

WALK-ON #1

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20060157

1. ACTION REQUESTED/PURPOSE:

DCC approval of a 6-month time extension for Deputy Hearing Examiner to meet residency requirements, due to exigent circumstances as described in the attached memos.

2. WHAT ACTION ACCOMPLISHES:

Allows Deputy Hearing Examiner an additional six months to meet residency requirements of Administrative Code AC-2-2.

3. MANAGEMENT RECOMMENDATION: Approve the 6-month extension.

4. Departmental Category: 13 – Hearing Examiner

5. Meeting Date: February 14, 2006

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute
 Ordinance
 Admin. Code AC-2-2
 Other

8. Request Initiated:
 Commissioner _____
 Department Diana M. Parker
 Division Hearing Examiner
 By: *Diana M. Parker*

9. Background:

See attached Memos for explanation.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>Smith</i>	Analyst	Risk	Grants	Mgr.	
				<i>Smith</i>	<i>2/9/06</i>	<i>2/9/06</i>	<i>2/9/06</i>	<i>2/9/06</i>	<i>2-9-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *JD*
 2-9-06
 8:47
 COUNTY ADMIN FORWARDED TO:
R. Q. 2/9/06
 4:30

Rec. by CoAtty
 Date: *2/8/06*
 Time: *4:42pm*
 Forwarded To: County Admin
 2-9-06 8:45am

**MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER**

DATE: February 8, 2006

TO: Board of County Commissioners

FROM: Diana M. Parker
Chief Hearing Examiner

RE: Blue Sheet #20060157 /
Reason for BOCC Walk-on Request

The deadline for the Deputy Hearing Examiner to meet the residency requirement of Administrative Code AC-2-2 is February 17, 2006, and, as explained in the attached Memos, Mr. Gescheidt will be unable to comply with that residency requirement. The County Attorney has advised me that BOCC approval of the extension request must be obtained through the Blue Sheet process. He also suggested that the matter be brought forward as a Walk-on item on the February 14, 2006 agenda, given the impending deadline.

**MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER**

DATE: February 7, 2006
TO: Tammy Hall, Chairwoman
Board of County Commissioners
FROM: Diana M. Parker 
Chief Hearing Examiner

RE: Gescheidt Memo, dated February 7, 2006

Attached please find Mr. Gescheidt's Memo requesting an extension of the residency deadline, and explaining the basis for that request. You will recall that the Administrative Code requires the Deputy Hearing Examiner to undergo a 6-month probationary period before becoming a permanent County employee, and to become a permanent resident of Lee County within 12 months of the hire date. There were two reasons for the 12-month residency time limit. The first was to allow the new Deputy Hearing Examiner to complete the probationary period before having to permanently relocate to this area. The second was to assure the BOCC that the relocation would occur within a definite time frame, and that the new Deputy Hearing Examiner would experience and understand the public's problems and concerns associated with the continued development in Lee County.

Mr. Gescheidt successfully completed the probationary period and became a permanent employee on August 17, 2005, and was to have relocated to Lee County by February 17, 2006. However, as explained in his Memo, Mr. Gescheidt has been and will be unable to comply with the 12-month relocation deadline.

I have worked with Mr. Gescheidt for the past year and have found him to be a person of integrity and an excellent employee. I also know that he and his wife have been looking at homes and properties in Lee County for the past eight (8) months, and have no doubt that he would have complied with the 12-month residency deadline, except for the unforeseen consequences of Hurricane Wilma.

For these reasons, I support his request for the 6-month extension, and ask that the BOCC extend the residency requirement to August 17, 2006. Mr. Gescheidt and/or I are available to discuss this matter with each BOCC member, if there are questions or concerns.

Att.

cc: Commissioner Janes, District 1
Commissioner St. Cerny, District 2
Commissioner Judah, District 3
Commissioner Albion, District 5
David Owen, County Attorney
Don Stilwell, County Manager

M E M O R A N D U M
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

TO: Diana M. Parker
Chief Hearing Examiner

DATE: February 7, 2006

Tammy Hall, Chairwoman
Board of County Commissioners

FROM: Richard A. Gescheidt
Deputy Hearing Examiner



RE: TIME EXTENSION TO MEET RESIDENCY REQUIREMENT

Please accept this letter as my request for an extension of time, in which to establish my residence in Lee County, Florida. My first day of employment was February 17, 2005. I made no plans for moving, until the expiration of my 6-month probationary period. My wife and I felt it logical to wait the six months, and determine if Lee County was satisfied with my services, and I am comfortable in my new position. Fortunately, it appears everyone's desires have been met.

After my probationary term, we commenced making the usual minor cosmetic improvements and repairs to market our home. Then came Hurricane Wilma. We sustained more than \$100,000 in damage to the residence. The damages included the loss of a large portion of the residence's roof tiles, complete destruction of the pool screen cage, a shredded canopy, loss of the large driveway gate, extensive loss of mature trees, an extensively damaged garage door, and other smaller items.

Only three weeks ago, our windstorm carrier approved the adjuster's report. The insurance proceeds have yet to be paid. Irrespective, we have commenced to undertake the needed repairs. The screen enclosure was totally removed. It will not be replaced, because of time factors. Two screen companies provided estimates on damages, but reported that replacements would take from one to two years. We have opted to install a decorative aluminum fence around the pool area, with extensive new landscaping, in lieu of the pool enclosure. With the exception of the roof, most of the damages have been contracted for. We now have the wait for installation.

The major problem we have encountered is in re-roofing the house. The property contains a 2-story residence and a separate, 1-story, three car garage with an office in the rear. The roof on the garage was not as extensively damaged, and that structure is newer than the house. The property is located in the Historic District of Boca Raton. All major repairs must be approved by the Historic Preservation Board. This means, the roof tiles must historically replicate the existing tile, comport with the current building code, and match the color of the tiles currently located on the garage roof.

The roof situation has created two problems. The first problem is to find a roofer, that is interested in undertaking the job. That is not easy, in a market where roof work is more than abundant. The second problem is actually obtaining the appropriate tiles. We are currently importing the same, from a supplier in Spain. Obviously, when they are received, the repairs can be effectuated.

At the time the repairs are completed, it is our intent to place this house on the market. I would not anticipate a lengthy listing period, because of the location in Boca's Historic District. It is based on the foregoing that, I respectfully request an additional 6-month period in which to move my permanent residence to Lee County.

cc: Commissioner Janes, District 1
Commissioner St. Cerny, District 2
Commissioner Judah, District 3
Commissioner Albion, District 5

RAG/shg