



SPECIAL COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Monday, December 13, 2010

6:30 PM

Call to Order

Pledge of Allegiance

Invocation

Roll Call

1. Ordinances

- a. Ordinance 2010-40, First Reading and Public Hearing, repeal of Charter Requirement for Voter Approval of Comprehensive Plans or Amendments**
- b. Ordinance 2010-41, First Reading and Public Hearing, repeal of Charter Requirement of submittal of Community Redevelopment Plans to Voters**
- c. Ordinance 2010-42, First Reading and Public Hearing, repeal of Charter Requirement of Voter Approval of Development Code Changes to Height of Structures**
- d. Ordinance 2010-43, First Reading and Public Hearing, amendment of Initiative Section of City Charter Relating to Proposing Ordinances**
- e. Ordinance 2010-44, First Reading and Public Hearing, amendment of Initiative Section of City Charter Relating to Repealing Ordinances**
- f. Ordinance 2010-45, First Reading and Public Hearing, amendment of Section 7.04 of City Charter Governing Initiative and Referendum Proceedings**

**g. Ordinance 2010-46, First Reading and Public Hearing,
elimination of the City Clerk position from the City
Charter**

2. Adjournment

APPEALS

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 the Friday preceding the meeting. In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services at (727) 363-9243 no later than four (4) days prior to the proceeding for assistance.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2010-40, repeal of Charter Requirement for Voter Approval of Comprehensive Plans or Amendments

Date: December 13, 2010

Prepared By: Mike Bonfield, City Manager MB

Summary of Issue: In 2006 the City Charter was amended through the initiative process to require voter approval of all comprehensive plan amendments that effected five or more parcels. In 2008, the City Charter was amended by voter referendum to limit the requirement for voter approval only to amendments that effect height, density, intensity and use. In 2010, an amendment to the State Constitution (Amendment 4) was proposed through the initiative process which would have required voter approval of all comprehensive plan amendments. This proposal failed statewide by a 2-1 margin, with similar results occurring in St. Pete Beach. The City Commission questions whether this response from the voters indicates a desire to move away from the concept of voter approval of comprehensive plan amendments and wishes to place this item back in front of the voters for their consideration.

In addition, the City has been involved in costly litigation over a comprehensive plan amendment that was submitted through the initiative process and approved by 58% of the voters. The only challenges that have succeeded to date are procedural, that is they challenge the referendum process and not the content of the actual comprehensive plan amendment. It has been apparent through the process that voting on complex plan amendments (in this case 125+ pages) creates a myriad of challenges to comply with issues relating to ballot language and the approval process mandated by State law. The City Commission agrees the voters fully understood what they were voting on in the 2008 comprehensive plan amendment and believes this further supports a decision to place this item back in front of the voters for their consideration. As it stands today, St. Pete Beach is the only community in the State of Florida that subjects comprehensive plan amendments to voter approval.

Requested Motion: "I move to approve Ordinance 2010-40. . . read title."

Attachments: Ordinance 2010-40

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2010-40

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO THE CITY CHARTER REPEALING SECTION 3.15 OF THE CITY CHARTER WHICH PROVIDES THAT EXCEPT AS OTHERWISE PROHIBITED BY LAW, VOTER APPROVAL IS REQUIRED FOR ANY COMPREHENSIVE PLAN OR PLAN AMENDMENT THAT AFFECTS MORE THAN FIVE PARCELS OF LAND AND WHICH CHANGES THE DENSITY OR INTENSITY OF USES OR THE HEIGHT OF STRUCTURES OR THAT ADDS OR CHANGES A LAND USE CATEGORY IN THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF SAID SECTION 3.15 OF THE CITY CHARTER; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT A REFERENDUM ELECTION TO BE HELD ON MARCH 8, 2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

WHEREAS, the current City Charter requires voter approval of certain comprehensive plans and plan amendments; and

WHEREAS, in November, 2009, the City electors approved a ballot issue to narrow the types of comprehensive plan amendments subject to referendum approval; and

WHEREAS, the City wishes to further simplify the process for adoption of comprehensive plan amendments; and

WHEREAS, the voters of the State have, by a resounding margin, rejected a proposed constitutional amendment which would have required a vote of the electors to approve comprehensive land use plans or amendments; and

WHEREAS, that proposed amendment was also defeated in the City of St Pete Beach by a wide margin; and

WHEREAS, the St Pete Beach's local version of "hometown democracy" found in Sections 3.15, 3.16 and 3.18 of the City Charter have caused the city to expend a great deal of money in litigation and have hindered quality development of the City; and

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance, propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

SECTION 1: The City Commission hereby proposes an amendment to the City Charter repealing Section 3.15 of the City Charter.

SECTION 2: Section 3.15 of the City Charter is repealed.

SECTION 3: A special city referendum election is called for March 8, 2011. The following measure shall be placed on the ballot for the March 8, 2011, general

election ballot to be voted upon by the qualified electors of the City of St. Pete Beach,
Florida:

BALLOT TITLE:

NO. ____
REFERENDUM QUESTION

BALLOT SUBTITLE:

Repeal of Charter Requirement for Voter Approval
of Comprehensive Plans or Amendments

BALLOT SUMMARY:

Charter Section 3.15 entitled "Voter approval required for approval of comprehensive land use plan or comprehensive land use plan amendment" requires voter approval of any comprehensive plan or plan amendment, except one affecting five or fewer parcels of land or as otherwise prohibited by law, that changes the density or intensity of uses or height of structures or which adds or changes a land use category.

Should Charter Section 3.15 be repealed?

_____ Yes

_____ No

SECTION 4. If any portion, part or section of this Ordinance is declared
invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith,
are hereby repealed, to the extent of such conflict.

SECTION 6. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and approval by a majority of the electors of the City voting in a referendum election as provided for herein.

SECTION 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2011.

Pamala Prell, Acting City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2010-41, repeal of Charter Requirement of submittal of Community Redevelopment Plans to Voters

Date: December 13, 2010

Prepared By: Mike Bonfield, City Manager MB

Summary of Issue: In 2006 the City Charter was amended through the initiative process to require voter approval of certain community redevelopment plans. In 2010 the voters approved such a plan for the Gulf Boulevard and Corey Avenue areas. Ultimately the plan requires approval by Pinellas County and is subject to modifications as the final terms are negotiated. This is particularly true with the Tax Increment Financing (TIF) provisions, whereby the County agrees to contribute a percentage of their future property taxes collected in the defined area for capital improvements to the public infrastructure in that area. These plans are generally for 20-30 years and subject to modification as conditions change over the years. To subject every change to a referendum and the potential for costly legal challenges seems unreasonable. The City Commission questions whether the recent response from the voters indicates a desire move away from the concept of voter approval of community redevelopment plans and wishes to place this item back in front of the voters for their consideration.

Requested Motion: "I move to approve Ordinance 2010-41. . . read title."

Attachments: Ordinance 2010-41

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2010-41

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO THE CITY CHARTER REPEALING SECTION 3.16 OF THE CITY CHARTER WHICH PROVIDES THAT A COMMUNITY REDEVELOPMENT PLAN, AS DEFINED IN FLORIDA STATUTES SECTION 163, SHALL NOT BE ADOPTED BY THE CITY COMMISSION UNTIL SUCH PROPOSED COMMUNITY REDEVELOPMENT PLAN IS SUBMITTED TO A VOTE OF THE ELECTORS BY REFERENDUM; PROVIDING FOR REPEAL OF SAID SECTION 3.16 OF THE CITY CHARTER; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT A REFERENDUM ELECTION TO BE HELD ON MARCH 8, 2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the current City Charter requires submittal to the voters of community redevelopment plans prior to adoption by the City Commission; and

WHEREAS, the City wishes to simplify the process of adoption of community redevelopment plans; and

WHEREAS, the voters of the State have, by a resounding margin, rejected a proposed constitutional amendment which would have required a vote of the electors to approve comprehensive land use plans or amendments; and

WHEREAS, that proposed amendment was also defeated in the City of St Pete Beach by a wide margin; and

WHEREAS, the St Pete Beach's local version of "hometown democracy" found in Sections 3.15, 3.16 and 3.18 of the City Charter have caused the city to expend a great deal of money in litigation and have hindered quality development of the City; and

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

SECTION 1: The City Commission hereby proposes an amendment to the City Charter repealing Section 3.16 of the City Charter.

SECTION 2: Section 3.16 of the City Charter is repealed.

SECTION 3: A special city referendum election is called for March 8, 2011. The following measure shall be placed on the ballot for the March, 8 2011, general election ballot to be voted upon by the qualified electors of the City of St. Pete Beach, Florida:

BALLOT TITLE:

NO. ____

REFERENDUM QUESTION

BALLOT SUBTITLE:

Repeal of Charter Requirement of
submittal of Community Redevelopment Plans to Voters

BALLOT SUMMARY:

Charter Section 3.16 entitled Voter approval required for approval of or effectiveness of community redevelopment plan provides that a community redevelopment plan as defined in Florida Statutes Section 163, shall not be adopted by the City Commission until such proposed plan is submitted to a vote of the electors by referendum as provided by Florida Statute Section 166.031 or the City Charter. Should Charter Section 3.16 be repealed?

_____ Yes

_____ No

SECTION 4. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 6. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and approval by a majority of the electors of the City voting in an election.

SECTION 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption as provided for herein.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2011.

Pamala Prell, Acting City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2010-42, repeal of Charter, Requirement of Voter Approval of Development Code Changes to Height of Structures

Date: December 13, 2010

Prepared By: Mike Bonfield, City Manager MB

Summary of Issue: In 2006 the City Charter was amended through the initiative process to require voter approval of any increase in allowable height in the Land Development Code. In 2008, the voters amended the City Charter to provide that any change to allowable height needs to be approved by referendum. In 2008 the voters approved changes in height in the new "Large Resort" and "Town Center-1" character districts in the new Community Redevelopment District through the initiative process. The voter approval was 56.18% and 57% respectively. The City has been involved in costly litigation over these changes. The only challenges that have succeeded to date are procedural, that is they challenge the referendum process and not the content of the actual ordinances. It has been apparent through the process that voting on height issues, particularly when a variety of height possibilities exist under a number of different development scenarios, creates challenges to comply with issues relating to ballot language. The City Commission agrees the voters fully understood what they were voting on in the 2008 Land development Code amendments and believes this supports placing this item back in front of the voters for their consideration.

Requested Motion: "I move to approve Ordinance 2010-42. . . read title."

Attachments: Ordinance 2010-42

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2010-42

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO THE CITY CHARTER REPEALING SECTION 3.18 OF THE CITY CHARTER WHICH PROVIDES THAT NO AMENDMENT TO THE CITY'S LAND DEVELOPMENT REGULATIONS CHANGING THE ALLOWABLE HEIGHT OF ANY STRUCTURE SHALL BE ADOPTED UNTIL THE AMENDMENT IS SUBMITTED TO A VOTE OF THE ELECTORS BY REFERENDUM, UNLESS THE AMENDMENT HAS BEEN PREVIOUSLY VOTED ON IN AN APPROVED COMPREHENSIVE PLAN OR PLAN AMENDMENT; PROVIDING FOR REPEAL OF SAID SECTION 3.18 OF THE CITY CHARTER; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT A REFERENDUM ELECTION TO BE HELD ON MARCH 8, 2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the current City Charter requires voter approval of certain land development regulations; and

WHEREAS, in November, 2009, the City electors approved a ballot issue to narrow the types of land development regulations subject to referendum approval; and

WHEREAS, the City wishes to further simplify the process for adoption of land development regulations; and

WHEREAS, State law provides ample opportunity for Citizens' input into proposed land development regulations; and

WHEREAS, the voters of the State have, by a resounding margin, rejected a proposed constitutional amendment which would have required a vote of the electors to approve comprehensive land use plans or amendments; and

WHEREAS, that proposed amendment was also defeated in the City of St Pete Beach by a wide margin; and

WHEREAS, the St Pete Beach's local version of "hometown democracy" found in Sections 3.15, 3.16 and 3.18 of the City Charter have caused the city to expend a great deal of money in litigation and have hindered quality development of the City; and

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

SECTION 1: The City Commission hereby proposes an amendment to the City Charter repealing Section 3.18 of the City Charter.

SECTION 2: Section 3.18 of the City Charter is repealed.

SECTION 3: A special city referendum election is called for March 8, 2011. The following measure shall be placed on the ballot for the March, 8 2011, general

election ballot to be voted upon by the qualified electors of the City of St. Pete Beach,
Florida:

BALLOT TITLE:

NO. ____
REFERENDUM QUESTION

BALLOT SUBTITLE:

Repeal of Charter, Requirement of Voter
Approval of Development Code Changes to Height of Structures

BALLOT SUMMARY:

Section 3.18 of the City Charter entitled "Voter approval required for change in allowable height of structure" provides that no amendment to the City's land development code changing the allowable height of any structure shall be adopted by the City Commission until the amendment is submitted to referendum, unless it has been previously voted on in an approved comprehensive plan or plan amendment. Should Charter Section 3.18 be repealed?

_____ Yes

_____ No

SECTION 4: The City Clerk shall notify the Pinellas County Supervisor of
Elections of this Resolution and provide the ballot question provided hereby.

SECTION 5. If any portion, part or section of this Ordinance is declared
invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 6. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 7. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and approval by a majority of the electors of the City voting in a referendum election provided for herein.

SECTION 8. The remaining provisions of this Ordinance shall become effective immediately upon adoption.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2011.

Pamala Prell, Acting City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2010-43, amendment of Initiative Section of City Charter Relating to Proposing Ordinances

Date: December 13, 2010

Prepared By: Mike Bonfield, City Manager MB

Summary of Issue: Section 7.02 of the City Charter gives the voters power to propose ordinances and, if the commission fails to adopt an ordinance as proposed, they must give the voters the opportunity to adopt it at a city election. In 2008 a comprehensive plan amendment and several changes to the land development code were proposed through the citizen initiative process. The City Commission did not adopt the ordinances and as required by the City Charter submitted the items to a public referendum. The items were approved by the voters; however, have been the subject of costly legal challenges, some of which were the appropriateness of the use of the initiative process for these type of changes. As a result, the City Attorney has reviewed numerous City Charters and finds that it is not uncommon to limit the types of ordinances that can be proposed through the initiative process. The proposed Charter amendment excludes ordinances relating to the budget, capital program, appropriation, taxation, employee salaries, comprehensive plans, land development regulations, personnel, or community redevelopment plans. Nothing in the proposed change limits City Commissions in the future from presenting further modifications of this section of the Charter to the voters for consideration, not does it prevent the use of the initiative process to further amend this portion of the City Charter as provided by State law

Requested Motion: “I move to approve Ordinance 2010-43. . . read title.”

Attachments: Ordinance 2010-43

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2010-43

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO CITY CHARTER SECTION 7.02 WHICH PROVIDES THAT THE QUALIFIED VOTERS OF THE CITY SHALL HAVE POWER TO PROPOSE ORDINANCES TO THE COMMISSION AND, IF THE COMMISSION FAILS TO ADOPT AN ORDINANCE SO PROPOSED, WITHOUT ANY CHANGE IN SUBSTANCE TO ADOPT IT OR REJECT IT AT A CITY ELECTION; PROVIDING FOR AMENDMENT OF SAID SECTION 7.02 OF THE CITY CHARTER TO EXCLUDE FROM THIS CHARTER SECTION CERTAIN TYPES OF ORDINANCES; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT A REFERENDUM ELECTION TO BE HELD ON MARCH 8, 2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the current city initiative and referendum provisions have contributed to the chaotic situation in the city and should be revised to limit their scope; and

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

SECTION 1: The City Commission hereby proposes an amendment to City Charter Section 7.02 set forth in Section 2 hereof.

SECTION 2: Section 7.02 of the City Charter is amended to read as follows:

Section 7.02. Initiative.

The qualified voters of the city shall have power to propose ordinances to the commission and, if the commission fails to adopt an ordinance so proposed without any change in substance, to adopt it or reject it at a city election. This power shall not apply to ordinances relating to the budget, capital program, appropriation, taxation, employee salaries, comprehensive plans, land development regulations, personnel, or community redevelopment plans

SECTION 3: A special city referendum election is called for March 8, 2011. The following measure shall be placed on the ballot for the March, 8 2011, general election ballot to be voted upon by the qualified electors of the City of St. Pete Beach, Florida:

NO. ____
REFERENDUM QUESTION

BALLOT SUBTITLE:

Amendment of Initiative Section of City Charter

BALLOT SUMMARY:

Charter Section 7.02 gives the voters power to propose ordinances to the commission and, if the commission fails to adopt an ordinance so proposed, to adopt it or reject it at a city election. . Should the Charter be amended to exclude from this section ordinances relating to the

budget, capital program, appropriation, taxation, employee salaries, comprehensive plans, land development regulations, personnel, or community redevelopment plans?

_____ Yes

_____ No

SECTION 4. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 6. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and approval by a majority of the electors of the City voting in an election.

SECTION 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption as provided for herein.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

Pamala Prell, Acting City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2010-44, amendment of Initiative Section of City Charter Relating to Repealing Ordinances

Date: December 13, 2010

Prepared By: Mike Bonfield, City Manager MB

Summary of Issue: Section 7.03 of the City Charter gives the voters power to repeal ordinances and, if the Commission fails to repeal an ordinance as proposed, they must give the voters the opportunity to repeal it at a city election. In 2006 a comprehensive plan amendment was adopted by the City Commission that was later repealed through the citizen initiative process. If the voters decide to amend Section 3.15 and 3.18 of the City Charter to no longer require voter approval of comprehensive plan amendments and changes to height in the land development code, any action taken by the City Commission in these areas is subject to repeal or be placed on the ballot for voter approval through the initiative process by just 10% of the registered voters. Such action opens the door for the costly litigation recently experienced whereby the approvals are forced to go the voters and subject to legal challenges concerning a myriad of issues if someone is not happy with the outcome of the election. As a result, the City Attorney has reviewed numerous City Charters and finds that it is not uncommon to limit the types of ordinances that can be repealed through the initiative process. The proposed Charter amendment excludes ordinances relating to the budget, capital program, appropriation, taxation, employee salaries, comprehensive plans, land development regulations, personnel, or community redevelopment plans. Nothing in the proposed change limits City Commissions in the future from presenting further modifications of this section of the Charter to the voters for consideration, not does it prevent the use of the initiative process to further amend this portion of the City Charter as provided by State law.

Requested Motion: “I move to approve Ordinance 2010-44. . . read title.”

Attachments: Ordinance 2010-44

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2010-44

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO CITY CHARTER SECTION 7.03 WHICH PROVIDES THAT THE QUALIFIED VOTERS OF THE CITY SHALL HAVE POWER TO REQUIRE RECONSIDERATION BY THE COMMISSION OF ANY ADOPTED ORDINANCE AND, IF THE COMMISSION FAILS TO REPEAL AN ORDINANCE SO RECONSIDERED, TO APPROVE OR REJECT IT AT A CITY ELECTION; PROVIDING FOR AMENDMENT OF SAID SECTION 7.03 OF THE CITY CHARTER TO EXCLUDE FROM SAID SECTION CERTAIN TYPES OF ORDINANCES; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT A REFERENDUM ELECTION TO BE HELD ON MARCH 8, 2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the current city initiative and referendum provisions have contributed to the chaotic situation in the city and should be revised to limit their scope; and

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

SECTION 1: The City Commission hereby proposes an amendment to City Charter Section 7.03 set forth in Section 2 hereof.

SECTION 2: Section 7.03 of the City Charter is amended to read as follows:

Section 7.03 Referendum.

The qualified voters of the city shall have power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election. This power shall not extend to ordinances related to the budget, capital program, emergency ordinances, appropriation, taxation, employee salaries, comprehensive plans, land development regulations, personnel, or community redevelopment plans

SECTION 3: A special city referendum election is called for March 8, 2011. The following measure shall be placed on the ballot for the March 8, 2011, general election ballot to be voted upon by the qualified electors of the City of St. Pete Beach, Florida:

NO. ____
REFERENDUM QUESTION

BALLOT SUBTITLE:

Amendment of Referendum Section of City Charter

BALLOT SUMMARY:

Charter Section 7.03 gives voters power to require reconsideration by the commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election. Should the Charter be amended to exclude from this section ordinances relating to the budget, capital program, appropriation, taxation, employee salaries, comprehensive plans, land development regulations, personnel, or community redevelopment plans and emergency ordinances?

_____ Yes

_____ No

SECTION 4. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 6. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and approval by a majority of the electors of the City voting in an election.

SECTION 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption as provided for herein.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2011.

Pamala Prell, Acting City Clerk

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance 2010-45, amendment of Section 7.04 of City Charter Governing Initiative and Referendum Proceedings

Date: December 13, 2010

Prepared By: Mike Bonfield, City Manager MB

Summary of Issue: Section 7.04 of the City Charter provides that initiative or referendum petitions must be signed by 10 percent of the voters in the City and that an initiative or referendum measure must be approved by a majority of the voters in an election to become effective. Based upon recent experience with the use of the initiative process, the City Commission is concerned with potential for costly litigation and believes that a greater threshold is needed to submit an item for consideration through the initiative process. The proposed ordinance calls for 25% of the registered voters, with no less than 25% from each individual voting district; however, these numbers can be adjusted prior to approval based upon further discussion and feedback. Nothing in the proposed change limits City Commissions in the future from presenting further modifications of this section of the Charter to the voters for consideration, not does it prevent the use of the initiative process to further amend this portion of the City Charter as provided by State law.

Requested Motion: "I move to approve Ordinance 2010-45. . . read title."

Attachments: Ordinance 2010-45

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2010-45

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO CITY CHARTER SUBSECTIONS 7.04 (b) and (f) WHICH PROVIDE FOR INITIATIVE OR REFERENDUM PETITIONS; AND RESULTS OF ELECTION; TO REQUIRE THAT TWENTY (25) PERCENT OF THE VOTERS IN EACH DISTRICT OF THE CITY SIGN A PETITION IN ORDER TO INITIATE PROCEEDINGS UNDER THIS SECTION AND TO REQUIRE REFERENDUM APPROVAL OF AN INITIATIVE OR REFERENDUM MEASURE IN EACH VOTING DISTRICT OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the current city initiative and referendum provisions have contributed to the chaotic situation in the city and should be revised to limit their scope; and

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

SECTION 1: The City Commission hereby proposes an amendment to City Charter Subsection 7.04 (b) and (f) set forth in Section 2 hereof.

SECTION 2: Subsection 7.04 (b) of the City Charter is amended to read as

follows:

Section 7.04. Initiative.

Section 7.04. Commencement of proceedings; petitions; procedure for filing; referendum petitions; suspension of effect of ordinance; action on petitions; results of election.

(b) Petitions.

(1) Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least twenty (25) per cent of the total number of qualified voters registered to vote in each voting district of the City at the last general city election.

(2) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(3) Affidavit of circulator. Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity, before signing, to read the full text of the ordinance proposed or sought to be reconsidered.

(f) Results of election.

(1) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor in each voting district of the City, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. An ordinance created by initiative referendum cannot be repealed except by referendum.

(2) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it in each voting district of the City, it shall be considered repealed upon certification of the election results.

SECTION 3: A special city referendum election is called for March 8,

2011. The following measure shall be placed on the ballot for the March, 8 2011, general

election ballot to be voted upon by the qualified electors of the City of St. Pete Beach,
Florida:

NO. ____
REFERENDUM QUESTION

BALLOT SUBTITLE:

Amendment of Section 7.04 of City Charter Governing
Initiative and Referendum Proceedings

BALLOT SUMMARY:

Charter Section 7.04 provides that initiative or referendum petitions must be signed by 25 percent of the voters in the City and that an initiative or referendum measure must be approved by a majority of the voters in an election to become effective. Shall the Charter be amended to require 25 percent of the voters in each district to sign a petition and require passage by a majority vote in each district?

_____ Yes

_____ No

SECTION 4. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 6. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and approval by a majority of the electors of the City voting in an election.

SECTION 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption as provided for herein.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2011.

Pamala Prell, Acting City Clerk

St. Pete Beach City Commission Agenda Report

Issue Considered: Ordinance 2010-46, elimination of the City Clerk position from the City Charter

Date: December 13, 2010

Prepared By: Mike Bonfield, City Manager MB

Summary of Issue: The City Charter currently provides the City Clerk position is hired, fired and disciplined by the City Commission, as well as detailing several of the position responsibilities. In Section 2 of the City Code, the City Clerk is designated as a "classified" position, reinforces the City Commission's role in hiring, firing and disciplining, entitles the City Manager to recommend the City Clerk be disciplined or fired, designates the City Manager to supervise the City Clerk and designates the City Clerk office shall function as a department under the City Manager.

The item being considered by the City Commission is whether A) the City Clerk position shall be removed from the City Charter and become a department head position reporting to the City Manager as detailed in the Personnel Rules and Regulations; B) the City Clerk remain a City Charter position and report solely to the City Commission; or C) the City Clerk continue to be supervised by the City Manager with the City Commission retaining authority to hire, fire and discipline.

Option A is the only item to consider for placement on the March ballot. This does require a change to the City Charter that must be approved by referendum. Options B and C are established by ordinance and any change can be done through the normal adoption process.

Requested Motion:(only if Option A is selected) "I move to approve Ordinance 2010-46

Attachments: Ordinance 2010-46

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2010-46

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO CITY CHARTER TO AMEND THE CHARTER TO ELIMINATE REFERENCES TO THE CITY CLERK; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT A REFERENDUM ELECTION TO BE HELD ON MARCH 8, 2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

WHEREAS, it is appropriate to amend the City Charter eliminate all references to the City Clerk contained in the Charter;

WHEREAS, Section 8.01 of the City Charter provides that the City Commission may by ordinance propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

SECTION 1: The City Commission hereby proposes an amendment to the following City Charter Sections as set forth in Section 2 hereof.

SECTION 2: Section 3.09 and Subsections 7.04 (a), (c), (d), and (e) of the City Charter are amended to read as follows:

Sec. 3.09. Commission appointments.

The city commission shall appoint but not be limited to the following offices:

- (a) ~~City clerk~~
- (b) City manager,
- (c) City attorney,

and such other officials that they deem necessary; provided this power to appoint officials shall not be construed to authorize the city commission to make appointments of administrative officials or interfere with the powers granted to the city manager under sections 3.07(a), (b) and 4.04(a), (b) of this Charter. No person shall be appointed to more than one of the aforementioned offices. The duties of these officials shall be as prescribed by the commission.

Sec. 7.04. Commencement of proceedings; petitions; procedure for filing; referendum petitions; suspension of effect of ordinance; action on petitions; results of election.

(a) Commencement of proceedings. Any five (5) qualified voters may commence initiative and referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the addresses at which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioner's committee is filed, the ~~city clerk~~ City Manager may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

(c) Procedure for filing.

(1) Certificate of ~~clerk~~ City Manager; amendment. Within twenty (20) days after the petition is filed (five (5) days for referendum) the ~~city clerk~~ City Manager shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in section 7.04(b). A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the ~~city clerk~~ City Manager within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (2) and (3) of section 7.04(b), and within five (5) days after it is filed the ~~city clerk~~ City Manager shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request commission review under subsection (2) of this section within the time required, the ~~city clerk~~ City Manager shall promptly present his certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

(2) Commission review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified

insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the commission. The commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.

(d) Referendum petitions; suspension of effect of ordinance. When a referendum petition is filed with the ~~city clerk~~ City Manager the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition; or
 - (2) The petitioners' committee withdraws the petition; or
 - (3) The commission repeals the ordinance; or
 - (4) After a vote of the electors of the city on the ordinance has been certified.
- (e) Action on petitions.

(1) Action by the commission. When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in Article III or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within ninety (90) days or fails to repeal the referred ordinance within ninety (90) days, it shall submit the proposed or referred ordinance to the voters of the city.

(2) Submission to voters. The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the commission may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(3) Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the ~~city clerk~~ City Manager a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

SECTION 3: A special city referendum election is called for March 8, 2011.

The following measure shall be placed on the ballot for the March 8, 2011, general election ballot to be voted upon by the qualified electors of the City of St. Pete Beach, Florida:

NO. ____
REFERENDUM QUESTION

BALLOT SUBTITLE:

Charter amendment removing references to City Clerk in City Charter

BALLOT SUMMARY:

Charter Section 3.09 and Subsections 7.04 (a), (c), (d), and (e) refer to the office of City Clerk. Shall the charter be amended to delete all references to the City Clerk?

_____ Yes

_____ No

SECTION 4. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 6. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and approval by a majority of the electors of the City voting in an election.

SECTION 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption as provided for herein.

Michael Finnerty, MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING : _____
PUBLIC HEARING : _____

I, Pamala Prell, Acting City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, 2011.

Pamala Prell, Acting City Clerk