



## **COMMISSION MEETING CITY OF ST. PETE BEACH**

155 Corey Avenue

**Thursday, January 06, 2011**

**6:30 PM**

Call to Order  
Pledge of Allegiance  
Invocation  
Roll Call

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### **REGULAR MEETING**

#### **1. Ordinances**

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

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

**2. Resolutions**

**a. Resolution 2011-01**

**b. Resolution 2011-02, regarding the Traditional Hotel District**

**3. 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:** January 6, 2011

**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 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. Shall 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 certification of approval of the

measure provided for in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

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

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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.

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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:** January 6, 2011

**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, 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.

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. Shall 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 certification of approval of the measure described in Section 3 by a majority of the electors of the City voting in the referendum election provided herein.

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

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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.

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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:** January 6, 2011

**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. Shall 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 certification of approval of the measure described in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

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

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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 \_\_\_\_\_, 2010.

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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:** January 6, 2011

**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.**

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, including zoning, 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:

BALLOT TITLE:

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.

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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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
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:** January 6, 2011

**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.

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 a chaotic situation in the City regarding a number of ordinances proposed by initiative and approved pursuant to the city's referendum requirements; as well as some ordinances reconsidered; and

WHEREAS, the City finds that revising the initiative and referendum provisions of the City Charter will prevent future confusion and uncertainty as to effect of ordinances proposed by initiative and approved by referendum; and

WHEREAS, the City finds that limiting the scope of the City's initiative and referendum provisions will secure the City's police powers while preserving the option of citizens to propose measures by initiative; 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 including zoning, personnel, and 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:

BALLOT TITLE:

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, emergency ordinances, appropriation, taxation, employee salaries, comprehensive plans, land development regulations including zoning, personnel, and 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 certificate of approval of the measure provided for in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

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:** January 6, 2011

**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 15% of the registered voters, with no less than 15% from each individual voting district; however, these numbers can be adjusted prior to approval based upon further discussion and feedback. Other changes included in the proposed ordinance include: providing all signatures must be gathered and submitted to the City Clerk within 90 days of establishing the petition committee; provide that required elections will be held at the next regularly schedule city election or a special election as determined by the City Commission; and deleting Section 7.04(d) requiring the ordinance in question be held in abeyance until the proposed ordinance is adopted by the City Commission or approved by referendum. 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, nor 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 REVISION TO SECTION 8.01 OF THE CITY CHARTER REVISION OF CITY CHARTER SECTION 7.04 WHICH PROVIDES FOR INITIATIVE OR REFERENDUM PETITIONS, COMMENCEMENT OF PROCEEDINGS, PROCEDURES FOR FILING, SUSPENSION OF EFFECT OF AN ORDINANCE WHICH IS THE OBJECT OF A REFERENDUM PETITION, ACTION ON PETITIONS AND RESULTS OF ELECTION; TO SPECIFY REQUIREMENTS AND PROCEDURES, INCLUDING LANGUAGE TO APPEAR ON EACH PETITION BLANK, REQUIRING THAT A CERTAIN PERCENTAGE OF THE VOTERS IN EACH DISTRICT OF THE CITY SIGN A PETITION IN ORDER TO INITIATE PROCEEDINGS UNDER SAID SECTION; TO REQUIRE REFERENDUM APPROVAL OF AN INITIATIVE OR REFERENDUM MEASURE BY A CERTAIN PERCENTAGE IN EACH VOTING DISTRICT OF THE CITY; PROVIDING A TIME LIMIT FOR GATHERING AND SUBMITTING INITIATIVE OR REFERENDUM PETITIONS; PROVIDING THAT NO PETITION SHALL BE CONSIDERED VALID IF FILED BEYOND THAT TIME PERIOD; TO MODIFYING THE TIME PERIOD FOR AN ELECTION TO BE HELD; TO DELETING THE REQUIREMENT THAT THE ELECTION BE HELD WITHIN A SPECIFIED TIME PERIOD AND SPECIFYING INSTEAD THAT THE ELECTION SHALL BE HELD AT THE NEXT REGULAR CITY ELECTION UNLESS THE CITY COMMISSION IN ITS DISCRETION ELECTS TO HOLD A SPECIAL ELECTION; DELETING SUBSECTION 7.04(d) WHICH PROVIDES FOR SUSPENSION OF EFFECT OF AN ORDINANCE UPON FILING OF A REFERENDUM PETITION CONCERNING THAT ORDINANCE; AND PROVIDING 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 to add clarity; 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 a revision to City Charter Section 7.04 as set forth in Section 2 hereof.

SECTION 2: Section 7.04 of the City Charter is amended to read as follows:

Section 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 may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense. The petition blanks shall advise the voters that the referendum election, if any, shall be held at the next regular City election unless the City Commission elects to hold a special election and of the approximate cost to the City of such special election, if held.

(b) Petitions.

(1) Number of signatures. Initiative and referendum petitions must be signed by qualified voters in each voting district of the City equal in number to at least fifteen (15) per cent of the total number of qualified voters registered to vote in each such 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.

(c) Procedure for filing.

(1) Deadline for filing; Certificate of Clerk; amendment. Petitions must be filed with the City Clerk no later than ninety (90) days after commencement of proceedings under Section 7.04(a). No petition filed after that time will be valid. Within twenty (20) days after the petition is filed (five (5) days for referendum) the City Clerk 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 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 supplemental

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 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 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.

(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 petition in or reconsider the referred ordinance. 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 at the same time as the next regular election, except that the commission may in its discretion provide for a special election at an earlier date. 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 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.

(f) Results of election.

(1) Initiative. If a majority of the qualified electors in each voting district of the City 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:

BALLOT TITLE:

NO. \_\_\_\_  
REFERENDUM QUESTION

BALLOT SUBTITLE:

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

BALLOT SUMMARY:

Shall Charter Section 7.04 concerning initiative and referendum be revised to require 15 percent of voters in each district to sign a petition, passage by majority vote in each district, specify a time period for petition submittals, delete suspension of effect of an ordinance upon filing of a referendum petition, specify language for petition blanks, and provide that the election shall be held at the next regular election unless a special election is called?

\_\_\_\_\_ 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 upon certification of approval of the measure described in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

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:** January 6, 2011

**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.

There are two versions of the ordinance being proposed. The primary difference is the first eliminates all reference to the City Clerk from the City Charter and the second simply provides the City Clerk is hired, fired and disciplined by the City Manager. The City Attorney will further explain other issues relating to the impact that the previously proposed charter amendments may have on the final version of this ordinance.

**Requested Motion:** "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 ELIMINATE REFERENCES TO THE CITY CLERK; TO PROVIDE FOR A REVISED SECTION 7.04, CITY CHARTER TO CORRESPOND TO THE REVISIONS PROPOSED BY ORDINANCE 2010-45, AS WELL AS REVISIONS CONTAINED HEREIN IN THE EVENT THAT BOTH THE MEASURE PROPOSED BY ORDINANCE NO. 2010-45 AND BY THIS ORDINANCE ARE APPROVED BY THE VOTERS; 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 to provide that the City Clerk shall be appointed by the City Manager and 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 Section 7.04 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 manager,

(b) 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 Manager 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 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 City Manager; amendment. Within twenty (20) days after the petition is filed (five (5) days for referendum) the 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 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 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 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 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 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: If the measure proposed by Ordinance No. 2010-45 and this ordinances are both approved by the Voters, then Section 7.04, City Charter shall read instead as follows:

Section 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 Manager 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 Manager may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense. The petition blanks shall advise the voters that the referendum election, if any, shall be held at the next regular City election

unless the City Commission elects to hold a special election and of the approximate cost to the City of such special election, if held.

(b) Petitions.

(1) Number of signatures. Initiative and referendum petitions must be signed by qualified voters in each voting district of the City equal in number to at least fifteen (15) percent of the total number of qualified voters registered to vote in each such 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.

(c) Procedure for filing.

(1) Deadline for filing; Certificate of ~~Clerk~~; City Manager; amendment.

Petitions must be filed with the City ~~Clerk~~ Manager no later than ninety (90) days after commencement of proceedings under Section 7.04(a). No petition filed after that time will be valid. Within twenty (20) days after the petition is filed (five (5) days for referendum) the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is ~~insufficient~~ sufficient, 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 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 supplemental 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 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 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 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 petition in or reconsider the referred ordinance. 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~~ at the same time as the next regular election, except that the commission may in its discretion provide for a special election at an earlier date. 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 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.

(f) Results of election.

(1) Initiative. If a majority of the qualified electors in each voting district of the City 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 4. 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:

## Charter amendment removing references to City Clerk in City Charter

BALLOT SUMMARY:

Shall the charter be amended to delete references to the City Clerk and to substitute the City Manager for the City Clerk in Charter Section 7.04 B and to provide that if this measure and the measure proposed by Ordinance 2010-45 are both approved by the voters, then Section 7.04 shall read as proposed by Ordinance 2010-45 as further modified to substitute City Manager for City Clerk?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

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 certification of approval of the measure described in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

SECTION 8. 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 \_\_\_\_\_, 2010.

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Pamala Prell, Acting City Clerk

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 THE APPOINTMENT OF THE CITY CLERK BY THE CITY COMMISSION AND TO PROVIDE THAT THE CITY CLERK SHALL BE APPOINTED BY THE CITY MANAGER; 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, it is appropriate to amend the City Charter provide that the City Clerk shall be appointed by the City Manager;

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: Sections 3.09 and 4.04 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 manager,

(b) 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.

Section 4.04. Powers and duties of the city manager.

The city manager shall:

- (a) Appoint and, when he deems it necessary for the good of the city, suspend or remove all city employees and appointive administrative officers, including, but not limited to the City Clerk, provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (b) Direct and supervise the administration of a fire department, a police department and all other departments, offices and agencies of the city, except as otherwise provided by this charter or by law.
- (c) Attend all commission meetings and shall have the right to take part in discussion but may not vote.
- (d) See that all laws, provisions of this charter and acts of the commission, subject to enforcement by him or by officers subject to his direction and supervision are faithfully executed.
- (e) Prepare and submit the annual budget, budget message, and capital program to the commission in a form provided by ordinance.

- (f) Submit to the commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (g) Make such other reports as the commission may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.
- (h) Keep the commission fully and continuously advised as to the financial condition and future needs of the city and make such recommendations to the commission concerning the affairs of the city as he deems desirable.
- (i) Sign contracts on behalf of the city pursuant to the provisions of appropriations ordinances.
- (j) Perform such other duties as are specified in this charter or may be required by the commission.
- (k) The city manager and all department heads appointed by him shall devote their entire time to the discharge of their official duties and shall not engage in outside employment.

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:

Charter amendment provides for City Manager appointment of City Clerk

BALLOT SUMMARY:

Charter Section 3.09 and 4.04 provides for appointment of the City Clerk by the City Commission. Shall the charter be amended to provide for appointment of the City Clerk by the City Manager?

\_\_\_\_\_ 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 certificate of approval of the measure described in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

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.

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Pamala Prell, Acting City Clerk

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

**Issue Considered:** Resolution 2011-01

**Date:** January 6, 2011

**Prepared By:** Mike Bonfield, City Manager MB

**Summary of Issue:** The proposed resolution adopts the ballot language for the seven ordinances providing changes to the City Charter to be considered at the March 8, 2011 City election.

**Requested Motion:** “I move to approve Resolution 2011-01. . . read title.”

**Attachments:** Resolution 2011-01

## RESOLUTION 2011-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA; CALLING A SPECIAL CITY REFERENDUM ELECTION FOR MARCH 8, 2011; PROVIDING FOR A BALLOT TITLES AND BALLOT SUMMARIES FOR REFERENDUM TO APPEAR ON THE MARCH 8, 2011 GENERAL MUNICIPAL ELECTION IN THE CITY; 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 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; PROPOSING PURSUANT TO SECTION 8.01 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, 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; PROPOSING PURSUANT TO SECTION 8.01 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; PROPOSING PURSUANT TO SECTION 8.01AN 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; PROPOSING PURSUANT TO SECTION 8.01AN 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; PROPOSING REVISION TO SECTION 8.01 OF THE CITY CHARTER REVISION OF CITY CHARTER SECTION 7.04 WHICH PROVIDES FOR INITIATIVE

OR REFERENDUM PETITIONS, COMMENCEMENT OF PROCEEDINGS, PROCEDURES FOR FILING, SUSPENSION OF EFFECT OF AN ORDINANCE WHICH IS THE OBJECT OF A REFERENDUM PETITION, ACTION ON PETITIONS AND RESULTS OF ELECTION; TO SPECIFY REQUIREMENTS AND PROCEDURES, INCLUDING LANGUAGE TO APPEAR ON EACH PETITION BLANK, REQUIRING THAT A CERTAIN PERCENTAGE OF THE VOTERS IN EACH DISTRICT OF THE CITY SIGN A PETITION IN ORDER TO INITIATE PROCEEDINGS UNDER SAID SECTION; TO REQUIRE REFERENDUM APPROVAL OF AN INITIATIVE OR REFERENDUM MEASURE BY A CERTAIN PERCENTAGE IN EACH VOTING DISTRICT OF THE CITY; PROVIDING A TIME LIMIT FOR GATHERING AND SUBMITTING INITIATIVE OR REFERENDUM PETITIONS; PROVIDING THAT NO PETITION SHALL BE CONSIDERED VALID IF FILED BEYOND THAT TIME PERIOD; TO MODIFYING THE TIME PERIOD FOR AN ELECTION TO BE HELD; TO DELETING THE REQUIREMENT THAT THE ELECTION BE HELD WITHIN A SPECIFIED TIME PERIOD AND SPECIFYING INSTEAD THAT THE ELECTION SHALL BE HELD AT THE NEXT REGULAR CITY ELECTION UNLESS THE CITY COMMISSION IN ITS DISCRETION ELECTS TO HOLD A SPECIAL ELECTION; DELETING SUBSECTION 7.04(d) WHICH PROVIDES FOR SUSPENSION OF EFFECT OF AN ORDINANCE UPON FILING OF A REFERENDUM PETITION CONCERNING THAT ORDINANCE; PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO CITY CHARTER TO ELIMINATE REFERENCES TO THE CITY CLERK; TO PROVIDE FOR A REVISED SECTION 7.04, CITY CHARTER TO CORRESPOND TO THE REVISIONS PROPOSED BY ORDINANCE 2010-45, AS WELL AS REVISIONS CONTAINED HEREIN IN THE EVENT THAT BOTH THE MEASURE PROPOSED BY ORDINANCE NO. 2010-45 AND BY THIS ORDINANCE ARE APPROVED BY THE VOTERS; 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; OR IN THE ALTERNATIVE PROPOSING PURSUANT TO SECTION 8.01 AN AMENDMENT TO CITY CHARTER TO AMEND THE CHARTER TO ELIMINATE THE APPOINTMENT OF THE CITY

CLERK BY THE CITY COMMISSION AND TO PROVIDE THAT THE CITY CLERK SHALL BE APPOINTED BY THE CITY MANAGER; 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, the current City Charter requires voter approval of certain comprehensive plans and plan amendments; 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, the City is desirous of making additional amendments to its Charter and code of ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH:

SECTION 1. A special city referendum election is called for March 8, 2011. The following measures in Sections 2 through 9 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.

SECTION 2.

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. Shall Charter Section 3.15 be repealed?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

SECTION 3.

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. Shall Charter Section 3.16 be repealed?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

SECTION 4.

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. Shall Charter Section 3.18 be repealed?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

SECTION 5.

BALLOT TITLE:

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 6.

BALLOT TITLE:

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, emergency ordinances, appropriation, taxation, employee salaries, comprehensive plans, land development regulations including zoning, personnel, and community redevelopment plans.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

SECTION 7.

BALLOT TITLE:

NO. \_\_\_\_

REFERENDUM QUESTION

BALLOT SUBTITLE:

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

BALLOT SUMMARY:

Shall Charter Section 7.04 concerning initiative and referendum be revised to require 15 percent of voters in each district to sign a petition, passage by majority vote in each district, specify a time period for petition submittals, delete suspension of effect of an ordinance upon filing of a referendum petition, specify language for petition blanks, and provide that the election shall be held at the next regular election unless a special election is called?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

SECTION 8.

BALLOT TITLE

NO. \_\_\_\_

REFERENDUM QUESTION

BALLOT SUBTITLE:

Charter amendment removing references to City Clerk in City Charter

BALLOT SUMMARY:

Shall the charter be amended to delete references to the City Clerk and to substitute the City Manager for the City Clerk in Charter Section 7.04 B and to provide that if this measure and the measure proposed by Ordinance 2010-45 are both approved by the voters, then Section 7.04 shall read as proposed by Ordinance 2010-45 as further modified to substitute City Manager for City Clerk?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

SECTION 9. (Alternative to Section 8)

BALLOT TITLE

NO. \_\_\_\_

REFERENDUM QUESTION

BALLOT SUBTITLE:

Charter amendment provides for City Manager appointment of City Clerk

BALLOT SUMMARY:

Charter Section 3.09 and 4.04 provides for appointment of the City Clerk by the City Commission. Shall the charter be amended to provide for appointment of the City Clerk by the City Manager?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

SECTION 10. The City Clerk shall notify the Pinellas County Supervisor of Elections of this Resolution and provide the ballot questions provided hereby.

SECTION 11. This Resolution shall take effect immediately upon its adoption by the Commission.

PASSED AND DULY ADOPTED, with a quorum present and voting, this \_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF ST PETE BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION  
OF THE CITY OF ST PETE BEACH

By: \_\_\_\_\_  
Mayor Michael Finnerty

ATTEST:

By: \_\_\_\_\_  
Pamala Ann Prell, Acting City Clerk

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

**Issue Considered:** Resolution 2011-02, regarding the Traditional Hotel District

**Date:** January 6, 2011

**Prepared By:** Mike Bonfield, City Manager MB

**Summary of Issue:** This resolution provides ballot language for the proposed changes to the allowable building height in the Traditional Hotel District (THD) Zoning District to be considered at the March 8, 2011 City election.

**Requested Motion:** “I move to approve Resolution 2011-02. . . read title.”

**Attachments:** Resolution 2011-02

## RESOLUTION 2011-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA; CALLING A SPECIAL CITY REFERENDUM ELECTION FOR MARCH 8, 2011; PROVIDING A BALLOT TITLE AND BALLOT SUMMARY FOR A REFERENDUM TO APPEAR ON THE MARCH 8, 2011 GENERAL MUNICIPAL ELECTION IN THE CITY TO APPROVE ORDINANCE 2011-03 PURSUANT TO SECTION 3.18 OF THE CITY CHARTER, WHICH CURRENTLY PROVIDES FOR VOTER APPROVAL OF CERTAIN LAND DEVELOPMENT REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current City Charter Section 3.18 requires voter approval of land development regulations which change allowable height of structures; and

WHEREAS, proposed Ordinance 2011-03 amends Divisions 20 and 31 of the Land Development Code as they relate to height standards for temporary lodging establishments in the traditional hotel district;

WHEREAS, Section 3.18 of the City Charter 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; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH:

SECTION 1: 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:

Voter Approval of Ordinance No. 2011-03 relating  
to the Traditional Hotel District

BALLOT SUMMARY:

Ordinance 2011-03 amends Divisions 20 and 31 of the Land Development Code, decreasing the allowable height of all structures in the Traditional Hotel District from 35 feet to 28 feet, measured from the base flood elevation to the midpoint of a sloped roof or top of the parapet of a flat or low sloped roof, and limiting overall height of structures to a 32 feet. Shall Ordinance 2011-03 be adopted?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

SECTION 2: The City Clerk shall notify the Pinellas County Supervisor of Elections of this Resolution and provide the ballot question provided hereby.

SECTION 3: This Resolution shall take effect immediately upon its adoption by the Commission.

PASSED AND DULY ADOPTED, with a quorum present and voting, this \_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF ST PETE BEACH, FLORIDA, BY AND THROUGH THE CITY COMMISSION  
OF THE CITY OF ST PETE BEACH

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Pamala Prell, Acting City Clerk