

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

Blue Sheet No. 20061726

- 1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing and consider the approval of an amendment of Lee County Ordinance No. 92-08, relating to Lehigh Acres Street Lighting unit.
- 2. FUNDING SOURCE:** 2006-2007 Lehigh Acres Streetlighting Budget
- 3. WHAT ACTION ACCOMPLISHES:** Provides legal authority to expand the current scope of services of the municipal service taxing unit to include purchase, installation and maintenance of decorative seasonal banners and holiday decorative lighting on Streetlight poles in Lehigh Acres.
- 4. MANAGEMENT RECOMMENDATION:** Approval per Board direction.

5. Departmental Category: 06 5:00 #1		6. Meeting Date: 03-13-07
7. Agenda: <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input checked="" type="checkbox"/> Public <input type="checkbox"/> Walk-On	8. Requirement/Purpose: (specify) Statute 125.01q	9. Request Initiated: Commissioner _____ Department County Commission Division Public Resources/MSTU By: Gail Orio <i>Gail Orio</i>
	Ordinance _____	
	Admin. Code 3-15	
	Other _____	

10. Background:
The Chamber of Commerce and a number of property owners in Lehigh Acres have requested the funds collected pursuant to the Lehigh Acres Streetlighting MSTU be used to purchase, install and maintain decorative seasonal banners and possibly future holiday decorative lighting, on Streetlight poles in Lehigh Acres. The Chairman of the Lehigh Acres Streetlight District indicates that this is supported by the Advisory Committee.

At the regular Board of County Commissioners meeting held on January 30, 2007, the Board unanimously approved waiving the formal petition process to amend the Lehigh Acres Street Lighting Ordinance and actual notice by mail and directed Staff to provide enhanced public advertisement informing property owners in the Lehigh Acres Street Lighting Unit of the public hearing.

The anticipated costs, as provided by the Chamber of Commerce, for the purchase of brackets, banners, and installation/removal charges for the banners on the 104 decorative streetlights is \$12,000. The funds are available in the current budget. Subsequent annual maintenance/replacement charges are estimated at less than \$6,000 yearly.

A revision to the Sign Ordinance in the Land Development Code will be necessary.

**Attachments: Proposed Amended Ordinance
Notice of Intent**

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i>	N/A	N/A		<i>S. Bonville</i> 2/12/07	<i>SA</i> 2/13/07	<i>MF</i> 2/13/07	<i>18</i> 2/13/07	<i>AMgr.</i> 2/13/07	<i>HS</i> 2/14/07

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN: *[Signature]*
2/12/07
4:20 pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
2/15/07
[Signature]

Rec. by CoAtty
Date: 2/12/07
Time: 3:40 pm
Forwarded to:
2/12/07
4:15 pm

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 92-08, AS AMENDED, RELATING TO THE LEHIGH ACRES STREET LIGHTING UNIT; AMENDING SECTION ONE PROVIDING FOR ADDITIONAL MUNICIPAL SERVICES TO INCLUDE INSTALLATION AND MAINTENANCE OF DECORATIVE SEASONAL BANNERS AND HOLIDAY LIGHTING ON THE STREETLIGHT POLES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a charter county and political subdivision of the State of Florida, and holds all powers granted to counties pursuant to the Florida Constitution and state statutes; and

WHEREAS, the Lee County Board of County Commissioners had previously adopted Ordinance No. 92-08, as amended, relating to the creation of the Lehigh Acres Street Lighting Unit; and

WHEREAS, the Board of County Commissioners of Lee County now desires to amend Lee County Ordinance No. 92-08, as amended, in order to expand the scope of municipal services to provide for decorative seasonal banners and lighting.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR LEE COUNTY, FLORIDA, that:

SECTION ONE:

This Ordinance amends Lee County Ordinance 92-08, as amended, as set forth herein. The amendments and revisions set forth in the following Sections are hereby adopted, with strike-through type being the language deleted and underlined text being language added.

SECTION TWO:

Section One of Lee County Ordinance 92-08, as amended, is hereby further amended to read as follows:

SECTION 1.

CREATION OF THE UNIT, PURPOSE AND BOUNDARIES

Pursuant to the powers granted to the Board of County Commissioners of Lee County, Florida, hereinafter referred to as the "Board", by the Constitution of the State of Florida and the Florida Statutes, in particular, Section 125.01, Florida Statute, the Board hereby creates a municipal service taxing or benefit unit to be known as the Lehigh Acres Streetlighting Unit. Unless expressly mandated by State Statute, any and all procedures, administrative or otherwise, which were required to be followed prior to the enactment of this ordinance shall be waived or considered directory in nature and noncompliance with the procedure shall have no effect upon the validity of this ordinance, constitutional or otherwise.

The purpose of the Lehigh Acres Streetlighting Unit shall be to provide the following municipal services within the boundaries of the unit: Streetlighting, ~~and~~ maintenance of the streetlights, and installation and maintenance of decorative seasonal banners and holiday lighting on the streetlight poles.

The boundaries of the Unit shall be as follows:

SEE ATTACHED LEGAL DESCRIPTION WHICH IS LABELED
"EXHIBIT A" HEREBY INCORPORATED BY REFERENCE.

SECTION THREE:

Section Ten of Lee County Ordinance 92-08, as amended, is hereby further amended to read as follows:

SECTION 10.

EFFECTIVE DATE

This Ordinance shall take effect immediately upon receipt from the Florida Department of State of its filing with that office.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are severable, and it is the intention to confer to the whole or any part of this Ordinance the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such an unconstitutional provision not been included herein.

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Commissioner _____ made a motion to adopt the foregoing Ordinance, seconded by Commissioner _____. The vote was as follows:

ROBERT P. JANES	_____
BRIAN BIGELOW	_____
RAY JUDAH	_____
TAMMARA HALL	_____
FRANK MANN	_____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2007.

ATTEST:

CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Robert P. Janes, Chair

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the **13th day of March, 2007 at 5:00 o'clock p.m.**, in the County Commissioners Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 92-08, AS AMENDED, RELATING TO THE LEHIGH ACRES STREET LIGHTING UNIT; AMENDING SECTION ONE PROVIDING FOR ADDITIONAL MUNICIPAL SERVICES TO INCLUDE INSTALLATION AND MAINTENANCE OF DECORATIVE SEASONAL BANNERS AND HOLIDAY LIGHTING ON THE STREETLIGHT POLES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.

2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinance.

3. Anyone wishing to appeal the decision(s) made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State, or as may be otherwise prescribed in the Ordinance.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 125.66, Florida Statutes (2006), and other relevant sections of Florida law.

12 11 07 1 07 10 07

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By: Scott S. Bump
Office of the County Attorney

Ad Size: 2 x 8 1/2
 qms

Publishing Dates: February 20, 2007 & March 6, 2007