

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

**Blue Sheet No. 20050546**

**1. ACTION REQUESTED/PURPOSE:** 1) Approve an additional 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 Islands which authorizes the removal, transportation and disposal of residential hurricane debris and construction and demolition ("C&D") materials from the bridgeless Barrier Islands through marinas on Pine Island until November 30, 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 November 30, 2005, in order to insure the safety and welfare of the residents on the Barrier Islands.

**3. MANAGEMENT RECOMMENDATION:** Approve the above requested second extension to the Lee County Emergency Resolution, and the waiving of certain LDC Regulations and their enforcement for the use of Pine Island marinas for hurricane debris removal from the Barrier Islands during the term of the Resolution.

**4. Departmental Category:** CW

*C/2A*

**5. Meeting Date:** *05-03-2005*

**6. Agenda:**

**7. Requirement/Purpose: (specify)**

**8. Request Initiated:**

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

- Statute **CH. 252, F.S.**
- Ordinance **#95-14**
- Admin. Code
- Other

Commissioner  
Department **County Attorney**  
Division  
By: *[Signature]*  
**David M. Owen**  
**County Attorney**

**9. Background:** An additional 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. Such extension will allow for the removal of residential hurricane debris and C&D materials through marinas on Pine Island until November 30, 2005. A waiver and the abatement of enforcement of certain Lee County LDC Regulations with respect to the off-loading of the residential hurricane debris and C&D materials is necessary for the continued 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 residential hurricane debris and C&D materials from Hurricane Charley are removed and disposed.

Attachment: Proposed Lee County Resolution Amending Lee County Resolution No. 05-03-08.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services	County Manager/P.W. Director
				<i>[Signature]</i>	<i>[Signature]</i> 4/21/05	<i>[Signature]</i> 4/21/05
				Analyst <i>[Signature]</i> 4/21/05	Risk <i>[Signature]</i> 4/21/05	Grants <i>[Signature]</i> 4/21/05
					Mgr. <i>[Signature]</i> 4/21/05	

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY  
COUNTY ADMIN: *[Signature]*  
4-21-05 MP  
2:20 pm  
COUNTY ADMIN  
FORWARDED TO: *[Signature]*  
4/21/05

CO. ATTY. *[Signature]*  
FORWARDED  
TO CO. ADMIN.  
*[Signature]*

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**FURTHER 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 Lee County 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, which was extended by Resolution No. 05-03-08 on March 1, 2005; and,

WHEREAS, the Board of County Commissioners had 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 period of time from May 6, 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 and Resolution No. 05-03-08 are incorporated herein in their entirety by reference.
3. The Board of County Commissioners hereby exercises its authority pursuant to Chapter 242, Fla. Stat., and Lee County Ordinance No. 95-14 for the adoption of this Resolution.
4. This additional 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 extended to that period of time from May 6, 2005 to November 30, 2005.
5. All other terms and conditions of Lee County Resolution No. 04-11-06 shall remain in full force and effect until the expiration date as set out in Paragraph 4., above.

**[The Balance of this Page is Intentionally Left Blank]**

This Resolution shall become effective immediately upon its adoption. The foregoing Resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and being put to a vote, was as follows:

Bob Janes \_\_\_\_\_  
Douglas St. Cerny \_\_\_\_\_  
Ray Judah \_\_\_\_\_  
Tammy Hall \_\_\_\_\_  
John E. Albion \_\_\_\_\_

DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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