

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 09-06

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, SUPPORTING THE ESTABLISHMENT OF "NO INTERNAL COMBUSTION MOTOR ZONES" IN ESTERO BAY AQUATIC PRESERVE 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, the West Coast Inland Navigation District (WCIND), and Lee County have the responsibility to maintain public access to and use of the local waters; and,

WHEREAS, WCIND, Lee County, and the Florida Department of Environmental Protection (FDEP) have worked cooperatively to identify public navigation channels in Lee County; and,

WHEREAS, the maintenance of public water access and traditional navigation areas is in the public interest; and,

WHEREAS, the creation of a Noticed General Permit (NGP) would greatly simplify the permitting process for maintaining these public channels; and,

WHEREAS, some public channels are located within the boundary of the Estero Bay Aquatic Preserve; and,

WHEREAS, the FDEP requires mitigative effort for the impacts that the maintenance to these Estero Bay Aquatic Preserve channels may create; and,

WHEREAS, WCIND, FDEP and Lee County have agreed that to offset these impacts, No Internal Combustion Motor Zones (NICMZ) will be created within the boundaries of the Estero Bay Aquatic Preserve for the protection of seagrass beds.

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

Section 1. The Town supports the cooperative effort of WCIND and Lee County to procure a Noticed General Permit from the State of Florida to maintain public navigation channels within Lee County, Florida.

Section 2. The Town supports the creation of two NICMZ for the protection of seagrass beds in the Estero Bay Aquatic Preserve, one defined as the Central Estero

Bay NCIMZ and one defined as the Big Carlos NICMZ, and recommends that the FDEP establish these zones as part of the Noticed General Permit for public channel dredging.

Section 3. The Town supports all educational efforts to inform the public of the implementation of these two NCIMZ before regulatory enforcement commences.

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

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

DULY PASSED AND ADOPTED this 20TH day of April, 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