

is needed to operate and maintain Bay Oaks and the swimming pool.

The town's payroll is also demanding more money. It has grown from \$1.3 million ten years ago to \$2.1 million now.

A majority of the council also appears willing to dip into the town's reserves to help cover deficits in the next budget. They are considering taking between \$200,000 and \$300,000 from the \$2.9 million in reserves. Only Mayor Larry Kiker seems to oppose doing that. Doing it would reduce the need for higher taxes and, perhaps, even for the public service tax.

The public hearings on the budget begin at 6:30 p.m. in council chambers on both Sept. 6 and Sept. 26. Copies of the proposed budget can be seen on the town website and at Town Hall.

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FOUNDATION'S PROMISE NOT KEPT

By Lee Melsek

Fort Myers Beach taxpayers are stuck with paying huge costs at the town's swimming pool because a local foundation didn't do what it promised.

Led by a group of prominent islanders in 1996, the Build A Pool Foundation vowed in newspaper ads and presentations to the Town Council that no taxes would likely be needed to operate and maintain the pool that the foundation was pushing for. The foundation promised it would raise private funds to cover those costs if the county built it and the town owned it.

The island's voters on November 7, 1995, gave a resounding no to building the public swimming pool. But the town's newly elected council persuaded the county to build it anyway. The council guaranteed in a 4-1 vote on March 18th, 1996 that the county would not have to pay the operating and maintenance expenses. The council made the guarantee after hearing the foundation's assurances that private donations would take care of those expenses. Council members said they were impressed by the Foundation's presentation.

But the money isn't showing up and town taxpayers are paying ever increasing costs to run the pool.

Former foundation president and treasurer, Kitty Taylor, told Tidelines last month she doesn't remember the promise to maintain and operate it.

But newspaper ads from 1995 through 2000 proclaim that promise several times.

The foundation apparently no longer exists. Meanwhile, pool revenues are declining while expenses and personnel numbers are climbing.

Costs badly underestimated

Taxpayers now are having to pay more than three times what the foundation told the public the costs would be. Operations and maintenance costs, the foundation claimed, would be \$78,100 a year.

As it turned out, that wasn't even close. The costs have been more than three times that amount each year, and this year's budget is four times more than what the public was told.

Next year's town budget for operating and maintaining the pool totals \$310,238. Over the past two years those costs totaled \$543,515, bringing the three year total to \$844,753. And that's just for the pool. It doesn't include the costs for operating the adjoining recreation center.

The foundation said its research found that \$53,500 would be needed for pool personnel costs. The new budget for those costs totals \$189,738.

The foundation also reported that \$24,600 would cover electric, heating the two pools, cleaning chemicals and insurance. The 2011-12 budget totals for those costs is \$127,000.

Revenues don't begin to pay the bills and town officials expect those revenues to decline again this year.

Broken promise is a public record

In November, 1995, the foundation's efforts to get the county to build a pool and the town to operate it next to Bay Oaks Park was generating controversy among beach residents. Because of that, island voters were given the opportunity to say in a straw poll whether they wanted a public swimming pool and pay the taxes it would take to operate and maintain it after the county paid to build it.

Taylor, the foundation chairwoman and CEO of Bay Beach Ventures at the time, told Tidelines she thought the foundation was only formed to get the pool built.

"Quite honestly, I didn't know that much about what they were doing. Fran Myers asked me to help out so I did," Taylor said. "I thought that when the pool was built it was over."

But one week before the vote, on November 1, 1995, Build A Pool Foundation members announced in a letter to the editor in the Beach Observer that their foundation would take care of the operational and maintenance costs. Here's what they said:

"This week the team received \$57,000 in unsolicited donations from the private sector. These businesses, organizations and private citizens see the need for a community swimming pool and are willing to pledge their support for operations and maintenance."

The letter was signed by Foundation members Fran Myers, Roxie Smith, Curt McIntyre, Debra McIntyre, Marion Harris-Barter, Jennifer Kaestner, Ellie Bunting and Karen Swanbeck.

Continued on Page 5



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"NO TAX WOULD EVER BE NEEDED"

By Lee Melsek

Again, in November, 1995, one day before the straw vote, the foundation placed a full page ad in the Observer and said this:

"It is very likely that with a concerted effort, the team could raise enough pledges from the private sector to fund the operation and maintenance and no tax would ever be needed."

On November 7, 1995, the voters rejected building the pool. The vote was 1,376 against the pool, 1,064 for the pool.

Former foundation member Karen Swanbeck said she left the organization after the voters rejected the pool.

"I backed out and was not involved. The voters had spoken and I did not pursue it," Swanbeck said.

Undaunted by the majority's wishes, the town council sided with the foundation and its promises to finance the operations. The council told the county it wanted the pool built anyway. Then-Councilman Rusty Isler told the council the straw vote shouldn't stand in the way of the pool.

In 1999, as the pool was under construction, the town council was suddenly faced with a stunning reality: Maintenance and operational costs, they discovered, would be three times what the Foundation's research had reported it would be. Further, the council decided it didn't have the people capable of operating the pool. So, it hired a Georgia management firm to do the job.

At the pool's September, 1999 opening, the foundation again promised it would continue to solicit funds to pay the costs. Sixty people, they announced, had become GEMS, contributors who were named Generous and Eager Members. The Foundation's members collected \$2,300 alone from people attending the opening.

Throughout 1999 the foundation continued its promise to line up businesses to contribute, newspaper reports show. Foundation members even hired a Fort Myers public relations and marketing expert, Susan Bennett, to show it how best to solicit. Bricks were also sold for \$45 each.

Current staff unaware of promise

Island resident Doris Grant, one of the Civic Association's board of directors, and her husband, Joe, bought a brick.

"I do remember we gave \$500 for a brick and it took a couple of years for them to finally get the bricks in place. We never got a receipt for the \$500 and I finally called Town Manager Marsha Segal-George and she verbally told me the \$500 was tax deductible," Doris Grant said. "We called repeatedly to get information from someone on the pool committee, I don't remember who, and they never would return our calls."

Former beach resident Lee Conger, who also served on the Foundation, told Tidelines last week she also doesn't remember much about the foundation's work.

"I just have no information for you on that. That was so long ago. I just don't remember much about it. You'd have to go to Town Hall," she said.

Officials at Town Hall, many of whom weren't here when the promises were made, say they have no idea if the money was ever given to the town. Town finance Director Evelyn Wicks, who joined the town in 2006, says she's never heard of the foundation's promise and hasn't seen any money from the foundation for the pool during her time with the town.

Town Manager Terry Stewart, who joined the town in early 2010, said the same thing. Wicks said some town financial records may be missing or in various storage units in other places.

Tidelines poured through newspapers from 1995 through 2000 and found no stories on Foundation donations to the pool operations.

Taylor said she can't imagine the money wasn't given to the town.

"I'm sure it got to the town," she said.

But she didn't know why the foundation stopped paying the operations and maintenance costs.

Pool memberships remain weak

Today, as the pool struggles to attract more members, the town pumps more tax dollars into it.

Memberships are mostly families, and most of them are only seasonal. There are few individual memberships, records show. Only two permanent residents and 3 seasonal individuals have both pool and recreation center memberships, according to town records obtained by Tidelines.

Another seven permanent residents and seven seasonal individuals have memberships only at the pool, those records show. Seasonal families are the biggest users. A total of 102 families who use only the pool have seasonal pool memberships. Only 36 permanent beach families belong to the pool.

Meanwhile, the new budget would increase operations and maintenance costs from last year's \$268,483 to next year's \$310,238.

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No new taxes. No increase in the tax rate. No cuts to kids and senior programs at Bay Oaks.

That's it, plain and simple. That's what the Civic Association board, and, hopefully, all economically stressed residents want from this council in September's budget hearings.

If this town government cannot live with what they've got, they're doing something awfully wrong.

The other day at a council budget workshop, Councilman Alan Mandel said something that we think demonstrates just how wrong-headed this council is thinking.

"It's really hard to make revenues match," the town's expenses, he said.

What? That's incredible! That's what he considers "Government Smart?"

Alan, it's supposed to work the other way around in a truly responsible government. You are supposed to be making the expenses match the revenues, especially in hard times such as these.

In times like this, taxpayers need leaders who aren't afraid to make the cuts needed to show people they respect what's happening to all of us in a lousy economy. Foreclosures and job losses aren't by-passing our little island down here in the tropics. People here are suffering just as much as they are across the rest of the nation. Hiring more executives and creating more departments isn't what this council should be doing right now despite the Town Manager's desire to do those things. Let's face it, government managers always want more money, and more employees.

Ten years ago the town payroll was \$1.3 million. Today, it's \$2.1 million and the Town Manager wants to grow it higher with a new executive this coming year. Five short years ago we had 26 employees. Today we have 54. If the town stays on the same hiring pace, we'll have 100 employees in five years. That's an eye-popping testament to how big what was supposed to be Government Lite is expanding.

It's time to say whoa. It's time to fold this town government back.

And it's time for this council to stop the ludicrous practice of deciding a budget at the eleventh hour, as they are doing right now for the fourth straight year. Each year, Councilman Bob Raymond talks about starting budget planning in October, and each year that doesn't happen. What happens is this council doesn't get serious about our financial matters until August, less than a month before the first of two state-mandated public hearings to approve both the budget and the tax rate.

Better budget planning needed

Some council members, including our mayor, seemed unprepared, confused and even lost in Town Manager Terry Stewart's budget presentations last month. That wasn't Stewart's fault, and it shouldn't happen. But the fact is, this council has developed no philosophies, no policies whatsoever to deal with spending the public's money in bad times. That's incredible. When other governments are lowering their property tax rates or holding them at bay, as Lee County is doing, and are cutting expenses across the board, this council has done none of those things.

Not only will they be raising the tax rate for the fourth straight year next month, it looks like a good bet they will be creating a new tax on all of us - a seven or eight percent public service tax on your electric bills.

You'll pay that tax, not the electric company.

There is now a majority consensus on the council to adopt this tax, which the Town Manager has been pushing hard. It means many residents' struggles to pay their light bill will intensify. And we'll all be giving the town another \$278,000 over a six month period next year if its adopted and over a half million dollars the year after that. And what will they do with it? They aren't saying. Probably hire more executives, creating an even greater need for a new and expensive town hall.

Enough is enough! It's time to make the tough but correct decisions. It's time to hold the line on this government's seemingly unending obsession with expansion and start thinking about providing the core services, the basic things government is supposed to provide, without the frills. Fixing our streets and constructing a new and safe water system come to mind. And correcting the flooding problems that inundate too many of our neighborhoods with a few drops of rain.

If we need to balance this budget by using some of the money squirrelled away in reserves - dollars the taxpayers have already given this town in the past - so be it. If that prevents more increases in the tax rate and new tax schemes like the public service tax, then why the heck not! The Mayor doesn't want to do that. That's nuts. Fortunately, the majority of the council isn't so adverse to it. Those reserves total \$2.9 million. We're talking about needing only about 10 percent of that. The reserves are a rainy day fund. In case our mayor hasn't looked around lately, a dark economy is pouring rain all over us.

Forget new managers. Forget more departments. Forget another big increase in pay for the town manager next year. His employees haven't been getting one so neither should he.

Here's another simple suggestion. Send the employees at the Mound House, or at least those in the town's maintenance department, to mow the lawn at that tax-gobbling property. This town shouldn't be contracting lawn mowing to a private company. That's just another example of a government beginning to live too high on the hog while too many of the residents it's supposed to be representing have to mow their own lawns right now.

You will have your chance to protest this budget at 6:30 p.m. on Sept. 6 and again on Sept. 26 at Town Hall Council Chambers. Please don't pass up the opportunity.

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Editor in Chief - Lee Melsek

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

Opinions in the page two For The Record column and in Island Voices are those of the writers and not necessarily those of the board.

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.

MOUND HOUSE JUNGLE



What, no one at town hall has a lawn mower?

Seems the town's "showcase" attraction may be adding another feature for future tours. In addition to the museum and underground exhibit, gawkers can explore The Mound House Jungle. But they'll have to wait awhile. The place is closed - again - until the end of September.

The grounds are overgrown. No one's mowed it in quite a while from the looks of things.

As the grass climbs higher than town laws permit, the town is finding another way to spend your hard earned taxes. They're hiring a "landscape maintenance company" to mow the lawn.

What, none of those employees and archaeologists has a lawn mower they can bring down there? The place is only open 12 hours a week - when it's open at all. What are they all doing the rest of the time?

Is no one already on the payroll qualified to mow the grass? Why not our town maintenance crew?

Payroll records show there are eight maintenance employees, more than a third with titles. One is a foreman, one a maintenance crew leader and one is maintenance support. They're earning between \$40,000 and \$51,000 a year. Are we to believe that one of them can't take a little time now and then to mow the lawn?

Tidelines asked Town Manager Terry Stewart why the town maintenance staff can't mow the Mound House lawn and water the Newton Park plants. Here's his response:

"If the question is, does town staff have the ability to do this work, the answer is yes. We cannot however do the work with the current level of staffing without significantly impacting our ability to effectively handle the myriad other responsibilities and tasks on our plate. This is clearly an area where the private sector is a better option and helps us avoid creating more staff positions with all the associated legacy costs. While there are times when adding staff makes sense, I do not believe this is one of those times."

So there you have it folks. Neither a Mound House worker nor a town maintenance man has got time to run a mower across the Mound House lawn for an hour or two. Town management has to spend more of your hard earned tax dollars by hiring a private company to do it.

Wonder how many island homeowners who are hit hard by the bad economy are hiring companies to do their lawns?





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