

AUGUST 10, 2006

The Joint Meeting of the Board of Lee County Commissioners, with the Fort Myers Beach Town Council, was held on this date in the Student Services Building at Edison Community College, with the following members present:

LEE COUNTY PORT AUTHORITY

FORT MYERS BEACH TOWN COUNCIL

Tammara Hall, Chairwoman
Robert P. Janes, Vice-Chairman
Ray Judah
John E. Albion
Douglas R. St. Cerny

Dennis Boback, Mayor
Don Massucco, Vice-Mayor
Garr Reynolds
Charles Meador, Jr.
Bill Shenko, Jr.

Mayor Boback called the meeting to order at 9:05 a.m., thanked the Commissioners for attending, and expressed appreciation for the cooperation of Chairwoman Hall and County Manager Donald D. Stilwell in setting up the agenda. All present stood to recite the Pledge of Allegiance to the Flag.

1. BEACH RENOURISHMENT

A. Council Members' Comments

Mayor Boback noted that the issue of renourishment had been debated in the media, expressed hope that agreement could be reached during the meeting, and mentioned that each Council member would express his individual thoughts.

Mayor Boback:

The areas of beach where the sand was to be placed were not necessarily eroded.
Some areas that should be getting sand were not included in the proposed project.
Some wording in the interlocal agreement appeared to be punitive to the town if things did not go right.
The proposed project ignored the impact of widened beaches on traffic on Estero Boulevard.
The Bicycle Pedestrian Advisory Council had not addressed bike paths/sidewalks on Estero Boulevard.
Beach residents believed that the additional sand would be for recreational purposes, not for storm protection.

In response to questions from Commissioner Albion, Mayor Boback explained that the interlocal agreement required that the Town obtain the easements and pay 100% of federal funds lost if necessary easements could not be acquired. He opined that the Town should help obtain easements, but should not be responsible for 100% of any monies lost.

Commissioner Judah explained that his primary concern about renourishment was the potential for detrimental environmental impacts on the offshore borrowing area, noted that shoreline hardening such as rip-rap and seawalls exacerbated erosion of adjoining shorelines, and described the successful use of beach-compatible sand dredged from Matanzas Pass in 1996. After commenting on the need for a long-term renourishment plan with appropriate funding, Commissioner Judah described the efforts to obtain federal funds and the participation of the Tourist Development Council (TDC) to supplement the limited funding available from the Town. He emphasized that the process was very closely scrutinized and engineered to minimize future erosion by providing a smooth profile, and opined that the project would help protect property and lives and provide greater recreational opportunities for Town residents as well as tourists. Commissioner Judah asserted that the County had acted responsibly in helping to obtain a dedicated

funding source; mentioned that County Senior Environmental Planner Stephen Boutelle had been working with residents and the Army Corps of Engineers (ACOE) on easement acquisition; and suggested that the dune system, which was optional for residents, should have been included in the project. He emphasized the County's concern for all residents and the quality of life, and expressed his willingness to work with the Town officials and staff.

After Chairwoman Hall stated that Commissioner Judah had adequately summarized the Board's position, the remaining Council members presented their thoughts on the issue.

Councilman Shenko:

It appeared that the project was actually intended to put a recreation beach where one had never existed. The beach along much of the area proposed for renourishment had been building for years. The areas with the most severe erosion problems were not being addressed. The project would include a hardened structure at Bowditch Point. The interlocal agreement constituted a blank check, with no cap on the amount the Town would pay. Estero Boulevard was one of the worst roads in the County, and nothing was being done to improve it. The entire project should be re-thought to ensure that the intended purpose would be accomplished.

Councilman Meador:

Town residents were concerned about paying to bring more tourists with no benefit to the residents. The County/ACOE agreement included no payment for any potential benefits to private property owners. Maps dating back to the 1920s showed that the vast majority of the sand would be placed on a growth area. No estimates of the total cost to Fort Myers Beach had been provided to the Town Council. Most residents had no problem with additional tourists, since the Town's economy was tourist-based. Improvements to the road system and efficient ways to bring people to and from the beach would be essential. Sewer and water system replacement should be part of any improvement program for Estero Boulevard.

Vice-Mayor Massucco:

The 1996 project was intended to open the channel in Matanzas Pass, not to deal with beach erosion. Assistance from the County was needed to improve the Town's infrastructure to handle the additional traffic.

Councilman Reynolds:

Statements from the Federal Emergency Management Agency (FEMA) were directly opposite to the belief of the Commissioners that the project would protect waterfront property. The worst areas of erosion were in the middle part of the island. There was more sand than ever before from Lynn Hall Park north. Bowditch Point has continued to grow at the rate of 34 feet per year. The residents would like to see the beaches evened up to a width of 250 feet all the way down. Bringing over additional pedestrians would be good for businesses, but would not benefit the residents. Estero Boulevard would need major improvements to deal with current traffic before the beaches are enlarged.

B. Commissioners' Comments

Chairwoman Hall briefly summarized the four major concerns expressed by the Council members:

1. That the renourishment was about adding new beach, not renourishing existing beaches that were eroded.
2. That the interlocal agreement should include set or not-to-exceed amounts for costs to the Town.
3. That the Town's current infrastructure would not handle additional tourists drawn by beach improvements.
4. That the beach should be renourished so as to provide a consistent beach width of 250 feet.

Commissioner Albion asked whether an engineer's survey had been done; and, if so, whether the survey had been given to the County or the ACOE for consideration. Mayor Boback responded that some maps had been drawn up, and that he was not certain that the maps had been done by an engineer. Fort Myers Beach resident Frank Schilling reported that maps had been drawn up last year, at the request of the County, to show where and how much erosion had occurred. He added that, according to the maps, the project would enlarge an area that was already the fastest-growing beach on the island. Commissioner Albion noted that both the ACOE and FEMA required engineering studies indicating that the placement of the sand would meet specific criteria; and added that 65% of the project funding would be federal monies, which could be withheld if the project did not meet the standards. He emphasized that the Board would support the Town's efforts to have sand placed where evidence existed that it was actually needed, and mentioned that renourishment would draw additional tourists regardless of where sand was placed. Referring to the interlocal agreement, he stated that the County would work with the Town to establish a gross maximum price. After mentioning his belief that Estero Boulevard should not be part of the County road system, Commissioner Albion described a survey indicating that Fort Myers Beach was the destination of 96% of the traffic over the Matanzas Pass Bridge. He concurred that improvements were needed before the Town could take over the road, and stated that additional discussion was needed regarding sidewalks. Referring to the Council's concerns about the benefits of the sand, Commissioner Albion pointed out that a lot of sand had been carried by Hurricane Charley onto Estero Boulevard; and opined that the sand had helped to protect the island by lessening the encroachment of the storm onto Fort Myers Beach. He concluded his statements by emphasizing that the key to resolving traffic issues on Fort Myers Beach would be elimination of the light at Times Square and provision of a safe crossing for pedestrians.

Commissioner Janes asserted that renourishment would offer protection to waterfront properties, and pointed out that everyone benefited when waterfront property values did not decrease. He emphasized that, because the County population was predicted to reach 1 million within a few years, more people would be coming to the beach even if there were no renourishment; suggested that the beach trolley system was a preliminary step in introducing the mass movement of people that would be required; and noted that right-of-way acquisition along Estero Boulevard would be cost prohibitive. Commissioner Janes opined that, although the renourishment might not be everything the Town wanted to achieve, the cooperative effort would be much cheaper than going it alone. He added that renourishment was an endless and expensive project, and commended the Town Council for its interest in the project.

Commissioner St. Cerny thanked the Council members for their clear identification of the issues, pointed out that the Town of Fort Myers Beach had incorporated primarily for the opportunity for home rule, and emphasized that the County government still had responsibilities to all citizens in the County. He commented that the renourishment issue had come down to the science needed to provide rationale for the placement of sand, that the portions of the interlocal agreement dealing with legal and financial issues should be addressed, and that discussions with the County DOT were necessary to determine what could be done regarding the concerns expressed by the Council members.

Chairwoman Hall emphasized the need to look again at the science, and agreed that the County Attorney's Office should review the interlocal agreement. She thanked the residents who had come to the meeting, and thanked Edison College for providing the facility. Chairwoman Hall commented that Lee County was the best of Florida's 67 counties because it had places like the Town of Fort Myers Beach, and that the Board's goal was to protect the citizens' quality of life and to work with the Town's chosen representatives. In response to her question, County Manager Donald D.

Stilwell suggested that staff reviews and recommendations regarding the items discussed at this meeting should be presented to the Board at a Management and Planning meeting.

Commissioner Judah noted the high costs associated with the continual process of renourishment, and added that the barrier islands were vulnerable to erosion because of hardened structures and the way in which coastal areas had been developed. He pointed out that certain design criteria must be met to determine whether other areas of Fort Myers Beach are experiencing erosion, and that compliance with federal requirements was essential to obtaining federal funding for this project. After mentioning that the Captiva Erosion Prevention District and Bonita Springs contribute to nourishment of their beaches, Commissioner Judah opined that the Town's contribution would be nominal, considering the total cost of the project. He added that he had no objection to amending the ACOE contract to extend the project to other areas where erosion could be substantiated, nor to revising the interlocal agreement to minimize the Town's financial risk. Commissioner Judah pointed out that Estero Boulevard was a constrained road, for which right-of-way acquisition would be cost prohibitive; and suggested that some kind of mass people moving system was the only realistic option. After noting the Board's support for the Park and Ride Program and the trolley system, he stated that the overhead power lines along Estero Boulevard could be put underground to create additional right-of-way to allow use of a people mover system on both sides of the street. He added that a "fatal flaw" study was to have been conducted by the County DOT to determine whether such a people mover system would be feasible, commented that a suggestion had been made by several Beach residents to change the directional flow of traffic utilizing Crescent Street and the Times Square Area, and voiced his support for elimination of the traffic signal and placement of a pedestrian catwalk at Times Square. He expressed hope that the Board and Council could continue to work toward meaningful solutions.

Chairwoman Hall requested that County Administration add these issues to a Management and Planning agenda, that the science and locations for the renourishment project be presented for Board review, and that the County Attorney's Office review the interlocal agreement and provide recommendations for possible revisions. She added that the Town would be notified of the results of the Board's review of the items.

Commissioner Albion added a request for information on the potential costs to renourish areas that the Council believed should receive additional sand, but that might not meet FEMA requirements. He opined that doing the extra work while equipment was in place could save 10-15%. In response to Chairwoman Hall's inquiry, Mayor Boback stated that he would share the erosion maps that were made last year with County staff to show them where the Council believed the sand was really needed.

2. TRANSPORTATION

A.(1) Lane Management on Bridge - Council Members' Comments

Mayor Boback commented that the bridge had two traffic lanes and a dedicated trolley lane, and requested that the County work with the Town and State to change the trolley lane and make three traffic lanes. He explained that lane directions could be changed with signs at different times of the day; e.g., two lanes onto the beach in the morning and two lanes off the beach in the afternoon. He pointed out that no bottleneck would be created at the bottom of the bridge, and opined that the arrangement would move traffic considerably faster. He added that re-routing traffic onto Crescent Street was difficult, and that the traffic light could be changed to flashing yellow as a caution signal.

Council member Meador mentioned that lane management had been considered at a meeting of the Fort Myers Beach Chamber of Commerce Traffic Committee, and that the DOT representative at the meeting had indicated that the State

would not permit the change because the bridge was not structurally capable of handling that kind of traffic load. He emphasized the importance of properly handling pedestrians to prevent traffic congestion.

Vice-Mayor Massucco mentioned a project that had been considered, involving a re-alignment of Estero Boulevard behind Seafarer's Mall; and noted his belief that the option was no longer available. He added that technical advice was needed before consideration of three traffic lanes on an aging bridge.

Council member Reynolds pointed out that the right-of-way from the base of the bridge to the firehouse was only 50 feet, opined that traffic problems would not be solved by putting more people on the bridge, and emphasized that the bridge had been built only as a two-lane bridge. He added that an overhead pedestrian bridge might help, if people could be convinced to use it; and noted that, although the island could handle the people it currently had, expanding the tourist population would cripple the Town.

Councilman Shenko expressed his support for a three-lane bridge, mentioned that the Metropolitan Planning Organization (MPO) 2030 plan included a new bridge for Fort Myers Beach, and suggested that the present bridge could be expanded to make it structurally sound enough to support the weight of another lane. After describing other areas where pedestrian traffic was routed under bridges, he commented that staircases, elevators, and an extension of the bridge angle would be required to implement a similar system. He added that an extra lane coming on the island might be workable if it were a right turn only to the north, and that the Crescent Street re-routing option could help.

A.(2) Lane Management on Bridge - Commissioners' Comments

Commissioner Janes commended Mayor Boback on his idea of flexible lane management; and stated that, if the Mayor's efforts were successful, the same arrangement would be sought for the Sanibel Bridge.

Commissioner Judah mentioned that flexible lane management had been discussed a number of times; and noted that the Florida Department of Transportation (FDOT) was concerned not only with the weight-bearing capacity of the bridge, but also with the preservation of a break-down lane. He asserted that the catwalk system was in use throughout the world, that the challenge of ADA compliance was not insurmountable, and that attractive landscaping and other amenities could attract people to use the walkway and allow elimination of the traffic signal.

Commissioner Albion opined that two traffic lanes onto the island would push people into a constrained roadway; and suggested that the third lane should operate as a trolley and break-down lane in the morning, with conversion to two lanes off the island in the afternoon. He pointed out that use of public transportation would be encouraged for people coming onto the island, and that two lanes coming off would expedite traffic movement onto San Carlos Boulevard. After commenting on the need to continue discussions about movement of pedestrians, Commissioner Albion emphasized that funds spent on a solution would be for health and safety purposes and improved traffic flow.

B.(1) Estero Boulevard Repairs and Maintenance - Mayor's Comments

Mayor Boback asserted that he had seen nothing done to maintain Estero Boulevard in the 11 years he had been on the island, opined that the Town should own the road, and emphasized that the Town could not afford to take over and maintain the road in its current condition. He asked whether a compromise could be worked out for the Town to assume responsibility for the road after necessary infrastructure improvements by the County.

B.(2) Estero Boulevard Repairs and Maintenance - Commissioners' Discussion

Chairwoman Hall described the lengthy process for transfer of roads during the annexation of the Dunbar area to the City of Fort Myers; and suggested a dialogue regarding the necessary improvements, associated costs, prioritization of work, and a time-line for completion and transfer. Commissioner Judah emphasized that the drainage issues must be addressed, pointed out that timing would be important for allocation of funds, and expressed support for the addition of the project to the County CIP and development of an agreement with the Town. Chairwoman Hall noted that the timing of the road improvements should be coordinated with any utility repairs or replacements to be undertaken by the Town. Commissioner Albion requested a list from the Council of the desired improvements, to serve as a starting point for discussions and to allow establishment of cost estimates. Chairwoman Hall mentioned that County and Town officials and staff were present and aware of the direction the Board and Council wished to take.

B.(3) Estero Boulevard Repairs and Maintenance - Joint Board/Council Discussion

Mayor Boback commented that the issues were being presented at this meeting to help determine whether the County would be amenable to working toward resolution before the Town spent a lot of time, energy, and money. He added that staff from both entities should be able to work together to develop financial estimates. Commissioner Albion emphasized the Board's desire to move forward, noted that the long-term strategy involved planning and money, and observed that other opportunities could arise from exploration of the current possibilities. Councilman Massucco inquired as to the status of the "fatal flaw" study previously mentioned, expressed his concerns about the water and sewer utilities, and suggested that undergrounding electric lines should also be coordinated with road improvements. Commissioner Albion commented that a point of discussion would be what the County deems to be economically feasible within a time frame and the Town's decision as to what it would be worth to have control of the road. Councilman Meador mentioned that the Town's acquisition of Estero Boulevard had not been brought up at a Council meeting, that there was not consensus among the Council members that they wished to proceed in that direction, and that the Council would be willing to consider and discuss the issue. Chairwoman Hall emphasized the need to openly discuss important issues so as not to lose the opportunity to do what was in the best interest of the citizens; and pointed out that improvement of Estero Boulevard was important to both residents and visitors. Councilman Shenko commented that it would make sense for one entity to own the road, water, and sewer; and requested that the County look into options for Town ownership of the sewer system. He added that the issue had not been discussed by the Council; estimated that the Town would gain only \$16,000.00 annually in gas tax revenue with Estero Boulevard in perfect condition and his suggested vehicle fly-over in place, and asserted that the Council should carefully consider ownership of Estero Boulevard and the utilities.

C. Bike Paths and Sidewalks - Joint Board/Council Discussion

Mayor Boback commented that the bike path and sidewalk issues tied into the quality of life for Town residents and tourists; and provided the Commissioners with copies of photographs taken by the Town's Public Safety Task Force, which illustrated the poor condition of bike paths/sidewalks in many areas. He mentioned that there could be liability issues on the sidewalks and bike paths, that it was a County responsibility because the County owned Estero Boulevard, and that the County's Bicycle Pedestrian Advisory Council (BPAC) apparently had no plans to include the area in its recommendations. He suggested that the Town and County could partner to install and repair as needed, and noted that Town residents were also County taxpayers. Referring to a picture that showed bushes growing in the sidewalk, Commissioner Albion asked whether the bushes had been placed by the private sector; and suggested that it might constitute a code enforcement issue. Chairwoman Hall commented that the Board had been supportive of bike paths and sidewalks, opined that alternative transportation was especially critical on the barrier islands, and suggested that County and Town staff work together to develop a solution and a time line. Commissioner Judah mentioned that many of the cracks and breaks were attributable to the drainage problems, noted that more attention had been paid to construction of new bike paths and sidewalks than to the maintenance of old ones, and emphasized the need for a

cooperative effort to deal with the public safety issues. He urged the Council to communicate with the BPAC about the need for new facilities, and stated that the required upgrades and improvements should be considered as quickly as possible. Mayor Boback asserted that, although the issue had been discussed for a number of years, nothing had ever been done. Councilman Reynolds stated that sidewalks on each side of Estero Boulevard would benefit both residents and tourists, and commented that existing sidewalks were too narrow and in too poor a condition for enjoyable bicycle riding. Commissioner Albion asked whether DOT had checked into accidents involving pedestrians that could be attributed to broken sidewalks, and mentioned that sidewalks should be constructed so as to avoid drainage issues.

D. Lee Transit Authority - MPO Transportation Authority (TA) Committee

Chairwoman Hall explained that the MPO had conducted a transit study; and had asked that a member of each city and the County meet as a committee to review the study, and make recommendations to the MPO as to whether a TA was feasible. She noted that the committee was considering water taxis, high-speed rail, and other methodologies; and that, although there was originally a cost for participation, it had since been decided that there should be no cost for members. After pointing out that the Town Council had opted not to participate, she shared her concern that the interests of the Town should be represented; and requested that the Council reconsider their position. Councilman Shenko explained that the Town had opted out before it was determined that the MPO should pay for the study. He opined that, because the study was complete, the responsibility of the committee was not to discuss whether a TA was a good idea, but to determine the cost to implement the action plan, discuss funding methods, and oversee the establishment of the TA. He added that the action plan was based on criteria that he had questioned at the MPO, and that he disagreed with the Park and Ride numbers cited. He described his concerns that the TA would be set up as a special taxing district; that its funding source could be a sales tax; and that the voting representation would be based on population. Councilman Shenko then stated that, in spite of his opposition to the plan, he would have no objection to reconsideration of the issue by the Council. Chairwoman Hall clarified the establishment, composition, and functions of the committee; emphasized that nothing would go forward without funding; and suggested that the Town should have a person present at committee meetings whether or not the Council chose to participate. She commented on the need for the cities and County to work together to develop a system that would benefit all residents, asserted that nothing was already cast in stone, and pointed out that the five voting members of the MPO who were present at this meeting agreed that the committee was formed to deal with questions and concerns that had been raised. In response to Commissioner Albion's question, she confirmed that a referendum would be required for the funding source if the committee recommended establishment of the TA. Commissioner Albion commented that, in the absence of such a referendum, the County would control the whole system; and that the cities would not be involved in the decision-making process. He added that the committee was an opportunity for the cities to participate in the discussions, noted that no encroachment or burden for the municipalities was intended, and pointed out that a referendum would allow the voters to decide. Mayor Boback indicated that the issue would be placed on the next available Council agenda so that the new information could be considered.

E. Extra Item - Park and Ride Program

Councilman Reynolds pointed out that the Town had chosen not to participate in the Park and Ride Program because it wasn't needed, and would present a difficulty rather than a benefit for the Town. Councilman Shenko stated that he would rather see the \$2 million spent on fixing the pedestrian situation at the foot of the bridge, and would rather see the ACOE spend its renourishment funds on fixing Lake Okeechobee. He noted his preference that the Town have some input into the re-allocation of funds to be used as the Council felt they could be best used, asserted that the Park and Ride had sailed through the MPO with no discussion, and suggested that it would not be the most efficient method for resolution of the existing traffic problems. He pointed out that the Town helped to fund the trolleys, which were good for transportation on the island; and that the residents who owned cars were going to use their cars.

Commissioner Judah observed that Park and Ride would be a regional system to help alleviate traffic congestion; that it had relieved some of the problems on Fort Myers Beach; that, with a build-out population projection of 1.4 million, local governments could not rely on vehicular movement to transport people; and that the Town should have someone at the table for discussions of multi-modal forms of transportation. He added that the Park and Ride system would help to address traffic concerns on Sanibel as well as on Fort Myers Beach, and that the federal government had expressed interest in helping with the facility because nearly 1 million people yearly visit the J. N. "Ding" Darling Wildlife Refuge on Sanibel. Commissioner Judah emphasized that Fort Myers Beach would always be a destination point for County residents and visitors, opined that public transportation would be one way to deal with a growing population, and mentioned his hope that an agreement could be reached with the private sector for a permanent Park and Ride facility at Summerlin Square. Commissioner Hall pointed out that the County was promoted as an opportunity to see "Florida's Florida", that the addition of roads detracted from that image, and that she was not saying that Sanibel and/or Fort Myers Beach should not consider a "no outside vehicle" policy. After mentioning the need to balance urban development with environmental and quality of life concerns, she suggested that everyone should be willing to consider change to protect things that are valued, and to take advantage of current opportunities to prepare for future needs. Commissioner Janes commented that federal, state, and local legislation encouraged governmental units to look at problems regionally; noted that the Park and Ride was a regional approach to transportation needs; and emphasized the need to involve all the communities in any discussions regarding development of a regional transportation system. Councilman Meador pointed out that the only vote taken by the Town Council was to let others pay for Park and Ride, and emphasized that it would be a misstatement to say that the Town did not want the program. Commissioner Janes commented that the point of today's meeting was to clear the air and to begin discussions that would allow the Town and the County to move forward. Councilman Meador asserted that, if the idea of mass transit could be sold in this area, it would be one of very few places in this country where that had been accomplished; and that an opportunity to succeed existed because the aim was not to provide transportation only for those who could not afford to buy cars. After observing that marketing for the program had been successful and that cars had been taken off Estero Boulevard, Councilman Meador suggested that the fares should be eliminated to encourage more people to use the trolleys; and that more trolleys should be provided by the County.

Mayor Boback thanked the Commissioners for taking the time to attend the meeting, thanked Edison College for the use of the facility, and thanked the citizens who were present. After Vice-Mayor Massucco expressed appreciation for the Mayor's efforts and leadership, Mayor Boback adjourned the meeting at 11:15 a.m.

ATTEST:
 CHARLIE GREEN, CLERK

 Deputy Clerk

 Chairwoman, Lee County Commission