

Mayor John Mulholland Stewardship Award

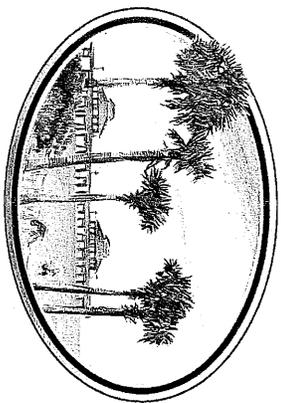
Presented to

Carol Lis

In recognition of her outstanding community service in the field of environmental conservation as evidenced by her actions to preserve the natural resources of the Little Estero Critical Wildlife Area and the beach at large.

Presented this 3rd Day of May, 2010

Hon. Larry Kiker, Mayor of Fort Myers Beach



Mayor John Mulholland Stewardship Award

Presented to

Gregory J. Boyd

In recognition of his outstanding community service in the field of environmental conservation as evidenced by his actions to help keep our beaches clean by conducting daily multiple beach cleanups during his normal beach walks and serving as a model for other beach walkers to do likewise.

Presented this 3rd Day of May, 2010

Hon. Larry Kiker, Mayor of Fort Myers Beach



Town of Fort Myers Beach

Memorandum

To: Mayor, Vice Mayor and Council Members
From: Michelle Mayher, Town Clerk *MM*
Through: Terry Stewart, Town Manager *TS*
Date: April 27, 2010
Re: Mulholland Stewardship Award

Attached for your information is the April 15, 2010 Work in Progress Report from the Marine Resources Task Force in which the 2010 Mulholland Stewardship Award is announced. Also attached are the draft minutes from the April 14, 2010 Marine Resources Task Force meeting. The discussion regarding the Mulholland Stewardship Award begins on page 4 of 8: **E. 2010 John Mulholland Award- Charles Hester** and ends on page 6 of 8.

Memorandum

Date: April 15, 2010
To: Town Council Members
From: Marine Resources Task Force
Re: Work In Progress Report – April 14, 2010 Meeting

MRTF is pleased to report to the Town Council on the projects it has taken up, progress in that regard and the status of other items that may be of interest to the Town Council. Following is a list and update on each. MRTF welcomes direction from Town Council on any of these issues.

Beach Raking – MRTF did not approve the changes to Sec.14-6 of the Land Development Code submitted by Environmental Sciences Coordinator Keith Laakkonen. Member Roger Johnson suggested additional revisions for this section to Mr. Laakkonen. These changes will be reviewed by the Town Attorney and presented back to MRTF at our May meeting. Due to these changes, the MRTF public workshop to discuss the proposed beach raking permitting process is now delayed until June or July.

Canal Depth Survey – Chair Jeff Werner and Vice Chair Jay Light recently conducted soundings of the canals north of Fairview Blvd. to the Donora Blvd. canal. All the canals on Estero Island have been surveyed. The town staff will now transfer the depths to the town's GIS system for a complete updated chart of the canal system on Estero Island.

Monofilament Recycling Project – Boy Scout Troop 999 is now emptying, recording data and recycling the monofilament fishing line from the Town's monofilament line recycling bins on a monthly basis.

Recycling Bins at Beach Accesses – Member Dan Andre reported that the Public Works Department has agreed to the recycling bin project and is looking at a test run of three bins at designated accesses to ascertain the logistics and the contamination rate of the bins.

2010 Mulholland Stewardship Award – MRTF selected two recipients from the eight nominations received for the annual Mayor John Mulholland Stewardship Award. The two recipients are Carol Lis and Greg Boyd. The awards will be presented by Mayor Kiker at the Town Council meeting on May 3rd at 9 AM.

Respectfully submitted to Town Council members following the regular monthly meeting of the Marine Resources Task Force.

Jeff Werner
Chair

MINUTES
FORT MYERS BEACH
Marine Resources Task Force

Town Hall – Council Chambers
2523 Estero Boulevard
Fort Myers Beach, FL 33931

Wednesday, April 14, 2010

I. CALL TO ORDER

Meeting was called to order at 6:02 PM by Chairperson Jeff Werner. Other members present:

Jay Light
Roger Johnson
Charles Hester
John Shaw
Al Durrett
Dan Andre

Staff: Keith Laakkonen

II. PLEDGE OF ALLEGIANCE

III. REVIEW OF MINUTES

A. March 2010 minutes

Before approval of the last minutes, Mr. Werner asked that all members remember to state their names when making motions, etc. In addition, he read a memo from the town clerk regarding members abstaining from votes when there is no conflict of interest (see memo from Ms. Mayher) stating that this is a violation of the Sunshine Laws. The statute cited was FL Statute Section 286.012, which provides that *“no member of any state, county or municipal governmental board, commission or agency who is present at any meeting of any such body of which an official decision, ruling or other official act is to be taken or adopted, may abstain from voting. A vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is or appears to be a possible conflict of interest...”*

Furthermore, Mr. Werner advised, since there was an abstention, the vote will be taken again during the beach raking discussion.

Mr. Werner also corrected the last meeting minutes to add himself as the seconder for motions for beach raking, pg. 3, and pg. 4, recycling bins; for the adjournment, the motion was made by Mr. Light and seconded by Mr. Hester.

**Motion: Mr. Hester moved to accept the minutes, as corrected.
Seconded by Mr. Light;**

Vote: Motion passed 6-0.

IV. PUBLIC COMMENT

No public comment.

V. CURRENT ITEMS

A. Beach Raking

Mr. Laakkonen had sent out the new wording for the ordinance and Mr. Werner had sent out a draft of the application. In addition, an amendment to the wording was passed out by Mr. Johnson. Re-vote was taken for last meeting.

Motion: Mr. Light moved to accept the definition proposed by Town staff, with the amendments made during the meeting.

Seconded by Mr. Werner;

Vote: Motion passed 5-1, with Mr. Johnson voting nay.

Keith Laakkonen referred to several proposed documents but said he did not have an opportunity to have legal staff look at them. He noted that there are a few very minor changes (found in "E") which deal with code enforcement. He also referred to the draft of the proposed application packet for beach rakers and said he did review this, finding it to be usable.

There was discussion about wording and grammar. Mr. Hester asked if new items are coded in red. Keith said that this is accurate and that some of these suggestions were made by the attorney.

Mr. Light pointed out that there is still some ambiguity in defining "seaward or landward" of the 10 ft. line of the wrack line. He suggested adding "no mechanical or hand raking may take place seaward of the wrack line or within 10 ft. landward of the wrack line." The members agreed that this would help.

Mr. Johnson said that he still thinks this is all unclear and perhaps contradictory, combining 2 different concepts, the approval to engage in a business and the approval to do something in a certain way to a particular piece of land. He suggested adding a section, 14-6c, which essentially makes a provision for a person to become licensed to rake the beach. The second suggestion is to take what is "c" now and making it "d" to read "no property on the beach may be mechanically raked without a site permit approved by the Town." He said he would also strike "an unvegetated" from section "C1," which he said doesn't make sense. He also suggested striking the second sentence of "C2," which would become "D2," and strike "C5" in its entirety. Basically, he supports licensing the rakers and have a permit process for someone who wants it done; this allows a raker to obtain a permit without having a piece of property to rake and property owner to have his property raked and get bids from several licensed rakers. Discussion ensued about licensing and permitting for these rakers, especially the terms licensing and permitting.

Mr. Hester suggested using “no person shall engage in mechanical beach raking without a mechanical beach raking license” since there is so much confusion about the uses of the words “license” and “permit.” Further, Mr. Johnson asked who owns the site approval plans, the person who got the permit or the property owner. Keith read the language “application shall be made by the owner of the business who conducts the raking, or by the property owner, or authorized agent of the property owner.” More discussion ensued to clarify this and who gets the permits, etc.

NOTE: Mr. Andre arrived and joined the meeting.

Mr. Werner asked for a motion to approve the wording with initial changes for the LDC sections supplied by staff. No one moved to do this; motion failed.

Motion: Mr. Johnson moved to accept the changes he proposed.

Seconded by Mr. Shaw;

Discussion: Mr. Hester wanted to see a re-written version with the changes before voting. Mr. Light said that he was not ready to vote on this yet because he wanted to be sure that it is exactly what the group wants and didn't want to pass this through just to get it done. Keith said that there is one sentence in this that would nullify the need for a permit at all and he read it “*the license when issued shall allow other persons employed by the holder of a license to engage in mechanical beach raking under the supervision of the license holder.*” Mr. Johnson added that the next section says “no property on the beach may be mechanically raked without a site permit.” He said that if this is a concern, they could just have it state “that the license, when issued, shall allow the person employed by the holder of a license to engage in mechanical beach raking under the supervision of the license holder on any property for which a permit has been procure, pursuant to the LDC.”

Keith commented that these changes are redundant and Mr. Werner agreed.

Vote: Motion failed 5-1, with Mr. Johnson being the only “Aye” vote.

Keith will bring both options to the attorney to be reviewed. All members agreed.

The members then reviewed the draft of the beach raking permit. Mr. Hester asked Mr. Johnson for his opinion. Mr. Johnston referred to a section that talks about a “site plan depicting the following...” and proposed adding a sub section B, to read “the dimensions and corners of the property;” a subsection “C” to read “the location of existing vegetation and structures.” He also said that he would move “a description and photo of the raking equipment to be used” subsection “C” to a separate paragraph. Mr. Johnson made a few more suggestions to change the draft (refer to document) and there was some discussion about these.

Mr. Andre asked why the requirement can't be just for rakers to obtain a license

and not the property owners because the only people raking the beaches are the rakers and not property owners. Keith stated that some condo associations rake their own beaches and there was more discussion on this topic.

Mr. Werner decided to table this discussion due to lack of progress in reaching a consensus of opinion as to the changes and the proper licensing process of beach rakers. He said that they will address the wording of the LDC in May and the permit application in June and then the public workshop in July. Keith asked the members to send any potential changes to him at least 2 weeks before the meeting.

Mr. Werner reported that there was another item dealing with beach raking that was discussed a bit via emails. Councilman Babcock sent a letter regarding this and Mr. Werner read some of it *“if MRTF chooses to address this bag of snakes, legal issues will have to be addressed. Private property rights on the beach are coming to the forefront, besides having to address the varying deed restrictions for beach front property owners. It might be wise to consider the impact of possible beach nourishment that would define an erosion control line. If that occurs...it may redefine property lines...”* (refer to the email). Councilman Babcock was present and explained that the main point of his note is that definitions are important. He added that council is planning on prioritizing work for the staff to attack LDC changes at a workshop on May 5th and he strongly suggested that this be put on the agenda for then. He also urged the members to have something tangible ready for the meeting so that this can be put on the “fast track” to the Council, at the same time it goes to the LPA. He suggested not bogging down the progress on this issue due to his bringing up the beach furniture item; rather he hoped they could put the two together on one request.

B. Canal Depth Survey Update

Mr. Werner stated that this has been completed since he and Mr. Light finished the last portion of the island.

C. Monofilament Recycling Project

Mr. Werner said that Troop #999 of the BSA was trained on Sat. 3/20 and the county will pick up their line at the Fishtail Marina.

D. Recycling Bins at Beach Accesses – Dan Andre

Mr. Andre reported that he met with Scott Baker, Public Works, who was excited about the program but it is moving slowly due to fiscal issues.

E. 2010 John Mulholland Award- Charles Hester

Mr. Hester sent out all of the 8 entry nominations to all members to review so that this could be voted on at this meeting (see document). He said that all nominees are in the “individual” category this year, with no organizations.

Voting began by naming the nominee and then counting how many votes each one received.

Short recess was taken here to generate copies for some members in order to vote.

Meeting continued at 7:28 PM. Mr. Werner read the nominations (see applications) for each.

Greg Boyd—comments include that he walks the beach every day, picking up trash at the wrack line, high tide mark and in general; picks up bags of trash daily.

Chris Christenson—comments: member of Estero Bay Buddies and other environmental groups

Carl Conley—comments: promotes awareness and education using his newspaper to spread the word about issues; spotlights fishing industries, boating, volunteers who keep the beach clean; many awards and accolades for his paper and articles regarding water quality, Everglades and beach issues; grows own vegetables, captures/uses rainwater for same; connections with Washington, DC;

Harry Gotlieb—owned home here since 1955; served on Civic Association for 6 yrs; former board member/current member Estero Bay Buddies; participated in Monofilament Madness; avid fisherman with barbless hooks;

Donna Hensiak & Pat Mayo—involved in all Beach Clean-ups by Pilot Club last 5 yrs.

Carol Lis—involved in the investigation of the bird nest destruction of 2009; helped staff with many cases of environmental destruction; advocate for stewardship on the beach; has worked on beach raking, view protection, sea turtle protection, etc.;

Joanne Shamp—shining example of awareness, education and preservation of natural resources; protected 4 miles of coastline from damaging method of beach nourishment; attending meetings to self-educate about beach nourishment, prepared data to give to public and gave presentations at community meetings and wrote articles for the papers to educate the citizens, etc. (see application);

VOTE: Greg Boyd: 4
Chris Christenson: 0
Carl Conley: 1
Harry Gotlieb: 2
Donna Hensiak: 0
Pat Mayo: 0
Carol Lis: 5

Joanne Shamp: 0

The highest votes were for Carol Lis and Mr. Werner asked if the members wished to give a second award to Greg Boyd.

Motion: Mr. Hester moved to give 2 individual awards this year.

Seconded by Mr. Shaw;

Discussion: Mr. Johnson commented that he is aware of several other citizens who do what Mr. Boyd does, particularly a handicapped woman who cleans up the beach every single day. He feels that giving the award to someone else this time would, perhaps encourage others to take part.

Vote: Motion passed 6-1, with Mr. Werner voting nay.

The date to give the award will be the first council meeting in May, to be given by the mayor.

VI. NEW ITEMS

A. Shorebird Nesting Agreement—Keith Laakkonen

Mr. Laakkonen reported that in the “critical wildlife area” the birds that are mostly involved are Least Terns, Wilson’s Plovers, and Snowy Plovers. He said that the Snowy birds are Florida birds, but the Least Herons are migratory.

The Snowy Plovers prefer open, sandy areas and private property areas like this pose a problem for posting off for these birds. Beach raking had to be halted but this allows vegetation to grow so the rakers want permission to remove the vegetation when the birds are gone. DEP claimed jurisdiction and wouldn’t do anything until the end of turtle season. They finally issued a one-time permit to remove the vegetation but said they won’t do it again; property owners were upset and said they would also never allow their property to be posted again. There was a year-long negotiation process to try to get the DEP to come up with an agreement. They came up with Safe Harbor, which deals with endangered species and stipulates that property owners who do certain things to protect these species will not be penalized. The DEP did not agree to do this. The Fish and Wildlife Commission is working with Keith to try to rectify this problem. The Federal Migratory Bird Act protects these birds from mostly everything. The government finally issued a temporary permit but not a long-term agreement but Keith had to go to residents and convince them to allow the areas to be posted. Finally, Keith was allowed to post after negotiating with the owners and the DEP did issue a temporary, 1 year field permit to at least get through this season. He added that this has never been done in Florida before.

All members congratulated Keith for his success and commended him for of his diligence. Mr. Hester suggested that letters be prepared to all of the people who participated, thanking them for “having the good sense to come together and do this,” hoping that it would continue in the future. All members agreed

and Keith will prepare the letters.

B. Rental Beach Furniture/Equipment Setback-Jeff Werner

Councilman Babcock had suggested, at the last meeting, modifying Sec. 14-5 of the beach furniture part of the LDC and made changes stating “*all beach furniture and equipment...excluding water dependant equipment, shall be set back at least 12 ft. landward from the edge of wet sand and at least 10 ft. from a sea turtle nest or dune vegetation.*” Mr. Werner had been uncomfortable with regulation of beach-goers furniture but accepted regulation of rental furniture so the change being considered to the code states “*all rental beach furniture and equipment...excluding water dependant equipment, shall be set back at least 12 ft. landward from the edge of wet sand and at least 10 ft. from a sea turtle nest or dune vegetation.*”

Mr. Werner asked for discussion. Keith wanted to not exclude watercraft rentals. Mr. Andre would like to see the tractors only go out once to set their equipment up and leave it until they pick it up at the end of the day. Mr. Johnson agreed that this is a good idea. There was discussion about furniture being owned or rented and what the difference is.

Keith read 2 items that were changed by Ord. 2007-003 and involved the same issue. In the LDC it says “*all beach furniture such as chairs, umbrellas...shall be set landward of the mean high water line.*” The other one says “*personal watercraft must be setback 12ft. landward from the edge of the wet sand.*” He explained that there is no actual distance, only “wet sand” and “mean high water” which are two different measures. Mr. Babcock commented that he was suggesting the changes only to define a line that is difficult to define. There was more discussion about the differences in lines and distances and whether this should apply to only rental furniture and equipment.

Motion: Mr. Johnson moved to adopt the draft before them, without the “rental” addition.

Seconded by Mr. Shaw;

Vote: Motion passed 4-3, with Mr. Durrett, Mr. Andre and Mr. Werner having Nay votes.

VII. MEMBERS ITEMS AND REPORTS

Mr. Hester gave an update of the website progress and said that he and Keith had a meeting about what should be uploaded. Keith reported that no one is currently available to do the upload at this time but it will be done soon.

Mr. Andre wanted to remind the group about his suggestion earlier involving the tractors putting watercraft in the water just once daily for protection of the wrack line.

VIII. PUBLIC COMMENT

Bill Perry addressed the meeting and said that he has been dealing with the issue of

posting of protected areas on the beach for years and commended Keith for his persistence. He agreed with the suggestion of letters of appreciation to the residents involved. He also said that the town needs to get involved with Tallahassee to work this out.

Mr. Perry said that there is a great deal of abuse on the beach by rental businesses that put their equipment too close to the water and feels there is no enforcement. Keith commented that he has corrected some of this by stipulating that the tractors, etc. are only to be used for business and not to go and run errands, etc. He said if there are other problems, they need to be reported to him and the violator's permit can be pulled. Mr. Werner suggested that this be added to the next agenda.

IX. AGENDA FOR THE NEXT MEETING

Beach raking
Vehicle traffic on the beach
Recycling bins on the beach

X. ADJOURNMENT

Motion: Mr. Light moved to adjourn.

Seconded by Mr. Hester;

Vote: Motion passed 6-0

Meeting adjourned at (not announced) 8:32PM, according to sign-in sheet.

Next meeting May 12, 2010 at 6:00PM

Adopted _____ with/without changes. Motion by _____
(DATE)

Vote: _____

- End of document