

**MINUTES
FORT MYERS BEACH
MARINE RESOURCES TASK FORCE
Town Hall
2525 Estero Boulevard
Fort Myers Beach, FL 33931**

Wednesday, August 11, 2021

I. CALL TO ORDER

Meeting was called to order at 3:02 p.m. by Chair Johnson.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. ROLL CALL

Members present: Wendy DeGaetano, Greg Fossum, Robert Howell, Steve Johnson, Rose Larkin, Jennifer Rusk and Mary Rose Spalletta.

Staff: Environmental Project Manager Chadd Chustz.

Council Liaison: Bill Veach

IV. APPROVE THE AGENDA

Project Manager Chustz replaced Dark Skis with Exotic Vegetation and flipped A and B.

MOTION: MRTF Member Spalletta moved to adopt the amended agenda; second by MRTF Member Larkin.

VOTE: Motion passed unanimously.

V. APPROVE PREVIOUS MEETING MINUTES – June 9, 2021

MOTION: MRTF Member Spalletta moved to approve the minutes; second by MRTF Member Fossum.

VOTE: Motion passed unanimously.

VI. PUBLIC COMMENT – see A below.

VII. CURRENT ITEMS

A. Sea Turtle Ordinance re: Obstructions

Sharon Faircloth, owner of Holiday Water Sports, discussed new language in Sec. 32-113 in Ordinance 21-03 regarding beach furniture and obstructions. She commented that it passed without discussion or public input and noted the new language did not allow vendors to store their equipment. She recommended that MRTF reevaluate the new language.

Ginger Weber, owner of Mid-Island Water Sports, discussed overnight storage of man-made objects during sea turtle nesting season. She listed other businesses affected by the ordinance and distributed a handout with alternate options. She commented that the pictures in the presentation by Project Manager Chustz were not all from last year and listed reasons for false crawls. She stated that they coordinated with Eve Haverfield from Turtle Time regarding parking jet skis during season. She recommended that they discuss the ordinance before site plans and permit applications were submitted in September.

Project Manager Chustz reviewed part of the Town Council presentation, including statements by Tonya Long from Fish & Wildlife Conservation (FWC) and advice from Turtle Time regarding storing furniture and equipment on the beach. He discussed dune lines and suggested that a definition be written with input from stakeholders.

Chair Johnson stated that the language was not the issue because it existed in another chapter of the code and was consolidated in the new ordinance. He indicated that the Town Attorney and Town Manager stated it was an enforcement issue.

Project Manager Chustz stated the ordinance had been in effect for two years and he had issued tickets for furniture. He pointed out an inconsistency between the new ordinance and the Personal Watercraft (PWC) regarding wide beaches and storage.

Chair Johnson commented that the problem was the lack of enforcement in the past. He felt that property owners should have some responsibility to provide services so vendors could run their businesses. Project Manager Chustz noted the change was with the PWC ordinance and wide beaches.

Jason Newton, owner of Adventure Watersports, noted that it took him two days to remove his equipment to a parking lot and two days to put it back before the last storm because all his locations were next to a seawall. He stated they always stored their chairs in a single file line stacked in fours and he had never had an issue. He indicated that he would be put out of business because he had nowhere to store his equipment. He described the many permits he was required to pull to run his businesses.

MRTF Member Howell suggested they work with property owners to designate storage areas since each property was unique. Mr. Newton described the route he had to take to store his equipment off the beach and across the street. MRTF Member Fossum suggested creating dunes and parking equipment behind them. Mr. Newton stated there was no room to build a dune in front of the seawall. MRTF Member Howell questioned utilizing parking lots. Mr. Newton replied that he checked with a parking lot owner and was turned down due to liability issues.

Michael O'Gilvie, 61 Ave. C stated that they were told to place their equipment close together to avoid turtles getting stuck. He noted it would be impossible to build dunes in some locations and they had to look at each site individually.

Chair Johnson commented that the property owners had to get involved. He cited the dunes at Pink Shell as an example of an elegant solution. He noted that state funds for renourishment projects could be withheld if the FWC determined that the beach was unsuitable for turtle nesting.

Ms. Faircloth stated the Sea Turtle Conservation section was rewritten. She discussed the definitions of beach and the seaward line of vegetation. She pointed out that based on the definitions, she was in compliance.

MRTF Member Spalletta stated that furniture and equipment should not even be on the beach and they did not have the power to change the language. She indicated it was up

to the property owners and vendors to come up with a storage plan.

Ms. Weber indicated there were other solutions besides a dune to minimize false crawls. She encouraged MRTF to read the information she distributed. She stated that they took their equipment off-island before storms, but they could not do that every night and stay in business. She noted that the property owners were unaware of the change and questioned whether they would make adjustments to their properties. Ms. Weber remarked that everyone affected should be able to provide input. She addressed ordinances from surrounding towns and revealed that the model turtle ordinance from the state did not include beach obstructions.

Chair Johnson indicated that he received letters from Rob Ramadon, President of Wind and Water Sports and Eve Haverfield from Turtle Time. He read the letter from Eve Haverfield concerning obstructions.

MRTF Member DeGaetano questioned the role of the permitting department concerning site plans and the location of the businesses

Matthew Pleskovic, operator of Banana Boat Tours and Rides, stated that he and his girlfriend took pride in the beach and filled holes and picked up trash throughout the week. Chair Johnson discussed the fact that businesses needed to adjust and accommodate state law. He noted the responsibility fell on the property owners and vendors and it was not up to the town to find a solution for their storage problems. He described the frontal dune program. MRTF Member Fossum agreed and felt natural solutions such as dunes were the best solution. MRTF Member Rusk agreed with natural dunes.

MOTION: MRTF Member Spalletta moved to recommend that Town Council adopt the Sea Turtle Ordinance 21-03 as written. No second. Discussion ensued regarding language for the motion.

MOTION: Chair Johnson moved to recommend the following: MRTF supports the advice of the Town Attorney that any deviation of the sea turtle ordinance made to accommodate beach vendors would place the liability and risk of non-compliance on the Town of Fort Myers Beach; the best compromise for all involved would be the development of a frontal dune on the property used to conduct beach vending services as it would establish that portion immediately behind the dunes as space to allow for beach vendor storage needs; and it is on the Town of Fort Myers Beach to comply with their own ordinance and correct any current non-compliances; second by MRTF Spalletta.

VOTE: Motion passed unanimously.

B. Carlos Point Beach Shorebird Nesting

MRTF Member DeGaetano stated that biologist Tyson Dallas would be at Carlos Point Beach on Monday, August 16, 2021, to help remove sand spurs. Project Manager Chustz described the dangers of septic arthritis for black skimmer chicks on Marco Island. He indicated that the Department of Environmental Protection DEP was testing water quality in the area and calling for the removal of sand spurs. Project Manager Chustz revealed that a representative from the FWC would speak at their next meeting.

C. Streetlighting Project

Chair Johnson noted that the PSC (Public Safety Committee) provided Town Council with a summary of their portion of the joint meeting. Project Manager Chustz distributed a draft of the recap of the joint meeting to present to Council. Discussion was held regarding the content and the lighting consultants.

MOTION: Chair Johnson moved that the draft become a recommendation to Town Council for the recap of the meeting that Town Lighting presented on Estero Blvd. lighting, the recommendations of the PSC and MRTF Advisory Boards on July 26, 2021, recap and the MRTF recommendations; second by MRTF Member Rusk.

VOTE: Motion passed unanimously.

MRTF Member Howell and MRTF Member Larkin volunteered to present the report at the Town Council meeting on August 16, 2021.

D. Exotic Vegetation

MRTF Member Larkin noted there were probably over 1,000 properties on the beach with invasive plants. She sent out thank you notes and the data had been entered. She provided a copy for Project Manager Chustz to review. She noted that the Lee County Extension Service was discussing a disclaimer notice regarding the possibility of invasive species on properties. MRTF Member Larkin discussed incorporating the data to educate property owners with the MRTF pop-ups. She described her upcoming article regarding invasive plants and a future article about the toxicity to humans and pets. She mentioned receiving permission to use some educational material from Sanibel's website. Consensus was reached for MRTF Member Larkin to request as much information from Sanibel as she could to incorporate into the town's website.

Project Manager Chustz stated that the number one priority was to identify and remove invasive species in Category 1. Chair Johnson questioned how to stop the flow of exotic invasive species into the town. The vision, scope and objectives were discussed. Chair Johnson wondered whether the town would work with the homeowners to remove invasives. MRTF Member Larkin listed the entities that supported the project. She will provide an outline by the next meeting.

E. Good Citizen Award, aka the "Murphie"

The Murphie went to the little boy submitted by MRTF Member Rusk.

VIII. MEMBERS' ITEMS AND REPORTS

MRTF Member Larkin suggested that Town Council approve the use of cigarette receptacles in Times Square.

MRTF Member Rusk noted the pop-up would be at the groundbreaking of Margaritaville on August 13, 2021, and she was working with FWC regarding educational handouts.

Chair Johnson thanked Project Manager Chustz for the sign regarding the gopher tortoise burrow on Flamingo. Project Manager Chustz revealed that he had t-shirts.

MRTF Member Howell indicated he was working with Pink Shell to add a nature center,

educational signage and interactive displays. He added that he was also working with The Mound House to create a timeline for the wall.

MRTF Member DeGaetano questioned whether anyone had tried to designate the beaches as non-smoking and whether it would be feasible to try. The problem with enforcement was discussed.

No items from other members.

IX. PUBLIC COMMENT – no public comment.

X. SET AGENDA FOR NEXT MEETING – remove street lighting and sea turtle ordinance and add dark skies.

XI. ADJOURNMENT

MOTION: Chair Johnson moved to adjourn; second by MRTF Member Howell.

VOTE: Motion passed unanimously.

Meeting was adjourned at 6:27 p.m.

Adopted 9-8-21 with/without changes. Motion by _____
(DATE)

Vote: _____ Signature: 

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