

**RESOLUTION NUMBER 21-52**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING THE TOWN COUNCIL'S OCTOBER 7<sup>TH</sup>, 2021, DECISION REGARDING THE RECOMMENDATION TO LEE COUNTY FOR AMBER ROADWAY SAFETY LIGHTING ALONG ESTERO BOULEVARD; AUTHORIZING THE MAYOR AS THE COUNCIL LIAISON WITH LEE COUNTY REGARDING THIS MATTER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, 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 service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, County Road 865, also know as Estero Boulevard, is a County owned and controlled road within the jurisdictional boundaries of the Town of Fort Myers Beach; and

**WHEREAS**, Estero Boulevard acts as the main arterial road for Fort Myers Beach and serves a vital sector of the area's economy and generates millions of dollars in sales tax revenue for the State and County; and

**WHEREAS**, Estero Boulevard is a busy tourist and recreation area and is typically congested with bicycle and pedestrian activity that creates potential conflict with the automobile traffic; and

**WHEREAS**, Town Lighting Engineers and Town staff have worked diligently to incorporate the Metropolitan Planning Organization (MPO) and Florida Department of Transportation (FDOT) study recommendations, community input, Florida Fish and Wildlife Conservation Commission (FWC), Sea Turtle Conservancy, Florida Department of Environmental Protection, and FDOT standards for roadway safety lighting for vehicles, pedestrians, and bicyclists to design a roadway lighting solution that addresses all of the needs and interests of the community; and

**WHEREAS**, Estero Island is a Wildlife Area of Concern, is an active nesting beach for endangered Loggerhead Sea Turtles, and the Town has legal and ethical obligations to not harm the Sea Turtles; and

**WHEREAS**, Cool temperature lighting, with wavelengths shorter than 560nm, are known to disorient sea turtle hatchlings and lead them away from the water, and

**WHEREAS**, Sea turtles have difficulty seeing warm lights, like amber and red; and

**WHEREAS**, Current streetlighting along Estero Boulevard are visible to sea turtle hatchlings and many of the lights must be turned off during sea turtle nesting season, creating potential safety issues, and

**WHEREAS**, The Florida Wildlife Conservation Commission (FWC) has indicated in correspondence that amber street lighting is the only color lighting they would support; and

**WHEREAS**, Recent technological advancements have created amber LED light that generate adequate lumens to replace current lighting and are more efficient; and

**WHEREAS**, the Town of Fort Myers Beach has long been concerned about climate change and wildlife protection and has been committed to undertaking significant environmental sustainability; and

**WHEREAS**, on September 16, 2021 the Fort Myers Beach Town Council reached consensus on using only amber LED shielded fixtures for Estero Boulevard.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH, AS FOLLOWS:**

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. This Resolution memorializes and ratifies the decision of the Town Council, as discussed at the October 7, 2021 Management and Planning Session, that the Town of Fort Myers Beach Council supports installing roadway safety lighting along Estero Boulevard using amber LED shielded fixtures through Florida Power and Light (FPL); and

Section 3. This Resolution recommends that Lee County utilize amber LED shielded lighting at wattage levels that provide for adequate lighting based on the photometrics on Estero Boulevard, taking into consideration the Illumination Engineering Society of North America (IES), FPL, FDOT and FWC guidelines for illumination levels, and providing a light level comparable to the current lighting on the streets in areas that are adequately lit and, for the majority of residential streets; and

Section 4. That Lee County should enter into an agreement with FPL or another entity of its choosing to expeditiously implement the system on the county-owned and maintained Estero Boulevard as soon as possible as the Town's residents, visitors, and Public Safety Committee have expressed safety concerns for many years; and

Section 5. That the Town of Fort Myers Beach will work cooperatively with Lee County to facilitate roadway safety lighting; and

Section 6. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

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

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	aye
Bill Veach, Council Member	aye
Jim Atterholt, Council Member	aye

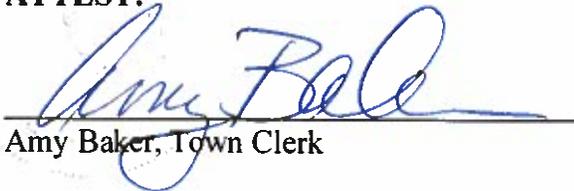
ADOPTED this 18<sup>th</sup> day of October 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

**TOWN OF FORT MYERS BEACH**



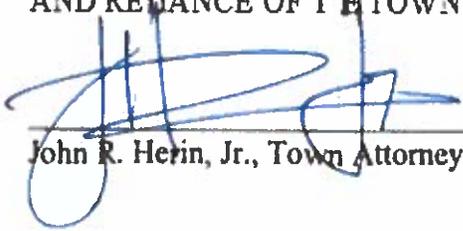
Raymond P. Murphy, Mayor

**ATTEST:**



Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:



John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 18 day October 2021.