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**Vendor license expansion tabled***Council puts off ordinance on personal watercraft rentals, parasailing*

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The Town of Fort Myers Beach Council voted Monday to set aside a proposed new ordinance which would have potentially allowed for an increase in the number of licenses for parasailing and Jet Ski rentals, and begin a new process. The

town council intends to hold workshops and allow advisory committees to discuss potential revisions to the existing ordinance which sets policy for how many licenses are available for vendors to operate and the conditions under which they do business.

The changes had initially been request-

ed by TPI to allow for the company to conduct its own such operations at the Margaritaville property. The changes were opposed by the vendors of the water-sports industry, who believe the proposal would threaten their livelihood and create safety issues by adding more licenses on the beach. There is currently a limit of 11

licenses for parasailing businesses and seven licenses for Jet Ski or Waverunner licenses.

Fort Myers Beach Mayor Ray Murphy proposed setting aside the controversial measure, which had gone through an introduction two weeks earlier, at the beginning of Monday's meeting. Murphy cited a letter to the town council from

See **ORDINANCE**, page 13

**Ordinance** From page 1

TPI's Tom Torgerson which indicated a current change in direction.

Murphy suggested that the council send back the ordinance to the Marine Resources Task Force to be reviewed further "in light of the fact that Mr. Torgerson and TPI pulled back, or decided not to self perform and have put that off for now." Vice Mayor Rexann Hosafros agreed and said the ordinance should be re-written.

**Torgerson letter**

Torgerson stated the company was in talks with other vendors "that we will refer our business to in the absence of having it on premise." Torgerson said TPI was "perfectly fine not having the parasail and jet ski vendor operations on the beach out front of the future resort."

**To table or not to table?**

Councilmember Bill Veach didn't immediately agree to tabling the issue.

"I don't think the situation has changed," Veach said in response to Murphy and Hosafros. "This is not really about TPI. It's about what that exposed with what's wrong with this ordinance."

Councilmember Jim Atterholt said he supported Murphy's idea and said he was concerned about the process, as a lot of changes were being made to the wording of the ordinance. "I'm comfortable slowing it down," Atterholt said.

Veach, who has been actively involved in drafting changes to the ordinance, said the council could discuss the ordinance Monday and then "put it off another month."

Atterholt said he didn't disagree "as long as we slow it down."

Councilmember Dan Allers said he was open to discussing the ordinance Monday and then sending it back to the Marine Resources Task Force as well as to the Local Planning Agency with "some direction with what our thoughts are."

Town of Fort Myers Beach Attorney John Herin Jr. said the council should start over on the ordinance if there were going to be major changes, which will require new public hearings, and should schedule workshops to iron out language and send it back to the Local Planning Agency.

Allers asked what the likelihood would be of the town rewriting the ordinance before October, when the license renewals for the vendors are up. Town of Fort Myers Beach Manager Roger Hernstadt said the council would need to have a first reading of a new ordinance in July to be on schedule.

Hosafros and Murphy moved to take the new ordinance off the agenda but Veach and Allers said they were opposed. "I don't see a reason to take it off the agenda," Veach said. Allers said he wanted to hear from those present at the hearing, which included a number of personal watercraft vendors. "I don't think we have to act on it today but I think having the discussion would be the best," Allers said. Atterholt suggested continuing with the discussion while still holding workshops.

Veach proposed a points system for awarding licenses for vendors. He also suggested language which would require some vendors to move from their current locations, and to nix grandfathering claus-

es.

During the discussion, Allers suggested the U.S. Coast Guard perform inspections of the watercraft involved in the rental business. Allers called on the town to have stricter enforcement of the existing ordinance, and said safety measures were more important than the number of licenses. "The numbers aren't as important as what the intention of the ordinance was to make it as safe as possible," he said.

"The numbers are important because when this ordinance first came about there were vendors all over the place," Murphy said. "What we tried to do back then was to limit it."

Ultimately, the council agreed to future workshops to discuss the ordinance.

Murphy said the discussion should go back to the Marine Resources Task Force and Local Planning Agency, which was agreed to by the council on a unanimous vote.

**Objections to proposed ordinance from vendor attorney**

Beverly Grady, attorney for Mid-Island Watersports, objected to proposals regarding the new ordinance which would have prohibited vendors from transferring or selling licenses.

Grady said the proposed ordinance would have also given more favorable treatment for licenses to commercial planned developments (such as Margaritaville), which she said would put current vendors out of business.

"Those caused grave concerns with the vendors," Grady said.

**TPI letter**

The letter from Torgerson which was referred to at the beginning of the meeting, did not completely rule out the concept of TPI handling parasailing and Jet Ski rentals at the property as they had declared to be their desire at the start of the movement to have the town's ordinance governing personal watercraft rentals rewritten.

The letter did state that it was the position of TPI Hospitality to support a rewriting of the ordinance.

"This started out last summer by my sitting down with Councilor Veach and discussing concerns we had with how the beach vendor ordinance functions, things that we just were not comfortable with," Torgerson stated in the letter.

"We are confident that the council will begin to address the weaknesses of the current ordinance in the best long-term interests of FMB," Torgerson stated.

"We are willing to sit back for now and not have these beach vendor operations on property in the hopes that this will serve as a platform for a bright new beginning to the future of this industry on FMB."

**Vendors face uncertain future**

The two vendors currently operating in front of the future Margaritaville Resort, Paradise Parasail and Adventure Watersports, have much to lose from the rewriting of the ordinance and the decisions made by TPI. The companies are in the midst of 10-year leases which run out at the end of the year.

The companies have been in existence

See **ORDINANCE**, page 14



## Bay Beach Lane From page 1

approval of the high-rise condominium towers by the town council was made then. Two decades later, more than 1,200 people own homes on Bay Beach Lane in the towers overlooking the panoramic vistas of Estero Bay and the Gulf of Mexico.

At a ribbon-cutting ceremony, a group of dozens of residents toasted the launching of plans to construct recreational activity space around the area where an old 18-hole golf course once stood.

The Estero Bay Improvement Association (EBIA) board announced this month the commencement of a four-month project to construct two tennis courts, two bocce ball court, six pickleball courts, golf chipping green, driving cage

and a putting green on land which was once known as the Fort Myers Beach Golf Course. An eight-foot wide, 1.2 mile path around a pond, along the former golf course will allow for walking, running and biking.

"It was a big investment," said EBIA president Jim Domres.

"The day has finally come to get it done," Domres said, before a champagne toast in the garden and ribbon-cutting in a joint ceremony with the EBIA board and Fort Myers Beach council members.

"There are two rules for success. Get started and keep going," Domres said.

Domres said the association waited for

**See BAY BEACH LANE, page 15**



**The former Fort Myers Beach Golf Course, which will be the home of future recreational activities on Bay Beach Lane.**

NATHAN MAYBERG

## Ordinance From page 14

for decades on Fort Myers Beach and both owners say they have never had a loss. They both keep expensive insurance which requires clean safety records, they say. "There are only two insurance brokers who do this," said Jason Newton, owner of Adventure Watersports. "I've got a perfect record," Newton said. Chris Weber, owner of Mid-Island Watersports, said his insurance company inspects his equipment every year.

Chase Hussey, owner of Paradise Parasail, said he has never had a loss. Hussey said he was happy with the council's decision to hold workshops on the crafting of a new ordinance. "The ordinance that got thrown out today is

extremely restrictive," he said. "It was written for one sole purpose: to grant Margaritaville a license."

Hussey has not heard from TPI since the council introduced the ordinance changes two weeks ago.

Newton, who has owned his business for 23 years, said he was most concerned about language written into the ordinance that would have restricted how and where kiosks for the vendors could operate, which benefitted commercial planned developments and exempted them from the license cap.

Former Fort Myers Beach Mayor Tracey Gore spoke at Monday's meeting and reiterated that no promises were ever

given by the town council to TPI for vendor licenses.

Gore said development activities approved for commercial planned developments are restricted to the land development code in place at the time of their approval. Gore said a commercial planned development could make requests but that a new ordinance should not add language to benefit commercial planned development as proposed.

Gore said the process the town council has undertaken to change the ordinance had created anxiety among the vendors of the parasailing and Waverunner businesses in town.

"Don't single these guys out," Gore

said.

Newton said the process to rewrite the ordinance was like nothing he's experienced.

"I've never seen anything out of hand like this," he said.

Hussey said he is still hopeful he can meet with TPI representatives, who are developing Margaritaville, to work out an agreement.

"I just want to go fly parasails and provide a safe and fun experience," Hussey said.

"I would like nothing more than to sit down with Margaritaville and TPI."



**BEST ON FORT MYERS BEACH**