**NOTICE OF WORKSHOP MEETING**
**ST. PETE BEACH CITY COMMISSION**

**Tuesday, November 30, 2010**
**(Approximately 6:30 p.m. or thereafter)**
**(Directly following a Shade Meeting)**

The St. Pete Beach City Commission will hold a Workshop Meeting on Tuesday, November 30, 2010 at approximately 6:30 p.m. at City Hall, 155 Corey Avenue, St. Pete Beach, Florida, in the Commission Chambers.

1. **Items for Discussion**

   a. **Discussion of items to submit for public referendum on the March 11, 2011 ballot**

2. **Adjournment**

The public is invited to attend.

Pamala Prell

Pamala Prell, Acting City Clerk

If a person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105). The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

Agenda Material is available for review at City Hall on Friday, preceding the meeting. In accordance with the American with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the City at 727-363-9243 no later than four (4) days prior to the proceeding for assistance.

Posted: October 15, 2010

**ST. PETE BEACH**
**CITY COMMISSION WORKSHOP**
**November 30, 2010**
**6:30 pm**

**MINUTES**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT**

**Mayor Michael Finnerty**
**Vice Mayor Jim Parent**
**Commissioner Al Halpern**
**Commissioner Marvin Shavlan**
**Commissioner Beverly Garnett**

**ALSO PRESENT**

**Mike Davis, City Attorney**
**Mike Bonfield, City Manager**
**Pamala Prell, Acting City Clerk**

Mr. Davis presented an overview of the Order regarding the Pyle cases.

Mr. Davis advised that in the ballot summary case, the Order essentially declares each of those ballot summaries invalid because, according to the Judge, they did not comply with the requirements of State law. Basically, the requirements of State law are that the ballot summary contain the chief purpose of the major issue being voted on and not mislead the voters. There are some aspects of that Final Judgment that we find rather confusing and we think that the Order needs to be clarified and amended. The recommendation in terms of the legal steps that we would undertake with regard to this order is to file a Motion for Clarification, a Motion for Re-Hearing, and then also to file an appropriate Motion to try to defer the entry of this Order so that it corresponds with the Kadoura Order so they both come down at the same time.

Commissioner Halpern was agreeable to City Attorney Davis' recommendation and commented that after reading the Judge's Closing Statement, he felt that there were a lot of confusing issues in there as far as the Judge referring to ordinances rather than ballot language.

City Attorney Davis stated that the order deals with the ballot summaries which are not the substance of the Order. He referenced second to last page, the Court says "the Court declares the foregoing ordinances invalid."

He stated that he doubted that was really what the Judge intended to do in his Order since he was not dealing with the validity of the ordinance, he was dealing with the validity of the ballot summary. He mentioned that's one of the things they want to ask the Judge to clarify.

**Vice Mayor Parent made a motion to accept the recommendations of the City Attorney. The motion was seconded by Commissioner Garnett and unanimously approved by roll call vote.**

Mayor Finnerty asked City Attorney Davis if there was anything else.

City Attorney Davis stated that the second thing he wanted to talk about is how the City can get out of this "revolving door" that they have been in for quite a number of years which results in constant lawsuits. He stated that he thinks the ultimate solution would be for the City to consider repealing the "Home Town Democracy" provisions that are contained in the City's Charter, Sections 3.15, 3.16 and 3.18; and also consider an amendment to the section of the City's Charter which allows voters by initiative to propose ordinances to the Commission or the repealing of ordinances. He reported that if the City wants to have a vote to repeal or make any of these changes, the ballot language is due to the Supervisor of Elections no later than January $7^{th}$. He advised that his office proposes to bring to the Commission, in the month of December, a Resolution that would contain the ballot language that would go to the Supervisor and they would also bring the ordinances that would start the process for the ballot questions. Attorney Davis provided copies draft Resolutions and Ordinances for the City Commission's review regarding the ballot questions.

Mayor Finnerty stated they could hold meetings on December 13, 2010 and December 14, 2010 to discuss this matter.

Mr. Bonfield agreed that the Commission could adopt Resolutions and Ordinances on December 13, 2010.

Vice Mayor Parent stated that he would like to schedule a meeting on December 13, 2010 to focus on the Resolutions that may go on the ballot and the specific wording of those along with public input and keep the regular business of the Commission on the following day.

Mayor Finnerty was in agreement and asked if everyone was available at 6:30 pm. He advised that a Meeting will be scheduled for December 13, 2010, at 6:30 p.m. and the Regular Meeting will be on December 14, 2010, at 6:30 pm. He advised that audience comments will be allowed at both meetings.

City Attorney Davis asked if the Commission would like him to bring back, in addition to the repealer ordinance, and ballot language, along with one that would modify the Initiative Provision in the Charter; to require either a higher number of registered voters to sign petitions or make some other changes. He advised that he can bring several alternatives for consideration.

Mr. Bonfield stated there are two other items for consideration for the ballot, the first being the City Clerk position. He pointed out that there are a number of provisions in the Charter and the Code as it relates to the City Clerk; the Charter provides that the Commission hire/fire and discipline the City Clerk. He reported that in 1998 the City Commission passed Ordinances that made the City Clerk a non-classified position; established the City Clerk as a Department Director and that the City Clerk report to the City Manager.

Mr. Bonfield asked if the Commission wanted to make any changes to that since they are getting ready to advertise for a new City Clerk and stated that he felt that in fairness to all involved, they should know what the Commission's intent is regarding the Office of the City Clerk and who they will report to. He stated that he would like to have some discussion and perhaps get some direction if the Commission desires any changes.

Mayor Finnerty asked if Mr. Bonfield wants to have that discussion now or have it at the December 14$^{th}$ meeting. Mr. Bonfield advised that he can draft up some options if they want to discuss the issue on December 14$^{th}$. The City Commission was in agreement to discuss the City Clerk position at the meeting on December 14th.

Mr. Bonfield went on to say there is a recommendation coming to the Commission from the Planning Board and the Historic Preservation Board to make some changes to the Traditional Hotel District Zoning Designation, one of which is to change the overall maximum height requiring any hotels in the future to comply with the residential height requirements. He pointed out that according to the City's Charter, any change to allowable height in the Land Development Code will require a voter referendum. He advised that the first reading is scheduled for the December 14$^{th}$ meeting and that they could start the process for putting it on the ballot at the same time, just knowing that the final reading will be after the ballot language is submitted to the Supervisor of Elections. Mr. Bonfield recommended that this particular item be placed on the Regular Meeting of December 14th, 2010 and that he will structure it in a way that so that if the Commission approves it on first reading they can also approve the Resolution for the ballot language.

**The City Commission was in agreement with the recommendation.**

**A motion was made to adjourn the Meeting. The motion was seconded and unanimously approved.**

Attest:

Pamala A. Prell — Michael Finnerty, Mayor

Pamala Prell, Acting City Clerk — Michael Finnerty, Mayor

Minutes approved on: 1-11-11