



Fort Myers Beach Management & Planning Session

Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931

Minutes

Thursday, January 21, 2021

10:30 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Mayor Murphy, Vice Mayor Hosafros, Council Member Allers, Council Member Atterholt and Council Member Veach.

II. PLEDGE OF ALLEGIANCE

III. ITEMS FOR DISCUSSION

A. Lee County Update

An update of Lee County projects on Fort Myers Beach - Written report only

Town Manager Hernstadt stated the report supported the County's plan to complete the road project by the end of 2021. He noted that entering into an Interlocal agreement with Lee County to mark the sidewalks for pedestrians and bicycles would make the Town responsible for future maintenance. He mentioned encouraging Lee County to do the markings since they would be marking other areas associated with the project. He indicated that the County installed grass between the curb and sidewalk. Property owners requested that the area be filled with the same material on their private property.

Vice Mayor Hosafros preferred that the Town maintain markings on sidewalks. She hesitated to allow property owners to determine the material used between the curb and sidewalk. She noted that new owners might believe that the area was part of their property. She stated that the Town intended to install native plantings in the area.

Council Member Atterholt discussed being lenient on bicyclists using the sidewalks when pedestrians were not around.

Council Member Allers commented that the Public Safety Committee (PSC) discussed the issue and questioned changing bike lanes' color and adding

reflective tape. He noted a company was scheduled to do a pilot project for free on the north end before the coronavirus. He would like to pursue the idea. He supported maintaining sidewalk markings and did not think it would be a huge cost to the Town.

Town Manager Hernstadt revealed that the pilot program company was contemplating a return.

Council Member Veach discussed electric bikes taking over sidewalks and creating conflict. Council Member Allers noted that the PSC discussed marking sidewalks where there were no bike lanes.

Council Member Veach felt it was risky to allow homeowners to install whatever material they wanted between the curb and sidewalk.

Town Attorney Herin stated that any decision to formally mark the sidewalks for bicycles would require an Interlocal with the County, which would open the Town to potential liability. He indicated that bicycles had the right to use the right of way, but they had to follow the law and cede to pedestrians. He noted that separate lanes for bicycles and pedestrians worked in some areas with wide sidewalks.

Mayor Murphy was concerned regarding liability issues for the Town.

Town Manager Hernstadt reported that bicyclists were allowed to ride on the sidewalk as long as they followed all the rules. Council Member Veach questioned whether the County would address shared sidewalks. Town Manager Hernstadt replied that Council had not officially requested that the County address it. Vice Mayor Hosafros supported marking shared sidewalks for public safety.

Council Member Allers supported asking the County to mark sidewalks where there were no bike lanes. He questioned whether the Town posted the location of bike lanes. Town Manager Hernstadt replied negatively and stated that he would contact Kaye Molnar to add locations.

Consensus was reached to keep the grass between the curb and sidewalk for now. There was no support for allowing homeowners to match their yards. Town Manager Hernstadt suggested writing a letter to the County encouraging them to address conflicts between pedestrians and bicycles where bike lanes did not exist.

Council Member Veach discussed purchasing bells and lights for bicycles for re-sale since some rental companies did not comply with the ordinance. Council Member Atterholt agreed.

B. Mooring Field / Upland Services

Mooring Field Upland Services Discussion

Town Attorney Herin provided a memo with a partial list of concerns regarding the Harbor House condominium documents. He stated the information was to assist Council in deciding whether to move forward with negotiations. He brought up limited commercial parking in the current documents and a preference for residential units. He noted that an amendment eliminated guaranteed parking spots for commercial units on the property. Representatives stated that if the Town combined the two units into

one, they would try to make sure one parking spot was available, but the Town would lose a vote.

Council Member Allers questioned whether the Town could lease parking spots by the dinghy dock under the bridge. Town Manager Hernstadt replied that they currently had a parking program for patrons in the Mooring Field and if Council decided to move forward with Harbor House, they would find a parking solution. He did not see the parking issue as a deal-breaker. Mayor Murphy agreed.

Town Attorney Herin discussed selling the units in the future. He noted they had no right to use common elements on the property; however, annual assessments were reduced accordingly to reflect the lack of access. Any modifications to units had to be approved by the condo board. He indicated that the board did not have an issue with the Town purchasing the units and alterations would have to go through proper channels. He stated that the Town did not receive any board-level correspondence from the condominium association.

Town Manager Hernstadt believed that the condominium association was willing to work with the Town. He explained the steps they would take if they decided to move forward. Mayor Murphy questioned the ownership of the two units. Town Manager Hernstadt thought Doug Speirn-Smith owned one unit and a board member owned the other. Town Attorney Herin added that copies of correspondence went to a real estate broker and the condo association's attorney. He discussed how they could protect the operation in the future by requesting an amendment to the condominium documents.

Vice Mayor Hosafros noted that she expressed her reservations to the AAC (Anchorage Advisory Committee) regarding the condominium documents, although she supported bringing the Upland Services in house. She was concerned that the board eliminated commercial parking and prohibited access to common areas after the original documents were prepared. She stated they would be paying for a portion of maintenance to common areas they were prohibited from using. Council Member Atterholt brought up mandating reserves for repairs to common areas.

Mayor Murphy questioned whether water meters were separate for commercial units. Utilities Director Christy Cory replied that there was one meter for the condos, one for the boat dock and one for the store.

Vice Mayor Hosafros stated that the possible problems they would be leaving for future Councils were too great. Council Member Atterholt supported the staff moving forward to try to mitigate concerns. Vice Mayor Hosafros responded that the items that could not be mitigated were too great.

Council Member Allers agreed with Vice Mayor Hosafros that it solved one problem but potentially created others. He did not think they could negotiate enough to make it worth their while. Council Member Veach did not see future conflicts and felt it was a good fit. Mayor Murphy supported further exploration. Mayor Murphy questioned whether parking was decided. Town Attorney Herin indicated he would follow up.

Consensus was reached to move forward with discussions.

C. Structures at Beach Accesses

Town Manager Hernstadt indicated that regulations allowed the Town to have a portable, self-contained bathroom at Palm Ave. Other locations would have to be looked at individually due to rights of way and easements. He stated he intended to pursue funding from the TDC (Tourist Development Council) and move forward with the Palm Ave. location unless otherwise instructed.

Council Member Veach questioned the stipulation that the structure had to be on the site for fewer than 180 consecutive days. Town Manager Hernstadt replied that it was moved for hurricanes and general maintenance. Council Member Veach thought there were better alternatives such as working with businesses to allow the public to use their facilities. He discussed problems with public bathrooms on the beach.

Vice Mayor Hosafros understood that their discussion was to reassure residents that they would not install a public restroom anywhere else on the beach. She reiterated that the neighbors did not complain about the Palm Ave. location.

Town Attorney Herin noted that he could prepare a resolution banning bathroom installations at other beach accesses. He indicated the focus was on replacing the restroom at Palm Ave. Town Manager Hernstadt reviewed the steps they had to take before installing the restroom. Council Member Veach discussed informing the public.

Consensus was reached for Town Attorney Herin to draft a resolution.

Council Member Atterholt referred to five designs and potential locations for the arch. He noted that Lee County was responsible for designing and building and the Restore the Arches group was responsible for funding.

Bowditch Park and Lynn Hall Park were identified as two potential locations. He requested that the item be added to an agenda to endorse the project and a letter sent to the Lee County Commissioners. Consensus was reached to add the item to a future agenda.

Mayor Murphy discussed a green sheet from Bonita Springs City Council Member Amy Quaremba concerning the new bridge at Big Carlos Pass. He relayed a conversation regarding support for another bridge option. He questioned whether Council Members were interested in joining Bonita Springs with an objection to the current design. Town Manager Hernstadt added that Bonita Springs was waiting to hear from them before sending their letter. Mayor Murphy supported the efforts of Bonita Springs.

IV. AGENDA MANAGEMENT

A. Agenda Management

Add revising footprints.

Add support for Sanibel's state legislature priorities concerning water quality issues. Town Manager Hernstadt indicated that he would prepare a letter to the state with a copy to Sanibel.

Add a discussion to a future M&P regarding converting private beach accesses to public accesses in areas where Homeowner Associations were not active and did not maintain their beach access.

Remove Kiwana's Club bench advertising.

V. ADJOURNMENT

Council Member Atterholt moved to adjourn the meeting; second by Vice Mayor Hosafros.

The meeting was adjourned at 1:25 p.m.

Minutes adopted with changes, February 1, 2021; Motion by Vice Mayor Hosafros and seconded by Council Member Veach. Passed 5-0.

A handwritten signature in blue ink that reads "Amy Baker". The signature is cursive and stylized.

Amy Baker, Town Clerk