Director or Contracts Resources Attorney Director Director Director Director Director			Lee Count	v	•		missioners Blue	Sheet No. 2	20061725	
Hearing.         3. MANAGEMENT RECOMMENDATION: Do Not Approve. Historically, the County has not approved involuntary MSE/BU projects for non essential county services. Decorative banners and holiday lighting would not be considered essential county services.         4. DEPARTMENTAL CATEGORY:#6       5. MEETING DATE:         A GENDA:       7. REQUIREMENT/PURPOSE         A AGENDA:       7. REQUIREMENT/PURPOSE         A AGENDA:       7. REQUIREMENT/PURPOSE         A ADMINISTRATIVE       ORDINANCE         DEPARTMENT       County Commission         APPEALS       X         VWALK-ON       OTHER         9. 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, on Streetlight poles, for Homesteal Road in Lehigh Acres. The scope of services in the current Ordinance allows only for the operation and maintenance of streetlighting within the unit. Administrative Code 315 requires a petition process with a minimum of 51% support of the property owners to make a change, or the Board of County Commissioners can waive the petition process choosing another process and ofunder proceed with advertising the public hearing and notifying all property owners via letter of the proposed Public Hearing. The public hearing will consider allowing funding to be used for decorative banners and holiday lighting, howsver, the Lee County Sign Ordinance (LDC Chapter 30) will have to be amended to allow for the banners to be placed in the right-of-way on light poles.         Scheduling the public hearing will allow staff to proceed with advertising the publ	Request Bo	CC Schedule Pu	blic Hearing f	for March	13, 2007,		.m., to consider an invo	oluntary am	endment to the	
approved involuntary NST/BU projects for non essential county services. Decorative banners and holiday lighting would not be considered essential county services. 4. DEPARTMENTAL CATEGORY: #6 A G A S I AN 3 0 2007 C. AGENDA: C. AGENDA: C. AGENDA: C. AGENDA: C. AGENDA: C. AGENDA: C. ADMINISTRATIVE ADMINISTRATIVE ADMINISTRATIVE ADMINISTRATIVE ADMINISTRATIVE ADMINISTRATIVE ORDINANCE DIVISION FUBILC OTHER OTHER BY: Libby Waker DY:		CTION ACCOM	IPLISHES:	Allows st	aff to procee	d with	required notification a	nd advertisi	ng for Public	
AGA     JAN 3 0 2007       6. AGENDA:     7. REQUIREMENT/PURPOSE (SPECIFY)     8. REQUEST INITIATED: (SPECIFY)       X     CONSENT     STATUTE       ADMINISTRATIVE     ORDINANCE     DEPARTMENT       ORDINANCE     DEPARTMENT     County Commission       PUBLIC     ORDINANCE     DIVISION       PUBLIC     OTHER     BY:     Libby Watker       9. BACKGROUND: The Chamber of Commerce and a number of property owners in Ledigh Acres have requested the funds collected pursuant to the Ledigh Acres Streetlighting MSTU be used to purchase, install and maintain decorative seasonal banners and possibly future holiday decorative lighting, on Streetlighting within the unit. Administrative Code 3-15 requires a petition process with a minimum of 51% support of the property owners to make a change, or the Board of County Commissioners can waive the petition process within the unit, the petition process as outlined in the Administrative code is unreasonable and/or cost prohibitive.       Scheduling the public hearing will allow staff to proceed with advertising the public hearing and notifying all property owners via letter of the proposed Public Hearing. The public hearing will consider allowing funding to be used for decorative banners and holiday lighting, however, the Lee County Sign Ordinance (LDC Chapter 30) will have to be amended to allow for the banners to be placed in the right-of-way on light poles.       Attach "A": Proposed Amended Ordinance       10. REVIEW FOR SCHEDULING       Department     Purchasing       Approved       Deferred           Dift-16-677 <td colspan="10">approved involuntary MST/BU projects for non essential county services. Decorative</td>	approved involuntary MST/BU projects for non essential county services. Decorative									
6. AGENDA:       7. REQUIREMENT/PURPOSE       8. REQUEST INITIATED:         X       CONSENT       STATUTE       COMMISSIONER         ADMINISTRATIVE       ORDINANCE       DEPARTMENT       County Commission         APPEALS       X       ADMIN       3-15       DEPARTMENT       County Commission         PUBLIC       OTHER       DEPARTMENT       County Commission       Public         WALK-ON       9. 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, for Homestead Road       in Lehigh Acres. The scope of services in the current Ordinance allows only for the operation and maintenance of streetlighting within the unit.       Administrative Code 3-15 requires a petition process with a minimum of 51% support of the property owners to make a change, or the Board of County Commissioners can waive the petition process and/or proceeds and/or cost prohibitive.         Scheduling the public hearing will allow staff to proceed with advertising the public hearing and notifying all property owners via letter of the proposed Public Hearing. The public hearing will consider allowing funding to be used for decorative banners and holiday lighting, however, the Lee County Sign Ordinance (LDC Chapter 30) will have to be amended to allow for the banners to be placed in the right-of-way on light poles.         Attach "A" : Proposed Amended Ordinance<	4. DEPARTMENTAL CATEGORY: #6						5. MEETING DATE:			
X       CONSENT       (SPECIFY)       COMMISSIONER         ADMINISTRATIVE       ORDINANCE       DEPARTMENT       County Commission         APPEALS       X       ADMIN.       3-15       DIVISION       County Commission         PUBLIC       ORDINANCE       DEPARTMENT       County Commission       Public         PUBLIC       OTHER       BY:       Libby Walker       Division         9.       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, for Homestead Road in Lehigh Acres. The scope of services in the current Ordinance allows only for the operation and maintain decorative seasonal powers on the Board of County Commissioners can waive the petition process and/or proceeding with an involuntary change/modification. Due to nearly 120,000 parcels within the unit, the petition process and/or proceeding with advertising the public hearing and notifying all property owners via letter of the proposed Public Hearing. The public hearing will consider allowing funding to be used for decorative banners and holiday lighting, however, the Lee County Sign Ordinance (LDC Chapter 30) will have to be amended to allow for the banners to be placed in the right-of-way on light poles.         Attach "A":       Proposed Amended Ordinance         10. REVIEW FOR SCHEDULING       County Antone The scherty Burder Public Hearing The Public Hearing The Public Hearing The Public Heary				A6	A			JAN 3	0 2007	
X       CONSENT       STATUTE       COMMISSIONER         ADMINISTRATIVE       ORDINANCE       DEPARTMENT       County Commission         APPEALS       X       ADMIN       3-15       DIVISION       Public         PUBLIC       OTHER       BY:       Libby Warker       Division       Problic         9. 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 MSTD be used to purchase, install and maintain decorative easonal banners and possibly future holiday decorative lighting, on Streetlight poles, for Homestead Road in Lehigh Acres. The scope of services in the current Ordinance allows only for the operation and maintenance of streetlight porcess and/or proceeding with an involuntary change/modification. Due to nearly 120,000 purcels within the unit, the petition process and/or proceeding with an involuntary change/modification. Due to nearly 120,000 purcels within the unit, the petition process and/or proceed with advertising the public hearing will consider allowing funding to be used for decorative banners and holiday lighting, however, the Lee County Sign Ordinance (LDC Chapter 30) will have to be amended to allow for the banners to be placed in the right-of-way on light poles.         Attach "A":       Proposed Amended Ordinance         10. REVIEW FOR SCHEDULING       County         Department       Purchasing       Human         Other       Other       County         Approved       Approved       County Anton	6. AGENDA	:			T/PURPOS	SE	8. REQUEST INIT	IATED:		
PUBLIC       CODE       Performance         9. 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 lighting, on Streetlight poles, for Homestead Road in Lehigh Acres. The scope of services in the current Ordinance allows only for the operation and maintenance of streetlighting within the unit. Administrative Code 3-15 requires a petition process with a minimum of 51% support of the property owners to make a change, or the Board of County Commissioners can waive the petition process and/or proceeding with an involuntary change/modification. Due to nearly 120,000 parcels within the unit, the petition process as outlined in the Administrative code is unreasonable and/or cost prohibitive.         Scheduling the public hearing will allow staff to proceed with advertising the public hearing and notifying all property owners via letter of the proposed Public Hearing. The public hearing will consider allowing funding to be used for decorative banners and holiday lighting, however, the Lee County Sign Ordinance (LDC Chapter 30) will have to be amended to allow for the banners to be placed in the right-of-way on light poles.         Attach "A": Proposed Amended Ordinance         10. REVIEW FOR SCHEDULING         Department       Purchasing         Manager/P: W         Malest Entry         Approved       Approved         Market Bight Propert       County         Manager/P: W       Resources         Ministrative Code and the right-of-marke be placed in the right-of-way on light poles.	ADM	INISTRATIVE		STATUT ORDINA	NCE		DEPARTMENT	Count	•/	
9. BACKGROUND: The Chamber of Commerce and a number of property owners in Lehigh Actes 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, for Homestead Road in Lehigh Acres. The scope of services in the current Ordinance allows only for the operation and maintenance of streetlighting within the unit. Administrative Code 3-15 requires a petition process with a minimum of 51% support of the property owners to make a change, or the Board of County Commissioners can waive the petition process choosing another process and/or proceeding with an involuntary change/modification. Due to nearly 120,000 parcels within the unit, the petition process as outlined in the Administrative code is unreasonable and/or cost prohibitive.         Scheduling the public hearing will allow staff to proceed with advertising the public hearing and notifying all property owners via letter of the proposed Public Hearing. The public hearing will consider allowing funding to be used for decorative banners and holiday lighting, however, the Lee County Sign Ordinance (LDC Chapter 30) will have to be amended to allow for the banners to be placed in the right-of-way on light poles.         10. REVIEW FOR SCHEDULING         Department       Purchasing       Human       County       Analyst       Bisk       Grants       Mgr.         Mice of the proposed by the ordinance       N/A       N/A       N/A       Analyst       Bisk       Grants       Mgr.         Interview of the banners to be placed in the right-of-way on light poles.       Attach "A": Proposed Amended Ordinance <td< td=""><td> PUBI</td><td>LIC</td><td></td><td>CODE</td><td></td><td></td><td></td><td></td><td>ces/MSTBU</td></td<>	PUBI	LIC		CODE					ces/MSTBU	
Department Director       Purchasing or Contracts       Human Resources       Other       County Attorney       Budget Services       County Manager/P.W. Director         Image: Director       N/A       N/A       N/A       M.       Analyst       Risk       Grants       Mgr.         Image: Director       N/A       N/A       N/A       M.       Analyst       Risk       Grants       Mgr.         Image: Director       N/A       N/A       N/A       M.       Analyst       Risk       Grants       Mgr.         Image: Director       N/A       N/A       N/A       Bases       Grants       Mgr.         Image: Director       Scheduling       Grants       Image: Director       Image: Director       Image: Director         Image: Director       Deferred & Other       Other       Image: Director       Image: Director       Image: Director         Image: Director       Deferred & Other       Imag	decorative sea in Lehigh Act streetlighting of the proper choosing anot within the un Scheduling th property own used for deco have to be an Attach "A":	asonal banners a res. The scope o within the unit. ty owners to ma ther process and it, the petition p he public hearing lers via letter of rative banners a hended to allow Proposed Amo	and possibly f f services in f Administra ke a change, l/or proceedin rocess as out g will allow st the proposed and holiday li for the banne ended Ordina	future hol the curren ative Code or the Bos ng with an lined in th taff to pro Public H ghting, ho ers to be p	iday decora at Ordinanc e 3-15 requi ard of Coun a involuntar a Administr ceeed with a cearing. The owever, the	tive li e allow res a j ity Co y char rative dverti e publ Lee C	ghting, on Streetlight ws only for the operat petition process with a mmissioners can waiv nge/modification. Due code is unreasonable sing the public hearin ic hearing will conside ounty Sign Ordinance	poles, for E ion and ma a minimum re the petitic e to nearly and/or cost ag and notif er allowing e (LDC Cha	fomestead Road intenance of of 51% support on process 120,000 parcels prohibitive. ying all funding to be	
$\begin{array}{c c c c c c c c c c c c c c c c c c c $	10. REVIEW	FOR SCHEDU	JLING							
Approved     N/A     N/A     Bawers     Child     Mail     Mail <th>-</th> <th></th> <th></th> <th>Other</th> <th></th> <th colspan="2">Budget Services</th> <th>Manager/P.W.</th>	-			Other		Budget Services		Manager/P.W.		
Approved Approved Deferred 0 01-16-07 2 W/S - H/M Denied Other Mec. by CoAtty COUNTY ADMIN: 12/21 4:45 m/P. Date: /2010 0 Time: 4:350 m Forwarded To: Forwarded To:	W jobolok	N/A	N/A	N/A	Baves	12/21	( AN LA COL.	6 12/21/0	$CHS_{12 28 al}$	
Approved Approved Approved Approved Deferred 0 01-16-07 2 W/S - H/M Denied Other COUNTY ADMIN: Rec. by coarty 12/21 4:45 mm?. Date: /20/0 w Time: 4:350 m Forwarded To: Forwarded To:	711. COMMIS	11. COMMISSION ACTION Scheduling								
	7	Deferred ∂∩ Denied	1-16-07 2u	JKS ~ H	H 12/20/00		COUNTY ADMIN: REC 2221 4:45 TMP. Dat COUNTY ADMIN COUNTY ADMIN COUNTY COUNTY ADMIN COUNTY C	e: .350m warded To:	2	

 $\checkmark$ 

# 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 BE INCLUDED; 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.

DRAFT FOR DISCUSSION PURPOSES ONLY Lee County Attorney's Office January 3, 2007

1

## **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.

DRAFT FOR DISCUSSION PURPOSES ONLY Lee County Attorney's Office January 3, 2007

2

#### 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.

(Balance of Page left Intentionally Blank)

DRAFT FOR DISCUSSION PURPOSES ONLY Lee County Attorney's Office January 3, 2007

Commissior	er r	nade a motion to adopt the fo	regoing		
Ordinance, second	led by Commissioner	The vote	was as		
follows:					
	ROBERT P. JANES				
	A. BRIAN BIGELOW				
	RAY JUDAH				
	TAMMARA HALL				
	FRANKLIN B. MANN				
DULY PASS	SED AND ADOPTED THIS	day of,	2007.		
ATTEST:					
CHARLIE GREEN CLERK OF THE C		BOARD OF COUNTY COMMISSIONERS LEE COUNTY, FLORIDA			
By: Deputy Cler	k	By: Robert P. Janes, Chair			
		APPROVED AS TO FORM:			
		By: Office of the County Attorn	ey		

S:\GS\SSC\Ordinances\Amendment to Lehigh Acres Street Lighting.doc

DRAFT FOR DISCUSSION PURPOSES ONLY Lee County Attorney's Office January 3, 2007