

MEMORANDUM

TO: MAYOR & CITY COUNCIL  
FROM: GREGORY J. ORAVEC, CITY MANAGER  
SUBJECT: DISCUSSION OF THE PROCESS FOR ESTABLISHING STREET LIGHTING DISTRICTS  
DATE: MAY 9, 2012

Attached, please find a memorandum of May 1, 2012, from Councilman Kelly requesting that the subject be placed on the City Council Agenda of May 14, 2012. Additionally, please find a memorandum of May 9, 2012, from Karen A. Phillips, City Clerk, which provides relevant background information on street lighting districts.

If you have any questions or need additional information, please do not hesitate to contact me.

Thank you.

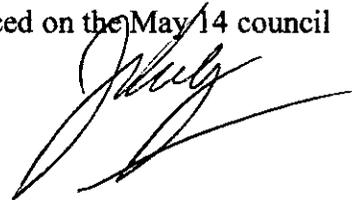
Attach.

# MEMORANDUM

TO: GREGORY J. ORAVEC, CITY MANAGER  
FROM: JACK KELLY, COUNCILMAN, DISTRICT 4  
DATE: MAY 1, 2012  
SUBJECT: AGENDA REQUEST

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Attached is a letter from Mr. Polakow requesting to be placed on the May 14 council agenda regarding a discussion on the street lights policy.



JK/brc

**RECEIVED**

MAY 03 2012

City Manager's Office



Hon. Jack Kelly  
Councilman, District IV  
City Hall  
121 SW Port St Lucie Blvd  
Port St Lucie, Fl 34984

April 30, 2012

Dear Councilman; 

As we discussed, please put "street lights" on the council agenda.

Thank you,



Robert L Polakow

772-879-6783

# MEMORANDUM

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**TO:** Gregory J. Oravec, City Manager  
**FROM:** Karen A. Phillips, City Clerk   
**DATE:** May 9, 2012  
**RE:** **Street Lighting Ordinance Petition Process Amended/Removed**

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In response to inquiries regarding the former street lighting petition process and the current process without the petition, I have attached Ordinance 07-117, which includes both the former and the proposed process in the text. Below is the section from Ordinance 07-117 with the new text and the former text. The petition process was removed due to safety concerns. The street lighting requestor was required to go door-to-door to obtain 50% + 1 of the signatures on his/her street to begin the balloting process.

Section 1. *That Section 10(d)1 of City of Port St. Lucie Ordinance 80-2, as amended, is hereby amended to read as follows:*

*Section 10(d)1. A resident, owner of any lot, parcel or tract of land within the City, not served by street lighting, may apply to the City Clerk to designate a new area for street lighting, which area shall include the applicant's lot, parcel or tract. The size of the new area shall be determined by the City Clerk by considering economy of operation above other considerations.*

Section 2. *That Section 10(d)2 of City of Port St. Lucie Ordinance 80-2 is hereby deleted. Said deleted section having read as follows: ~~Section 10(d)2. Upon designation of the new area to be benefitted, the Clerk shall provide the applicant with a petition form to be used by the applicant. The petition shall state its purpose at the top. The applicant shall be responsible for obtaining the required consent, signature, and resident address and information from at least fifty percent plus one of the record title owners of the improved properties within the area. For purposes of this petition, each residential lot, or its equivalent, shall count as one vote and if a lot or parcel has multiple owners the signature of any one said owners shall be sufficient as to that lot or parcel.~~*

Section 3. *That Section 10(d)3 of City of Port St. Lucie Ordinance 80-2, as amended, is hereby amended to read as follows:*

*Section 10(d)3. ~~Upon receiving the completed petition, the Clerk shall verify that it contains the required information and number of signatures, and shall then cause~~ The City Clerk shall cause the matter to be presented ~~for public hearing~~ before the City Council of the City of Port St. Lucie for authorization to proceed with an election of all record titleholders as of January 1 of the year application was made within the defined area. At the public hearing the City Council may authorize the election of the defined area as presented in the application, partition the defined area into multiple sub areas for separate election within each sub area, or delete and remove from the defined area certain portions thereof for the purpose of conduct of the election. Voting shall be on a per lot basis with one vote per each lot. The election shall be conducted by mail, the City Clerk forwarding to the said owner a ballot with a return date not less than thirty nor more than sixty days following the date of mailing.*

Another concern recently discussed was the failure of citizens to receive mailings regarding the proposed street lighting. A suggestion was made to send the mailings by certified mail. The current cost per certified letter is \$5.75; for a district the size of Boundary 269 - Bella Road - 62 lots - the postage cost for the three mailings by certified mail to the property owners of that district would be \$1,069.50. To mail only the ballots by certified mail the cost would be \$356.50. Additional funds would need to be placed in the Street Lighting Budget for this process.

The next street lighting cycle for the 2013 tax roll will be starting in September. I currently have 43 requests being processed for 2013 and any changes to the ordinance regarding the process would need to be relayed to the forty-three requestors as soon as possible. Please let me know if you need additional information.

ORDINANCE 07-117

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF PORT ST. LUCIE ORDINANCE 80-2, AS AMENDED; AMENDING PROCEDURES FOR THE ESTABLISHMENT AND EXPANSION OF THE MUNICIPAL SERVICES ASSESSMENT BENEFIT DISTRICT KNOWN AS THE "PORT ST. LUCIE LIGHTING DISTRICT #1," PROVIDING AN EFFECTIVE DATE

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THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 10(d)1 of City of Port St. Lucie Ordinance 80-2, as amended, is hereby amended to read as follows:

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Section 2. That Section 10(d)2 of City of Port St. Lucie Ordinance 80-2 is hereby deleted. Said deleted section having read as follows:

~~Section 10(d)2. Upon designation of the new area to be benefitted, the Clerk shall provide the applicant with a petition form to be used by the applicant. The petition shall state its purpose at the top. The applicant shall be responsible for obtaining the required consent, signature, and resident address and information from at least fifty percent plus one of the record title owners of the improved properties within the area. For purposes of this petition, each residential lot, or its equivalent, shall count as one vote and if a lot or parcel has multiple owners the signature of any one said owners shall be sufficient as to that lot or parcel.~~

Section 3. That Section 10(d)3 of City of Port St. Lucie Ordinance 80-2, as amended, is hereby amended to read as follows:

Section 10(d)3. ~~Upon receiving the completed petition, the Clerk shall verify that it contains the required information and number of signatures, and shall then cause~~ The City Clerk shall cause the matter to be presented for public hearing before the City Council of the City of Port St. Lucie for authorization to proceed with an election of all record

ORDINANCE 07-117

titleholders as of January 1 of the year application was made within the defined area. At the public hearing the City Council may authorize the election of the defined area as presented in the application, partition the defined area into multiple sub areas for separate election within each sub area, or delete and remove from the defined area certain portions thereof for the purpose of conduct of the election. Voting shall be on a per lot basis with one vote per each lot. The election shall be conducted by mail, the City Clerk forwarding to the said owner a ballot with a return date not less than thirty nor more than sixty days following the date of mailing.

Section 3. This ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 27<sup>th</sup> day of August, 2007.

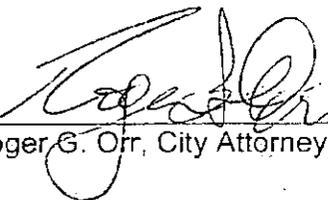
CITY COUNCIL  
CITY OF PORT ST. LUCIE

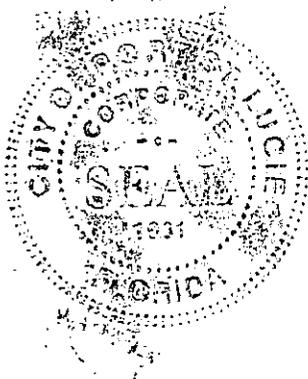
By:   
Patricia P. Christensen, Mayor

ATTEST:

  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

  
Roger G. Orr, City Attorney



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## MEMORANDUM

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TO: DONALD B. COOPER, CITY MANAGER

FROM: ROGER G. ORR, CITY ATTORNEY 

DATE: JULY 17, 2007

SUBJECT: STREET LIGHTING DISTRICTS

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Attached is an ordinance providing for amendment to the procedure for expanding the City of Port St. Lucie's special lighting districts. This follows previous discussion held by the City Council. The primary purpose is to eliminate the requirement of the petition being circulated by our citizens throughout the impacted neighborhood. The new procedure will allow for a citizen to apply for an expansion of a special lighting district whereupon the City Clerk will present that application to the City Council for authorization of an election. This amended process does eliminate the public hearing that Council previously held to determine the boundaries of the district expansion. However, the impacted property owners still have an opportunity to participate in a mail-in election and to further participate in the public hearing held for purposes of equalization of the ballot and certification of that roll to the tax collector for collection. This matter is presented for Council consideration.

RGO/dmf  
Attach.

c: Karen A. Phillips, City Clerk

RECEIVED

JUL 17 2007

City Manager's Office

**#2007-JV-FX-0192**, FY 2007/08; THE GRANT AWARD IS FOR \$73,029, OF WHICH \$65,726 IS FEDERALLY FUNDED AND \$7,303 REQUIRES A 10% LOCAL MATCH, POLICE DEPARTMENT

Councilwoman Berger said, "I want to congratulate the Police Department and the SRO Program for bringing in the grant money. I **move** to approve Item 7 j)." Councilwoman Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 7 j). The **motion passed unanimously** by roll call vote.

Councilman Cooper said, "The Council direction was to move forward with the boat ramp pending the financing and permitting. Tonight's direction was to approve the minor change to the Site Plan. It was to change the launches from two to four. The direction is to move forward with the project. I want to clarify that." Mayor Christensen said, "We don't even know if we can build it. We can't apply for the permits unless we have a Site Plan." Councilman Cooper said, "The direction is to move forward with building it. It's not to say we're not doing it because of funding. If the funding and permitting come back, Council has given direction to move forward with building it." Mayor Christensen suggested adding the boat ramp to a future Agenda for a detailed discussion. Councilwoman Berger said, "Councilman Cooper clarified it to keep people from having to continue coming to express their opinion. We had a Public Hearing. The decision has been made to move forward. We're looking at Site Plans, permit issues, and beyond." Councilman Cooper said, "I don't want the public to think they are coming back every time this is on the Agenda. Tonight's issue was a minor change to the Site Plan. The discussion was not about the water quality or building the park. I don't want to put this on a future Agenda. The direction is to move forward with the boat ramp." Assistant City Manager Bentrott stated, "With the Site Plan approval we are moving forward with permitting. Once we get the permitting we will look for funding. It is not in the budget at this time for next year."

Vice Mayor Kelly said, "Council isn't changing their mind. I'm not changing my mind. I voted to move forward with this. People got up tonight and said we didn't advertise and lied to them. This is not final approval. There are many hurdles to overcome. Tonight's vote was not a final approval on the boat ramp. We are moving forward. There will be other hearings. I want to make it clear this is going to come back. It's not in the budget to build immediately." Councilman Cooper stated, "This will not come back again. If the permitting goes through, it's done. We are finished with this issue." Assistant City Manager Bentrott stated, "Council would need to approve the budget to construct the project."

#### 8. SECOND READING, PUBLIC HEARING OF ORDINANCES

→ a) **ORDINANCE 07-117**, PROVIDING FOR THE AMENDMENT OF CITY OF

PORT ST. LUCIE ORDINANCE 80-2, AS AMENDED; AMENDING PROCEDURES FOR THE ESTABLISHMENT AND EXPANSION OF THE MUNICIPAL SERVICES ASSESSMENT BENEFIT DISTRICT KNOWN AS THE "PORT ST. LUCIE LIGHTING DISTRICT #1"; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 07-117 aloud by title only. Mayor Christensen opened the Public Hearing.

**Thomas Ladomirak**, resident, said, "You're going to change from a door-to-door canvassing to a different format. I can understand the concern of some individuals. It seems like it is going to be less informative. I'd like to see a procedure where people would be aware of the changes." Mayor Christensen said, "When the ballot is sent out, an explanation is included." The City Clerk explained, "They will receive a letter explaining that one of their neighbors has requested street lighting. They will receive a map showing where the lights will be going. They will also receive a ballot. They can call our office if they have any questions. The election comes back to the City Council. At that time, the public has a chance to come in. There is a lot of interaction. It's a nine-month process." Mr. Ladomirak said, "The article in the newspaper was very limited. It didn't say how the boundaries were determined." Mayor Christensen said, "It would be formed the same way." The City Clerk said, "We usually put the street lights on the street where the person who requests them is living. We try to do it from point A to Point B on the cross streets."

There being no further comments, Mayor Christensen closed the Public Hearing. Councilwoman Berger **moved** to approve Ordinance 07-117. Councilwoman Bartz **seconded** the motion. Vice Mayor Kelly asked, "How do other cities do lighting districts?" The City Attorney responded, "Some cities probably build it into their General Fund. In this case, we build them into the areas where people request it. They pay for the cost by an annual assessment. The City does provide for lighting of arterials and collectors. We don't go into the neighborhood unless they ask for it. They would still have a mail-in ballot election. If the vote fails, they don't get lighting." Vice Mayor Kelly asked, "Would they be assessed once a year?" The City Attorney responded, "It's about \$20 per year." The City Clerk restated the motion as follows: for approval of Ordinance 07-117. The **motion passed** by roll call vote with Councilwoman Berger, Councilwoman Bartz, and Mayor Christensen voting in favor, and Vice Mayor Kelly and Councilman Cooper voting against.

**b) ORDINANCE 07-118**, PROVIDING FOR THE ABANDONMENT OF A PORTION OF AN EASEMENT AFFECTING LOT 5, BLOCK 3454, PORT ST. LUCIE SECTION FORTY-SIX, FIRST REPLAT; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 07-118 aloud by title only. Mayor Christensen opened the Public Hearing.

Public Hearing. Vice Mayor Kelly **moved** to approve Ordinance 07-114. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 07-114. The **motion passed unanimously** by roll call vote.

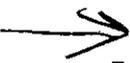
**k) ORDINANCE 07-115, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO THE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND LA PETITE ACADEMY, INC., A DELAWARE CORPORATION, FOR THE OPERATION OF A CHILD DAYCARE CENTER ON A PARCEL OF PROPERTY LOCATED AT THE STREET ADDRESS OF 2000 SE VILLAGE GREEN DRIVE; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Ordinance 07-115 aloud by title only. Mayor Christensen opened the Public Hearing. There being no comments, Mayor Christensen closed the Public Hearing. Councilwoman Bartz **moved** to approve Ordinance 07-115. Vice Mayor Kelly **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 07-115. The **motion passed unanimously** by roll call vote.

#### 9. OTHER PUBLIC HEARINGS

There was nothing scheduled for this item.

#### 10. FIRST READING OF ORDINANCES

 **a) ORDINANCE 07-117, PROVIDING FOR THE AMENDMENT OF CITY OF PORT ST. LUCIE ORDINANCE 80-2, AS AMENDED; AMENDING PROCEDURES FOR THE ESTABLISHMENT AND EXPANSION OF THE MUNICIPAL SERVICES ASSESSMENT BENEFIT DISTRICT KNOWN AS THE "PORT ST. LUCIE LIGHTING DISTRICT #1"; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Ordinance 07-117 aloud by title only. Councilwoman Berger **moved** to approve Ordinance 07-117. Councilwoman Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 07-117. The **motion passed** by roll call vote, with Councilwoman Bartz, Councilwoman Berger, and Mayor Christensen voting in favor, and Vice Mayor Kelly and Councilman Cooper voting against.

**b) ORDINANCE 07-118, PROVIDING FOR THE ABANDONMENT OF A PORTION OF AN EASEMENT AFFECTING LOT 5, BLOCK 3454, PORT ST. LUCIE SECTION FORTY-SIX, FIRST REPLAT; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Ordinance 07-118 aloud by title only. Councilman Cooper **moved** to approve Ordinance 07-118. Councilwoman Berger **seconded** the motion. Councilman Cooper asked, "Aren't we doing title insurance business here? They were given free and clear title. Now we're the easy street. Instead of them meeting their responsibility, they bring it to us to overturn the problem. Why

unanimously by roll call vote.

→ j) DISCUSSION CONCERNING AMENDING THE PROCEDURES FOR SPECIAL LIGHTING DISTRICTS, CITY MANAGER

The City Attorney stated, "This eliminates the petition drive process. The current procedure requires for the petitioner to canvas the neighborhood for signatures. It takes that neighborhood canvassing processing out." Councilwoman Berger **moved** to approve Item 13 j). Councilwoman Bartz **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 j). The **motion passed** by roll call vote, with Mayor Christensen, Councilwoman Bartz, and Councilwoman Berger voting in favor, and Councilman Cooper voting against.

k) COX LUMBER, SECOND AMENDMENT TO PURCHASE AND SALE AGREEMENT, PROVIDING ADDITIONAL TIME FOR COX LUMBER TO MEET THE EMPLOYMENT COVENANT DUE TO CHANGED MARKET CONDITIONS, CITY MANAGER

The City Manager noted, "This is an extension of the time frame for Cox Lumber to meet certain job criteria, due to the downturn in the local construction economy. They're having some difficulty in doing that." Councilman Cooper **moved** to approve Item 13 k). Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Item 13 k). The **motion passed unanimously** by roll call vote.

14. DETERMINATION OF EXCUSED ABSENCE

a) MAYOR CHRISTENSEN, JUNE 18 SPECIAL AND JUNE 25 REGULAR COUNCIL MEETINGS

Councilwoman Berger **moved** to approve Item 14 a). Councilwoman Bartz **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.

b) COUNCILWOMAN BARTZ, JULY 9 BOARD OF ZONING APPEALS MEETING

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

15. COUNCIL REPORTS ON COMMITTEE ASSIGNMENTS

Mayor Christensen said, "We will wait and do this in two weeks."

16. ADJOURN