

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.

CITY COMMISSION SPECIAL MEETING

December 13, 2010

6:30 pm

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

**Commissioner Marvin Shavlan
Commissioner Al Halpern
Vice Mayor Jim Parent
Mayor Mike Finnerty**

NOT PRESENT

Commissioner Beverly Garnett

ALSO PRESENT

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

Mayor Finnerty announced that Commissioner Garnett was quite ill and asked the remaining Commissioners if they would like to proceed with the Ordinances slated on the Agenda without her and the general consensus was that they would proceed due to the fact that all Ordinances were scheduled for First Reading.

Mayor Finnerty called upon the City Manager to proceed.

Mr. Bonfield advised the Commission that in order for the outlined Ordinances to be placed on the ballot in March, they must be submitted to the Supervisor of Elections no later than January 7, 2011. The City Charter requires that the Charter be amended by Ordinance. He suggested that the Second Reading of the Ordinances be held on January 4, 2011.

Numbering and order of Ordinances was discussed and Mr. Davis advised that the order could be determined at the January 4, 2011 Second Reading.

1. Ordinances

a. Ordinance 2010-40, Repeal of Charter Requirement for Voter Approval of Comprehensive Plans or Amendments.

Mayor Finnerty opened the Meeting for audience comments.

Robert Urban, 6439 2nd Palm Point, thinks it is perfectly fine if a citizen wants to question a particular part of a Code or part of a Comprehensive Plan in order to highlight an area where a citizen feels the City is moving in a direction other than what the citizens want them to do.

Rick Falkenstein, 6441 2nd Palm Point, please proceed to let the people speak.

Steve McFarlin, 6449 2nd Palm Point, asked the Commission to give the citizens a chance to try the other.

William Pyle, 6600 Sunset Way, said he is not sure the voters knew what they were voting on.

Tony Cahill, 9343 Blind Pass Road, stated that they all want normalcy in their community. He agrees with Mr. Urban.

Mike Castleman, 632 Boca Ciega Isle

Mike Riley, 370 59th Avenue,

Jake Holehouse, 113 11th Avenue

Ward Friszolowski, 3566 Belle Vista Drive East

Miriam Kraughthammer, 500 55th Avenue, stated she sees the fights getting worse; stop fighting, compromise, call a truce. Put principals before personalities.

Harry Metz, 504 Pass-a-Grille Way, thinks people should sit down without lawyers and discuss the issues to come up with a solution.

Deborah Nicklaus, 470 75th Avenue, wants the Commission to put 3.15 back on and let the people vote.

Kevin Hing, 7000 Beach Plaza, stated that after reading Judge Demers' order, he feels it a hopeless task to put 75 words on the ballot. Go forward with repeal.

Paul Pfister, 8090 Gulf Boulevard, commented that he had tried to get the parties together.

The Meeting was then closed to audience comments.

Mayor Finnerty apologized to Mr. Cahill for challenging his comments. Another sensitive issue was the election of Ralph Brooks as City Attorney who told the Commission that the ballot language could not be changed, to which the Mayor disagreed.

Commissioner Halpern stated that it's impossible to described a 200 page Comp Plan in 75 words on a ballot.

Commissioner Shavlan commented that only about 2% of the voters read the Comp Plan which would require about 5 hours to read. He went on to cite a portion of the editorial from the St. Petersburg Times. Mr. Shavlan wants to stop the insanity and repeal the Plan.

Commissioner Shavlan made a motion to approve Ordinance 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 extend of such conflict; and providing for an effective date. The motion was seconded by Vice Mayor Parent. Mr. Bonfield stated for the record that Commissioner Garnett supports the Ordinance. The motion was approved by a 3 to 1 vote; Mayor Finnerty voted no.

b. Ordinance 2010-41, Repeal of Charter Requirement of submittal of Community Redevelopment Plans to Voters.

City Manager Bonfield summarized the Ordinance and the reason for repealing it is that it is subject to change over the years and is also subject to negotiation with the county.

Mayor Finnerty is in favor of the Ordinance due to the fact that County approval is required.

Commissioner Shavlan supports the Ordinance; he wants to focus on items that are critical.

Vice Mayor Parent stated that he feels that the priority of things on the ballot is important. He reminded them that this is First Reading.

Mike Davis advised that they don't have to make a final decision until Second Reading which is January 4, 2011.

Mayor Finnerty opened the Meeting to audience comments.

Bill Pyle, 6600 Sunset Way, doesn't see the necessity of amending the City Constitution for something like this.

Vice Mayor Parent remarked that the Constitution and the Charter are great documents but if something is not working, it's time to look at something else.

Commissioner Shavlan asked if "CRA" could be put in parenthesis on this Ordinance. Vice Mayor Parent also pointed out that there is a word missing; Mr. Davis will take a look at it and see if those changes can be made. He went on to say that they were trying to stay within the 75 word limit.

Commissioner Halpern made a motion to approve Ordinance 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. Vice Mayor Parent seconded the motion. Mr. Bonfield stated for the record that Commissioner Garnett supports Ordinance 2010-41. The motion was approved by unanimous roll call vote.

City Attorney Davis then read aloud Ordinance 2010-40 for the record. The Statute requires that an Ordinance be read aloud two times. A second vote is not required.

c. Ordinance 2010-42, repeal of Charter Requirement of Voter Approval of Development Code Changes to Height of Structures.

Mr. Bonfield described the Ordinance to the Commission.

Vice Mayor Parent asked Mr. Bonfield if this is the Ordinance that changes the height requirement in the THD. Mr. Bonfield responded that was correct.

Mayor Finnerty opened the Meeting to audience comments.

Bill Pyle, 6600 Sunset Way,

Rick Falkenstein, 6441 Palm Point, asked if this pertained to Pass-a-Grille; Vice Mayor Parent said it was for the whole City. Mr. Falkenstein said it was very confusing to the residents.

Harry Metz, 504 Pass-a-Grille Way, stated that the easiest thing to do was go back and write a new Comp Plan; the Commission should write it this time.

Mayor Finnerty closed audience comments.

Vice Mayor Parent didn't want to confuse anyone; this change is City wide.

Mayor Finnerty asked Mr. Davis if there was any way to clearly define the language. Mr. Davis responded that this is a City wide measure.

Commissioner Shavlan said height is part of the Comp Plan; let the citizens decide it.

A motion was made by Vice Mayor Parent to approve Ordinance 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 extend of such conflict; and providing for an effective date. The motion was seconded by Commissioner Shavlan. Mr. Bonfield stated for the record that Commissioner Garnett supported Ordinance 2010-42. The motion was approved by a majority roll call vote. Mayor Finnerty voted no.

d. Ordinance 2010-43, amendment of Initiative Section of City Charter Relating to proposing Ordinances.

Mr. Bonfield gave a brief explanation of the Ordinance. He stated that the next three Ordinances deal with initiative process.

Mr. Davis has looked at some other initiatives in other cities; he suggests adding zoning at the end of Section 7.02.

Commissioner Halpern is hesitant to take away the Comprehensive Plan and the Land Development Regulations.

Mr. Davis advised the Commission that they could move this forward on First Reading and change it on Second Reading; they are not locked in tonight.

Commissioner Shavlan stated that they should forget about the next two Ordinances and deal with percentages of voters needed for petitions.

Mr. Bonfield said that Commissioner Garnett prefers to deal with this as a percentage of signatures.

It was the consensus of all present that they will withdraw Ordinances 2010-43 and 2010-44. (Note: These two ordinances were revisited and approved later on in the meeting.)

f. Ordinance 2010-45, amendment of Section 7.04 of the City Charter Governing Initiative and Referendum Proceedings.

Mr. Bonfield explained that currently under this Ordinance a petition must be 10% of voters City wide to get initiative; the number 25% came up, which is probably on the high end. What overall percentage of voters does the Commission want to require. This includes all *registered* voters.

Mayor Finnerty opened the Meeting to audience comments.

Mike Riley, 370 59th Avenue, feels 25% is too high to get an initiative thereby eliminating voter participation.

Bill Pyle, 6600 Sunset Way agrees with the previous speaker.

Harry Metz, 504 Pass-a-Grille Way, asked Mr. Bonfield what Commissioner Garnett's position on this issue would be if she was present and listening to the audience comments. He feels 25% is too high. Leave it at 10% but no higher.

Deborah Nicklaus, 417 55th Avenue, also feels 25% is too high and suggests 12% to 15% with a time limit of 60 to 90 days.

Kevin Hing, 7000 Beach Plaza, believes initiatives are about a matter of trust and went on to say he trusts the process, he trusts the Commission and he trusts the voters.

Ward Friszolowski, 3566 Belle Vista Drive East, stated that on the state level 60% is the requirement and believes it may be something to think about.

Will Jacoby, 8100 Gulf Boulevard, said that in addition to the 60% mentioned by Mr. Friszolowski, the state also requires 8% of the voters who voted in the previous presidential election in 13 out of 25 districts of the state. Suggests 10%, maybe 5% for the district.

Mayor Finnerty closed the Meeting to audience comments.

Commissioner Halpern feels all districts should be included.

Commissioner Shavlan wants 15% in every district with a 90 day deadline.

Mayor Finnerty suggested a time limit of 120 days or 150 days; Vice Mayor Parent wants 90 days.

Mayor Finnerty agreed to a time limit of 90 days and then asked that they set a percentage. He suggested a minimum for each district.

Commissioner Shavlan suggested 15% across the board.

Mayor Finnerty asked if they are proposing that if a petition is deemed valid and the Commission has to bring it up for a vote, whoever petitioned has to pay for the election? Mr. Davis responded that they would have to amend the City Charter in order to do that. He doesn't think they can make the petitioners pay for the election. They are talking about a significant change to the Charter.

Going back to percentages, Mayor Finnerty asked the Commission what they were comfortable with. It was the general consensus that 15% across the board in each district was acceptable. Mayor Finnerty believes 10% is reasonable.

Mr. Davis stated that they have to change the title of the Ordinance; he recommended "a percentage" and they can decide what that percentage is at the Second Reading. Also add "providing a time frame for gathering signatures and submittal to the City".

Mr. Davis then read the title of Ordinance 2010-45 with his suggested changes. The actual ballot language will be added at Second Reading.

Mr. Davis suggested changing the title and bringing it back before the Commission tomorrow (December 14, 2010).

Commissioner Halpern made a motion to approve Ordinance 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 subsection 7.04 (b) and (f) which provide for initiative or referendum petitions; and results of election; to require that a percentage of the voters in each district of the City to 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 a time frame for gathering signatures and submittal to the City; and providing for an effective date. The motion was seconded by Commissioner Shavlan. The motion was approved by majority roll call vote; Mayor Finnerty voted no.

Mr. Bonfield suggested they go back to 2010-43 and 2010-44 and vote on First Reading.

Vice Mayor Parent made a motion to approve Ordinance 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 ordinance; 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. The motion was seconded by Commissioner Shavlan. The motion was approved by a majority roll call vote; Commissioner Halpern voted no.

Commissioner Shavlan made a motion to approve Ordinance 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 ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Halpern. The motion was approved by a majority roll call vote; Commissioner Halpern voted no.

g. Ordinance 2010-46, elimination of the City Clerk position from the City Charter.

Mr. Bonfield briefly explained the Ordinance to the Commission. He went on to say there are three options, one is to *not* have the Commission involved in the oversight of the City Clerk, the City Commission could retain complete authority over the City Clerk, or continue the way they have been. For the record, Commissioner Garnett does not support a change.

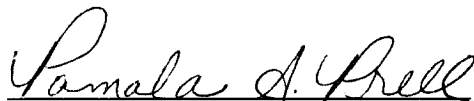
Commissioner Halpern favors option c; Mayor Finnerty favors turning the matter over to the City Manager. Commissioner Shavlan feels the process should be left alone.

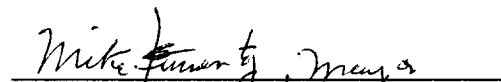
Mayor Finnerty opened the Meeting to audience comments.

Rosemary Manning, 200 1st Avenue, Pass-a-Grille, supports having the City Manager take over supervision of the City Clerk. She went on to say she is uncomfortable when Mr. Bonfield is reviewed by the Commission and the City Clerk should not have to do that.

Vice Mayor Parent made a motion to approve Ordinance 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 the 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. The motion was seconded by Commissioner Halpern and approved by a unanimous roll call vote.

There being no further business to come before the Commission, the Meeting was adjourned.


Pamala Prell, Acting City Clerk


Mike Finnerty, Mayor

Minutes approved on: 1-11-11