

**RESOLUTION OF THE LOCAL PLANNING AGENCY
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 2007-01**

WHEREAS, the Local Planning Agency(LPA) is mandated by Florida Statutes Section 163.3174; and

WHEREAS, Section 34-112 of the Town Land Development Code (LDC) states that the broad objectives of town planning and the creation of the LPA are to further the welfare of the citizens of the town by helping to promote a better, more helpful, convenient, efficient, healthful, safe and attractive community environment and to insure that the unique and natural characteristics of the island are preserved; and

WHEREAS, Section 34-120 (2) of the LDC states that the one of the specific functions, powers and duties of the LPA is to prepare policies for guiding land uses and development in the town in order to preserve the unique and natural characteristics of the island, to overcome the island's present handicaps, and to prevent or minimize future problems; and

WHEREAS, the LPA determined at its meeting of February 13, 2007, that health and safety issues are presented by the currently existing red drift algae bloom at Fort Myers Beach; and

WHEREAS, the LPA further determined at its meeting that the legislative process that is ongoing to amend the LDC to address mechanical raking seaward of the wrack line is not expected to be completed until the end of March, 2007.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

1. The above "Whereas" clauses are incorporated into this Resolution as though fully set forth herein.
2. Based on the above determinations, the LPA hereby requests that the Town Council consider exercising its power to enact an emergency ordinance to address raking seaward of the wrack line, and consider incorporating the following provisions in such emergency ordinance:
 - a. That the Town Manager be given the authority to decide if and when mechanical raking up to five feet landward of the edge of the wet sand can commence; and
 - b. That the Town Manager be given the authority to decide if manual removal of debris from the waterline to five feet above wet sand will be combined with mechanical removal of debris above five feet from wet sand; and
 - c. For the purposes of an emergency ordinance, "wet sand" is defined as the area on the beach where the sand is saturated by sea water from wave action. This area is identified by a visible darkening or staining of the beach sand from the water driven onshore by wave action; and

d. It is expected that all required permitting would be obtained before any action would be taken by the Town Manager.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Chair Tom Babcock and seconded by LPA Member Larry Kiker, and upon being put to a vote, the result was as follows:

Tom Babcock	<u>NAY</u>	Alan Mandel	<u>AYE</u>
Randy Brown	<u>ABSENT</u>	Bob Raymond	<u>AYE</u>
Rochelle Kay	<u>AYE</u>	Bob Simon	<u>NAY</u>
Larry Kiker	<u>AYE</u>		

DULY PASSED AND ADOPTED THIS 13th day of February, 2007.

LPA of the Town of Fort Myers Beach

By: Tom Babcock
Tom Babcock, LPA Chair

Approved as to legal sufficiency:

ATTEST:

By: Anne Dalton
Anne Dalton, Esquire
LPA Attorney

By: Michelle D. Mayher
Michelle D. Mayher, Town Clerk