

**CITY OF PORT ST. LUCIE  
CITY COUNCIL REGULAR MEETING MINUTES  
MARCH 12, 2012**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on March 12, 2012, at 7:00 p.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**1. CALL TO ORDER**

**2. ROLL CALL**

Council Members

Present: Mayor JoAnn M. Faiella  
Vice Mayor Linda Bartz  
Councilwoman Michelle Lee Berger  
Councilman Jack Kelly  
Councilwoman Shannon M. Martin

Others Present:

Gregory J. Oravec, Acting City Manager/  
CRA Director  
Roger G. Orr, City Attorney  
Edward Cunningham, Communications Director  
Marcia Dedert, Finance Director/Treasurer  
Joel Dramis, Building Official  
Kim Graham, Assistant City Engineer  
Pam E. Booker, Senior Assistant City  
Attorney  
Daniel Holbrook, Planning & Zoning Director  
Jesus A. Merejo, Utilities Director  
Karen A. Phillips, City Clerk  
David K. Pollard, OMB Director  
Brian E. Reuther, Chief of Police  
Patricia Roebling, City Engineer  
Cheryl Shanaberger, Deputy Director, OMB  
Tricia Swift-Pollard, Community Services  
Director  
Susan Williams, Human Resources Director  
April C. Stoncius, Deputy City Clerk

**3. INVOCATION & PLEDGE OF ALLEGIANCE**

The City Clerk gave the Invocation, and Mayor Faiella led the assembly in the Pledge of Allegiance.

**4. PUBLIC TO BE HEARD**

**STEVE CARROLL - SOUTHERN GROVE CONFLICT OF INTEREST & FP&L JOBS**

Mr. Carroll said, "I have given everyone the letter that I wrote to the Attorney General asking for an opinion on two questions. She wrote back indicating that the City needed to ask the questions. Individuals can't write and ask, and I didn't know that. Question One: Does JP Butch Terpening, a professional engineer who sits on the Southwest SAD Board and is the engineer of record for the district, have a conflict of interest when an official opinion issued by him would bring him personal monetary gain in light of the fact that Mr. Terpening is a partner with the firm of Culpepper & Terpening, Inc. that has received more than \$50 million from the City in the past, and the substantial monetary returns in the future from his ruling on the Southern Grove? Also, an opinion was issued by the engineer of record, which says, 'It is our opinion that the delays in the development of the land within the district have an adverse impact on the service life of these improvements which the district indicated that due to the lack of usage of these facilities.' The only data submitted is the data that I have with me that was on the back of his engineering report, which only shows what was built. It has no data and no analysis on what the adverse impact could be, because it could be the weather. The request he submitted is based on no data or analysis to support the engineer of record showing any adverse impact on any aspect of the project. Question Two: Can the opinion be admitted under present rulings with erroneous information? There is no data or analysis to support the claim of adverse impact by a lack of usage. Those are my questions that I would like the City Attorney or the Council to submit to the Attorney General, because I think those are devil in the detail questions that could cause problems down the road." Mayor Faiella asked, "Were those questions submitted in the past?" Mr. Carroll replied, "They are new questions." Mayor Faiella suggested, "Gather all of your information and questions, and Mr. Oravec and I will be more than happy to sit down and answer them." Mr. Carroll clarified, "I was asking for the City to submit these questions to the Attorney General for their opinion."

The City Attorney advised, "Regarding the conflict of interest, we can certainly present it to the Attorney General's Office. As to admissibility, it is probably not answerable unless you are actually in a litigation situation to see what the objection is going to be." Mr. Carroll said, "If we got into that situation, wouldn't you want to have some kind of ground to stand on? A conflict is defined as outside employment where the interest of one job contradicts another. I don't think there is a problem with that question, if Mr. Orr can't give us a substantial

answer right now. But these are important questions that should be answered. They could be real issues down the road."

Mr. Carroll stated, "Also, recently FP&L announced they were relocating 1,800 jobs to a Palm Beach Gardens campus from Juno Beach. Where were we? We have a nuclear plant that provides 20% of their total income. It is starting to bother me that we allowed 800 jobs from Miami to go to Palm Beach, and now 1,800 jobs are going to Palm Beach Gardens. Where are our Economic Development people that are allowing these types of projects to get away? I'd like somebody to locate jobs within the state for us, because we have everything here." Mayor Faiella said, "Mr. Carroll, believe me, we are. We are very aggressive in that aspect." Mr. Carroll pointed out, "We are missing some big opportunities. I know you are involved, but we are missing some good opportunities within the state." Councilman Kelly clarified, "I understand that there is some activity with our nuclear plant with plans to renovate. We might want to call Amy Brunjes to find out, but I understand that there is some activity."

The Acting City Manager said, "With regard to the CRA, what is interesting is that even if one of the criteria was challenged successfully, Florida Statutes requires that two conditions of a blighted area be present. The Finding of Necessity Report demonstrated at least three. Even if one was successfully challenged, you would still have two that were outstanding, which would qualify under the Florida Statutes. We have received an outside legal opinion on the matter that was previously presented to the CRA Board and the City Council. The decision to create a CRA is a legislative determination made by the City Council. The courts have given a lot of latitude to legislative bodies like the City Council in coming to a legislative determination."

## 5. PROCLAMATIONS AND SPECIAL PRESENTATIONS

### a) PROCLAMATION - PURCHASING MONTH

The City Clerk read the proclamation for Purchasing Month, and Mayor Faiella presented it to Cheryl Shanaberger, Deputy Director, OMB, who said, "Thank you Mayor and Council members. This year is more important than the past, as we have adopted the National Institute of Government Purchasing Procurement Values and Guiding Principles. I would like to thank all of the staff in the Office of Management and Budget, as they perform their jobs by these guidelines and values each and every day for the City of Port St. Lucie. Thank you for recognizing this month as Purchasing Month."

**6. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**

Councilman Kelly **moved** to approve the Agenda with Item 12 a) and Item 13 c) removed. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of the Agenda with Item 12 a) and Item 13 c) removed. The **motion passed unanimously** by roll call vote.

**7. APPROVAL OF CONSENT AGENDA**

**a) APPROVAL OF MINUTES - JANUARY 23, FEBRUARY 13, 2012**

**b) SIGNAL GROUP, INC.,** CHANGE ORDER #1, PORT ST. LUCIE BOULEVARD PEDESTRIAN LIGHTING PROJECT, CONTRACT #20110011, ADDING 172 CALENDAR DAYS, FOR A NEW TOTAL OF 322 CALENDAR DAYS, NO ADDITIONAL COSTS, FUND 304-4121-5688, ENGINEERING

**c) MELVIN BUSH CONSTRUCTION, INC.,** CHANGE ORDER #1, EASTERN WATERSHED IMPROVEMENT PROJECT (EWIP) MARY TERRACE AND LEITHGOW STREET STORMWATER TREATMENT AREA (STA) PROJECT, ADJUSTMENTS OF PAY ITEMS TO REFLECT ACTUAL CONSTRUCTION QUANTITIES, #20110045, DECREASE OF <\$29,066.70> FOR A NEW CONTRACT AMOUNT OF \$482,244.50, NO ADDITIONAL CALENDAR DAYS, FUND 403-4126-5688, ENGINEERING

**d) H&J CONTRACTING, INC.,** CHANGE ORDER #2, CONSTRUCTION OF THE EASTERN WATERSHED IMPROVEMENT PROJECT (EWIP) HOWARD CREEK STORMWATER TREATMENT AREA (STA), FINAL TRUE UP RESULTING IN A NET DECREASE OF <\$160,606.71,> FOR A NEW CONTRACT TOTAL OF \$1,457,121.61, #20100105, NO ADDITIONAL CALENDAR DAYS, FUND 403-4126-5688, ENGINEERING

**e) MELVIN BUSH CONSTRUCTION, INC.,** AMENDMENT #1, CHANGE ORDER #1, EASTERN WATERSHED IMPROVEMENT PROJECT (EWIP) MARY TERRACE AND LEITHGOW STREET STORMWATER TREATMENT AREA (STA)-BURR STREET PROJECT, #20110045, ENLARGEMENT OF BURR STREET POND FOR ADDITIONAL STORMWATER STORAGE, \$34,965.70 FOR A NEW CONTRACT TOTAL OF \$141,190.20, FUND 403-4126-5688, NO ADDITIONAL CALENDAR DAYS, ENGINEERING

**f) MINOR SITE PLAN,** MELVIN BUSH CONSTRUCTION STORAGE YARD, LOCATED AT 2764 AND 2780 SW CASELLA STREET, TEMPORARY STORAGE YARD TO FACILITATE THE STAGING OF EQUIPMENT AND VEHICLES, P12-017, MELVIN AND JOHANNE BUSH

**g) PROPERTY ACQUISITION FOR ENGINEERING'S CANAL ACCESS MAINTENANCE PROGRAM,** 2310 SW WEBSTER LANE, PORT ST. LUCIE, FLORIDA, \$20,000, PICADO, LEGAL DEPARTMENT

h) **SUNSTATE METER & SUPPLY, INC.**, AMENDMENT #3, COLD WATER METERS, #20040043, ANNUAL PRICE REVIEW/ADJUSTMENT AS BUDGET ALLOWS, FUND 431-0000-1410, UTILITY SYSTEMS

i) **CAPTEC ENGINEERING, INC.**, AMENDMENT #1, CHANGE ORDER #2, FOR E-8 CANAL WATERWAY PHASE 4 STORM WATER QUALITY REROFIT ENGINEERING SERVICES, #20100072, ADDITIONAL 90 DAYS, NEW CONTRACT TOTAL OF 543 CALENDAR DAYS, NO ADDITIONAL EXPENSES, ENGINEERING

j) **DOMENICK'S CATERING, LLC**, AMEND AND REMOVE THE CAFE' AREA FROM DOMENICK'S CATERING, LLC, CONTRACT #20100036, NO CHANGE TO CURRENT RENT AMOUNT, PARKS AND RECREATION

k) **KEITH & SCHNARS, INC.**, CHANGE ORDER #3, WORK AUTHORIZATION #1, STUDY FOR THE CROSTOWN PARKWAY EXTENSION ENVIRONMENTAL IMPACT STATEMENT (EIS), #20020043, PROVIDE ADDITIONAL 365 DAYS FOR OTHER AGENCIES' REVIEWS, NEW CONTRACT TOTAL OF 3,686 CALENDAR DAYS FOR AN ENDING DATE OF MARCH 29, 2013, ENGINEERING

l) **CO-PRODUCED AGREEMENT**, BY AND BETWEEN THE CITY OF PORT ST. LUCIE AND THE FRIENDLY SONS AND DAUGHTERS OF IRELAND FOR ST. PATRICK'S DAY PARADE AND FESTIVAL 2012, PARKS AND RECREATION

m) **PURCHASE OF FORECLOSED PROPERTY**, NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3), 2002 SW AQUARIUS, PORT ST. LUCIE, FLORIDA, \$99,000, COMMUNITY SERVICES

n) **WALK WITH WALGREENS FAMILY DAY AND HEALTH FAIR**, REQUEST FOR CITY SPONSORSHIP FOR THE SOLE PURPOSE OF LOCATING TEMPORARY SIGNAGE FOR THEIR WALK TO BE HELD MARCH 24, 2012, IN TRADITION, ACTING CITY MANAGER

Councilwoman Martin **moved** to approve the Consent Agenda with Item 7 n) added. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of the Consent Agenda with Item 7 n) added. The **motion passed unanimously** by roll call vote.

## 8. SECOND READING, PUBLIC HEARING OF ORDINANCES

a) **ORDINANCE 12-08**, AMENDING CHAPTER 158, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA TO ADD TWO NEW SECTIONS ALLOWING FOR CERTAIN EXEMPTIONS TO THE SITE PLAN APPROVAL AND REVISION PROCESSES; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 12-08 aloud by title only. Mayor

Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Ordinance 12-08. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-08. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 12-09, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA: AMENDING CHAPTER 158.122 (C) - PROFESSIONAL ZONING DISTRICT, OF THE ZONING CODE; PROVIDING FOR AN EFFECTIVE DATE EFFECTIVE DATE**

The City Clerk read Ordinance 12-09 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilman Kelly **moved** to approve Ordinance 12-09. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-09. The **motion passed unanimously** by roll call vote.

**c) ORDINANCE 12-10, PROVIDING FOR THE THIRD AMENDMENT OF THE PLANNED UNIT DEVELOPMENT DOCUMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR FOUNTAINVIEW PLAZA PUD AT ST. LUCIE WEST LOCATED IN A PLANNED UNIT DEVELOPMENT DISTRICT; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Ordinance 12-10 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Ordinance 12-10. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-10. The **motion passed unanimously** by roll call vote.

## 9. OTHER PUBLIC HEARINGS

**a) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #288, SE MANTH LANE**

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Boundary #288, SE Manth Lane. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 9 a), Street Lighting Boundary #288, SE Manth Lane. The **motion passed unanimously** by roll call vote.

**b) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #289, NW GINGER LANE**

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Boundary #289, NW Ginger Lane. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 9 b), Street Lighting Boundary #289, NW Ginger Lane. The **motion passed unanimously** by roll call vote.

**c) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #290, SW VALLEY COURT**

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Vice Mayor Bartz **moved** to approve Boundary #290, SW Valley Court. Councilwoman Martin **seconded** the motion. Councilwoman Berger asked, "Ms. Phillips, are we expecting to add more lights to that district?" The City Clerk replied, "That area is surrounded by various districts that have been approved for street lighting over the past 15 years or more, but this section was left vacant." Councilwoman Berger said, "Thank you." The City Clerk restated the motion as follows: for approval of Item 9 c), Street Lighting Boundary #290, SW Valley Court. The **motion passed unanimously** by roll call vote.

**d) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #291, SW DULUTH STREET**

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Boundary #291, SW Duluth Street. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 9 d), Street Lighting Boundary #291, SW Duluth Street. The **motion passed unanimously** by roll call vote.

**e) PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREA, BOUNDARY #292, NW CORNELL AVENUE**

Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Boundary #292. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 9 e), Street Lighting Boundary #292, NW Cornell Avenue. The **motion passed unanimously** by roll call vote.

**10. FIRST READING OF ORDINANCES**

**a) ORDINANCE 12-11, CREATING CHAPTER 42 OF THE CITY OF PORT ST. LUCIE CODE OF ORDINANCES; ESTABLISHING AN ABANDONED**

REAL PROPERTY REGISTRATION SYSTEM; PROVIDING FOR PURPOSE AND INTENT, DEFINITIONS, REGISTRATION OF ABANDONED PROPERTIES, STANDARDS FOR MAINTENANCE OF ABANDONED PROPERTIES, INSPECTIONS, ENFORCEMENT AND PENALTIES; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

The City Clerk read Ordinance 12-11 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 12-11. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-11. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 12-12**, AMENDING THE 2011-12 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 8 PAGES, ATTACHED HERETO AND DESIGNATED AS 2011-12 BUDGET AMENDMENT NO. 1. THE SAID SCHEDULE PROVIDES FOR AN INCREASE AND/OR DECREASE IN APPROPRIATIONS IN THE VARIOUS LINE ITEMS; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 12-12 aloud by title only. Councilman Kelly **moved** to approve Ordinance 12-12. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-12. The **motion passed unanimously** by roll call vote.

## 11. RESOLUTIONS

**a) RESOLUTION 12-R26, PUBLIC HEARING**, EXTENDING THE PORT ST. LUCIE RESIDENTIAL STREET LIGHTING ASSESSMENT AREAS, AUTHORIZING THE STREET LIGHTING TO BE MADE AND PROVIDING FOR A SPECIAL ASSESSMENT OF THE COST THEREOF; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 12-R26 aloud by title only. Mayor Faiella opened the Public Hearing.

**CHRISTINA LYDON** said, "I reside at 6110 NW E Deville Circle, and I'm here with several of my neighbors. We are asking for a recount, because how can you justify an approval of 24 votes when there are 70 lots? We don't feel that it is a majority vote. We also feel that we were not informed residents, as we did not have any information to make a decision about the lighting proposal. I also would like to know why I wasn't given enough information when I asked for it at the very first meeting for the street lighting proposal. We petitioned collectively against the petition for street lighting, as we are not interested in street lighting. We want to know why anything wasn't done about this in terms of no impact assessments were

done for the amount of light pollution, and we weren't given any information as to when the street lighting was going to occur. We don't know anything about the assessment that is going to be imposed on us. We understand tonight is to assess levying such a tax, and we have no idea if the estimated tax was an estimate in terms of prorated for this year. We don't know what the assessment is going to be in the future. We don't know if there are going to be further assessments in terms of maintaining these street lights, and we don't know what kind of street lights that they are going to be. We chose this neighborhood because we enjoy the charm of living in the country. We are very close to St. Lucie West, so we can enjoy the shopping there, but we don't want to live in a City area that is lit up like a Christmas tree. We know for a fact that there are studies being done where street lights affect people in terms of circadian rhythms, and it effects the environment negatively with light pollution. We can't enjoy star gazing, which we can do right now. We are asking for a recount based on we want to be informed residents and property owners."

The City Clerk advised, "On October 25, 2011, the first letter was sent to the residents in the area, which included a map of where the proposed street lights were going, as well as the sections, lots, and blocks that could be assessed. It was to notify the residents that there was going to be an item on the Council meeting agenda of November 14, 2011, which was approved by the City Council. On November 15, 2011, a letter and a ballot also explaining the processes went out to the residents of that area. It explained that it is 50% plus one of the ballots returned. If there are 70 lots in an area and only 40 ballots come back, of those 40 I received back, it would be 50%, plus one, either for or against that determines the street lighting district. Those ballots closed on December 16, 2011. With the 42 ballots that were returned, there were 24 for approval and 18 against. With 42 ballots returned to me, I needed 22 votes to pass it, and I had 24 votes for approval. You received the letter in the mail regarding this hearing, and the newspaper ad was published as well for this hearing this evening." Ms. Lydon asked, "How do you account for the people who are living on the street or the property owners who never received a ballot?" The City Clerk replied, "I based it on what was on the property appraiser's website five days prior to sending the ballots out. The current address that is on the property appraiser's website is the address that we use." Ms. Lydon questioned, "How do you count people who are out of town and were not available to participate in this vote?" The City Clerk answered, "I have no control over someone that goes out of town for a period of time." Ms. Lydon asked, "How is their vote counted or not counted?" Councilwoman Berger remarked, "It is not, if it is not

sent in." The City Clerk clarified, "If they are not there to pick up their mail, then their vote would not be counted." Ms. Lydon questioned, "What if they wanted to have their vote count, and they were away when this happened. How would they deal with the situation?" The City Clerk answered, "In that case, they would have to have their mail forwarded if they were going away for a long period of time. Once we put them in the mail, based on our City Code, they are at the mercy of the United States Postal Service. If they didn't make arrangements for their mail to be forwarded, then they would not have received them." Ms. Lydon asked, "Do you think that it may be a faulty process?" The City Clerk responded, "That a resident didn't arrange for their mail to be forwarded?" Councilwoman Berger commented, "Madam Mayor, we need to have conversations with the residents, not staff."

**JEFFREY HARPER** said, "I never received a letter. Ms. Lydon came by with a petition, but I was never given any documents. I have lived there for over a year, and am on a fixed income. I get my mail every day. I'm home every day, because I'm disabled." Mayor Faiella inquired, "Do you own a house there?" Mr. Harper responded in the affirmative. The City Clerk asked, "When did you purchase your home?" Mr. Harper replied, "In January of 2011. I live at 6125 NW E Deville Circle. There are lots that are undeveloped, and people that are renting. Their votes should not count." Councilwoman Martin pointed out, "The notices go to the owners of the property, and not necessarily the renters of the house." The City Clerk advised, "Mr. Harper is on our list. A letter was mailed to him at 6125 NW E Deville Circle." Mr. Harper said, "I'm there every day when the postman drops it off, so I know when my mail comes in." The City Clerk stated, "I do not have a returned ballot from Jeffrey Harper." Mr. Harper said, "Like you said, sometimes we don't get our mail." Ms. Lydon asked, "How can he return it if he didn't receive it?" Mayor Faiella said, "Can they make an appointment with you?" The City Clerk responded, "This street lighting district is at the point where it has passed the ballot. After tonight's hearing, it moves on to the tax collector. If the Council should so choose to cancel the ballot, then it is their prerogative, unless the City Attorney has another view on it." The City Attorney replied in the negative.

Mayor Faiella said, "I don't think the Council wants to cancel the ballot." Councilwoman Berger stated, "I believe this is in my district. I appreciate the fact that five of you came tonight. From the ballot count, there were 18 returned indicating no, but there are a majority of people that returned theirs indicating yes. If we stop this process, then we basically have stopped the process for 25 people that want them,

which is unfair to them. I understand that you are not comfortable with the fact that a majority of your neighborhood has voted to go in this direction, but if you want to see what it will look like, we can let you know where the lights are in other districts. It is done very well, and it is not overly lit. The lights are from FP&L, and are installed professionally." Mr. Harper said, "There are seven houses in a row." Councilwoman Berger clarified, "You won't have seven lights in a row." Mr. Harper stated, "My vote doesn't matter. You are willing to accept 25 people that voted, but my vote doesn't count. Am I not good enough? I pay my taxes just like everyone else." Ms. Lydon suggested, "Could we request a new vote, so that we can educate everybody that didn't understand the first letter? I think people didn't realize what we were getting into." Councilwoman Berger said, "I would prefer to move forward. If you come back with a majority of people that don't want it, then that would be fair, but to stop this process means that it would be delayed for at least a year. There are 25 other people that want it lit up." Ms. Lydon asked, "Why should we be forced to pay for something that we don't want?" Mr. Harper commented, "If it takes a year, then it takes a year."

Mayor Faiella said, "I think what Councilwoman Berger suggested is a compromise." Councilwoman Berger advised, "It is a majority rules process." Ms. Lydon stated, "There are 70 lots in the neighborhood, so a majority of the ballots were not returned." Councilwoman Martin said, "It is a majority of the ballots returned according to our City Clerk." Ms. Lydon said, "Everyone didn't get a chance to vote. I went to the City Clerk's Office, and I had to pay for a copy of the ballots to figure out who voted and who didn't. I know that people like Mr. Harper did not get a chance to vote, because for whatever reason, he did not receive the information. It is a problem on your end, not ours. You are responsible to get the information to us. When I showed up for the first meeting, I showed you a petition signed from residents on the street who didn't want street lights to go through. It was my understanding that that was the time we were allowed to speak our opinion about the petition. You all sat up there and just said yeah, yeah, yeah, we will let the ballots speak for themselves, and approved it. The residents that signed this petition feel strongly about this. Some of us work nights, and are not able to come to these meetings. Some of us are on fixed incomes, and don't have the ability to drive here. I don't think that we were given due process. I also asked for a lighting assessment for light pollution to be done, because of the issues that street lights put out. We have bald eagles that are fishing in the preserve area behind us. We have sand hill cranes nesting with babies. There are studies being done by FAU regarding light pollution. There are five states that have

restrictive lighting issues and ordinances, because the more you put in street lighting, the more energy it costs. We know that those energy costs will only go up. Port St. Lucie is supposed to be a green City. That is what I was told, it is what I read, and what I've seen. However, with the amount of street lighting that is going on throughout this City, it is just horrendous in terms of lighting it up like a Christmas tree. We are supposed to have a reduction of our carbon footprint." Mayor Faiella said, "With all due respect, those are your feelings and I respect your views, but there are other people who want lights." Ms. Lydon stated, "I don't think the other people were educated." Mayor Faiella commented, "I understand that." Ms. Lydon explained, "When we received our information regarding the street lighting, all it said was would you like street lights or would you not like street lights. . . ." Mayor Faiella interjected, "Ma'am, with all due respect." Ms. Lydon stated, "Mayor Faiella, excuse me, you ran me out of your office this afternoon when I asked about this agenda item. You told me, too late lady, it has already been passed." Mayor Faiella said, "That is not what I said. I said my secretary and I indicated it had already been voted on. I didn't say too late ma'am. I don't use that language." Ms. Lydon stated, "Your attitude with me was very disrespectful." Mayor Faiella clarified, "It had already been voted on." Ms. Lydon explained, "The people are not being heard. I was told that I needed to write a letter to Councilwoman Berger to help us." Mayor Faiella advised, "It is in her district."

The Acting City Manager said, "You are elected officials. What do you think the voter turnout was for your election? What do you think the voter turnout is for a Presidential election? They are never as high as we wish they were, but that is how our system of democracy works. It is based on voter turnout, and a majority of the voter turnout rules. In this case, there was a process, ballots were sent out, voters voted, and the votes were tallied. If there is something to review, it would be the process. Normally, there is a recount to make sure that the votes were counted correctly, but you don't get to come in after an election and say that you didn't like the results of the election, let's have another election. Our whole system would be upside down if that were the case." Councilwoman Berger stated, "I would be happy to meet with you, as you are in my district, but I'm not going to support delaying this project at this point in time. The fact is, you have been participating in the process, and you haven't been pushed way. It is just that you didn't win that side of the argument. We need to move forward, because this is a business meeting. If you want to meet in my office, we can do that." Mr. Harper inquired, "Is there any way that I can vote? It is not fair to me." Councilwoman Berger

advised, "When we meet, we will go through the process that the City Clerk spoke about, which includes advertising multiple ways including reviewing the information multiple ways. It is also on our website, and your neighbors apparently were aware of it, because they participated in the process. You could have spoken at that point in time, and there were a lot of other opportunities as well." Ms. Lydon asked, "At which point in time?" Councilwoman Berger replied, "That is up to you as neighbors. You came forward and were here during the last meeting, because I remember you. It is not up to me to encourage you to speak to your neighbors. I'll be happy to meet with you, but we are moving forward with this process." Ms. Lydon said, "We feel that we were not given due information in order to make an educated vote. You can't just say check yes or no whether or not you would like lights." Mayor Faiella stated, "I need to move forward, because there are other people that want to speak on this. No disrespect. Councilwoman Berger is more than willing to meet with you to discuss the process to see what else we can do." Ms. Lydon questioned, "How much revenue is going to be generated?" Councilwoman Berger answered, "We don't generate revenue." Mayor Faiella remarked, "Absolutely nothing." The Acting City Manager pointed out, "The fee is \$27." Ms. Lydon said, "We don't know what kind of street lights they will be." Councilwoman Berger advised, "It says it all in detail in the information." Ms. Lydon inquired, "Where?" Councilwoman Berger explained, "We can go through it when you come to my office." Ms. Lydon remarked, "It was nowhere in the information that we received." Councilwoman Berger clarified, "It was provided to you when you were here last time." Ms. Lydon commented, "And I was run out, just like this time too. Thank you." Councilwoman Berger said, "And you are invited to my office. I want to make sure you heard that." Ms. Lydon stated, "I will be there."

**MICHAEL CLARELLE** said, "I live on the corner of Bella Road and Eagle on Lot 1. I feel that I should be exempt from this assessment. I lobbied to put a street light in a couple of years ago for a school bus stop. The kids were going to school in the pitch black, but we finally got the light there from FP&L. At that time, I was told that the street light illuminates approximately a 200-foot radius. I feel that I should be exempt from it, or put the street light on the lot dividing my house and the neighbor's house. I am out of the 200-foot radius, so I fall out of the proximity." Councilwoman Berger remarked, "It is a different light." Mr. Clarelle asked, "What do you mean a different light?" Councilwoman Berger replied, "Usually, it is a different light than the one that they put in for the school district." Mr. Clarelle pointed out, "The street light illuminates approximately a 200-foot radius." Councilwoman Berger questioned, "What is your lot number?" Mr. Clarelle

answered, "It is the first house on the intersection of Bella and Eagle. The way that it is laid out, each one of these lights is going to illuminate 400 feet in diameter." Councilwoman Berger advised, "The first lot on Bella and Eagle does not have a light on it." Mr. Clarelle inquired, "I understand, but why am I being included in this assessment?" Councilwoman Berger responded, "Because your neighborhood requested it." Mr. Clarelle said, "I'm out of the radius, and I don't want to pay for something that I'm not going to benefit from. The \$27 is merely an estimate, and you know you will not come close to 10% of that." Councilwoman Berger pointed out, "That is actually the number that is out there right now." Mr. Clarelle asked, "How long will they hold that number?" Councilwoman Berger replied, "Until FP&L changes it." Mr. Clarelle said, "Right, so this is merely an estimate." Mayor Faiella stated, "It has been that price for a while." Councilwoman Martin clarified, "The process for your area is no different than the process for any other area." Mr. Clarelle said, "I'm asking to be omitted from this assessment." Mayor Faiella stated, "You cannot be omitted." The City Clerk advised, "That is correct. The process that we use is . . ." Mr. Clarelle interjected, "Excuse me, how can I fall into this when the radius is only 200 feet and I'm more than 300 feet away?" The City Clerk responded, "The formula that our Engineering Department uses working with FP&L is for a street light to be placed approximately every four lots." Mr. Clarelle remarked, "I spoke to FP&L's Street Lighting Department who are the ones that told me it was a 200-foot radius."

The Acting City Manager inquired, "Sir, how many lots away are you from the nearest light?" Mr. Clarelle responded, "The one that I lobbied for on Eagle and Bella." The Acting City Manager asked, "How many lots away would you say that is from your house?" Mr. Clarelle replied, "A minimum of 200 feet." The Acting City Manager inquired, "Two lots, or?" Mr. Clarelle explained, "No, because there is a street in between, so if you want to factor that into the equation, but I don't know." The City Clerk advised, "The light that he is referring to was installed by the St. Lucie County School District for a bus stop." Mr. Clarelle commented, "I only get a slight illumination from that light." Councilwoman Berger said, "That was very admirable of you. I love when people make a call to get an area where the kids are . . ." Mr. Clarelle interjected, "Who wants to see a kid get hit in the middle of the road?" Councilwoman Berger stated, "That is why we like the idea of street lights in neighborhoods, because the kids walk to the bus stop most of the time. The lighting will protect them when they are walking on the street to get to the bus stop." Mr. Clarelle remarked, "Thank you for commending me."

The Acting City Manager said, "The light is proposed to be on the property line of Lots 3 and 4. A typical lot in Port St. Lucie is 80 X 125." Mr. Clarelle commented, "Typical is what you are saying." The Acting City Manager clarified, "You are on a slight radius." Mr. Clarelle said, "Right, and all of the lots in question are 100 feet, and are not typical." The Acting City Manager stated, "If that is accurate, which I haven't confirmed that it is, your property line would be within 200 feet of the proposed light location. He is right about in the 200-foot line, but it is for the benefit of the street, which will be lit. People traveling on that street will have the benefit of a light." Councilwoman Berger said, "We can't opt you out. I appreciate your discussion, but . . . ." Mr. Clarelle pointed out, "I just don't want it lit up like the Crosstown Parkway."

**CATHY HIGGINS** said, "I'm one of the people that wants the lights, as it is the 21st Century. I live on Hamberland. Is the assessment yearly?" Mayor Faiella replied in the affirmative. Ms. Higgins clarified, "So every year we will get assessed \$27. I'll bring that information back to my neighborhood, because I'm the one that originally petitioned for it. Thank you for passing it."

There being no further comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Resolution 12-R26. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R26. The **motion passed unanimously** by roll call vote.

**b) RESOLUTION 12-R27, IDENTIFYING CERTAIN PROPERTY WITHIN THE CITY OF PORT ST. LUCIE A THREAT TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY PURSUANT TO CHAPTER 40 OF THE PORT ST. LUCIE CITY CODE; PROVIDING FOR A HEARING DATE TO DETERMINE WHETHER THE AFFECTED PROPERTIES SHOULD BE FOUND A PUBLIC NUISANCE; PROVIDING NOTICE TO THE OWNERS AND MORTGAGEE(S) OF THE PROPERTIES OF SAID HEARING DATE; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Resolution 12-R27 aloud by title only. Councilman Kelly **moved** to approve Resolution 12-R27. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R27. The **motion passed unanimously** by roll call vote.

**c) RESOLUTION 12-R28, APPROVING AND ACCEPTING VERANO PUD NO. 1 PLAT NO.9 (P11-090) WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA, ON THE REQUEST OF VERANO DEVELOPMENT, LLC OF FLORIDA; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Resolution 12-R28 aloud by title only. Vice Mayor Bartz **moved** to approve Resolution 12-R28. Councilman Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R28. The **motion passed unanimously** by roll call vote.

#### ADDENDUM ITEM

**d) RESOLUTION 12-R31, DESIGNATING THE CITY OFFICIALS AUTHORIZED TO WITHDRAW FUNDS FROM THE DEPOSITORY ACCOUNTS; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Resolution 12-R31 aloud by title only. Councilwoman Martin **moved** to approve Resolution 12-R31. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R31. The **motion passed unanimously** by roll call vote.

#### 12. UNFINISHED BUSINESS

**a) CULPEPPER & TERPENING, INC., #20120018, CONSTRUCTION ENGINEERING INSPECTION AND GEOTECHNICAL FOR ST. LUCIE NORTH DRAINAGE IMPROVEMENTS, \$270,952, 300 CALENDAR DAYS, FUND 401-4126-5340, ENGINEERING**

(Clerk's Note: This item was pulled at the request of the OMB Department.)

#### 13. NEW BUSINESS

**a) PUBLIC ART ADVISORY BOARD, APPOINTMENT OF RICHARD GABEL TO REPLACE RESIGNING MEMBER AARON SNYDER, NO TERM LIMIT, MAYOR FAIELLA**

Councilwoman Berger inquired, "Was Mr. Gabel the only applicant?" Mayor Faiella responded, "He was recommended by the Board, and I liked his application."

Councilwoman Berger **moved** to approve Item 13 a). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of the appointment of Item 13 a). The **motion passed unanimously** by roll call vote.

**b) REQUEST FOR SPONSORSHIP, FEE WAIVERS AND SUPPLIES FOR 'OPERATION TAKE TIME TO HONOR' 2012, FROM SOUTHEASTERN MILITARY ACADEMY, ASSISTANT CITY MANAGER**

The Acting City Manager said, "This is very similar to last year's request. In addition to asking for permission for special

event signage, they are also asking for tables and chairs. The City Council granted this request last year, and we did not experience any difficulties. Therefore, staff has no issues with this if the Council wants to approve it."

Councilwoman Martin **moved** to approve Item 13 b). Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 b). The **motion passed unanimously** by roll call vote.

**c) MELVIN BUSH CONSTRUCTION, INC., ST. LUCIE NORTH DRAINAGE IMPROVEMENT PROJECT, #20120008, \$1,817,095.91, WHICH INCLUDES A \$10 INDEMNIFICATION FEE, CONTRACT PERIOD 240 CALENDAR DAYS, MARCH 19 THROUGH NOVEMBER 12, 2012, FUND 401-4126-5340, CITY MANAGER**

(Clerk's Note: This item was pulled at the request of the OMB Department.)

**d) NUISANCE ABATEMENT, NUISANCE HOME REPAIRS FOR A HOUSE LOCATED AT 1742 SE FLORESTA DRIVE, \$2,175, LEGAL**

The City Attorney said, "This is to take the next step in abating a nuisance. It has been through the Council process of finding that the nuisance condition existed. The property owner has not taken any action to correct it, so we are bringing it to the Council for authorization to proceed, and make the necessary repairs. We have attached the bids to the memorandum. The lowest bid for the repairs is \$2,175."

Councilman Kelly **moved** to approve Item 13 d). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 d). The **motion passed unanimously** by roll call vote.

**e) NUISANCE ABATEMENT, NUISANCE HOME REPAIRS FOR A HOUSE LOCATED AT 798 SE ATLANTUS AVENUE, \$9,850, LEGAL**

Councilwoman Berger **moved** to approve Item 13 e). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 e). The **motion passed unanimously** by roll call vote.

**f) DONALD L. SHINNAMON V. CITY OF PORT ST. LUCIE, PURSUANT TO SECTION 286.011(8), FLORIDA STATUTES, THE CITY ATTORNEY REQUESTS AN ATTORNEY/CLIENT SESSION WITH THE CITY COUNCIL TO DISCUSS THE ABOVE-REFERENCED PENDING LITIGATION, LEGAL**

The City Attorney stated, "Pursuant to Florida Statute, Section 286.011(8), I'm requesting a shade meeting or an attorney/client session to discuss the lawsuit of Donald L. Shinnamon versus the City of Port St. Lucie with the Council. It is a pending lawsuit, as we have been served."

Vice Mayor Bartz **moved** to approve Item 13 f), with a meeting date of March 19, 2012, before or after the Special City Council meeting. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of the request of Item 13 f), with a meeting date of March 19, 2012, either before or after the Special City Council meeting. The **motion passed unanimously** by roll call vote.

#### 14. EXCUSED ABSENCES

a) **COUNCILWOMAN BERGER**, REGULAR CITY COUNCIL MEETING HELD ON FEBRUARY 27, 2012

Councilman Kelly **moved** to approve Item 14 a). Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 14 a). The **motion passed unanimously** by roll call vote.

#### 15. COUNCIL COMMENTS AND COMMITTEE REPORTS

##### **VICE MAYOR BARTZ - KEEP PORT ST. LUCIE BEAUTIFUL CLEAN-UP DAY**

Vice Mayor Bartz said, "I had the opportunity Saturday to attend the Keep Port St. Lucie Beautiful Clean-Up Day at the Civic Center. All of the volunteers were dressed in lime green shirts, and when I got there, they had already been out and back. There was a great representation by the volunteers. Linda Bagley and her team did a great job putting everything together. The Miami Dolphin Cheerleaders were there, along with quite a few booths with information. It really turned out to be a nice event. We couldn't have done it without the volunteers that came forward for us, so I thank them."

#### 16. ADJOURN

There being no further business, the meeting adjourned at 8:00 p.m.

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Karen A. Phillips, City Clerk

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April C. Stoncius, Deputy City Clerk