

## **RESOLUTION 16-26**

### **AUTHORITY TO REMOVE STORM DEBRIS FROM GATED COMMUNITIES**

**WHEREAS**, on October 5, 2016, the City Council of DeBary approved Resolution 16-26 declaring a State of General Emergency existed in DeBary pursuant to City of DeBary Code Article III, due to Hurricane Matthew, and

**WHEREAS**, the declaration provides the authority to remove storm-related debris from public property and right-of-ways, and

**WHEREAS**, gated communities in the City are private property, and

**WHEREAS**, gated communities sustained considerable tree and other vegetative damage during the storm, and

**WHEREAS**, Cities are under normal conditions prohibited from expending public funds to remove storm debris from gated communities, and

**WHEREAS**, public funds can lawfully be expended to remove storm-related debris from private gated community streets when the City Council finds that storm debris constitutes a public safety hazard, and

**WHEREAS**, on October 17, 2016, in a specially called meeting, the City Council determined that the debris in gated communities in the city caused a public safety traffic hazard resulting from minimal building setbacks of buildings from streets, necessitating the storage of debris on unusually narrow streets, and

**WHEREAS**, the source of debris on narrow streets reduced safe sight distance standards, decreased safe use of travel lanes, and increased the likelihood of pedestrian and vehicular accidents.

**NOW, THEREFORE, AND IN CONSIDERATION OF THE ABOVE RECITALS, THE CITY COUNCIL AUTHORIZES THE CITY MANAGER TO DO THE FOLLOWING:**

- 1) To enter into agreement with the City's solid waste collection contractor for the removal of storm debris from gated communities utilizing City funds, and
- 2) To attempt to seek reimbursement for the cost from the Federal Emergency Management Administration (FEMA).

**Adopted this 2<sup>nd</sup> day of November 2016.**

**CITY COUNCIL  
CITY OF DeBARY, FLORIDA**

Attest:

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Warren Graham, City Clerk

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Lita Handy-Peters, Interim Mayor