

**1. Requested Motion:**

**Meeting Date: October 15, 2012**

Motion to approve the request by Lee County Tourist Development Council to transfer title of two ADA portable restrooms to Lee County and direct staff to facilitate this transfer.

**Why the action is necessary:**

The TDC has requested that the units be transferred to Lee County since the units are located on County property and maintained by the County.

**What the action accomplishes:**

The action transfers ownership of these restroom units to Lee County which eliminates the Town's maintenance and liability responsibility.

**2. Agenda:**

- Consent
- Administrative

**3. Requirement/Purpose:**

- Resolution
- Ordinance
- Other

**4. Submitter of Information:**

- Council
- Town Staff – Public Works
- Town Attorney

**5. Background:**

Two ADA portable restrooms that were purchased through a funding allocation from TDC were located at the Lee County Crescent Beach Park to provide assistance to Lee County until such time as a decision could be made and funding put in place for permanent restroom facilities. It does not appear that permanent facilities will be installed and so the request has been made to transfer ownership of the units to the County. Attached is a memo to the Town Manager providing additional explanation and the correspondence from TDC associated with the request.

**6. Alternative Action:**

Town Council may choose to retain ownership and continue to negotiate a maintenance agreement with Lee County or remove the units from the park property.

**7. Management Recommendations:**

Approve Request

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

**9. Council Action:**

- Approved
- Denied
- Deferred
- Other



## MEMO

DATE: October 4, 2012  
TO: Terry Stewart, Town Manager  
FROM: Cathie Lewis, Public Works Director *C Lewis*  
SUBJECT: Crescent Beach Restroom Transfer

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Due to public input a determination was made to locate two restroom units that the Town had purchased with funding from the Lee County Tourist Development Council (TDC) at the new Lee County Crescent Beach Family Park. Since their installation, staff has attempted to address maintenance responsibilities associated with these units. Although Lee County Parks and Recreation has been maintaining them, the County has not been willing to enter into an interlocal agreement associated with the restrooms.

Resulting from the difficulty to reach an arrangement, TDC suggested that the Town transfer title of these facilities to Lee County. When the Town "loaned" these facilities to the County there was a plan that at some point the Town would utilize them at its beach accesses. It is unlikely that the County will be in a position to modify the area for restrooms in the near future, if ever. Staff had concerns associated with the transfer without a commitment from TDC that the equivalent of these units would be funded when the Town was ready to move forward with identifying two new locations.

TDC has provided communication to the Town requesting that the Town transfer the restroom units to Lee County and committed that the unused funding balance of \$33,388.00 associated with the Town's project will be set aside for the Town's needs in the future. Although no official action was taken to also commit to additional funding for future needs associated with this project they did, at their May 2, 2012 meeting, affirm its support for this type of activity.

The Town purchased a total of three units that were funded through the TDC. The purchase cost including delivery of these two restrooms totaled \$54,670.00. The County bore 100% of the cost of installation of the units. The funding balance referenced above represents the estimated installation costs associated with installation of the units located at Crescent Beach Park and the one unit that had been located at the Newton Park prior to the permanent restrooms being completed.

The temporary Newton Park unit has not been re-installed to date and will remain in storage until such time as an acceptable location is identified. The other unit that was purchased and installed utilizing the TDC funding is located at the Palm Beach Access.

Town Council will need to provide direction to address this matter in response to the request made by TDC on behalf of Lee County Parks and Recreation. I have attached a copy of the letter that was recently e-mailed to me by TDC staff pertaining to this request.

Attachment



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

John E. Manning  
*District One*

Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

Michael D. Hunt  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

May 7, 2012

Honorable Larry Kiker, Mayor  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, FL 33931

Dear Mayor Kiker:

During the TDC Beach & Shoreline funding cycle of FY 2009-10, the TDC allocated \$155,000 to the Town of Fort Myers Beach for ADA Portable Restrooms. To date, units have been placed on Palm Street and two units were provided on loan to Lee County Parks & Recreation for Crescent Beach Family Park. There is a balance of \$33,388 remaining as an allocation to this project.

During the FY 2012-13 Beach & Shoreline Funding Workshop on May 2, there was a discussion about the Town of Fort Myers Beach formally transferring the portable restroom units at Crescent Beach to Lee County Parks & Recreation.

The TDC respectfully requests the Town of Fort Myers Beach enter into an agreement to transfer the units at Crescent Beach Family Park to Lee County, so that maintenance can be handled by the Lee County Facilities division.

The TDC encourages the Town of Fort Myers Beach to utilize the remaining balance of \$33,388 on any future needs for portable restrooms. If necessary, do not hesitate to submit a request for additional restroom funding during a future TDC Beach & Shoreline funding cycle.

Sincerely,

Commissioner John Manning, Chair  
Tourist Development Council

JM/nm

cc: Terry Stewart, Manager-Town of Fort Myers Beach