
MICA WAVE

A Periodic Publication of the Marco Island Civic Association.
News and Reviews of What's Really Happening on Marco Island.

Read by Over 20,000 Members.

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May, 2005

2005 Issue 2

The Fleecing of the Marco Island Residents' Beach Members!

by Staff

As you know, the 2004 hurricane season brought four hurricanes to our area in just 44 days. With each of these hurricanes, the Marco Island Residents' Beach experienced damage which required extensive clean up, repairs and associated costs. The first hurricane, Hurricane Charley, delivered the most devastating winds to the property and required the greatest amount of debris clean up and repairs.

The Residents' Beach accumulated costs totaling \$38,507 associated with hurricane damage repair, which included debris clean up, moving benches and grading, sand removal from the boardwalk and handicap ramp, and chickee repairs/replacements. Unfortunately, none of the expenses were covered by insurance, thereby, requiring payment by the Marco Island Residents' Beach.

As many of you are aware, prior to September 1, 1994, the Residents' Beach was managed

by a separate corporation called the Marco Island Residents Beach Association (MIRBA). MIRBA had an annual contract with MICA, the property owner, to manage and operate Residents' Beach for \$1 a year. MIRBA collected an annual fee from members of the Residents' Beach in order to operate the property.

During the period MIRBA was managing the beach two major lawsuits took place. The first lawsuit was when the Marco Island Board of Realtors joined a lawsuit against MICA to open Residents' Beach to non-residents and short term renters; and the second lawsuit was filed against MICA and developer Jack Antaramian by Collier County claiming that non-Marco Island residents were being excluded from the South Beach parking lot. Because of the seriousness of both suits, MICA took charge of the defense and MICA's attorney was the defending

lawyer. MICA successfully fended off the Realtors' suit and to settle the lawsuit involving the South Beach parking lot, MICA agreed to give the County a portion of the property, now known as the Collier County Parking Lot at South Beach.

Unfortunately, MICA incurred legal bills of approximately \$40,000. Since these legal bills were directly associated with the defense of the Residents' Beach MICA asked MIRBA to reimburse MICA for a small portion at a cost of \$1,000 per month for 12 months totaling \$12,000. MIRBA refused to sign the annual lease with MICA and MICA took over direct operation of the Residents' Beach properties on September 1, 1994.

MIRBA still has approximately \$95,000 in residual funds which were collected from Residents' Beach members for the annual fee, which their bylaws state may be expended

Continued on page 6

**MARCO
ISLAND
HURRICANE
PREPAREDNESS
SEMINAR**



**Thursday,
June 2, 2005 - 6 p.m.
at the
Radisson Hotel**

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President's Letter

by Jim Arnold

Another season has come and gone, and now we begin our preparations for a, hopefully, quiet hurricane season! The new, updated "Hurricane Preparedness Manual" will soon be available and Marco Island's "Hurricane Seminar" will be held on Thursday, June 2nd, at the Radisson Hotel. Please attend to discover what you should do differently in 2005.

This past February MICA hosted a "MICA FEST" for our members. Entertainment by the Coasters was the main attraction, and there wasn't a still foot on the Green! As always, wonderful, lively pictures appear in this issue as proof of the fun had by all!

You'll notice at each event that MICA sells beverages. The net income from the sale of beverages is applied toward the cost of the entertainment. Of course, it doesn't cover it, but every little bit helps. Our thanks go to all those who continually support the events held at Residents' Beach.

MICA hosted two more seminars since our last newsletter, and attendance at both filled the room! Some very good suggestions were offered at our seminar entitled, "Marco Property Taxes are Going Up, Up & Away" by Maury Dailey,

attorney Chris Thornton, and appraisers Armalvage & Associates. City Manager Bill Moss and Public Works Director Rony Joel presented the "Marco Island Utilities Business Plan" in March where many questions from the audience were fielded and answered. MICA members are very concerned, intelligent, and inquisitive, and we thank you all for your interest in our community.

A MICA Board member for more than six years, Preston Mottram, has, unfortunately, resigned from the Board for health reasons. Preston served as MICA's Vice President for the last two years and as Chairman of MICA's Infrastructure Committee. We thank Preston for his wonderful input and contributions, and we wish him well.

As we lose one highly qualified individual from the MICA Board of Directors, we gain another in the appointment of Maury Dailey. Maury has been an active supporter of MICA over the years and this past season he assisted in coordinating two of the MICA seminars. He will be a great asset to your association.

I pass along the best wishes of the MICA Board of Directors for a terrific summer!

Beach Pavilion Update

by Lynn Bradeen

Hopefully, by the time you read this article, MICA received the building permit from the City of Marco Island, and you are seeing signs of construction. It is our hope to have construction of the beach pavilion completed by the end of the year.

MICA members continue to sign up in record numbers to have their names prominently displayed at Residents' Beach. This will be the last opportunity members and supporters of our beautiful beach will have to put their family names into the Residents' Beach history book.

Because of the overwhelming response to the beach pavilion fund raiser, the Residents' Beach Advisory Committee is considering a monument along the lines of the millennium fountain. We will keep you posted as the plans develop.

Placing your name on the granite at the Residents' Beach pavilion is a gift that will last forever. So please don't miss this final opportunity to have your name displayed at the Marco Island Residents' Beach.

Don't Miss the Last Opportunity!

The Marco Island Civic Association is pleased to announce that along with a new Beach Pavilion at the Marco Island Residents' Beach comes a very rare opportunity.

Granite slabs on the Beach Pavilion will be engraved with the names of supporters of the Beach Pavilion and the Marco Island Residents' Beach.

You may have your name engraved on the granite with a minimum of 15 characters and spaces and a minimum charge of \$450. Each additional

space is charged at a rate of \$30 per character or space.

THIS WILL BE YOUR LAST CHANCE TO HAVE YOUR NAME ENGRAVED INTO HISTORY!

Requests will be filled on a first come, first served basis. All net proceeds will be applied toward Beach Pavilion construction.

Simply fill in the spaces below with the inscription exactly as you wish it to appear on the column, enclose check made payable to "MICA-Residents' Beach" for the amount required and send it to:

MARCO ISLAND CIVIC ASSOCIATION
1770 San Marco Road, #204, Marco Island, FL 34145.
Telephone: 239-642-7778

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34

Name: _____

Mailing Address: _____

Telephone #: _____

Number of characters: _____ X \$30 = _____

TOTAL: _____ (Minimum charge of \$450 applies)

Our Waterways

by Vickie Kelber, Chairwoman, Marco Island City Council

The proposed draft of a Waterways Ordinance that came before City Council Monday, May 2, was just that: a rough draft. During the time allotted for public comment, it was evident that elements of the ordinance were viewed by some as “unfriendly to boaters”.

Clarification of our public policy process and a summary of broader waterways issues may be informative to Marco Island citizens.

The original draft was developed by the Waterways Advisory Committee and city staff. The City Manager first saw the document about one month prior to the May meeting and was uncomfortable with it

as written. While he faulted neither the Committee nor his staff, and would not do so in a public meeting, he believed the ordinance needed significant editing.

The City Manager first discussed his concerns with the Waterways Advisory Committee. He informed them that he and his staff would work on a new draft and then present the new draft to the Committee for further review and discussion.

He intended to explain staff rationale, attempt to attain consensus, and then forward both the Committee’s and staff’s recommendations to City Council for further policy discussion.

Typically, “rough” drafts are not presented at Council meetings. However, the City Manager met with me, as the Council Chairwoman, and expressed concern that the policy recommendations were becoming a “high-profile” issue, and that there had been no information provided to City Council. Since Council members were beginning to receive calls, letters and e-mails regarding this issue, but had not yet been provided any information, we agreed to place the latest draft on the Council’s agenda ‘for information only’, before another meeting with the Waterways Committee. Too

often, in the past, Council has been made aware of critical issues “after the fact”.

Prior to the discussion on May 2nd, Council and the public were advised that this agenda item was ‘for information only’ and the intent was to further discuss the revised draft at committee level and seek citizen input. The next step was to take the ordinance draft back to the Waterways Committee and other stake holders.

The draft did provide options for the duration of time of 72 hours for live-aboards, those who anchor and live on their watercraft. It also provided an option of 15 days with a permit. The optional 72-hour duration was not arrived at arbitrarily. While it might not be the “right” number for Marco Island, it is the rule in a number of Florida locations. In addition, the draft offered many provisions not previously discussed by the Committee.

Perhaps the most significant purpose of the public discussion was lost by references of some that the City is not “boater friendly”. There are many policy options that must be debated, including:

- Should live aboard anchoring be allowed in all bays and canals, just river, bays and not canals, or only in designated



Unused Cell Phones Cluttering Your Drawers?

Drop them at the MICA office and The Shelter for Abused Women and Children will retrofit them to dial 911 only.

bays, and which bays are acceptable?

- If living on board is permitted in our bays, waterways, and/or canals, what is the acceptable duration?
- Is our community prepared for anchorage in Smokehouse Bay as it becomes an increasingly popular destination for boaters from other areas?
- How will sanitary discharges be regulated and enforced?
- Should unoccupied boats be allowed to anchor in canals and bays for extended periods?
- The Waterways Committee recommends that watercraft be permitted to continuously anchor for 15 days within a 30 day period. Is that better than 10 days, 5 days, or 3 days?
- Do our citizens want visiting boaters to anchor for extended periods in a canal behind their home?
- Should visiting boats be allowed to anchor behind single-family residences, in addition to boats that may already be docked?
- Do our citizens want people living on boats behind single family residences?
- Should watercraft maintain a minimum distance from private property when anchoring?
- Should fishing from vacant property without permission be prohibited, and should fishing from bridges be prohibited?
- Should there be regulations for boat rental companies to ensure minimum training for

those who rent watercraft?

- Should there be provisions to deal with abandoned and/or derelict watercraft?
- Should commercial watercraft (dock and seawall contractors) be allowed to anchor anywhere when not engaged in construction?
- What level of enforcement will be necessary to protect our waterways?

While not advocating one position or another at this time, one should agree these are debatable policies that deserve community discussion as we address a comprehensive waterways policy. The issues affect many citizens including those who frequently use their watercraft and anchor for some

duration of time. These policies will help define Marco Island's quality of life and they will help our community deal with those who are not willing to abide by or respect our community values.

Our City Council understands the public policy process, and we encourage broad citizen participation. There will be differing opinions as the waterways policy is reviewed by our valuable Waterways Committee, and by those citizens who believe their opinions should be considered before a policy is adopted. We should respect all opinions and strive to reach consensus on the best policy for Marco Island.



*Lance Corporal, Andres Lazo, USMC, is stationed in Iraq.
He's the son of Rina and Alberto Lazo of Marco Island.
Rina works at the MICA office and Alberto works at the Marco Island
Charter Middle School.*

"The Fleeing"... continued from page 1 when "a situation exists for the appropriate payment of Association funds, which situation was necessitated by catastrophic weather or other emergency conditions . . ." MIRBA's bylaws also state that the decision to expend these funds must be by unanimous vote. In other words, one "no" vote prevents a motion from passing.

In accordance with the bylaws of the Marco Island Residents Beach Association (MIRBA), on November 8, 2004, MICA requested that the Board of Directors of MIRBA reimburse the Marco Island Residents' Beach for the costs associated with the extensive clean up and repairs following the four hurricanes. Documentation of the expenses was included with the letter to MIRBA.

Bedford Biles, President of the Marco Island Residents Beach Association, responded on February 17, 2005, and advised that the request for payment of these expenses was denied. In a letter to MICA Mr. Biles stated, "We do not feel that storm damage restoration and monthly maintenance are catastrophic designations." The complete letter from Mr. Biles and the MIRBA Board of Directors is shown on the next page.

Any individual who was on or near Marco Island for any of the four hurricanes last year will tell you how much damage was experienced. Specifically, the majority of the Residents' Beach damage occurred as a

result of Hurricane Charley which hit on Friday, August 13. In fact, the City of Marco ordered the evacuation of Marco Island. Thankfully, Marco Island was not a recipient of the eye of any of the four major hurricanes last year, however, significant damage did occur at the Residents' Beach as a result of each of them. MICA expends tens of thousands of dollars on routine maintenance each and every year. The extraordinary clean up and repairs after the hurricanes had absolutely nothing to do with routine maintenance.

Unfortunately, the reserve fund held by MIRBA for repairs following "catastrophic weather or emergency conditions" has failed to assist Residents' Beach members in a time of need. The MIRBA Board of Directors has denied the support so needed to cover hurricane repair and clean up costs. State of Florida records show the following individuals as members of the MIRBA Board of Directors: Bedford Biles, Helen Tateo, Bernadette Lavin, Jim Love, and Morton Ray Paret.

As you know, in the past the MICA Board of Directors has expressed its concern with this arrangement of the so-called "reserve fund" and has asked the MIRBA Board of Directors to place the approximate \$95,000 of Residents' Beach members' funds with a local bank with instructions and terms for future disbursements in order to avoid exactly what

happened in this case. The MIRBA Board declined this request and chose instead to continue to spend Beach members' funds on directors' insurance, accounting fees and any legal fees they may incur.

MICA needs your support to influence the MIRBA Board of Directors to reimburse the members of the Residents' Beach \$38,507 to cover repairs suffered during four hurricanes that affected Marco Island in 2004. We ask that you address your comments to the MIRBA Board of Directors, c/o Registered Agent Bedford Biles, 1588 Heights Court, Marco Island, FL 34145.

Letters

The Deltona concept of having an area of the island for large homes or "castles," called the Estate Area, was excellent. The rest of the living area was for smaller homes, attractive, and enough room for modest size families and retired people. In the early years this created an excellent character of our island. However, now with the availability of big money, a change has taken place. Modest homes are being sold, leveled and mega-homes, "castles," "Look at Me" homes are being constructed. As a result, the fine character of the island is going downhill. In a few years it will no longer be a place for modest income families, only those who can afford to destroy the fine community we had. Something must be done to stop this trend.

John B. Maerker

Letters from our members

May 10th, 2005

I just filled out your request form for the Health Center and bridge suggestions. I would like to ask you to look back on or about when we became a City.

My thoughts and remembrance of people running for positions on City Council was, when the question of a second bridge was brought up, and how we would pay for it, they all said emphatically that we would not have to pay in any way for the building of a bridge, and there would never be any tolls.

They explained that the federal, state and county money was already set aside for the second bridge. I also believe that I read those statements in the Marco Island Eagle, and many times at meetings of these new Council people.

Now we are heading towards a Sanibel fiasco of up to \$6 to come onto Marco. Once you start a toll, it never ends. The Mackle family took down tolls when the bridge was paid for.

Please make some noise about this or send me a letter telling me that this never happened and I am wrong.

Thank you.
Richard Gassne

February 17, 2005

Mr. James Arnold
Marco Island Civic Association
1770 San Marco Road #204
Marco Island, Florida 34145

Dear Mr. Arnold:

The Board of MIRBA held their annual meeting on February 8, 2005. The members question why MIRBA was not alerted to any damages when they occurred so that they could ascertain the nature and extent of same since they were all present on the Island August 12 and 13 when Tropical Storm Charley with winds of 40 to 60 mph was off-shore a couple of hundred miles.

Charley was the first of the Tropical Storms to evolve into a Hurricane as it progresses and turned upcoast. The weather service did not designate Marco Island as site of any of the four hurricanes that hit Florida. Frances and Jeanne started on the East Coast and Ivan was several hundred miles out in the Gulf of Mexico.

As you know the MIRBA charter designates the reserve funds for "catastrophic" damage. Punta Gorda and Port Charlotte were catastrophic. Captiva Island and Fort Myers Beach were disastrous.

Our investigation shows no indication of catastrophic damage to chickees. Mr. Clay's estimate seems to be for normal maintenance.

So far as J.E.S. Tractor Service, Inc.'s bill incurred – this was usual and customary beach maintenance done 2 months after (10/7, 10/8).

Marco Island Bobcat Service, 9/10 and 9/27 – "moving sand from boardwalk" – this was normal and routine beach maintenance.

Our by-laws specifically state that the funds are reserved for maintenance and repair of Residents Beach caused by catastrophic weather and/or other emergency circumstances; therefore the present bills as presented do not meet the requirements of our by-laws.

We do not feel that storm damage restoration and monthly maintenance are catastrophic designations.

If you want MIRBA to participate, you must notify us in a timely fashion so we can be given an opportunity to inspect damage and determine whether of a "catastrophic" nature, and the weather bureau will determine hurricane status.

Sincerely

Bedford Biles
President, MIRBA

Up Close and Personal with the MICA Office Staff

Editor's Note: Not all statements in this article are factual! We believe you will be able to pick out the little white lies as you read along!

The Marco Island Civic Association office operates like a well oiled machine and that is thanks to the staff members who are so knowledgeable and dedicated. *(Editor's Note: This is not one of those little white lies!)*

Rina Lazo has worked full time at MICA for the past five years, starting with MICA when she moved to Marco from Miami. Rina is originally from Cuba but moved to the United States with her family when she was 13 years old. She and her husband, Alberto, have two sons, Albert and Andy, and a little fury, four-legged daughter, named Cashmere. Alberto is a familiar face on the island to many because he works at the Marco Island Charter School! Albert works full time and attends Florida International University, taking three classes per semester. Andy is a member of the U.S. Marine Corps and is presently stationed in Iraq. Rina enjoys walking, bike riding, and spending time with family and her many friends.

Lavonne Fiser (pronounced "Fisher") works part time at MICA, while also working for the Marriott Hotel. She grew up in West Bloomfield, Michigan, and attended Michigan State



left to right: Rita Mundok, Ruth McCann, Rina Lazo, Kathy Creighton, Pauline Tilton and Lavonne Fiser

University, majoring in General Business Administration. While Lavonne was in college, her mother made the move to Naples. Following graduation in 1998 Lavonne came for a *brief* visit with her mother! She met her husband, Josef, originally from the Czech Republic, through a co-worker at the Marriott. They married in 2002 in a small ceremony in Las Vegas surrounded by family. Lavonne and Josef are building a house, which is close to completion. Soon Milo, a chocolate lab, will join the family in their new home.

Pauline Tilton, 28 years old and originally from west of Boston, also works part time at MICA. She is a Registered Nurse in the states of Massachusetts and Florida. Pauline's husband, Don, retired from his position with the Customs Department at Boston Airport. Pauline and Don have two children, Christine and Don. Following retirement in

1997, Pauline and Don moved to Marco Island. Pauline began working part time at the Residents' Beach gate house shortly after moving to Marco and eventually became part of the office staff, giving her the unique perspective from both the office and gate house. She enjoys wave running and boating in her free time.

Rita Mundok, "Princess-in-Training," PIT, for short, is 39 years old and is still married to her first husband, Larry. Rita and Larry's family is growing quickly as they have two sons, two daughters-in-law, and five beautiful grandchildren. Rita is from Western Pennsylvania and taught elementary school for 35 years. Rita and Larry retired to Marco Island in 2001, which is when Rita joined the MICA team as a part-time employee. She enjoys playing cards, games, the beach and spending time with friends and family.

Kathy Creighton, 21 years old, is the newest member of