

WALK ON #1

Lee County Board Of County Commissioners

Blue Sheet No. 20050273

Agenda Item Summary

1. Action Requested/Purpose: 1) Approve an extension to the Lee County Emergency Resolution Declaring Lee County a Major Disaster Area for the Removal of Hurricane Debris from the Lee County Bridgeless Barrier lands, which authorizes the removal, transportation and disposal of "white goods" and construction and demolition ("C&D") materials from the bridgeless Barrier Islands through marinas on Pine Island until May 6, 2005. 2) Waive certain LDC Regulations and their enforcement during the term of the Resolution to facilitate the use of Pine Island marinas for hurricane debris removal from the Barrier Islands.

2. What Action Accomplishes: Allows the Post-Disaster Recovery process to continue for the Barrier Islands until May 6, 2005, in order to restore safety to the Barrier Islands.

3. Departmental Category: #CW

4. Meeting Date: 03-01-2005

5. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

6. Requirement/Purpose (specify)

- Statute CH, 252,FS
- Ordinance #95-14
- Admin. Code
- Other

7. Request Initiated:

Commissioner _____
 Department County Attorney
 Division General Services
 By: Andrea R. Fraser, Acting Chief Assistant County Attorney

8. Background:

An extension of the Declaration of Lee County as a Major Disaster Area for the Removal of Hurricane Debris from the Lee County Bridgeless Barrier Islands is necessary in order to continue the recovery and mitigation process. Each extension will allow for the removal of "white goods" and C&D materials through marinas on Pine Island until May 6, 2005. A waiver and the abatement of enforcement of certain Lee County LDC Regulations with respect to the off-loading of the "white goods" and C&D materials is necessary for the expeditious removal of the materials during the term of the proposed Resolution. The public's health and safety will remain at risk on the Barrier Islands until such time as the "white goods" and C&D materials from Hurricane Charley are removed and properly disposed of.

Attachment: Proposed Lee County Resolution Amending Lee County Resolution No. 04-11-06
 Lee County Resolution No. 04-11-06

9. Review for Scheduling

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	RK 2/24	<i>[Signature]</i>	RK 2/24	<i>[Signature]</i> 2/24/05	<i>[Signature]</i> 2-24-05

10. Commission Action

Approved Deferred Denied

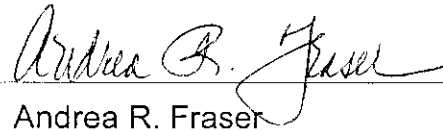
RECEIVED BY COUNTY ADMIN: <u>RK</u>
<u>2/24/05</u>
Other <u>125pm</u>
COUNTY ADMIN FORWARDED TO:

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: February 24, 2005

TO: Board of County Commissioners

FROM:



Andrea R. Fraser
Acting Chief Assistant County
Attorney

RE: **Request for Walk-On**

The Lee County Attorney's Office is requesting Blue Sheet No. 20050273, to be a "walk-on" for the Regular Board of County Commissioners Meeting of March 1, 2005.

Resolution 04-11-06 approved on November 2, 2004 authorized extending the removal, transportation and disposal of "white goods" and construction and demolition ("C&C") materials from the bridgeless Barrier Islands until March 4, 2005. In order to continue to restore safety to the Barrier Islands after March 4, 2005, the Resolution needs to be extended to May 6, 2005.

Attachment

xc: David. M. Owen, County Attorney
Lindsey Sampson, Director, Solid Waste
Kathy Geren, Administrative Specialist, Public Resources

LEE COUNTY RESOLUTION NO. _____

**EXTENDING THE DECLARATION OF LEE COUNTY
BEING A MAJOR DISASTER AREA FOR THE REMOVAL
OF HURRICANE DEBRIS FROM THE LEE COUNTY
BRIDGELESS BARRIER ISLANDS ENACTED NOVEMBER
2, 2004**

WHEREAS, the Board of County Commissioners adopted Resolution No. 04-11-06 on November 2, 2004, extending the Declaration of Lee County being a Major Disaster Area for the Removal of Hurricane Debris from the Lee County Bridgeless Barrier Islands; and,

WHEREAS, the Board of County Commissioners previously adopted Lee County Resolution No. 04-08-70, declaring Lee County as a Major Disaster Area on Tuesday, August 17, 2004, as the result of Hurricane Charley, a Category 4 Hurricane, impacting Lee County on Friday, August 13, 2004, and,

WHEREAS, Hurricane Charley caused major damage to many residential and commercial buildings, to include those located on the Bridgeless Barrier Islands; and,

WHEREAS, the Board of County Commissioners enacted Lee County Ordinance No. 95-14 to better manage recovery, post-disaster reconstruction and mitigation activities following a major disaster in unincorporated Lee County; and,

WHEREAS, the post-disaster reconstruction process presently requires an additional sixty-four (64) days, from March 4, 2005, to ensure the continued removal of hurricane debris from the Lee County Bridgeless Barrier Islands as the result of the damage caused by the impact of Hurricane Charley.

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

1. The above recitals are hereby incorporated herein as if set forth at length.
2. Lee County Resolution No. 04-11-06 (Attached) is hereby incorporated by reference.
3. The Board of County Commissioners hereby exercises its authority pursuant to Florida Statute 242 and Lee County Ordinance No. 95-14.
4. The extension of the Declaration of Lee County Being a Major Disaster Area for the Removal of Hurricane Debris from the Lee County Bridgeless Barrier Islands is limited to an additional sixty-four (64) days from March 4, 2005, to May 6, 2005.

[The Balance of This Page Is Left Intentionally Blank]

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

BOB JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
TAMMY HALL _____
JOHN E. ALBION _____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2005.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chair

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney

Lee County Board of County Commissioners
Agenda Item Summary

Blue Sheet No. 20041362

1. REQUESTED MOTION:

ACTION REQUESTED: 1) Approve an extension to the Lee County Emergency Resolution Declaring Lee County a Major Disaster Area for the purpose of authorizing the removal, transportation and disposal of "white goods" and construction and demolition ("C&D") materials from the bridgeless Barrier Islands through marinas on Pine Island until March 4, 2005. 2) Waive certain LDC Regulations and their enforcement during the term of the Resolution to facilitate the use of Pine Island marinas for hurricane debris removal from the Barrier Islands.

WHY ACTION IS NECESSARY: To continue the removal of "white goods" and C&D materials from the Barrier Islands through marinas on Pine Island until March 4, 2005, in order to restore safety to the Barrier Islands.

WHAT ACTION ACCOMPLISHES: Allows the Post-Disaster Recovery process to continue for the Barrier Islands.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # CW

A12A

3. MEETING DATE:

11-02-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE CH. 252, FS
- ORDINANCE
- ADMIN. CODE
- OTHER Gubernatorial Exec. Order No. 04-182, Fema Order No. 1539 DR

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT County Attorney

C. DIVISION General Services

BY: David M. Owen
Chief Assistant County Attorney



WALK ON


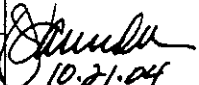
TIME REQUIRED:

BACKGROUND:

In order to continue the recovery and mitigation process for the Lee County Bridgeless Barrier Islands, the extension of the Declaration of Lee County as a Major Disaster Area is necessary for the removal of "white goods" and C&D materials from the Barrier Islands through marinas on Pine Island until March 4, 2005. A waiver and the abatement of enforcement of certain Lee County LDC Regulations with respect to the off-loading of the "white goods" and C&D materials is necessary for the expeditious removal of the materials during the term of the proposed Resolution. The public's health and safety will remain at risk on the Barrier Islands until such time as the "white goods" and C&D materials from Hurricane Charley are removed and properly disposed of at authorized facilities in the County for such disposal.

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		OA	OM	RISK	GC	
				10/21/04	RK 10/21	10/21	10/21/04	10/21/04	10-21-04

10. COMMISSION ACTION:

- APPROVED C/JANES
- DENIED
- DEFERRED
- OTHER

RECEIVED BY	RL
COUNTY ADMIN:	
	10/21/04
	11:10am
COUNTY ADMIN	
FORWARDED TO:	

LEE COUNTY RESOLUTION NO. 04-11-06

**EXTENDING THE DECLARATION OF LEE COUNTY
BEING A MAJOR DISASTER AREA FOR THE
REMOVAL OF HURRICANE DEBRIS FROM THE
LEE COUNTY BRIDGELESS BARRIER ISLANDS**

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision and charter county of the State of Florida, duly authorized to exercise all local governmental and municipal powers; and,

WHEREAS, the Lee County Land Development Code (LDC) regulates uses permitted on land in Lee County; and,

WHEREAS, the LDC does not provide regulations for the temporary transport, dockage, removal or storage of debris resulting from Hurricane Charley; and,

WHEREAS, during a state of emergency and in the interest of the health, safety and welfare of the citizens of Lee County, it is in the County's interest to temporarily waive enforcement of certain LDC regulations in order to expeditiously provide for the cleanup and removal of hurricane debris from the Bridgeless Barrier Islands; and,

WHEREAS, it is the intent of this Resolution to permit the temporary use of various commercial, industrial and port locations on Pine Island and the Bridgeless Barrier Islands for the temporary transport, dockage, removal and short-term storage of hurricane debris resulting from Hurricane Charley; and,

WHEREAS, the scope of this Resolution does not apply to any docks or waterfront properties where a residential use is the principal use of the property; and,

WHEREAS, on August 10, 2004, Governor Jeb Bush issued Executive Order No. 04-182 declaring the State of Florida as a Major Disaster Area as the result of the threatened combined effects of Tropical Storm "Bonnie" and Hurricane "Charley"; and,

WHEREAS, on August 13, 2004, the United States, by and through its Federal Emergency Management Agency (FEMA) issued its Declaration No. 1539-DR providing for federal assistance to affected Florida communities (including Lee County) as the result of Tropical Storm "Bonnie" and Hurricane "Charley"; and,

WHEREAS, the Board of County Commissioners previously adopted Lee County Resolution No. 04-08-70, declaring Lee County as a Major Disaster Area on Tuesday, August 17, 2004, as the result of Hurricane Charley, a Category 4 hurricane, impacting Lee County on Friday, August 13, 2004; and,

WHEREAS, Hurricane Charley caused major damage to many residential and commercial buildings, to include those located on the Bridgeless Barrier Islands; and,

WHEREAS, the Board of County Commissioners enacted Lee County Ordinance No. 95-14 to better manage recovery, post-disaster reconstruction and mitigation activities following a major disaster in unincorporated Lee County; and,

WHEREAS, the post-disaster reconstruction process presently requires an additional one hundred twenty (120) days to ensure the continued removal of hurricane debris from the Lee County Bridgeless Barrier Islands as the result of the damage caused by the impact of Hurricane Charley.

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

1. The above recitals are hereby incorporated herein as if set forth at length.
2. Due to the accumulation of hurricane debris from the impact of Hurricane Charley on the Bridgeless Barrier Islands in the form of Construction and Demolition (“C&D”) debris and “White Goods” (appliances, furniture, empty propane tanks and other inert household goods), the Board hereby finds and re-declares that an emergency continues to exist on the Bridgeless Barrier Islands that poses an on-going threat to the safety and welfare of the residents of, and visitors to, the Bridgeless Barrier Islands.
3. The Board also finds and declares that it serves a public purpose and is in the public’s interest that the hurricane debris from the Bridgeless Barrier Islands be expeditiously removed from the Islands and transported through available commercial marinas on Pine Island that are physically capable of properly and safely handling the debris for disposal into the County’s Solid Waste Management System.
4. In order to accomplish the above, the Board also finds that it serves a public purpose and is in the public’s interest to temporarily, and on an emergency basis, waive certain Lee County Land Development Code provisions and their enforcement in order to utilize all available Bridgeless Barrier Islands and Pine Island marina resources for the transportation, short-term (no more than five (5) days) storage, if adequate and appropriate space is available, and further shipment for disposal, of the above described hurricane debris from the Bridgeless Barrier Islands.

5. By the adoption of this Resolution, the Board hereby temporarily waives the enforcement of potential violations of the Lee County LDC related to the transport, dockage, removal and short-term storage, as defined, of hurricane debris resulting from Hurricane Charley on Pine Island and the Bridgeless Barrier Islands. This waiver is intended solely for commercial, industrial and port docking facilities. This waiver does not apply to any docking facility or waterfront properties where the principal use of the property is residential.
6. This Resolution will take effect immediately upon its adoption and will remain in full force and effect until March 4, 2005.
7. This Resolution may be renewed and extended as it may be deemed prudent, necessary and in the public's best interest by the Board, upon the adoption of an amendment hereto with the same formalities as the adoption of this instrument.

[The balance of this page is left intentionally blank]

The foregoing Resolution was offered by Commissioner Coy, who moved its adoption.

The motion was seconded by Commissioner Janes and, being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>AYE</u>
JOHN E. ALBION	<u>AYE</u>

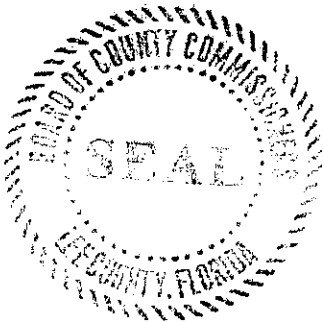
DULY PASSED AND ADOPTED this 2nd day of November, 2004.

ATTEST:
CHARLIE GREEN, CLERK

By: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *John E. Albion*
Chairman



APPROVED AS TO FORM:

By: *[Signature]*
Office of County Attorney