

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 09-02

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SUPPORTING THE CONTINUED OPERATION OF THE ESTERO BAY AQUATIC PRESERVE OFFICE AND PROVIDING AN EFFECTIVE DATE.

**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 resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, forty years ago the communities surrounding Estero Bay recognized the need to sustain a healthy marine ecosystem to maintain the economic stability of the area and to establish conservation efforts; and

**WHEREAS**, due to this effort Estero Bay was designated Florida's first Aquatic Preserve in 1966 by the Outdoor Recreation Development Council; and

**WHEREAS**, Estero Bay is the State's first Aquatic Preserve which encompasses 11, 000 acres of sovereign submerged lands from the Fort Myers Beach Sky Bridge to Bonita Beach Road, serves as a cornerstone to Fort Myers Beach residents' quality of life and fuels economic development; and

**WHEREAS**, forty-one aquatic preserves have been designated by the Legislature to be maintained in their essentially natural conditions for the enjoyment of the public and future generations with the passing of the Aquatic Preserve Act in 1975; and

**WHEREAS**, Estero Bay supports a diversity of plant and animal life which enables a variety of human activity such as boating, sport fishing, commercial fishing, water skiing, wildlife viewing, and photography; and

**WHEREAS**, sea grasses and mangroves that dominate the shallow waters trap sediments, stabilize the shoreline, provide habitat, and serve as nesting or roosting areas for many species of birds; and

**WHEREAS**, the Estero Bay Aquatic Preserve office located on Fort Myers Beach provides vital water quality data that is uploaded into the statewide database and used in the determination of the state's impaired waterbodies and is utilized in restoration programs such as the Southwest Florida Feasibility Study; and

**WHEREAS**, the Estero Bay Aquatic Preserve office's bird rookery monitoring program captures crucial data and is the only one of it's kind in the area; and

**WHEREAS**, the Estero Bay Aquatic Preserve office assists other agencies and organizations in their monitoring and outreach efforts, from oyster restoration and bathymetric sampling to events and festivals; and

**WHEREAS**, the Estero Bay Aquatic Preserve office is a member of the Marine Mammal Stranding Network and responds to strandings on land or water and assists FWC manatee monitoring efforts when needed; and

**WHEREAS**, the Estero Bay Aquatic Preserve office serves as 'eyes and ears' in the field and on the water, reporting any environmental devastation or violations to the proper agency, as well as follow-up on any action; and

**WHEREAS**, the Estero Bay Aquatic Preserve office's programs help to educate, enlighten and entertain the public by sponsoring or providing public wading trips to educate the public on why our estuaries are so important and their school and home schooling wading field trips fill a much needed niche by providing an opportunity for students of all ages, from elementary to college, to learn about the ecology of the area; and

**WHEREAS**, the Estero Bay Aquatic Preserve office participates in the annual Leadership Bonita program designed to provide a chance for community leaders to learn firsthand why the estuarine environment is so important to our local economy and quality of life; and

**WHEREAS**, the Estero Bay Aquatic Preserve office's Monofilament Cleanups saves numerous birds from injury or death, improves roosting and rookery habitat, and improves the aesthetics of the bay; and

**WHEREAS**, the Estero Bay Aquatic Preserve office is actively working to preserve local historical information pertaining to the bay and preserve it for future generations; and

**WHEREAS**, the Estero Bay Aquatic Preserve office oversees a volunteer water quality program involving numerous volunteers involved in data collection and monitoring which would be seriously impaired by the closure of this office; and

**WHEREAS**, the Estero Bay Aquatic Preserve office assists permitting offices with onsite inspections and provides detailed information about the area as well as provides comments on individual and cumulative impacts that a project may have on the bay; and

**WHEREAS**, the Estero Bay Aquatic Preserve office provides in-depth and detailed knowledge of both the bay and it's watershed at various interagency meetings, in which management decisions are made; and

**WHEREAS**, the Estero Bay Aquatic Preserve office serves as a source of local expert knowledge for other managing agencies when needed; and

**WHEREAS**, the Estero Bay Aquatic Preserve office assists and informs the public of our town and area, serves as a 'first stop' for citizens seeking information or direction, and is in the field and on the water interacting with the public on a regular basis to inform and educate; and

**WHEREAS**, Goal Six of The Town of Fort Myers Beach Comprehensive Land Use Plan sets forth a policy that inherently compliments and supports the mission of the Estero Bay Aquatic Preserve office; and

**WHEREAS**, Policy 6-B-6 of The Town of Fort Myers Beach Comprehensive Land Use Plan requires the Town to "...participate with other agencies in preparing and

implementing water management plans such as the...Estero Bay Aquatic Preserve Management Plan..."

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

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

Section 2. The Town of Fort Myers Beach, Florida does hereby continue to support the environmental stewardship role undertaken by the Fort Myers Beach office of the Estero Bay Aquatic Preserve in the past and commits to future support of the Estero Bay Aquatic Preserve with the support of the visitors and residents and business owners of Fort Myers Beach.

Section 3. The Town of Fort Myers Beach, Florida does hereby urge the Florida Department of Environmental Protection and Governor Charlie Crist that the Estero Bay Aquatic Preserve office be excluded from any proposed personnel cuts or office closures and be maintained as a viable working office.

Section 4. The Town of Fort Myers Beach values and necessitates the need for continued operation of the Estero Bay Aquatic Preserve office in order to fully implement its Comprehensive Plan specifically; Policy 6-A-1, Policy 6-A-2, Policy 6-B-6, Policy 6-C-1, Policy 6-D-1, and Objective 6H.

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

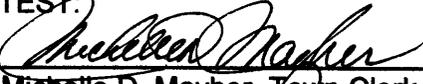
The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Babcock and seconded by Council Member List and, upon being put to a vote, the result was as follows:

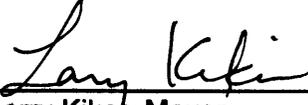
Larry Kiker, Mayor	aye	Herb Acken, Vice Mayor	aye
Tom Babcock, Councilmember	aye	Jo List, Councilmember	aye
Bob Raymond, Councilmember	aye		

DULY PASSED AND ADOPTED this 15<sup>th</sup> day of January, 2009.

TOWN OF FORT MYERS BEACH

ATTEST.

By:   
Michelle D. Mayher, Town Clerk

By:   
Larry Kiker, Mayor

Approved as to form by:

  
Anne Dalton, Town Attorney