

**MINUTES
FORT MYERS BEACH
PUBLIC SAFETY COMMITTEE
Town Hall
2523 Estero Boulevard
Fort Myers Beach, FL 33931**

Tuesday, December 18, 2018

I. CALL TO ORDER

Meeting was called to order at 9:00 a.m. by Chair Goggin. Members present: Ron Fleming, John Goggin, Tom Gressman, and Ed Scott.

Excused: Pete Crumpacker and Joe LaDuca.

Staff: Chelsea O'Riley

Council Liaison: Bruce Butcher

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES – November 20, 2018

MOTION: PSC Member Gressman moved to approve the minutes; second by PSC Member Fleming.

VOTE: Motion passed unanimously.

IV. PUBLIC COMMENT

Leon Moyer commented that a sign at Times Square prohibited bicycles but it was not being enforced. He noted there was an issue with fast bicycles on the sidewalks.

V. HIGH DENSITY PEDESTRIAN TRAFFIC AREAS

PSC Member Gressman addressed signage and informing the public. Chair Goggin stated that high density had to be defined so the policy could be applied to other areas as they develop. PSC Member Fleming questioned whether they had the authority to limit bicycles on sidewalks since the state allowed them on sidewalks. Chair Goggin stated they were giving bicyclists the option to ride in the road or walk. He thought they could draft a policy limiting where bicyclists could ride. Council Member Butcher commented that Dan Moser was familiar with bicycle-pedestrian traffic laws. Chair Goggin stated that he will draft a policy and send it to Public Works Manager Chelsea O'Riley for review by the Town Attorney.

PSC Member Gressman noted that by definition Times Square was a high-density area. Council Member Butcher indicated that since bicycles were not allowed in Times Square there must be some exclusion to the state law that allowed the Town to ban bicycles on the sidewalk. Chair Goggin will review the ordinance referenced in public comment. PSC Member Gressman commented that local jurisdictions could enact an ordinance that was stricter than the state but not more lenient.



Chair Goggin described a route to move foot traffic around the area. Manager O'Riley commented that they should wait a month or two to discuss that idea.

PSC Member Fleming commented that the sidewalk from the Lani Kai to Times Square was a combination of concrete and bricks. He questioned whether they were going to replace the bricks or tear out the entire sidewalk. Manager O'Riley replied that it depended on what stipulations the County placed in their permit. The initial thought was to use the exterior pavers as guides but they would not know until they received the permit. PSC Member Fleming questioned why they did not replace the sidewalk earlier.

Chair Goggin stated they will review the ordinance and they will check with the Town Attorney regarding a draft policy to ban bicyclists from sidewalks.

VI. BICYCLE & VEHICLE SAFETY ORDINANCE REVIEW

Chair Goggin recapped the previous discussion and questioned whether the Town Attorney provided an opinion regarding what devices were mandated by law to be allowed and what other devices could they block. Chair Goggin stated that there should be consistency between what MRTF (Marine Resources Task Force) was doing on the beach and what they were doing on the sidewalks.

Chair Goggin referred to the ADA materials provided by PSC Member Gressman regarding compliance. He commented that they would like staff to list the devices that had to be allowed on the beach and a list of optional devices with criteria to exclude those devices from the sidewalk or beach. Council Member Butcher questioned creating a policy that determined devices that were allowed on the beach were good for the sidewalk and vice versa. Chair Goggin questioned whether the criteria should be consistent. Council Member Butcher compared the surface of the mean high tide water mark on the beach to flat sidewalks. He noted that allowing certain types of mobility devices on the beach could encroach on private property.

PSC Member Scott commented that any device a handicapped person needed should be acceptable. He felt they should stay out of it completely. PSC Member Gressman and PSC Member Fleming agreed. Chair Goggin agreed that enforcement would be a nightmare but he questioned what would happen when a golf cart on the sidewalk injured someone. He stated that the Town Attorney provided examples of devices that had to be allowed and devices that could be banned. He noted that if they did not make a recommendation to Council it would become a one-on-one battle between enforcement, Council policy and the Attorneys.

Chair Goggin questioned enforcing speed limits for devices. Council Member Butcher thought it was in the draft ordinance. Consensus was reached to recommend to Council that speed limits be enforced as determined by the ADA but they will not recommend which devices could or could not be used.

VII. CULTURAL LOOP/FDOT PARTICIPATION

Chair Goggin questioned whether the PSC will be included in design discussions regarding the Bay Oaks entrance and the Bayfront Park. Council Member Butcher thought they were invited. Public Works Manager O'Riley revealed that she was assisting Bay Oaks staff with their capital projects since Parks and Recreation Director Sean De Palma resigned and she will check on the status of their request. Council Member Butcher will also follow up.

VIII. BICYCLE LIGHTING

Chair Goggin noted that the ordinance required that front and rear lights on bicycles be on at all times. He asked whether rental companies provided lights. PSC Member Gressman replied that the three rentals he visited did not provide lights. He noted that the vendors were not opposed to supplying lights but they could not compel renters to turn the lights on; it was their personal responsibility.

Chair Goggin questioned whether having lights on during the day benefitted safety, and whether statistics were available. Council Member Butcher noted that some cars were required to have daytime lights. PSC Member Scott commented that bicycle lights during the day helped him to see bicyclists. Consensus was reached that daytime lights on bicycles were good for public safety. Discussion was held regarding speed limits for bicycles on sidewalks and ringers on bicycles. Chair Goggin noted that ringers were mandated by state law and the Town's ordinance.

Chair Goggin questioned including a list of rules in the rental agreement that the bicycle renter had to sign. PSC Member Gressman commented that the rental agreements probably included a legal disclaimer. He will go back to the rental companies and check agreements. Chair Goggin suggested asking vendors the cost to equip and maintain bicycle lights. PSC Member Gressman stated that light kits could be purchased online for \$8.00.

IX. MEMBER ITEMS

PSC Member Scott discussed bicyclists running into open car doors on Old San Carlos. He brought up eliminating the curb cuts and installing bicycle lanes along the sidewalk or allowing bicycles on the sidewalk in that area. He felt it was a dangerous situation. Chair Goggin agreed and questioned whether that area was a part of the future design and, if not, could it be incorporated. Manager O'Riley replied that only lighting was addressed on Old San Carlos, but she will consult with Director De Palma concerning Bayfront Square. She noted that Old San Carlos was recently redone. Chair Goggin stated that they were trying to develop the bayfront to drive pedestrian traffic from Times Square and the beach to the bay. He questioned whether they were obligated to look at the pathway on Crescent and Old San Carlos. Determining how the increased pedestrian and bike traffic got to the bay was a critical part of the design. Manager O'Riley responded that it was not part of the broader picture to enhance Bayfront Park but it was an aspect that could be addressed. Council Member Butcher suggested that they bring up their concerns with Town Council regarding Old San Carlos. Chair Goggin questioned the loss of revenue if the parking meters on Old San Carlos were removed. Manager O'Riley replied that meter revenues were deposited into the general fund, but she could isolate those numbers with a little time. PSC Member Fleming mentioned that the businesses would probably not support eliminating parking meters. Member O'Riley suggested that they consider the area as a high-density zone moving forward. She noted that staff was working on becoming LAP (Land Area Planning) certified. She stated that they were tentatively approved for a project-by-project basis and one project would be the light at Old San Carlos and Estero.

PSC Member Gressman contacted St. Petersburg officials regarding their signage at the bay. He described the area and noted there was no comparison to the beach. He stated that he will contact them again when they got to a point where signage was an issue. Chair Goggin questioned whether TDC (Tourist Development Council) would fund signage. Manager O'Riley replied that it depended on what was on the sign. She explained that TDC would only fund items that promoted

the beach and shoreline in order to get more heads in beds. She explained that there were many avenues of funding that they could pursue and she will provide direction.

Chair Goggin questioned the cost of the lighting study. He suggested coming up with recommendations on the location and design of crosswalks for discussion at a future meeting. He discussed installing vegetation or temporary orange railings in the strip of ground between the sidewalk and curb to direct pedestrians to crosswalks.

Council Member Butcher shared a previous brochure and he mentioned that they may want to continue to improve it.

Manager O'Riley stated that they were making progress with allocating funding of impact fees for sidewalks and they were moving forward with an engineering firm for design. She stated that she will forward the lighting study as soon as it is completed. Council Member Butcher noted that Sanibel had a clear specification for lighting crosswalks and it would be a good benchmark.

X. PUBLIC COMMENT

Leon Moyer addressed the two-page brochure, noted that their discussion regarding physical separation between the sidewalk and road may not be lawful under code. The ordinance that he referred to earlier was 97-05, noted that state law required an audible warning only and lights would be more expensive than \$8.00. He felt bicyclists should be allowed to choose their degree of safety.

XI. SET NEXT MEETING'S AGENDA

Review high-density, inclusion in the design team, ADA compliance, rental company contracts and lights, designs including Old San Carlos and discussion on crosswalks.

PSC Member Gressman noted that he may have jury duty next month.


XII. ADJOURNMENT

MOTION: PSC Member Gressman moved to adjourn; second by PSC Member Fleming.

VOTE: Motion approved unanimously.

Meeting was adjourned at 10:21 a.m.

Adopted _____ with/without changes. Motion by _____
(DATE)

Vote: _____ Signature:  _____

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