



MINUTES

**FORT MYERS BEACH TOWN COUNCIL
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931**

November 15, 2010

6:30 PM

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 6:35 p.m. Present with Mayor Kiker was Vice Mayor Raymond, Council members Babcock and Mandel as well as Town Manager Stewart, Town Attorney Miller and Town Clerk Michelle Mayher. Councilmember List absent.

II. INVOCATION – Reverend Alice Marcrum

III. YOUTH COUNCIL

Hannah Florell and Riley Masante, students of the Fort Myers Beach Elementary came forward to address Council and audience providing information on all recent activities at the school.

IV. PLEDGE OF ALLEGIANCE

All stood for Pledge of Allegiance.

V. APPROVAL OF FINAL AGENDA

▪ Addition of guest speaker, Gary Price, Town Manager of Bonita Springs.
Agenda stood with addition of guest speaker.

VI. PUBLIC COMMENT

Public Comment Opened

No Public Comment

Public Comment Closed

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

A. Recognition of Dan Parker – Donation of Newton Historical Documents
Council presented resident Dan Parker with a certificate for his assistance to the town in preserving documents pertaining to the history of the town and passing them on to the town.

Gary Price, Town Manager of Bonita Springs addressed Council regarding the elimination of the county park stickers for parking in Bonita indicating they were pushing for a county wide beach parking sticker. Mr. Price encouraged Council to make calls and send emails to Lee County Commissioners.

Councilmember Babcock voiced his approval of joint parking stickers. Vice Mayor Raymond was in favor of the communities working together on several issues as did Councilmember Mandel. Mayor Kiker questioned whether the issue was time sensitive, as well as commenting on the need for consistency. Mayor Kiker asked for the subject to be placed on agenda management.

Councilmember Babcock reminded all that the town was coming up on their 15th anniversary as well as commenting on the success of the art fair and Sandsculpting. Councilmember Babcock mentioned the Estero Island Historic meeting, the MRTF accomplishments on the recycling trials as well as the education going on regarding sea grasses.

Mayor Kiker acknowledged Dan & Tree Andre of Mango Inn for putting on a benefit to assist the Matanzas Preserve. Paint the Town event put on by Al Durrett also was noted.

VIII. ADVISORY COMMITTEES ITEMS AND REPORTS

None

IX. APPROVAL OF MINUTES

A. October 11, 2010 Work Session

MOTION: Councilmember Babcock moved approval; second by Vice Mayor Raymond.

VOTE: Motion approved 4 to 0 Councilmember List absent.

X. CONSENT AGENDA

A. Appoint RBC Capital Markets as Financial Advisor for Water Utility

MOTION: Councilmember Mandel moved to approve RBC Capital Markets with a second by Councilmember Babcock.

VOTE: Motion passed 4 to 0 Councilmember List absent.

XI. ADMINISTRATIVE AGENDA

A. Beach Access Restroom Placement

Mayor Kiker gave an overview of the previous work/discussions on the noted issue.

Public Comment Opened

- **Doug Wood**, attorney for ESJ6 LLC, property located at 5890 Estero Boulevard adjacent to Lanark Street. Mr. Wood indicated the placement of the portable restrooms could have an adverse affect on property values and then continued to discuss his clients objections.

- **Charles Mann**, attorney for Scott Saveraid, Connecticut Street, addressed the needed additional utility lines required as well as his clients concerns of the placement of a portable restroom, noting a few of the issues as zoning, permitting, set back and land use issues also citing a case study for usage of the street due to the original platt.

- **Harry Gottlieb** 50 Aberdeen Avenue addressed Council noting he had sent a letter to Council and the town regarding his concerns, questioning the wisdom of locating public restrooms at the end of residential streets affecting local residents, urging further review of the matter.

- **Lance King** 50 Dakota Avenue voiced his disapproval of the placement of the portable toilets and his concerns over the effect it would have on his property values.

- **Garr Reynolds** 5500 Estero Boulevard and Dakota, beach access 16 voiced his concerns with the restrooms and the many ways it would affect the community, the safety factor and the ambiance of the area. Mr. Reynolds also asked how much research Council and staff had done on the restrooms.

- **Elizabeth Spellburg** indicated she was shocked, feeling there was no benefit to the residents or visitors to place port-o-potties on the beach, feeling it was a safety issue and would have a negative affect to the neighborhoods.

- **Cheryl Erickson**, Lauder Street read a letter voicing her concerns and disapproval of the placement of portable toilets at any beach access on the island.

- **Jim Tucker** stated he had been on the beach since 1964 and had never heard anyone indicating their desire for a portable toilet on the beach, noting there were 4 toilets and 4 Council members present, so there would be 4 properties that they should go on.

- **Artis Chester** 5690 Estero Boulevard, questioned the need for the toilets, stating they were not needed nor wanted.

- **Bill Veach** 3580 Estero Boulevard voiced his concerns, the aesthetics and the placement.

- **Chris Schaab** stated he saw the need but would not want them placed next to a residential home.
- **Dean Sena** 5900 Estero Boulevard voiced his disapproval of the restrooms at residential areas as well as the long range cost and the safety factor.
- **Bobbi Kemp**, Sterling Avenue voiced her opposition per all the reasons noted by those before her.
- **Joanne Shamp** 5664 Estero Boulevard indicated it was apparent that no one wanted the toilets near their home, asking if there was public property where they could be located.

Clerk's Note: Following are e-mails and letters sent to Town Council regarding the beach access restrooms which Council has requested be made part of the record, and are therefore attached.

November 15, 2010

To: Fort Myers Beach Town Council
From: Harry Gottlieb
Subject: Proposed Beach Access Restroom Locations

At the outset, thanks to Mayor Kiker, Councilman Babcock, Terry Stewart, and Cathie Lewis for providing me with information regarding the history of the proposed project. *Scott Baker*
Unfortunately, however, this came after the Town Council had voted to approve it.

Jean and I have owned our home at 50 Aberdeen Avenue since 1955. We are adjacent to Beach Access # 14 which has never been wide enough for proper use without using our property to turn around for exit.

For these 55 years there has never been a public restroom here, so there should be no time pressure against full consideration of the pros and cons of the proposal. It is more important to get it right.

On October 6, 2010 I delivered a letter to members of the Town Council suggesting that they consider a different location than Access 14. I will not repeat my arguments here except for the fact that this location has unacceptable access for handicapped people on the beach.

Going through the material furnished to me, I find only two criteria that were emphasized in making location decisions: spacing and cost. Nowhere do I find discussion of the possible negatives of outdoor public restrooms, including aesthetic and economic effects on property owners. (The Internet provides much information on potential negatives). Nor do I see any way that the Town can deliver suitable cleanliness and maintenance of such units without hiring additional staff.

I question the wisdom of locating public restrooms at beach accesses at the end of residential streets. It is pitting the interests of occasional tourists against the wellbeing of local homeowners and renters. The attached letter from John and Geri Anderson, who live a block away from the beach, epitomizes the negative reaction of many other local residents regarding use of the Aberdeen beach access in this program. *Mary Ann LaSanture*

I strongly urge that the entire proposal be given further review. The Local Planning Agency has offered to participate. Mayor Kiker has authorized me to acknowledge his willingness to convene a workshop, with public participation, for discussion of the program.

Thank you for your attention.

Harry Gottlieb
Harry Gottlieb

November 12, 2010

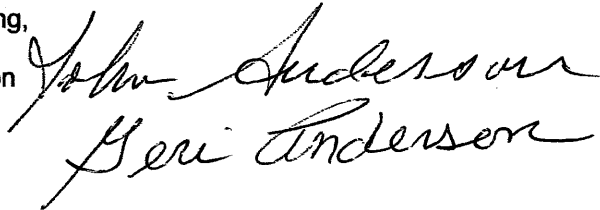
To: FMB Town Council
Fm: John & Geri Anderson 5790 Lauder St. FMB

Re: Aberdeen Beach Access #14/Portable Restrooms

Please be advised that we see no reason for a portable restroom at this location. The majority of people accessing the beach at Aberdeen are either local people or renters who live in the immediate area. What we don't need is something that detracts and no doubt will stink up the area. You can shrub around this all you want but it only adds to the dilemma as to who is hiding behind the shrubs. In addition property values will decline and you will lose another parking meter. This area does not need this, has no crosswalk at this access and we have way too many signs on this island already. Just remember if you contribute to an attractive nuisance you put the taxpayers at peril. Please reconsider another location.

Thank you for listening,

John & Geri Anderson

Handwritten signatures of John Anderson and Geri Anderson. The signature for John Anderson is written above the signature for Geri Anderson.

Fort Myers Beach Town Council

11/15/10

PORTABLE TRAILER TOILETS FOR ACCESS #14
ABERDEEN ST.

THERE IS ABSOLUTELY NO GOOD REASON FOR A PORTABLE TRAILER TOILET AT ACCESS #14. BASICALLY IT'S AGAINST THE LAW TO PROVIDE A FACILITY LIKE THIS WITHOUT WHEELCHAIR ACCESS. THIS ACCESS HAS STAIRS WHICH CROSS THE SEAWALL. PARKING IS VERY LIMITED AT ACCESS #14, THIS UNSIGHTLY TRAILER WILL FURTHER LIMIT PARKING. NO CROSSWALK ACROSS ESTERO BLVD IS ALSO A LIMITING FACTOR. IF THIS IS NOT ENOUGH MOST OF THE PEOPLE THAT USE #14 LIVE OR RENT NEAR BY AND WILL USE THEIR OWN BATHROOMS. THIS AREA IS IN THE QUIET ZONE NOT THE COMMERCIAL ZONE! PLEASE MAKE AN INFORMED DECISION BASED ON THE LOCAL RESIDENTS NEAR #14 WHO ARE TAXPAYERS.

BOB & MARILYN JAVIER - Manager of M. Javier's
5775 LAUDER ST. Robert Javier
FMB

11-12-10

To Whom it May Concern,

I as a long time resident
have become aware of a
part a job on the beach access -
I use Aberdeen - frequently. I'm
appalled you would not consider
what the taxpayer and resident want.

This is revolting to think I have to
be looking at a Toilet!

Enough money has been spent on
parking which people do not pay
and they park on the side streets.

I can only imagine what I
would be opposed to with an expensive
expansive and having to hire someone to
clean it daily.

Please do not have any part of

239-463-2956

Jared C. Mc Cleary
5740 LAUDON ST.
FT. MYERS BEACH, FL

To whom it may concern,

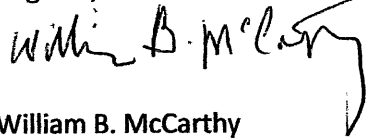
As a voter and a tax payer of Fort Myers Beach, I would like to express my displeasure

at the idea of putting in bathroom at each beach access. But mostly at the Aberdeen access.

I do not feel it is something that this island needs. Nor do I want my tax money put towards it.

I SAY NO to bathrooms at Beach accesses.

Regards,

A handwritten signature in black ink that reads "William B. McCarthy". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right from the end of the name.

William B. McCarthy

To the Fort Myers Beach Town council,

As a resident of Fort Myers Beach (over 35 years) I would like to voice my opinion on the beach access bathrooms. I DO NOT agree with the project of putting bathrooms at the access. I do not want one dime of the tax payer's money to go towards such a ridiculous project. It is a waste of our money. If bathrooms need to be installed because there are meters at the access THEN REMOVE THE METERS! I would much rather see the meters removed then have bathrooms there. Our taxes on this island are already high enough, I will not support a reason to raise them again. We would just have to hire someone to monitor them.

You would also be ruining our beaches. It would be horrible eyesore!!

There are enough public places on this island for nonresident people to go to the beach that have bathrooms available to them. There is no reason to encourage them to the small part that the residents have. It would also be encouraging vagrants to be around.

I SAY NO TO BEACH ACCESS BATHROOMS!

Wendy McCarthy
Wendy McCarthy

Cathie Lewis

From: Charles Drake [charles@nationalcocoashell.com]
Sent: Monday, November 15, 2010 4:55 PM
To: Cathie Lewis
Subject: Please enter into the public record
Importance: High

To: FMB Town Council

I would like to have the following read and entered into the record at the meeting on 11/15/10 discussing the placement of public restrooms at public access locations on FMB.

Unfortunately I can not attend the meeting tonight but wanted to formally object to Sterling Ave as a potential location a public restroom. As I am sure you are aware, the area at Sterling Avenue access is limited. A defining characteristic is its lack of parking.. As an owner next to the public access, I already face many vehicles parking illegally on my property. This is the result of thier inability to find legal parking at this access due to its size. Placing a structure in an area currently used for parking would further restrict parking and further exacerbate the parking problem.

I appreciate your consideration in this mater and thank you for entering this into the record

Sincerely

Charles Drake
93 Sterling Ave
FMB, FL

Public Comment Closed

Hank Zuba, LPA representative said there were two concerns of the LPA and asked if there should be an intrusion of commercial on residential neighborhoods, as well as public nuisances, which could diminish property values. The LPA requested Council to allow them to research the issue further.

Town Manager Stewart indicated he understood the issues brought forth by the public and continued to review past work/discussions on the issue.

Mayor Kiker encouraged everyone to participate in the issue stating it was placed on the December 6th Worksession

There was a consensus from Council to place the project on hold until further direction was given, with Council providing a list of questions to the Town Manager to be addressed.

Recess 8:45 p.m.

Reconvened 9:00 p.m.

B. Inter-local Agreement Lee Tran

Town Manager Stewart reviewed previous discussions on the issue, stating before Council was the question of additional trolley service on the island, and if it was wanted what level of service did Council desire.

Public Comment Opened

No Public Comment

Public Comment Closed

Vice Mayor Raymond, Council members Babcock and Mandel agreed to move forward with the issue with Mayor Kiker noting he would vote no.

Town Manager Stewart stated he did not understand why the town would be paying the same for 4 months of service verses an entire year for regular service, questioning why the county was not taking care of the service without the town's contribution.

MOTION: Vice Mayor Raymond made a motion to approve the Interlocal Agreement between the Town of Fort Myers Beach and Lee County for continued trolley service for the period of October 1, 2010 through September 30, 2011. Second by Councilmember Mandel.

Vice Mayor Raymond wanted to get it going for this year but then address the issue with the BOCC for next year, indicating the problem was with the BOCC and Council not Lee Tran.

Steve Myers, Lee Tran Director addressed Council discussing service and costs indicating it was a policy matter to be taken up with the board.

Councilmember Babcock felt it was a budget question, asking what the town wanted for the \$235,000.00 necessary for the enhanced trolleys.

Mayor Kiker felt there needed to be a better measurement system in place, better service and a lot more innovation, especially for \$235,000.00.

Water taxis were briefly discussed as an alternative source of transportation.

CALL THE QUESTION - Vice Mayor Raymond

VOTE: Failed 3-1, with Mayor Kiker, Council Member Mandel and Council Member Babcock dissenting.

MOTION: Councilmember Mandel moved to approve the interlocal agreement reducing the service to \$14,000 for holiday service and \$160,000. For two trolleys.

FAILED LACK OF A SECOND

MOTION: Councilmember Babcock moved to approve the interlocal agreement between the Town and Lee Tran supporting only the three holidays in the amount of \$14,057.

VOTE: Motion passed 3-1, with Vice Mayor Raymond dissenting.

C. North Estero Change Order

Public Works Director Cathie Lewis introduced this item. The request is to approve change order #12 which provides an additional \$35,085 to complete the seawall replacement on Matanzas Court.

Opened Public Comment

None

Closed Public Comment

MOTION: Council member Babcock moved to approve change order #12 to the North Estero Drainage Improvement project in the amount of \$30,085.33 to complete and final the installation of new seawalls at drainage beds #4 and #5. Seconded by Council member Mandel.

VOTE: Motion passed 4-0.

D. Donation of modular building from Chris Claussen

Town Manager Terry Stewart introduced this item as the donation of a modular building located at 4530 Bay Beach Lane from real estate broker Christopher Claussen. Should the Town accept this “free” building, there will be substantial cost in the relocation, elevation and installation of utilities and finishes in the estimated amount of \$210,500.00. Mr. Stewart sought direction from the Council whether to proceed.

MOTION: Council Member Mandel moved to gratefully decline the offer of the modular building. Council Member Babcock seconded the motion.

VOTE: Motion passed 4-0.

Town Council directed staff to prepare a letter for the Mayor’s signature to Mr. Claussen declining the offer.

PUBLIC COMMENT

Opened Public Comment

- **Garr Reynolds** expressed his appreciation to the Council for bringing “old memories”; the restrooms item is very personal; the council made a good decision not having extra trolleys.

Closed Public Comment

TOWN MANAGER’S ITEMS

Town Manager Terry Stewart reminded everyone of the Chamber of Commerce Holiday Boat Parade on Saturday December 4, 2010.

TOWN ATTORNEY’S ITEMS

No Items

COUNCIL MEMBERS ITEMS AND REPORTS

Council Member Babcock referenced a letter received from Mrs. Ceel Spuhler regarding a presentation made to the Estero Island Historic Society by Cultural Resources Director Theresa Schober.

Mr. Babcock referenced vacancies on the Marine Resources Task Force; Council directed staff to advertise the MRTF vacancies as well as vacancies on other committees.

RECAP OF ACTION ITEMS

- Bonita Springs Parking workshop
- Agreement for a financial advisor
- Halt all beach access restrooms activity until discussion December 6th
- Proceed with the North Estero change order
- Mayor Kiker will speak with Council Member List regarding the gazebo and tree lighting
- Staff will prepare a letter to Mr. Claussen regarding the modular building
- Staff to work with Mrs. Spuhler regarding a presentation
- Advertise vacancies on advisory committees

- Invite Mr. Steve Boutelle, Lee County Natural Resources to the December 6th council meeting

AGENDA MANAGEMENT

Add Utility Bond Resolution to the December 20, 2010 regular council meeting.

ADJOURNMENT

The meeting adjourned at 11:00 PM

Adopted 12/20/10 With/Without changes. Motion by Raymond / Butcode

Vote: 50



Michelle D. Mayher, Town Clerk

- End of document