



# Fort Myers Beach Town Council

## Work Session

**Council Chambers  
2525 Estero Blvd.  
Fort Myers Beach, FL 33931**

**Minutes**

**Monday, March 6, 2017**

**9:00 AM**

## **FINAL**

### **I. CALL TO ORDER**

The meeting was called to order at 9:00 AM by Mayor Dennis Boback

#### **1. Roll Call**

Members present: Mayor Boback, Vice Mayor Hosafros, Council Member Cereceda, Council Member Gore and Council Member Shamp.

### **II. PLEDGE OF ALLEGIANCE**

### **III. PUBLIC COMMENT ON AGENDA ITEMS**

•John Dwyer stated that the water needed to be tested and the results published. He described the various pollutants in the water. He commented that the Marine Resources Task Force (MRTF) brochure neglected all but the surface concerns.

•Leon Moyer addressed the fertilizer ordinance in relation to roosting birds and he suggested testing for nitrogen after the first severe rain storm. He noted it was not just the fertilizer in the lawns causing pollution.

•Frank Wilitz, resident, commented on the stormwater, taking care of each other and keeping the small town atmosphere in mind regarding future decisions.

•Barry Hays remarked that they were told that bushes and trees would be removed and replanted on each side of Hercules. He discussed what the County did previously as opposed to what was being proposed now. He stated the properties should be restored.

### **IV. ITEMS FOR DISCUSSION**

A. Stormwater Update

**and address public comments regarding the determination of stormwater outfall side streets.**

Scott Baker, Public Works Director, introduced Brett Messner from Tetra-Tech. Mr. Messner utilized PowerPoint to present information on stormwater. Slides included: Presentation Outline, Outfall Selection Considerations Mid-Island Neighborhoods Segment 1, Segment 2, Stormwater Basin near Madison Street, Design Discussion, Existing Conditions, Open Swale Example, Closed Drainage Example, Hercules Design Discussion, Sediment Chamber (Baffle Box), Elevation view with Outfall, Backflow Prevention, Stormwater Preliminary Design Report and Storm Sewer Videoing.

Mr. Baker reviewed the timeline.

Council Member Gore asked whether they could move forward with getting certain streets done first, why Hercules was more expensive and whether landscape would be replaced. Mr. Messner replied that Town side streets could move forward, recommending doing stormwater and sewer at the same time and that the seawall elevation on Hercules was different on each side. Public Works Director Baker answered regarding landscaping that they would remove as little as possible and driveways would be replaced.

Council Member Cereceda asked whether there was an intention to replace landscaping in the right-of-way on Red Coconut and whether landscaping had been replaced on any other street. Mr. Baker replied that they entered into an agreement with the North Estero project to replace the brick pavers but North Estero would maintain that area going forward. She commented on landscape in the right-of-way, clarifying that every street was linked to the system whether they flooded or not. Mr. Baker indicated that the 30% plan would quantify which streets needed to be addressed first. Council Member Cereceda questioned the effect of the overall project if they change the plan. Randy Cerchie, Director of Lee County Department of Transportation (DOT) replied that it would cost money and time. He explained that they could not change the eight streets in Segment 2 without stopping, redesigning and going back to the permitting process, which would add time to the project. He stated that they could not change the outfall streets. Mr. Baker indicated that adding boxes to each street added \$605,000.00 to the County's project. Rob Phelan, Lee County DOT, stated that changing any one of the outfall streets would require re-excavation where the main was installed. Council Member Cereceda clarified the content of the 30% plan.

Council Member Shamp stated that communication was key to the project and she appreciated having this presentation part of the process. She was pleased that they could prioritize streets. She questioned who was responsible for the eight private basins. Tim Vanderwalker with Tetra-Tech replied that the private basins were most likely run by Homeowners Associations and excluded from the Facilities Plan. They were treated as though they did not have any drainage use that affected the Town and they maintained the system themselves, such as Bay Beach. She questioned why private basins would be surveyed. Mr. Messner replied that they still required water line replacement and those surveys were approved. He will find out why the surveys were listed under stormwater expenses. Council Member Shamp questioned the typical width of a swale. Mr. Vanderwalker utilized a slide to illustrate swale flow capacity to address her question. She questioned how to handle the flow with elevation changes. Mr. Vanderwalker replied that if there was room for the swale they would use fill across the swale to stop the flow or look into different kinds of lining. She questioned whether they should think in terms of adding trees and shrubs without damaging infrastructure. Mr. Cerchie stated that Lee County has an Advisory Committee to address trees and shrubs and he would share the information with the Town.

Mayor Boback commented that they could not replace landscape in the right-of-way for some people and not others. He felt they would have to set a policy for the Island of what

they were or were not willing to do. He thought it should be Island-wide, not street by street. Vice Mayor Hosafros described how the Town worked with Chapel Street in the past concerning the trees in the Right-of-Way.

Council Member Gore questioned costs associated with stormwater on Hercules. Mr. Baker reviewed the history of the project and the County's commitment to build a complete road. She hoped that they could recoup some money in the next phase.

Council Member Shamp questioned who was responsible for draining Estero Blvd. Mr. Messner stated that Lee County was responsible for their right-of-way and the Town was responsible for their right-of-way.

B. Ordinance 08-15, Regulating the Application and Use of Fertilizer

**Review of Fertilizer ordinance as a whole and comparisons to other ordinances in Southwest Florida.**

Rae Blake, Environmental Stormwater Technician, reviewed the contents of the fertilizer ordinance and how it compared to other Town ordinances. She utilized slides to discuss the main points in the ordinance. Sanibel has a buffer zone of 25 feet for water bodies as opposed to 3 feet for the Town of Fort Myers Beach. She reviewed the buffer zones in surrounding communities. Ms. Blake discussed the contents of fertilizer and applicator licensing and training requirements in Sanibel, Fort Myers and Bonita Springs. She indicated that Fort Myers Beach did not have the training program in place. She noted that the Lee County Tax Collector requested that the Town follow the same rules as landscaping companies who presented business taxes. She stated that enforcement and penalties could not be changed per State Statute. She indicated that Fort Myers Beach did not have a public education section regarding rules for the use of fertilizer. She described education programs in Sanibel and Bonita Springs. She revealed that the Town will insert an educational mailer in the water usage bill. She noted a Town webpage could be developed and she created a brochure.

Mayor Boback stated that landscapers needed to be held accountable. He questioned whether they could require landscapers to register with the Town and require them to watch a video. Town Attorney Turner indicated they could require landscapers to register. He questioned per day violations. Ms. Blake responded that it was written that way in the Statute. Mayor Boback questioned whether they could revoke their business license in the Town of Fort Myers Beach if they committed three violations. Town Attorney Turner replied that it was not provided in the Statute but he would research the question. Mr. Boback supported moving the setback from three feet to ten feet.

Council Member Cereceda would like MRTF to go through the ordinance and she agreed with changing the setbacks.

Council Member Shamp stated that landscapers she spoke to were not aware of the fertilizer ordinance. Ms. Blake replied that they would have to know about the fertilizer ordinance if they were registered in Lee County. Council Member Shamp was in favor of following Lee County's request to have the same standards for the Town. She was in favor of requiring landscapers to state that they completed a training course. She recommended prohibiting grass clippings in canals and she agreed with changing the water body setbacks to 10 feet. She supported educational programs and suggested that MRTF may be interested in getting involved.

Vice Mayor Hosafros supported a 15 foot setback. She felt the voluntary low maintenance section should be rewritten and interconnected to the section on buffer zones.

Council Member Gore supported setbacks of 10 or 15 feet. She questioned whether the violation applied to the property owner or landscaper. Ms. Blake replied that whoever applied the fertilizer would be liable. Council Member Gore agreed with offering education to everyone. Ms. Blake noted that it would be easy to set up with Fort Myers.

Mayor Boback felt strongly about accountability.

C. Recommendations from the Marine Resources Task Force

**Recommendations from the Marine Resources Task Force regarding water quality testing.**

Ms. Blake noted that MRTF's recommendations included testing the canals, event testing and creating a web page for beach conditions. Ms. Blake indicated that many studies were currently ongoing and the Back Bay was already being tested. She discussed the difficulty of testing the Gulf, testing after an event, the cost for tests, presenting data to the legislature, consider a minimal budget and collecting two samples from four locations before, during and after Lake Okeechobee releases. She indicated it was imperative to test the canals and she suggested looking at site-specific canal testing or testing the stormwater outfalls. She suggested testing for ammonia, organic and inorganic nitrogen, phosphorus, orthophosphorus and total phosphorus on a monthly or quarterly basis. Discussion was held regarding a budget of \$5,000.00+, staff time, the amount of time to receive results, liability issues and borrowing testing equipment.

Council Member Shamp questioned whether testing specific areas would serve as a basis for grants for the stormwater system. Ms. Blake replied in the affirmative.

Vice Mayor Hosafros endorsed moving forward with all the recommendations.

Ms. Blake reviewed options for updating the web page.

Council Member Gore thanked John Heim and the volunteers who brought the issue forward.

Council Member Cereceda agreed with testing now to get a baseline. She stated they needed a budget proposal and QR codes on signs could link to the website. She questioned codifying decisions by creating a water quality and testing resolution. Ms. Blake replied that it would be helpful. Council Member Cereceda congratulated members of MRTF for doing a good job.

Town Attorney Turner suggested creating a resolution outlining what they were trying to achieve.

D. Geocaching

**Geocaching is viewed by some as a type of "treasure hunt" using hand held GPS devices.**

Sean DePalma, Parks and Recreation Director, summarized the information he sent to Council.

Council Member Gore brought up protecting property from being dug up. Mr. DePalma indicated that virtual caching would be more appropriate for the Island. She was against anything that would be intrusive into a residential area. Mr. DePalma noted that he was speaking of Town property only.

Council Member Shamp thought it was a good way to draw people where you want them to go.

Vice Mayor Hosafros stated that geocaching did not always include burying items and she was in favor of having policies. She did not think that it had to be limited to virtual caching.

Mr. DePalma stated that the policy included geocaching but his department would create marketing for virtual caching.

Vice Mayor Hosafros described Lee County's policy. Mr. DePalma stated that his policy mirrored Lee County and Broward County.

Council Member Cereceda thanked Mr. DePalma for his work and she supported the policy.

**V. ADJOURNMENT**

The meeting was closed at 11:21 AM

Minutes adopted as amended March 20, 2017; Motion by Council Member Shamp, second by Council Member Cereceda; Passed 5-0.



Michelle D. Mayher CMC  
Town Clerk