

Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: 2009-152

1. Requested Motion:

Meeting Date:

Approve Town Resolution 09-36 which opposes any expansion of off-shore oil drilling in Florida's waters

December 7, 2009

Why the action is necessary:

This action conforms to prior Town Council direction.

What the action accomplishes:

This action publicly expresses Town Council's position on additional off-shore oil drilling in Florida waters.

2. Agenda:

3. Requirement/Purpose:

4. Submitter of Information:

Consent
 Administrative

Resolution
 Ordinance
 Other

Council
 Town Staff
 Town Attorney

5. Background:

Issuance of off-shore oil drilling leases is being actively discussed at the state and federal levels of government as a potential source of revenue to those entities. Various communities along the Gulf shore of Florida have been asked to consider passage of a resolution opposing the expansion of off-shore oil drilling and leases for such activities. On November 5, 2009, the Marine Resources Task Force passed Resolution 2009-03 opposing the expansion of such drilling and drilling leases, and Town Council gave direction to prepare such a resolution for Council consideration.

6. Alternative Action:

Do not pass the Resolution or give other direction.

7. Management Recommendations:

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

9. Council Action:

Approved Denied Deferred Other

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 09-36

IN OPPOSITION TO APPROVAL OF OIL DRILLING IN FLORIDA'S WATERS IN AREAS
OTHER THAN THOSE ALREADY APPROVED FOR OIL LEASING AND OIL EXPLORATION.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town Council to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the Comprehensive Plan of the Town of Fort Myers Beach (Comp Plan) sets forth the Town's perspective on pages 2-1 and 10-2 as follows: "the natural features at Fort Myers Beach remain its primary yet most sensitive assets. The degradation of water quality in Estero Bay has finally been reversed. The mooring area is well-managed, clean, inviting to boating visitors, and now a welcome part of the community. Clear and well-maintained channels, passes, and private canals allow the movement of a wide range of recreational and commercial vessels, operating safely in relation to one another and respecting the fragile nature of the surrounding environment and marine life.

WHEREAS, the Town has declared that Fort Myers Beach is a living park, by stating on page 2-4 of the Comp Plan as follows: "The Town of Fort Myers Beach, through the dedicated efforts of the community, has become a living park, existing for the comfort, safety and quality of life of its residents and the peaceful enjoyment of its visitors: an ecologically sensitive park where visitors have learned to enjoy the unique natural amenities and take responsibility for protecting the natural environment (and)... a semitropical island beach park where all ages enjoy the clean and safe waterfront; and

WHEREAS, Objective 5-A of the Comp Plan provides for the protection and enhancement of coastal resources through an ongoing planning process and states that "enhancement of coastal resources can be measured by increased sea turtle nesting (and), improvement in estuarine water quality" ; and

WHEREAS, Policy 6-B-5 of the Comp Plan provides that development adjacent to aquatic and other nature preserves, wildlife refuges, and recreation areas shall protect the natural character and public benefit of these areas including but not limited to scenic values for the benefit of future generations; and

WHEREAS, Florida's economy depends on its multi-billion dollar tourism industry, which resulted in more than 82 million visitors coming to Florida in 2008, during which period tourism generated over \$4.0 billion in taxable sales; and

WHEREAS, tourism account for one-third of Florida's budget revenue and ninety-six (96%) percent of those visitors cite the beaches as an influential factor in their decision to visit Florida; and

WHEREAS, tax revenues generated from Florida's growing tourism industry are critical to continued funding of essential governmental services, including transportation, schools, and public safety; and

WHEREAS, the testing and training ranges of the eastern Gulf of Mexico are a unique and irreplaceable national security asset that provides critical live-fire testing and , training opportunities that are incompatible with mineral exploration and extraction; and

WHEREAS, the area with the potential for the greatest risk of environmental damage is the eastern part of the Gulf of Mexico, off the western coast of Florida; and

WHEREAS, environmental specialists contend the major risk from drilling platforms is the wastewater they routinely discharge which contains drilling fluids and heavy metals including mercury; and

WHEREAS, according to oil Industry data, an oil rig in the Gulf of Mexico can dump up to ninety thousand (90,000) tons of drilling fluid and metal cuttings over its lifetime. These contaminants accumulate in the marine food web and may contaminate local beaches and have a negative effect on the environment and the tourism industry; and

WHEREAS, it is the Town's belief that despite technological advances in oil drilling technology, there is no positive assurance that catastrophic damage to the Town's coastline, beaches, plant and fish life could be avoided during normal operating conditions or during storm situations; and

WHEREAS, lifting the moratorium on mineral leasing in the Gulf of Mexico poses an intolerable threat to the beaches, waterways, economy of Florida, and national security; and

WHEREAS, it is in the best interest of health, safety and welfare of the citizens of the Town that the Town set forth its commitment against further offshore drilling and provide a copy of this Resolution to appropriate County, State and Federal officials to accomplish the above-stated Comprehensive Plan Objectives, Policies, and statements.

IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. Adoption of Recitals. The above recitals as set forth in the various "Whereas" clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. Opposition to Legislative Attempts to Allow Offshore Drilling. On behalf of the Town of Fort Myers Beach, Florida, the Town Council strongly encourages all elected officials at the County, State and Federal levels to oppose legislative attempts to allow offshore oil drilling expansion past the areas already approved for pre-leasing, leasing and oil production activities.

Section 3. Encouragement of Alternative Sources of Energy. The Town Council of the Town of Fort Myers Beach, Florida further strongly encourages all elected officials at the County, State and Federal levels to take immediate steps to encourage and assist in the development of alternative sources of energy.

Section 4. Approval and Authorization of Ancillary Actions. The Town Council of the Town of Fort Myers Beach hereby directs and authorizes the Town Manager to take all reasonable steps to contact County, State and Federal officials on this matter and otherwise to perform such other acts as are reasonably required to implement this Resolution on behalf of the Town.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach, Florida.

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The foregoing Resolution was adopted by the Town Council upon a motion by Council Member _____ and seconded by Council Member _____ and, upon being put to a vote, the result was as follows:

Larry Kiker, Mayor
Herb Acken, Vice Mayor
Tom Babcock, Councilmember
Jo List, Councilmember
Bob Raymond, Councilmember

DULY PASSED AND ADOPTED this ____ day of December, 2009.

ATTEST:

TOWN OF FORT MYERS BEACH

By: _____
Michelle Mayher, Town Clerk

By: _____
Larry Kiker, Mayor

Approved as to legal sufficiency by:

Anne Dalton, Town Attorney

DRAFT

RESOLUTION OF THE MARINE RESOURCES TASK FORCE
TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2009-03

WHEREAS, Town Ordinance 97-10 established the Town of Fort Myers Beach Marine Resources Task Force with the broad objective to further the welfare of the citizens of the Town by helping to promote a better, more healthful, safe and attractive community environment and insure that the unique and natural characteristics of the Town's marine resources are preserved; and

WHEREAS, Florida's economy depends on its multi-billion dollar tourism industry, which resulted in more that 82 million visitors coming to Florida in 2008, during which period tourism generated over \$4.0 billion in taxable sales; and

WHEREAS, tourism account for one-third of Florida's budget revenue and 96% of those visitors cite the beaches as an influential factor in their decision to visit Florida; and

WHEREAS, tax revenues generated from Florida's growing tourism industry are critical to continued funding of essential governmental services, including transportation, schools, and public safety; and

WHEREAS, the testing and training ranges of the eastern Gulf of Mexico are a unique and irreplaceable national security asset that provides critical live-fire testing and training opportunities that are incompatible with mineral exploration and extraction; and

WHEREAS, the area with the potential for the greatest risk of environmental damage is the eastern part of the Gulf of Mexico, off the western coast of Florida; and

WHEREAS, environmental specialists contend the major risk from drilling platforms is the wastewater they routinely discharge which contains drilling fluids and heavy metals including mercury; and

WHEREAS, According to Oil Industry data, an oil rig in the Gulf of Mexico can dump up to 90,000 tons of drilling fluid and metal cuttings over its lifetime. These contaminants accumulate in the marine food web and may contaminate local beaches and have a negative effect on the environment and the tourism industry; and

WHEREAS, it is our belief that despite technological advances in oil drilling technology, there is no positive assurance that catastrophic damage to our coastline, beaches, plant and fish life could be avoided during normal operating conditions or during storm situations; and

WHEREAS, lifting the moratorium on mineral leasing in the Gulf of Mexico poses an intolerable threat to the beaches, waterways, economy of Florida, and national security:

IT IS HEREBY RESOLVED BY THE MARINE RESOURCES TASK FORCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

We strongly encourage all elected officials at the Town, County, State and Federal levels to oppose legislative attempts to allow offshore oil drilling expansion past the areas already approved for pre-leasing, leasing and oil production activities and to take immediate steps to encourage and assist in the development of alternative sources of energy.

The foregoing Resolution was adopted by the MRTF upon a motion by MRTF Member Jay Light and seconded by MRTF Member Roger Johnson and upon being put to a vote, the result was as follows:

Jeff Werner, Chair - Aye
Roger Johnson - Aye

Jay Light, Vice Chair - Aye
Charles Hester - Aye

DULY PASSED AND ADOPTED THIS 5th day of November, 2009.
Marine Resources Task Force of the Town of Fort Myers Beach

By: Jeff Werner
Jeff Werner, Chair

Approved as to legal sufficiency:

By: Anne Dalton
Anne Dalton, Esquire
Town Attorney

ATTEST:

By: Michelle Mayher
Michelle Mayher, Town Clerk