



Fort Myers Beach Management & Planning Session

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

Minutes

Wednesday, April 7, 2021

9:00 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 discussion regarding the Anchorage Advisory Committee's request to revisit building an upland service provider facility at Bayside Park was added to the agenda.)

Council Member Allers did not think Bayside Park was appropriate and noted that Doug Speirn-Smith from Harbor House was open to working with the Town. Town Manager Hernstadt stated that he had an appointment with the owner of Moss Marine to discuss opportunities. Vice Mayor Hosafros commented that the Town wanted to take the service in-house rather than rent space in another facility.

Council Member Allers did not understand why they wanted to bring the service in-house. Mayor Murphy noted that improving services in the Mooring Field might attract a different clientele. He agreed that the Town should control the upland service provider.

Council Member Atterholt questioned why the Town insisted on adding public restrooms when there was no ordinance or state law requirement. Town Manager Hernstadt replied that offering public restrooms and parking for commercial properties was standard. He added that Harbor House did not want to put their vacation rental market in jeopardy. Council Member Atterholt felt that the Town could compromise. Vice Mayor Hosafros stated that there was a conflict between residential units and commercial businesses. She noted that the condo board eliminated parking for the existing commercial business because residents did not want commercial activities at the Harbor House. Council Member Veach reminded Council that residents in the Harbor House were among the most vocal opponents to the proposed building. He stated that the conditions they put on businesses

were not conducive to normal businesses. He suggested purchasing property or looking into the possibility of using Bay Oaks. Vice Mayor Hosafros commented that preserving the park was fine, but they would have to spend some money. She explained issues with Bay Oaks. Town Attorney Herin, Jr. stated that Harbor House would not give them parking, did not want noise issues, did not want anyone to hang out and did not want a public laundry facility or restrooms. He noted that they provided a list of items they denied; it was not just public restrooms.

Council Member Allers felt they could mitigate issues. Council Member Veach discussed the condo board making future decisions that would negatively affect the upland provider service. Council Member Atterholt did not think they should write off the concept of an outside entity if they could find the right partner; otherwise, he agreed with looking at another location. Mayor Murphy supported exploring other options and questioned using the land under the bridge. Town Manager Hernstadt remarked that staff was researching options at that location. Council Member Atterholt questioned whether Bay Oaks was still an option. Town Manager Hernstadt replied that it could be done for a cost and he would provide potential numbers and other options. Mayor Murphy remarked that using part of the Fire Department property was another option.

Council Member Allers questioned whether Bayside Park was still an option. Mayor Murphy felt that it had to remain a possibility. Vice Mayor Hosafros stated that they were applying for a grant to move forward with the existing design.

Council Member Veach did not think they could take anything off the table until options were explored. Town Manager Hernstadt indicated they had to decide within the next month or so. Council Member Allers did not see why they would wait for a month to decide about Bayside Park. Town Manager Hernstadt discussed putting out a bid and making a decision after proposals were received. Vice Mayor Hosafros explained that from a contractor's position, they needed to make a decision before putting it out for a bid. Three Council Members agreed to leave Bayside Park as a park and look elsewhere for options. Town Manager Hernstadt will move forward with putting out a bid.

A. Lee County Update - written report only

Update of Lee County projects on Fort Myers Beach

Lee County submitted a written report. Vice Mayor Hosafros questioned why they kept working on completed sections and disrupting traffic.

Town Manager Hernstadt replied that FDOT would be at the May 17th meeting for a presentation on the foot of the bridge project.

B. Discuss Bay Oaks' site plan

Consideration of the Lee County School Board changes to Bay Oaks Recreational Campus' redevelopment site plan.

Town Manager Hernstadt stated that the School Board requested that they move a fence. Public Works Director Chelsea O'Riley added that the School Board was concerned about the ball field's proximity and causing distractions during class. She indicated that they shifted the field, the fence and a building. Town Attorney Herin, Jr. revealed that a School Board attorney just

requested that the Town vacate more of its right of way. He described the property in question and noted that part of the problem was the school board hiring a new attorney. Town Manager Hernstadt suggested that Council Members reach out to members of the School Board regarding negotiating in good faith.

C. Newsrack Ordinance 17-14

Review of current Newsrack Ordinance

Town Attorney Herin, Jr. noted that Section 3-32 prohibited anyone from distributing handbills to vacant buildings. Residents complained that newspapers were distributed to uninhabited places. Mayor Murphy indicated that full-time residents and rental properties were not picking up newspapers either. Town Manager Hernstadt stated that The Observer indicated that they would not deliver a newspaper if a newspaper was still on the property. Town Attorney Herin, Jr. explained the difference between a handbill distributor and the exemption for newspapers. Council Member Atterholt opposed reopening the ordinance. Council Member Veach concurred and noted The Observer was making progress. Mayor Murphy clarified that the resident who complained was concerned with the plastic harming the environment.

Council Member Atterholt discussed first amendment issues. Town Attorney Herin, Jr. stated that the ordinance complied with the first amendment and was not based on content-based regulation. Mayor Murphy indicated that the reason for the ordinance had to do with newspaper racks being scattered all over the Island, not because of the content in any newspaper. Council Member Allers agreed to leave the ordinance alone.

D. Discussion regarding the Town permitting additional Waterway Markers

Discussion regarding consent to permit additional Waterway Markers

Environmental Project Manager Chadd Chustz reviewed the topic and indicated that he received a complaint regarding idle signs blocking a boat dock at Waterside Dock Association and Bay Beach. He noted that Bay Beach was interested in replacing the signs with slow signs. Council Member Allers questioned whether they would pay for the new signs. Project Manager Chustz replied that he did not have specific discussions yet but felt they would. He noted that two signs were illegal and Bay Beach was not allowed to apply for a permit. Town Manager stated that if Bay Beach were willing to pay for and maintain the signs, the Town would be the agency to permit them; otherwise, they could remove them. Council Members consented.

E. Bay Mar Drive Easement Discussion

Discussion regarding a neighborhood request for an observation pier at Bay Mar Drive the existing property ownership under the current easement agreement.

Town Manager Hernstadt reviewed the request and stated that the Town did not own the end of the street. One of the owners was against the neighborhood's request. Vice Mayor Hosafros hesitated to get involved. She

stated that the neighborhood had been in litigation with the owner for years because the owner kept blocking access to the bay. Council Members agreed not to get involved.

F. American Rescue Plan

Preliminary discussion and planning of American Rescue Plan funds

Mayor Murphy cautioned Members that the conversation was premature since the government had not set parameters. Council Member Atterholt referred to a recent news article and supported postponing the discussion. The rest of the Council agreed.

IV. AGENDA MANAGEMENT

A. April 7, 2021

Vice Mayor Hosafros did not think they should be receiving text messages during meetings. Mayor Murphy agreed. Council Member Atterholt felt that because of sound system issues, alerts by the public were welcome. Texts received on Monday during the public hearing were inappropriate. Town Attorney Herin, Jr. suggested that they address texts before the beginning of meetings if pertinent. Vice Mayor Hosafros suggested adding specific language to the Policy and Procedures Manual. Town Manager Hernstadt stated that viewers could alert the Town Clerk regarding sound or video issues.

Town Manager Hernstadt stated that the silver bike rack was being reconditioned for use by the Town and that the Art Association was welcome to the black bike rack. He noted that they were working with state agencies regarding sand erosion at Leonardo Arms. One solution was to register units with the state to qualify the property for beach renourishment funds. He will continue to work with the property and keep Council informed.

Council Member Veach brought up right-of-ways not being maintained. Vice Mayor Hosafros replied that Director O'Riley was working on the issue.

V. ADJOURNMENT

Mayor Murphy adjourned the meeting at 11:18 a.m.

Minutes adopted, March 15, 2021; Motion by Vice Mayor Hosafros and seconded by Council Member Veach. Passed 5-0.



Amy Baker, Town Clerk