

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020751

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a public hearing and consider Board approval to amend Lee County Ordinance No. 00-20, incorporating the Outer Islands into the Solid Waste Collection Program as a new solid waste collection and disposal Service Area to be known as Service Area 7, "Outer Islands".

WHY ACTION IS NECESSARY: The Lee County Board of County Commissioners must approve any and all amendments to Lee County Ordinances.

WHAT ACTION ACCOMPLISHES: Establishes an additional Service Area in the Lee County Solid Waste Collection Program.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

5:00 #8

3. MEETING DATE:

07-09-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC 5:00 p.m.
- WALK ON
- TIME REQUIRED:**
15 minutes

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE 00-20
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER**
- B. DEPARTMENT** County Attorney
- C. DIVISION** General Services
- BY:** David M. Owen
Chief Assistant County Attorney

7. BACKGROUND:

The Florida Department of Environmental Protection regulates disposal of solid waste and has certain rules prohibiting the disposal of solid waste on barrier islands. The Outer Islands of Lee County not included in the Mandatory Solid Waste Collection and Disposal Program are: Cabbage Key, Cayo Costa, Useppa Island and North ("Upper") Captiva Island. These islands have experienced significant growth and development over the past ten years, resulting in increased solid waste generation and the need for suitable waste disposal pursuant to State rules and regulations and the communities' needs.

In order to provide solid waste service consistent with the existing solid waste system of the County, it is necessary to incorporate these islands into a new solid waste collection and disposal Service Area to be known as the "Outer Islands" Service Area.

In August, 2001, the Board of County Commissioners directed staff to implement a permanent Solid Waste Collection and Disposal Program for the Outer Islands.

The adoption of the proposed Ordinance will incorporate the Outer Islands into the County's comprehensive Solid Waste Disposal Program with its own rates and specialized service for their particular needs.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	<i>6/24/02</i>	<i>6/24/02</i>	<i>6/24/02</i>	<i>6/24/02</i>	<i>[Signature]</i> 6-24-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. *CA*
6-21 4:21
COUNTY ADMIN.
FORWARDED TO:
6/24/02

CO. ATTORNEY
FORWARDED
TO CO. ADMIN.
[Signature]

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

BLUE SHEET NO: 20010922

I. REQUESTED MOTION:

Action Requested: Authorize and direct County staff to take all actions necessary in order to implement a long-range solid waste transportation and disposal methodology for the County Barrier Islands, commonly known as the "Outer Islands", which will consist at a minimum, of the following: a) obtaining at least two (2) receiving sites on Pine Island with County interests in the real property through long term leases, for the holding of Outer Islands solid waste until collected by the Lee County Pine Island Solid Waste Collection and Disposal Franchisee for appropriate disposal in the Lee County Solid Waste Disposal System. Recommended sites are: i) the Fisherman's Cooperative, and ii) Pineland Marina. b) creation of a solid waste haul franchise for transportation of the Lee County solid waste from the "Outer Islands" by barge to the designated Lee County Pine Island receiving sites, which will be put out for competitive selection (five-year term of contract) pursuant to County specifications for equipment and methodology of transfer. c) "Outer Islands" to provide the County's haul franchisee(s) with a site on each island for the franchisee's collection of the solid waste collection containers as prescribed by the County; for exchange of such containers and transportation of filled containers to the designated Lee County Pine Island solid waste receiving sites. d) Addition of the "Outer Islands" to Lee County Ordinance No. 00-20, as an additional service (franchise) area, to be assessed (MSBU) pursuant to the terms of the Ordinance for the provision of the service (new Service Area #7., with a uniform rate for the entire service area, similar to the current mainland service areas). e) Direct staff to review existing marina uses on Pine Island to determine whether regulatory changes are needed.

Why Action is Necessary: To put into place, a regulated, predictable, stable solid waste disposal system under County control and regulation for the disposal of the solid waste from the "Outer Islands".

What Action Accomplishes: Provides a structured system for solid waste disposal for the "Outer Islands" that is generally similar to that provided on the mainland, per County Ordinance.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #

4A

3. MEETING DATE:

08-28-2001

. AGENDA

CONSENT
X ADMINISTRATIVE
APPEALS
PUBLIC

TIME REQUIRED:

5. REQUIREMENT/
PURPOSE
(Specify)

X STATUTE CH. 403,
F.S.
X ORDINANCE 00-20,
95-20
ADMIN. CODE
OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER _____
B. DEPARTMENT Public Works / Community
Development
C. DIVISION _____
BY: James Lavender, Director, Public Works Admin. &
Mary Gibbs, Director, Community Development

Mary Gibbs 8-17-01

7. BACKGROUND:

May 22, 2001 and May 29, 2001, the Board of County Commissioners addressed and directed staff to develop a long-range plan for the collection, transportation and disposal of solid waste (as defined by Florida law) from the Lee County Barrier Islands ("Outer Islands").

(BACKGROUND CONTINUED - NEXT PAGE)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

DEPT. DIRECTOR	PURCHASING	HUMAN RES.	COUNTY ADMINISTRATION				OTHER	COUNTY ATTORNEY	COUNTY MANAGER
			OA	OM	RISK	GC			
<i>Lavender</i> 8/16/01			<i>9/20/01</i>	<i>8/17/01</i>	<i>8/17/01</i>	<i>8/17/01</i>		<i>8/16/01</i>	<i>Lavender</i> 8/16/01

D. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

a) Then d)

RECEIVED BY
COUNTY ADMIN.
8/17/01
9:04 AM
8/17/01
9:20 AM

After meetings with the affected parties and research with respect to the most cost-efficient and least intrusive receiving sites and stability with respect to the transportation increment, staff is recommending a solid waste transportation and disposal methodology which will consist generally of the following:

- a) obtaining at least two (2) receiving sites on Pine Island with County interests in the real property through long term leases, for the holding of Outer Islands solid waste until collected by the Lee County Pine Island Solid Waste Collection and Disposal Franchisee for appropriate disposal in the Lee County Solid Waste Disposal System. Recommended sites are: i) the Fisherman's Cooperative, and ii) Pineland Marina.
- b) creation of a solid waste haul franchise for transportation of the Lee County solid waste from the "Outer Islands" by barge to the designated Lee County Pine Island receiving sites, which will be put out for competitive selection (five-year term of contract) pursuant to County specifications for equipment and methodology of transfer.
- c) "Outer Islands" to provide the County's haul franchisee(s) with a site on each island for the franchisee's collection of the solid waste collection containers as prescribed by the County; for exchange of such containers and transportation of filled containers to the designated Lee County Pine Island solid waste receiving sites.
- d) Addition of the "Outer Islands" to Lee County Ordinance No. 00-20, as an additional service (franchise) area, to be assessed (MSBU) pursuant to the terms of the Ordinance for the provision of the service (new Service Area #7., with a uniform rate for the entire service area, similar to the current mainland service areas).

Request Board of County Commissioners' authorization to take all necessary and appropriate actions to implement the above solid waste transportation and disposal methodology as quickly and as practicable as possible with input from all affected parties on the Outer Islands and Pine Island.

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE OF LEE COUNTY, FLORIDA, AMENDING LEE COUNTY ORDINANCE NO. 00-20, RELATING TO LEE COUNTY GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL; AMENDING SECTION 1 AND EXHIBIT "A" THEREIN, RELATING TO THE CREATION OF A NEW BENEFIT UNIT AND SERVICE AREA NUMBER 7., "OUTER ISLANDS AREA"; PROVIDING FOR AN AMENDED SECTION 25, RELATING TO THE SERVICES PROVIDED TO SERVICE AREA NUMBER 7.; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Lee County Commissioners is the governing body in and for Lee County, a political subdivision and charter county of the State of Florida, which holds all powers granted to charter counties pursuant to the Florida Constitution and State Statutes; and,

WHEREAS, the Board of County Commissioners previously adopted Lee County Ordinance No. 00-20, amending and restating Lee County Ordinance No. 95-19, relating to the creation and operation of a municipal service benefit unit with designated service areas for the Lee County Solid Waste Disposal and Management System; and,

WHEREAS, the Board of County Commissioners finds that this amendment will better serve the public health, safety and welfare with respect to solid waste collection and disposal in Lee County; and,

WHEREAS, an area of Lee County commonly known as the "Outer Islands" was previously not included within Lee County Ordinance No. 00-20; and,

**DRAFT - FOR DISCUSSION PURPOSES ONLY
LEE COUNTY ATTORNEY'S OFFICE
JUNE 20, 2002**

S:\GS\ORDINANCE\OUTER ISLANDS S.W.--AMENDS 00-20.wpd

WHEREAS, the growth of the population of the Outer Islands now necessitates inclusion of this area into the Solid Waste Management System to insure continued public health and safety for the Outer Islands; and,

WHEREAS, it is the desire of the Board of County Commissioners to amend Lee County Ordinance No. 00-20 to incorporate the Outer Islands into the Lee County Mandatory Solid Waste Collection Program, and create a franchise area for collection of the solid waste generated by the Outer Islands;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

Note: New text is indicated by underlining.

1. AMENDMENTS TO THE PROVISIONS OF LEE COUNTY ORDINANCE NO. 00-20 ARE AS FOLLOWS:

A. Section 1. Add the following sentence at the end of the Section:

The Board of County Commissioners finds that consistent with the text above, it serves a valid public purpose and is now necessary, prudent and to the public's health, safety and welfare to create an additional service area to the Benefit Unit by the inclusion of the Lee County Barrier Islands (commonly known as the "Outer Islands") to the Solid Waste Collection and Disposal System as indicated by the revisions to Exhibit A, hereof and the other provisions herein.

**DRAFT - FOR DISCUSSION PURPOSES ONLY
LEE COUNTY ATTORNEY'S OFFICE
JUNE 20, 2002**

S:\GSI\ORDINANCE\OUTER ISLANDS S.W.--AMENDS 00-20.wpd

B. Section 25. Outer Islands Service Area

Due to the unique circumstances of the Outer Islands Service Area, the "Outer Islands" as defined herein are hereby exempt from any section or provision of this Ordinance to the extent that where there is a contrary method of operation or a conflict between the terms and provisions of this Ordinance and the rules, regulations and conditions pursuant to this Section, the regulations, terms and conditions of this Section shall control. However, the Outer Islands shall remain subject to all of the other requirements of this Ordinance to the extent that the provisions are not inconsistent with the terms of this Section.

The Lee County outer islands, specifically Cabbage Key, North "Upper" Captiva Island, Cayo Costa, and Useppa Island shall, in combination, form the Outer Islands Service Area within the Lee County Mandatory Solid Waste Collection and Disposal Benefit Unit (MSBU). This service area shall be assessed pursuant to the terms of this Ordinance for the provision of the solid waste transportation and disposal services with uniform rates for the entire service area. It shall be the responsibility of the County to provide either directly or indirectly through agreements with franchised contractors, the following services:

- A. Collection of garbage from a site or sites on each island in the Service Area.

B. Transportation of collected garbage from each island site to a designated Lee County receiving site.

C. Disposal of garbage at a Lee County Solid Waste Designated Disposal Site by the hauling contractor franchised by the County to service the receiving site.

All property owners of improved property within the Outer Island Service Area shall subscribe to the solid waste collection and disposal service and shall be subject to the levy of a special assessment as further set out pursuant to this Ordinance. Additionally, the Outer Islands property owners shall provide a collection site on each island included in the service area, which shall be accessible to the County's franchisee for transportation of each island's solid waste (garbage) and to be kept by the property owners in a neat and serviceable condition at all times.

C. Amendment to Exhibit A

Exhibit A to Lee County Ordinance No. 00-20 is hereby amended to read as follows:

Department of Solid Waste
Franchise Area #6

That part of unincorporated Lee County lying
within Gasparilla Island of
Charlotte County, Florida, and
commonly known as Boca Grande

Department of Solid Waste
Franchise Area #7
"Outer Islands"

CABBAGE KEY

All of Government Lot 2, Section 17 and Government Lot 1, Section 20, Township 44 South, Range 21 East, Lee County, Florida according to a Plat of a Survey by Horatio Jenkins, filed in 1876 at the Office of the Surveyor General, Tallahassee, Florida.

CAYO COSTA ISLAND a/k/a LACOSTA ISLAND

An Island lying in Sections 35 and 36, Township 43 South, Range 20 East and Section 31, Township 43 South and Range 21 East and Sections 1, 2, 12 and 13, Township 44 South, Range 20 East and Sections 6, 7, 18, 19, 20, 29, 30 and 32, Township 44 South, Range 21 East according to Plats of Surveys by Horatio Jenkins filed in 1876, at the Office of the Surveyor General, Tallahassee, Florida.

USEPPA ISLAND

An Island located in Pine Island South and lying in Government Lot 2, Section 4, Township 44 South, Range 21 East, and Government Lot 1, Section 9, Township 44 South, Range 21 East according to a Plat of Survey by Horatio Jenkins filed in 1876, at the Office of the Surveyor General, Tallahassee, Florida.

NORTH "UPPER" CAPTIVA

All that Part of Government Lot 3, Section 32, Township 44 South, Range 21 East; Government Lots 1, 2, and 3, Section 4, Township 45 South, Range 21 East; Government Lots 1, 2, 3, 4, Section 5, Township 45 South, Range 21 East; Government Lot 1, Section 8, Township 45 South, Range 21 East, Government Lots 1, 2, 3, and 4, Section 9, Township 45 South, Range 21 East; Government Lots 1 and 2, Section 15, Township 45 South, Range 21 East; Government Lot 1, Section 16, Township 45 South, Range 21 East, Lee County, Florida, lying North of Redfish Pass according to a Plat of a Survey by Horatio Jenkins and filed in 1876 at the Office of the Surveyor General, Tallahassee, Florida.

2. SUPPLEMENTAL AUTHORITY

This Ordinance shall not be construed as repealing or superseding any Lee County

**DRAFT - FOR DISCUSSION PURPOSES ONLY
LEE COUNTY ATTORNEY'S OFFICE
JUNE 20, 2002**

Ordinances and their consistent provisions therein, or Florida Statutes or Laws, and shall be construed as providing alternative or supplemental authority for the exercise of all powers granted and provided for therein. This Ordinance shall be read in conjunction with Section 403.706, Florida Statutes, as it may be amended and/or re-numbered from time to time, and Lee County Special Act Chapter 85-447, Laws of Florida (1985), as amended.

3. EFFECTIVE DATE

This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Secretary of State of Florida that it has been duly filed with that office.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and being put to a vote, the vote was as follows:

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 200__.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

DRAFT - FOR DISCUSSION PURPOSES ONLY
LEE COUNTY ATTORNEY'S OFFICE
JUNE 20, 2002