

**MINUTES REPORT**  
**EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC)**  
**Tuesday, July 12, 2022**

**Committee Members Present:**

Laura Greeno, Chair  
Ed Elms  
Jacob Taminosian  
Betsie Hiatt, Vice-Chair

**Excused / Absent:**

Kyle Philpot

**Lee County Government Staff Present:**

Becky Sweigert, DCD Planning  
Nic DeFilippo, DCD Planning  
Amanda Swindle, CAO  
Debbie Carpenter, DCD Admin

**Outside Consultants/Members of the Public Present:**

Shane Johnson, Passarella & Associates

**CALL TO ORDER:**

Ms. Laura Greeno, Chair, called the meeting to order at 3:00 pm in the first floor conference room of the Community Development/Public Works Building, 1500 Monroe Street, Ft. Myers, Florida and introductions were made.

She announced that approval of the minutes would follow the Management Plan presentation.

**BALD EAGLE MANAGEMENT PLAN FOR LE-028A – Raptor Bay**

Ms. Becky Sweigert reviewed the history of nest LE-028 and -028A. This is an old nest that has re-activated. Historically, LE-028 was originally around the Raptor Bay golf course, then it shifted to the Time Shares. That nest has since become abandoned/inactive. It appears likely that the birds have gone back to the Raptor Bay location.

Mr. Shane Johnson, spoke on behalf of LB Raptor Investments LLC, the developer currently renovating/reconfiguring the golf course. There was an existing Bald Eagle Management Plan for LE-028 from 2000, which has been included in its entirety as Exhibit 2 in the new management plan for LE-028A. The main reason for the development of a new plan is that the primary and secondary zones in the previous plan were onerous. The primary zones ranged from 750' to 1500', secondary from 1500' out to 2500'. The reason for the extended ranges was that there were more flight patterns to the north and northwest at that time, hence the larger, extended buffer zones. The current request is to reduce those zones to the current standards of 330' and 660'.

Exhibit 4 of the proposed BEMP shows the nest location entirely within an existing preserve area and even with the reduced buffer zones, the nest and the associated buffers are still completely insulated within the preserve. The only activities that might take place within the 660' zone would

be exotics removal and maintenance activities but any of those activities would only be done during the non-nesting season. Currently the old buffer zones highly restrict any construction activities being done now. The request is to shrink the buffers to current standards keeping them within the conservation area, with a restriction that exotics maintenance and removal would only occur during non-nesting season and that hazardous chemicals around the base of the tree would be prohibited.

Mr. Elms asked about the exotics removal and whether that would change the line of sight from the nest, or if it would make sense to replace with something else, slash pines perhaps. Mr. Johnson said the nest could not be seen from that area, however, in the area where there is melaleuca, that area would be replanted with cypress and pine trees. Ms. Greeno asked if there was any barrier between the golf course and the nest, access to the conservation area, or any signage. Mr. Johnson said signage is a requirement of the DO; there is no active recreational use aside from a walking trail that Ms. Sweigert remembered did not go up to the tree, and no way for golf carts to get to the tree because it is quite dense. Ms. Hiatt asked if the nest was monitored last season. Mr. Johnson said they did do 3 observations starting in February this year and at that time there was no activity at the nest. Mr. Johnson said they discovered the nest maybe 2 years ago. Ms. Hiatt asked about the development plans, wanting to confirm that it was staying the same and would not become more intense. Luckily the nest is within the conservation easement but in any case, the development plan remains the same. Ms. Greeno asked about the condition of the nest and Mr. Johnson confirmed that it is very intact.

**Mr. Elms made a motion to approve the BEMP for Nest LE-028A. Seconded by Ms. Hiatt. The motion was called and approved unanimously.**

Ms. Sweigert agreed to contact Mr. Johnson about next steps. She thought a zoning action might be needed to clean things up as a result of today's discussion.

#### **APPROVAL OF MINUTES – March 8, 2022**

Ms. Greeno called for a review of the March minutes.

**Mr. Taminosian made a motion to approve the March minutes as written. Mr. Elms seconded. The motion was called and carried.**

#### **Member Comments**

Ms. Hiatt asked if anyone had heard anything about Barrancas. She referred to the previous meeting minutes where she reported having seen 1 bird, but that Mr. Elms had seen a Great Horned Owl in the nest after that, but also an eagle around the corner. She was concerned because there had been a couple of reports of downed birds on Pine Island. She remembered seeing a photo in the Pine Island Eagle of a chick underneath a nest taken to CROW. Although from the photo she could tell the chick wasn't from the Barrancas nest, she was still worried and asked about getting in touch with CROW to see if they had gotten any reports. There was a discussion about the possibility of reaching out to CROW, perhaps arranging a field trip, in order to establish a better rapport and Ms. Sweigert agreed to arrange that if there was enough interest. Ms. Hiatt thought that the Audubon group was pretty active with monitoring in the area and Ms. Sweigert confirmed that they do their own monitoring, have their own website and location map, and produce an annual newsletter. Ms. Sweigert has a contact there and if there is something going on their representative will get in touch. She has not done any, but said Audubon offers training events and if she hears of anything coming up in the future, she will let the committee know. Ms. Greeno suggested reaching out to them as well, perhaps get on an upcoming agenda.

There was a brief discussion about nest numbering which then segued into a discussion about the old Moody River Estates territory. Although Ms. Sweigert has not confirmed it, she has been told that there is a nest in the center of the old Amtel property – where LE-043 first started. Technically it is not the Moody River Estates property, it is adjacent to it and is the original territory for the pair. She has spoken with Jim Ink and Dex Bender both working on that piece and each admits it is there and she thought ETAC will probably hear more about it in the fall. The birds are routinely seen flying over to the north and although frequently seen roosting on the tower, there is no nest there.

Ms. Hiatt asked if the nest location for Pine Island Flatwoods Preserve had been fixed on the map and Mr. DeFilippo confirmed it had.

### **Member Reports**

None given.

There was no public present. Ms. Greeno adjourned the meeting at 3:45 p.m.

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Tammosian - Jacob - Christian</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Eagle Technical Advisory Committee</i>	
MAILING ADDRESS <i>13626 Metropolis Avenue, Suite 200</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Fort Myers</i>	COUNTY <i>Lee</i>	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>N/A (did not vote or discuss)</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

## 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. *I did not vote or discuss.*
- 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, Jacob Christian Taminio, hereby disclose that on July 12, 20 22 :

(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, Passarella & Associates, Inc. ;

☐ inured to the special gain or loss of my relative, \_\_\_\_\_ ;

☐ 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:

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.

\_\_\_\_\_  
Date Filed

Jacob Taminio  
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.