

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

Wednesday, April 13, 2022

I. CALL TO ORDER

The meeting was called to order at 2:00 p.m. by Vice Chair Fossum.
(Chair Johnson arrived during roll call.)

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

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

Excused: Mary Rose Spalletta

Staff: Environmental Services Project Manager Chadd Chustz

Council Liaison: Bill Veach

IV. APPROVE THE AGENDA

Project Manager Chustz requested that Mulholland nominations be added.

MOTION: MRTF Member DeGaetano moved to add Mulholland nominations to the beginning of the agenda; second by MRTF Member Rusk.

VOTE: Motion passed unanimously.

V. APPROVE PREVIOUS MEETING MINUTES – March 9, 2022

MOTION: MRTF Member Larkin moved to approve the minutes; second by MRTF Member

VOTE: Motion passed unanimously.

Rose
Larkin

VI. PUBLIC COMMENT

Dave Nausbaum, President of Island Winds Condominiums, reviewed how Island Winds improved its property over the years. Joe Shiner continued Mr. Nausbaum's comments and discussed accretion and ponding on their beach.

George Repetti, resident of Island Winds, discussed the beach accretion and the new dark glass tint regulation. He stated the tint was so dark he would have to turn his lights on during the day. He requested that they change the rule back to the state regulation of 45%.

VII. CURRENT ITEMS

Project Manager Chustz stated that the FWC recommended the 15% window tint instead of the state recommendation of 45%. Chair Johnson discussed non-compliance issues, rental properties, lease agreements, enforcement and accountability.

MOTION: MRTF Member Fossum moved to recommend that the town hire more personnel to enforce the sea turtle lighting ordinance; second by Chair Johnson.

VOTE: Motion passed unanimously.

MOTION: Chair Johnson moved to advise Town Council to put a moratorium on the current sea turtle ordinance for 15% for one year and one-year periods after that to allow technology to catch up and allow 45% with the caveat that they enforce the lighting ordinance and write citations to those who were not compliant with the sea turtle ordinance; second by MRTF Member Larkin.

Discussion was held regarding the cost and availability of 15% windows.

VOTE: Motion passed unanimously.

F. Beach Renourishment Update

Project Manager Chustz distributed and discussed information regarding a managed beach zone. He explained why the easement would last until June of 2024. He discussed dune management and maintenance. Liaison Veach brought up the Erosion Control Line (ECL), accreting beaches and ponding. Project Manager Chustz stated that staff was attempting to solve the ponding issue. He indicated that if property owners did not want to address ponding, they could refuse to sign the easements. Project Manager Chustz stated that staff was planning workshops to educate and discuss the project with the community. He indicated easements would be available at the workshops.

G. Landscape/Tree Ordinance

Project Manager Chustz reviewed the edits in the tree ordinance. MRTF Member Larkin noted that MRTF recommended that the list of trees appear as an appendix due to the long list. She indicated the recommended definitions were not included in the ordinance.

She suggested that the definition of exotic and invasive trees include a link to the Florida Exotic Pest Plant Council. Project Manager Chustz will add the link and review the definitions. MRTF Member Larkin mentioned adding a definition of historic trees. Project Manager Chustz discussed the practical aspects of prohibiting property owners from building on their lot due to a tree.

MOTION: Chair Johnson moved that Property Manager Chustz brings the language for the tree ordinance to Town Council for evaluation; second by MRTF Member Larkin.

VOTE: Motion carried unanimously.

H. Dark Skies

Chair Johnson questioned the property line at Bayside Park and noted that the luminance level was five times the level based on the municipal lighting ordinance. He questioned who to contact regarding compliance. Project Manager Chustz suggested that Chair Johnson send him questions via email and he would forward them to Community Services Administrator Daphnie Saunders.

XI. ADJOURNMENT

MOTION: MRTF Member Fossum moved to adjourn; second by MRTF Member Robert Howell
VOTE: Motion passed unanimously.

The meeting was adjourned at 5:12 p.m.

Adopted May 11, 2022 with/without changes. Motion by Mary Rose Spalletta
(DATE)

Vote: 7-0 Signature: 

- End of document

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Johnson Steven A.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Marine Resource Task Force</i>
MAILING ADDRESS <i>311 Seminole Way</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Fort Myers Beach</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Fort Myers Beach</i>
COUNTY <i>LEE</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE
DATE ON WHICH VOTE OCCURRED <i>13 APR 2022</i>	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Steve Johnson, hereby disclose that on April 13, 2022, 20__ :

(a) A measure came or will come before my agency which (check one or more)

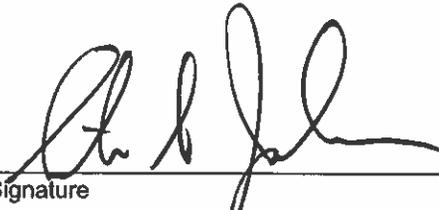
- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, Cynthia Johnson - wife _____ ;
- inured to the special gain or loss of _____ , by whom I am retained; or
- inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Vote on nomination of Mulholland Award of my wife
I recused myself from all discussion on topic as well as the vote.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

April 13, 2022
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.