



MINUTES

Wednesday, February 20, 2013

**JOINT WORK SESSION
BOARD OF LEE COUNTY COMMISSIONERS
and
FORT MYERS BEACH TOWN COUNCIL
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931**

I. CALL TO ORDER

Acting Mayor Mandel called to order the February 20, 2013 Joint Meeting of the Fort Myers Beach Town Council and the Board of Lee County Commissioners at 9:00 a.m. Present along with Acting Mayor Mandel: Council Members Andre, Kosinski, and List; Mayor Raymond was excused; Also Present: Town Manager Stewart, Town Attorneys Miller and Humphrey, Public Works Director Lewis, Community Development Director Fluegel, Finance Director Wicks, Parks & Recreation Evans, and Town Clerk Mayher.

Present was Board of Lee County Commissioners Mann, Manning, Kiker, and Pendergrass; Commissioner Hall was excused; also present was Interim County Manager Meurer, County Attorney Fraiser, and Lee County Directors: Public Works – Transportation Director Loveland, Construction & Design Director Grant, and Parks & Recreation Director Harner.

II. INVOCATION – Town Clerk Mayher

III. PLEDGE OF ALLEGIANCE – Commissioner Pendergrass

IV. ESTERO BOULEVARD AND TRAFFIC

Acting Vice Mayor Kosinski welcomed the BOCC; thanked them for including a member of the Beach on the Planning Commission for Estero Boulevard; and gave recognition to the informational website created for the Estero Boulevard improvements. He noted the design of the Boulevard was following the ‘*complete streets concept*’ and the ‘*Bike Walk Lee Concept*’. He discussed and questioned the five phases of the Estero Boulevard improvements:

Joint Work Session – Fort Myers Beach Town Council & Board of Lee County Commissioners

February 20, 2013

Page 1 of 9

- North Estero Boulevard was already completed.
- Core area designation (in working the way south) – questioned if this was to be considered Phase I.

David Loveland, Lee County Director of Public Works – Transportation, noted that had not been determined yet.

Acting Vice Mayor Kosinski asked if funding was already in place for that issue.

David Loveland, Lee County Director of Public Works – Transportation, explained the preliminary design effort referenced was well underway and there were funds budgeted already to move into the design phase for the first segment once determined through the preliminary design effort; and that there was money in FY13-14 for the construction and CEI of the first segment.

Acting Vice Mayor Kosinski asked if construction was anticipated for 2014.

David Loveland, Lee County Director of Public Works – Transportation, responded in the affirmative; noting it was during the 2013-14 fiscal year.

Acting Vice Mayor Kosinski continued with his presentation of the phases of the Estero Boulevard improvements:

- Civic complex, the quiet center, high-rise resort area and south end – questioned when was the funding for Phase II anticipated to come before the BOCC.

David Loveland, Lee County Director of Public Works – Transportation, reported at this point there was no funding for the additional five year window of the CIP; the first segment was funded at \$7,000,000 (roughly the amount per mile out of six miles); and that the County would have a better handle on the cost from of the preliminary design effort. He explained how Lee County would determine what would fit within their Capital Improvement Plan budget, how they were working with the Local Option Gas Tax Dollars, and how they would explore grant opportunities.

Acting Vice Mayor Kosinski asked if the plans would be available on the Estero Boulevard informational website, as the plans were completed.

David Loveland, Lee County Director of Public Works – Transportation, responded in the affirmative; and described the information contained in the website, and how they would use the website to keep the public continually informed.

Acting Vice Mayor Kosinski asked if the Town's water utility project would be incorporated in the design or phases on Estero Boulevard.

David Loveland, Lee County Director of Public Works – Transportation, responded in the affirmative; and noted that it was the County's intention to fold in together the Town's water line and the County's sewer line efforts as they go through the various segments. He noted there was an interlocal agreement related to Estero Boulevard with respect to outlining what each jurisdiction was responsible for and as

they get into more detail of each phase there would be a better definition of the work for each party to complete. He explained that the Master ILA could be amended or they could create a supplemental agreement that would provide more detail for each particular phase.

Acting Vice Mayor Kosinski asked if the primary contractor for Estero Boulevard would be handling the Town's water installation.

David Loveland, Lee County Director of Public Works – Transportation, stated that was a matter of negotiation; and noted that one contractor would be the ideal situation.

Acting Vice Mayor Kosinski questioned if the County planned to hook into the Town's stormwater basin extension which began in the north end of the Town.

David Loveland, Lee County Director of Public Works – Transportation, reported the County was working with Town staff on how to deal with stormwater management and what treatment was required as the roadway was constructed. He explained that currently, and the way they envisioned it in the future was that the County tied into some of the Town's side streets drainage.

Acting Vice Mayor Kosinski requested Director Loveland look at the utility poles on the Gulf side as he drove north to see how close the utility poles were to the road; and asked if it would be a consideration to put those lines underground.

David Loveland, Lee County Director of Public Works – Transportation, explained how that was not part of the County's Core Service Level; problems with the 50' of right-of-way in that area; and costs associated with undergrounding.

Acting Vice Mayor Kosinski asked if pre-burying conduits across the road would be an option.

David Loveland, Lee County Director of Public Works – Transportation, stated the County could investigate that concept later.

Acting Vice Mayor Kosinski noted the traffic impact of Ebtide to the Town; that Town Council did not oppose it; however, the traffic impact would create problems for the Town's Main Street intersection.

Commissioner Manning explained how the Commission struggled with that issue with the Hearing Examiner the other day; how when someone disagreed with a Hearing Examiner that a statutorily based reason was needed; and how the mitigation of the traffic would come at the Development Order stage when there would be very strict adherence to traffic safety elements and movements.

Acting Vice Mayor Kosinski pointed out a problem with Lynn Hall Park how vehicles come off the bridge, turn right towards Times Square, pull into the Park which is full, and then turn around and go back to the same intersection looking for parking. He mentioned for consideration that at one time a 'car counter' at the corner by Times Square to indicate the parking lot was full was discussed.

Commissioner Kiker asked for the status of the Estero Boulevard ILA.

Acting Mayor Mandel offered an update on the ILA and noted the Town submitted an ILA to the County; the County Attorney's Office re-drafted the ILA; and there was a meeting scheduled for this Friday between County and Town staffs to discuss the agreement.

Town Attorney Miller interjected that the Town approved the interlocal agreement in August; the agreement was immediately forwarded to the County; a counter agreement was received by the Town; a meeting had been scheduled for February 22nd with the Town and the County; and she noted the County had left out of the agreement they submitted the provision concerning if the Town wanted some enhancements (i.e. underground electric in some areas – County would design and Town would pay the difference in cost).

Commissioner Kiker questioned if the County was going to do Stage I on Estero Boulevard and then the project would be stopped; and noted that his understanding was that once the project started it moved along until completion.

David Loveland, Lee County Director of Public Works – Transportation, explained they were doing the preliminary design for the entire six mile section; it would be at the 30% design stage once completed with the study for the six miles; and that he had funding available for the first mile. He noted it would be included in the updated CIP cycle in the budget discussions for FY14-15.

Acting Mayor Mandel asked what it cost the Town (ballpark figure) to do the one mile at the north end of Estero Boulevard.

Public Works Director Lewis stated that north Estero Boulevard, in its entirety, including water replacement and stormwater work as well as the rebuild of the road (including sidewalks and bike paths) cost approximately \$4,000,000. In addition to that, the Town elected to underground the overhead crossings and that cost approximately an additional \$1,000,000.

Discussion ensued regarding the cost per mile for the Estero Boulevard improvements.

Acting Mayor Mandel explained that it was his preference that during the next year while working on Stage I that the County crafts a plan for funding the other miles. He noted how the Town was working to update their water utility lines and wanted to do it in conjunction with the County's sewer line work in a logical manner.

Commissioner Mann noted his view that Estero Boulevard was an everlasting challenge with very limited solutions when counting the amount of funding available. He acknowledged the Council's concern regarding the traffic impact to Estero Boulevard as it pertained to the Ebtide development.

Commissioner Kiker pointed out that when Ebtide was discussed before the Hearing Examiner he had expressed that the Ebtide project would move forward along with the consideration that the Board of County Commissioners continued their support of rehabbing Estero Boulevard. He asked for the commitment of everyone at the meeting to continue to work to determine what would be done for FY14-15.

Acting Mayor Mandel noted that tourism was the main industry of Fort Myers Beach; that Fort Myers Beach and Sanibel were probably the two largest contributors to that industry; and traffic had always been an issue on the Island.

Council Member List asked if gas tax funding was based on the number of miles.

David Loveland, Lee County Director of Public Works – Transportation, explained that gas tax funding was based on a formula that looked at population and the number of lane miles maintained; and that after all the funds were distributed to the cities, then the County had about \$12-13,000,000 per year, and half of that goes to major maintenance needs, intersection improvements, traffic signal improvements, and resurfacing around the County.

Acting Vice Mayor Kosinski discussed his views on the Ebtide project, how he would like to see the shrimp fleet stay in the future; and ideas about possible traffic solutions for Estero Boulevard as it pertained to the Ebtide project.

Commissioner Manning mentioned how the mitigation of the traffic would come at the Development Order stage; and how at that time the Commission would have the ability to add more mitigation requirements if needed.

Council Member Andre noted that the existing trailers were the only affordable housing the shrimpers had in the area, and if they lost their housing, the area would unfortunately lose the shrimpers.

Acting Mayor Mandel requested the County Commissioners to work during the next year to find ways to finance the entire Estero Boulevard project.

Commissioner Mann asked if they could discuss the idea of a roundabout in the Seafarer's area.

Discussion ensued regarding the potential use of roundabouts as it pertained to traffic mitigation efforts.

David Loveland, Lee County Director of Public Works – Transportation, reported a traffic analysis had not been conducted for a roundabout and how well it would function from a traffic standpoint. He pointed out one issue was that a roundabout had to be big enough to allow school buses, garbage trucks, and delivery trucks to go through. He stated at the initial look of a roundabout in that location it did not appear to have sufficient right-of-way.

Discussion was held concerning the purpose of a roundabout (i.e. traffic calming or operational feature).

V. SEAFARER'S PROPERTY AND GENERAL AREA

Acting Mayor Mandel noted on the handout Crescent Park on the Gulf side which the County had helped to develop, the Seafarer's site, and adjacent parcels. He offered a brief overview of the meetings and discussions concerning the subject site that occurred during the past year; and mentioned that residents who attended a workshop rejected the idea of a parking lot on the site. He asked if the idea of

a parking lot on the subject property had been shelved by the County; if the County would be agreeable to the concept of transferrable development rights to be used on the Island for future projects; if it were possible for the Town to take the leadership role in facilitating a public/private partnership in working with the County to bring the highest and best use to the site; and discussed the idea of tax increment financing for the area.

Commissioner Manning noted his agreement with Acting Mayor Mandel's presentation and suggested also to invite the Urban Land Institute to conduct a charette that would outline the uses of the parcels in question. He stated he would agree to working jointly with the Town to come up with something other than a parking lot.

Discussion ensued regarding the importance of the subject property for such matters as but not limited to redesigning Estero Boulevard and the possible temporary use for employee parking.

Damon Grant, Lee County Director of Construction & Design, gave a brief overview of the subject property which was acquired by the TDC in September 2010 along with the Crescent Family Park. He explained that Seafarer's was intended to be an ancillary use to the park which was part of the acquisition, and that was why parking was considered for Seafarer's as a temporary use until something else was worked out. He reported the Times Square businesses usually parked their employees under the bridge or along Old San Carlos Boulevard which the businesses paid for that use; and that it had been considered to use the Seafarer's for employee parking in order to allow the parking under the bridge and along the Boulevard to be used by visitors. He added that in the middle of the summer in 2011 the demolition of Seafarer's occurred; in October/November the County was looking at temporary parking for the site; and in June of last year the County put the parking on hold until the Town and the County could work out the matter.

Discussion was held regarding the consideration of a temporary employee parking use while they were looking at a bigger project.

Damon Grant, Lee County Director of Construction & Design, reviewed the work and costs associated with preparing the subject property as a temporary parking lot; and noted that if Seafarer's was used as a temporary employee parking lot, with a key card system, then there would be no need for pay stations and costs associated with the pay stations, but there would be costs associated with maintenance and trash pick-up.

Commissioner Mann recounted events surrounding the acquisition of the Seafarer's property and noted the bank was 'on the hook' for about \$30,000,000 and the TDC had the opportunity to purchase it for \$6,000,000. He stated that it was his belief that the Commission had not individually or collectively decided on what to do with the subject property. He suggested that the TDC be asked their thoughts regarding development of the subject property.

Council Member Andre stated he would agree to a crushed shell, low-landscaped, temporary employee parking lot at the least expense which would at least make the property look better and be purposeful than what it was currently.

Acting Vice Mayor Kosinski asked if grease traps were still in the ground on the subject site.

Damon Grant, Lee County Director of Construction & Design, responded in the affirmative; and noted that the site was down to the surface grade with the demolition, and there were grease traps that were sealed and under the ground. He reported the original owners of the property, Exxon, continued to mediate on-going contamination issues.

Commissioner Pendergrass asked if the site would be eligible for a brown field grant.

Damon Grant, Lee County Director of Construction & Design, stated it was possible and it would probably meet the criteria.

Acting Mayor Mandel recapped that the Town would facilitate moving forward to create a public/private partnership; work with the County staff to consider short-term employee parking, if feasible, with the caveat mentioned by Commissioner Mann that the Town work with their attorney to make sure it was done correctly; and that they would bring in the Urban Land Institute for a charette to consider the use of the site and to consult with the TDC as the development moved forward.

Commissioner Manning stated the BOCC would have to bring the matter back as an agenda item.

Commissioner Mann noted that the Town could move forward with the '*exploration*' of a public/private partnership.

Commissioner Pendergrass asked who would monitor or control the parking if the property was used as a temporary employee parking lot.

Acting Vice Mayor Kosinski explained how a key card access system would work.

Commissioner Manning was excused at 10:00 a.m.

VI. ANIMAL CONTROL

Council Member Andre discussed that unincorporated Lee County was using approximately 60.26% of the Animal Control services and was paying about 46.9% of the bill. He noted that the Town did not intend to provide their own animal control services; reviewed how in prior years the Town had raised questions with prior County administrations about the methodology used to set the charges; and how the Town had been in contact with other municipalities in Lee County concerning the inequitable amount of cost allocated to the Town and other municipalities.

David Harner, Lee County Director of Parks & Recreation, reported that Lee County recently reached out to the municipalities to schedule a meeting on the matter of cost allocation.

Town Manager Stewart expressed his appreciation to the Interim County Manager for agreeing to work together on this matter. He noted the Town was seeking to correct the methodology so it was more equitable or in lieu of that for the County to provide all the municipalities with an explanation that

provided a sound, logical, and reasonable basis for the way the services were charged. He reported the Town provided to the County an assessment analysis which was received through the City of Cape Coral; and that a meeting had been scheduled with the County.

Council Member Andre reported the Town paid approximately \$90,000 for the services. He told of how he recently had a neighbor move out that abandoned five cats. He said that when he called Animal Control Services for assistance they told him that they did not pick up cats; and he conveyed the conversations he had with Animal Control Services regarding animal pick-up.

VII. INTERLOCAL AGREEMENTS WITH LEE COUNTY AND PARKS

Council Member List noted the agreement the County had with Sanibel regarding maintenance of County parks, and indicated the Town would like to work with County staff on developing a similar agreement. Council Member List discussed developing an ILA with the County for working together on issues that involved adjoining boundaries and/or common interests between neighboring jurisdictions.

Acting Mayor Mandel suggested that the ILA should include a designation within the agreement for a responsible party in each jurisdiction to be the contact point (i.e. the Community Development Department). He reviewed how the County was paying for staff and maintenance of their facilities on the Beach, and how Town staff felt there were personnel already doing the same on adjacent properties that could maintain the County property.

Council Member List explained that Town staff was working to collect data and information regarding this issue.

Town Manager Stewart reported that last year the County Commission instructed the County staff to provide data to the Town staff about this request; however, it did not happen even though the Town made repeated requests. He added that when the Interim County Manager took office he contacted him about the situation and Mr. Meurer took action immediately. He stated the Town recently received some data and staff was working through that information.

Acting Mayor Mandel stated that Mayor Raymond had planned to discuss the topic of communication between the BOCC and the Town Council. He thanked Commissioner Kiker for conducting a mayors meeting; and noted the four key points to managing (planning, organizing, leadership, and control) and how it related to the plans for the parks, Seafarer's, Estero Boulevard, and the visioning of the County and Town.

Commissioner Pendergrass expressed that he enjoyed the meeting, looked forward to more such meetings, and noted that open communication was important to him.

Commissioner Mann readdressed Estero Boulevard and expressed his opinion that the project was a huge undertaking with no foreseeable funding. He pointed out that Director Loveland had mentioned to the Commissioners that the bridge at the other end of Fort Myers Beach was at the point that it was going to need replacement which would cost approximately \$45,000,000.

Acting Vice Mayor Kosinski asked if the pilings under the north bridge been inspected on a regular basis.

David Loveland, Lee County Director of Public Works – Transportation, reported that bridges were structurally inspected by the State every two years, and the subject bridge was a State bridge. He stated he was unsure as to how often the State conducted underwater inspections. He offered to check with the State DOT regarding inspections.

Commissioner Kiker noted the dredging on Big Carlos Pass was at a critical point which would need to be addressed sooner than later.

Acting Mayor Mandel reported he attended the Beach & Shoreline Conference in Jacksonville and offered a synopsis of the meeting he attended with the Army Corps of Engineers (i.e. changing the permit the next time dredging was needed at the north end, that the Town hired a coastal engineering firm and the type of work they would perform, and issues with San Carlos Pass).

Discussion was held concerning the improved spirit of cooperation between the Town and the County.

VIII. ADJOURNMENT

Meeting adjourned at 10:20 a.m.

Adopted _____ With/Without changes. Motion by _____

Vote: _____

Michelle D. Mayher, Town Clerk

- End of document.