



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

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.

SPECIAL CITY COMMISSION MEETING

January 6, 2011

6:30 pm

MINUTES

CALL TO ORDER

PLEDEGE OF ALLEGIANCE

ROLL CALL

PRESENT:

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

ALSO PRESENT:

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

Attorney Mike Davis recommended having a public hearing on the first three Ordinances at the same time and then have a public hearing on the next three Ordinances. They could then take a break after which time they can go on to the Resolution.

Mayor Finnerty asked Mr. Davis when he would suggest having public comments. Mr. Davis responded that after the Ordinance is on the table, it could be opened up to the public. After public comment, the Commission can have discussion.

Mayor Finnerty is in agreement with Mr. Davis' recommendation.

Mr. Bonfield asked if the attorney would do a brief overview of each Ordinance before taking comments.

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.

Ms. Van Wyk gave a brief explanation of all three Ordinances.

Mayor Finnerty stated that he feels this approach could possibly lead the City down the road for more litigation.

Ms. Van Wyk explained that if the voters approve the repeals so that no vote would be required in order to adopt a Comprehensive Plan, then the Commission would have to take steps to re-adopt the Ordinance under the Charter.

In other words, it would not have to be re-submitted to the Department of Community Affairs for another review process and the possibility of another administrative challenge.

Mayor Finnerty asked that if the voters decide to repeal the Ordinance, then the Comprehensive Plan, after going through this procedure, would be in effect.

Mr. Davis stated that by re-adopting the Ordinance the Comprehensive Plan would be in effect.

Mr. Davis stated that he feels this would put the City in a much better position and it's less of a risk and less costly than any other options, therefore he recommends this.

Commissioner Garnett said that based on what the Judge said, the ballot language challenge, they are trying to get this back out there to give the residents the opportunity to say "yes, I want to continue to vote on all these things, or no, I don't".

Commissioner Halpern pointed out that the majority of voters did vote for the Comprehensive Plan and he would like to believe that everyone knew what they were voting for. In his opinion it is the obligation of the Commission to support what the majority of the residents of St. Pete Beach are asking for.

Mayor Finnerty then opened the Meeting to audience comments on Ordinances 2010-40, 2010-41 & 2010-42.

Mr. Davis suggested to the Mayor that they read just the titles of the three Ordinances. Mayor Finnerty asked that they proceed and Ms. Van Wyk read the three Ordinances.

Bruce Kadoura, 6650 Sunset Way, stated that in his opinion, repealing these Ordinances right now is the wrong thing to do. He urged the Commission to come up with a plan that the residents can vote on and that the people understand.

William Pyle, 6600 Sunset Way, agreed with Mr. Kadoura's remarks.

Steve McFarlan, Second Palm Point, reminded everyone that the 75-word limit is what failed, not the Plan; the Plan has passed every bit of scrutiny. He asked that when looking at the picture Dr. Pyle presented, picture a straight elevation and it won't look so big.

Susan Hershman, 7309 Coquina Way, is asking that the City clean up the prostitution, the crack dealing and all the other crime that goes on in her neighborhood. Please charge the property owners for all the police calls and the ambulance calls; money is the motivator for the property owners in that neighborhood.

Robert Urban, 6439 2nd Palm Point, asked the Commission to focus on one factor; people in St. Pete Beach have always had a height concern. If you eliminate the people's ability to control their environment, which they are supposed to be protecting, you may have a lot of people get very angry and feel that the Commission is not fulfilling their duty.

A resident of 6600 Sunset Way, suspects, like other voters, that they don't have confidence in the Commission any more. They, the voters, don't trust them. They don't want all the tall buildings along the beach.

Janet Paarlberg, 556 70th Avenue, would hate to see their voice in some Commission's decisions removed. She wants the right to vote. She does not want a panel of five people and people behind the scenes making decisions who may or may not represent the people of St. Pete Beach.

Debra Schechner, 710 Boca Ciega Isle Drive, directed her remarks to Commissioner Garnett and stated that what the Commission is doing today will not unite the City; they are taking away their right to vote on height, which is very important.

Lorraine Huhn, 9425 Blind Pass Road, stated that to the best of her knowledge, the results of the election in 2008 represented the majority of voters. Approximately 40% disagreed with the elements of the Comprehensive Plan; that means people have the right to disagree.

Debra Edney, 181 73rd Avenue, wants to vote on everything and anything in this City. Everyone is worried about building up but they better take care of the crime in District 1. They should all be ashamed that Susan Hershman can't even live in her own house in St. Pete Beach.

Dave Bean, 106 7th Avenue, being a new resident of St. Pete Beach, was not present for the public debate and the history behind the issues of direct public voting for certain plans and amendments which were added to the City's Charter in 2006 and then the 2008 Amendment. He is concerned about the potential for never ending debate over these issues.

Park Lampson, 9301 Blind Pass Road, believes people have to adjust to changes and make them work for the residents and remember that this is a state without income tax.

Maria Urban, 6439 Second Palm Point, stated that this is a sham Meeting; they already know how they are going to vote.

Paul Pfister, 6600 Sunset Way, stated that the vast majority of people over at Silver Sands respect the Commission; they think they are doing a great job and please continue doing so. Representative government is what it's all about.

Michael Lehman, 535 80th Avenue, just moved to the beach in April; after reading the Ordinances, he understood that the Commission is actually giving people the opportunity to vote on these amendments, whether they are for or against them.

Kevin Hing, 7000 Beach Plaza, thinks the problem here isn't the substance of the Comp Plan and it's not the concept of the sacred right to vote; in his view, the problem is the process.

Tom Broderson, 6500 Sunset Way, believes it is important to remember that what they are doing tonight is giving the people of this City the opportunity to review the past and to decide for themselves whether moving away from representative government by adopting those Charter changes was a good idea or a mistake.

Mayor Finnerty called for further audience comments; hearing none the Meeting was closed to audience comments.

Mayor Finnerty then asked for Commissioner's comments.

Commissioner Halpern questioned using the word "right" instead of "requirement" in the Ordinances. Ms. Van Wyk explained that case law surrounding ballot challenges speaks in terms of "rights". Commissioner Halpern went on to explain to the audience that what they are talking about is ballot language; they are concerned about ballot language and they want to be sure that what they put out to be voted on will stand up to more litigation.

Vice Mayor Parent said he would stay with "right" or "rights".

Commissioner Shavlan said he agreed with Vice Mayor Parent and they should accept the advice of Ms. Van Wyk; if she advises this makes them more bullet proof, they should go along with it.

Commissioner Garnett also agreed.

Vice Mayor Parent addressed the sketch that they have seen numerous times. He went on to explain what will go on the ballot; one is to eliminate the right to vote on heights, eliminate the right to vote on comprehensive plans and eliminate the voting on Community Redevelopment Plans. Those are the things they want to put on the ballot. If it was right to put these issues on the ballot in 2006, it's just as right, if not more so, now.

After discussion, Section 3.18 of the City Charter was changed to read:

Charter Section 3.18 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 the electors by referendum unless it has been previously voted on in approved Comprehensive Plan or Plan amendment. Repeal of Section 3.18 terminates this right of electors to vote on Land Development Code height changes. Shall Charter Section 3.18 be repealed?

Commissioner Shavlan pointed out some ballot language that was offered by a voter in his District, which he in turn forwarded to the attorneys for their approval.

Commissioner Shavlan advised that he will be voting no on Section 3.16; he does not think it's that important and they can vote on that at a later time. He just

wants to keep the number of items on the ballot to the absolute minimum to what is really important right now and, in his opinion, that is Sections 3.15 & 3.18.

Commissioner Garnett urged the voters to do their homework before voting; just reading the ballot isn't enough. She went on to urge all residents to vote.

Mayor Finnerty stated that he is going to support all three.

Commissioner Garnett made a motion to approve 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.

The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.

b. Ordinance 2010-41, repeal of Charter Requirement of submittal of community Redevelopment Plans to Voters.

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, 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.

The motion was seconded by Vice Mayor Parent and approved by a 3 to 2 roll call vote; Commissioners Shavlan and Garnett voted "no".

c. Ordinance 2010-42, repeal of Charter, Repeal of Voter Approval of Development code changes to Height of Structures.

Vice Mayor Parent made a motion 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 extent of such conflict; and providing for an effective date, with the changes that were discussed earlier in the ballot summary, specifically deletion of the word "will", addition of the letter "s" to terminate, and insertion of the word "height" between "code" and "changes".

The motion was seconded by Commission Garnett and unanimously approved by roll call vote.

A brief recess was called by Mayor Finnerty.

The Meeting resumed at 8:35 pm.

Mr. Davis suggested that they read the next three Ordinances and take them as a group as they did with the previous Ordinances. For the record, Mr. Davis went on to read the titles to these Ordinances.

d. 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 the 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.

e. 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 the 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.

f. Ordinance 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 specific 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 or an ordinance upon filing of a referendum petition concerning that ordinance; and providing an effective date.

Mr. Davis went on to suggest they have a public hearing and then deal with each Ordinance separately.

Mr. Bonfield summarized the three Ordinances; basically they are using the initiative process to propose or repeal ordinances; one is proposing ordinances; one is repealing ordinances and one ordinance is just the mechanics of how the process works.

Mayor Finnerty stated that the only issue he is concerned about is where they have a percentage requirement from each district.

Mr. Davis responded by saying that the Commission may want all of the changes in there or none of the changes; that's for the Commission to decide.

Mayor Finnerty opened the Meeting for audience comments.

Rosemary Manning, 200 First Avenue, thanked the Commission for their service in the previous year. She believes that the people in St. Pete Beach who vote understand what they are voting for.

Bill Pyle, 6600 Sunset Way, spoke against the Ordinances.

Tony Cahill, 9243 Blind Pass Road, didn't agree with Dr. Pyle's remarks.

Kevin Hing, 7000 Beach Plaza, is afraid they will end up trying to explain the Comprehensive Plan in 75 words or less on the ballot and back to where they started.

Bob Manning, 200 First Avenue, agreed with Mr. Hing's remarks.

Debra Schechner, 710 Boca Ciega Isle Drive, feels that the City is slowly taking away the rights from the citizens of St. Pete Beach.

Lorraine Huhn, 9425 Blind Pass Road, is confused by the statement that SOLV got what they wanted. What did they want; what did they get? Nothing has changed since 2008.

Don Pellegrino, 105 25th Avenue, thinks there is a proposal here to make it more restrictive, for citizens to petition their government. This is not the way to solve the City's problems. There should be a legitimate means for a citizen or a group of citizens to bring something forward to their government. He suggested that they may want to think about an addition to the ballot language that the City Commission must have five votes to change the Charter.

Vice Mayor Parent wanted clarification that they are not changing the Charter; they are amending certain ordinances. The Charter is mandated by State Law. Mr. Davis agreed with his understanding.

Bill Pyle, 6600 Sunset Way, thinks restricting citizen's general right to make an initiative or a referendum is the wrong thing to do.

Mayor Finnerty closed audience comments and called upon Commissioner Garnett for her remarks.

Commissioner Garnett stated that Sections 7.02, 7.03, 7.04 are all things that have been in the City's Charter since 1987 and these are things that have worked well for the City. She is opposed to taking away citizen's right to petition their government or limit their right to petition.

Commissioner Shavlan is in agreement with Commissioner Garnett. He would like to talk about Section 7.04; he would like to see 15% signatures in each district. On the time period, he would like to see sixty days.

Mr. Bonfield asked if they wanted something greater than a simple majority overall. Commissioners Garnett and Shavlan were in favor of something greater than a simple majority.

Mayor Finnerty asked Vice Mayor Parent for his comments.

Vice Mayor Parent asked Mr. Davis for clarification on several issues. Several of the surrounding cities do not have in their Charter giving the residents/voters the right to initiate ordinances and make reconsiderations of ordinances. Some of the cities require up to 25% of their voters to sign a petition prior to action; some require 20%, some require 10%. There is no standard. He went on to say that he doesn't think they should increase the 10% requirement nor does he think they should require 10% from each district but he does feel a period of ninety (90) days is a decent length of time to collect signatures. He does not feel they should charge for special elections; he feels it's their duty to provide elections for items to get on the ballot no matter how they get there; he thinks the elections should be held in a timely manner; six months after the petition is certified is, in his opinion, a timely manner so the City doesn't stall forever. Furthermore, by information on the petition, each resident who signs the petition should be explicitly aware of what it will cost the City for a special election.

Vice Mayor Parent doesn't think they should change the "simple majority" requirement for the vote. He doesn't think they should vote by district; even

though they are elected to represent certain districts, they should all do the best job they can for the whole City all the time.

Commissioner Halpern doesn't want to limit the ability of residents to petition. They should recognize that at least the first two Ordinances No's 2010-43 and 2010-44, are the ones that limit what they can petition for.

Mayor Finnerty then stated that he agrees with the Vice Mayor.

After discussion, Mr. Bonfield acknowledged that Section 7.02 was "dead".

Commissioner Garnett made a motion to approve Ordinance 2010-43. The motion was seconded by Commissioner Halpern and upon roll call vote, the motion was unanimously defeated.

Commissioner Halpern made a motion to approve Ordinance 2010-44. The motion was seconded by Commissioner Garnett. After discussion, Commissioner Halpern amended his motion to remove comprehensive plans, land development regulations, including zoning, and community redevelopment plans. Commissioner Garnett seconded the amended motion and upon roll call vote, the motion was defeated by a 3 to 2 vote. Mayor Finnerty and Commissioners Shavlan and Garnett voted "no".

After discussion, the ballot language of Section 7.04 of the City Charter was changed to read: ***Shall Charter Section 7.04 governing initiative and referendum be revised to change the petition signature requirement from 10% of total electors to 10% in each district, specify a ninety day time period for petition submittals, delete suspension of ordinance upon filing of a referendum petition, and require petitioner to advise voters the election will be held at the next regular election unless a special election is called?***

At this point in the Meeting, Mayor Finnerty asked for audience comments.

Tony Cahill, 9343 Blind Pass Road, suggested they put in "10% of the electorate of each district"

Bob Pyle, 6600 Sunset Way, feels general rights with respect to initiatives in a referendum should stay in place.

Don Pellegrino, 103 25th Avenue, encouraged the Commission to simplify the ballot with primary issues that are before them.

Debra Schechner, 710 Boca Ciega Isle Drive, thinks it's very important to determine who the petition takers are.

Rosemary Manning, 200 1st Avenue, said that in listening to the discussion, she heard a lot of confusion and thinks they should throw all three of them out and not put them on the ballot. If the Commission is getting confused, it only adds more confusion to the voters.

Debra Edney, 181 73rd Avenue, challenged the Commission to explain things in detail so that everyone can understand what is going on.

Mayor Finnerty then closed audience comments.

As a point of clarification, Vice Mayor pointed out that, under Section 7.04, the petition takers are not restricted to five people, and affidavit signers are the physical circulators.

Mr. Bonfield suggested they make the change that Mr. Cahill suggested, i.e. on line 2 it would be "10% of total electors in each district"; all were in agreement.

Commissioner Garnett made a motion to approve Ordinance 2010-45 with changes to the ballot as follows: *Shall Charter Section 7.04 governing initiative and referendum be revised to change the petition signature requirement from 10% of total electors to 10% of total electors in each district, specify a ninety day time period for petition submittals, delete suspension of ordinance upon filing of a referendum petition, and require petitioner to advise voters the election will be held at the next regular election unless a special election is called? Whereby the Ordinance has been revised to correspond with the Ballot Summary.*

The motion was seconded by Commissioner Shavlan. Upon roll call vote, the motion was approved 4 to 1; Mayor Finnerty voted no.

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

Mr. Bonfield summarized the issue by stating that currently the City Charter provides that the City Clerk is hired, fired, disciplined by the City Commission and also details other specific duties. Under Section 2 of the City Code, the City Clerk is designated as a classified position which we don't use the term "classified" but he believes it means that position is intended to be covered by the personnel rules, as he would be considered a non-classified position because he

has a separate contract but the Clerk would be classified like the other employees; they fall under the personnel rules. It reinforces the City

Commission's role in hiring, firing and entitles the City Manager to recommend the City Clerk to be disciplined or fired. It also designates the City Manager to supervise the City Clerk and it designates the City Clerk's office shall function as a department under the City Manager. These provisions came about in the late 90s where the duties were added to fall under the City Manager. We are at a transition now where we are looking for a new City Clerk. Some of the issues they went through during the last year raised questions by some of the Commissioners in terms of their role, his role and what is before them is a proposal to remove the Commission completely from the role of hiring, firing, supervising the City Clerk.

Mr. Davis explained that there are two separate Ordinance titles that have been advertised and the Commission needs to decide which they want to consider. One eliminates the City Clerk as a City Commission appointee and also deletes the City Clerk from language in the initiative section. It replaces the City Manager as the one responsible for the whole process involving the City Clerk. The alternate is the simpler of the two.

Mayor Finnerty then opened the Meeting to audience comments.

Debra Edney, 181 73rd Avenue, would like to keep it the way it is now.

Bob Manning, 200 First Avenue, feels there are too many items on the ballot; they don't need to do this at this time. Don't clutter up the ballot.

Debra Schechner, 710 Boca Ciega Isle Drive, thinks the concentration of power to one individual can be dangerous in a city no matter what the intentions are.

Mayor Finnerty then closed audience comments.

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 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.

Vice Mayor Parent proceeded to read the ballot language as follows: *Charter amendment provided for City Manager appointment of City Clerk. Ballot Summary: Charter Sections 3.09 and 4.04 provide 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?*

The motion was seconded by Commissioner Halpern and upon roll call vote; the motion was defeated 3 to 2. Commissioners Shavlan and Garnett and Mayor Finnerty voted no.

Attorney Mike Davis suggested to the Commission that they proceed with the second resolution in the Agenda which pertains to the Traditional Hotel District and then take a brief recess. The Mayor and Commissioners were in agreement.

2. Resolutions

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

Mr. Bonfield outlined the Resolution drawing particular attention that it pertains to height. This one item lowers the allowable height of a commercial structure to be consistent with the allowable height of a residential structure in that zoning district. Currently it is 28 feet for residential, up to 35 feet for commercial. Simply put, eliminate the separate height allowance for commercial and in THD it would make any hotel built the same on height restrictions as any single residential *Special*

Mayor Finnerty asked for audience comments; hearing none, he called upon Commissioner Garnett for her comments.

Commissioner Garnett said she has been working on this a very long time and is all for it. On the Ballot Summary she would like five words added, "as approved by the Board." Mr. Bonfield suggested the word "recommended" instead of "approved"; she was in agreement.

Commissioner Shavlan stated that if they get approval for the repeal of Sections 3.14, 3.15 and 3.16, they don't need this on the ballot. They want to keep the ballot simple. He would like to hold this until March.

Vice Mayor Parent is not happy with all the provisions that are being recommended on the THD. He would rather consider the whole thing at one time. He doesn't think this should go on the ballot.

Commissioner Halpern thinks it would be very confusing to put this item on the ballot right now.

Commissioner Garnett made a motion to approve Resolution 2011-02 regarding the Traditional Hotel District. The motion was seconded by Commissioner Shavlan and upon roll call vote; the motion was defeated 3-2. Commissioner Halpern, Vice Mayor Parent and Mayor Finnerty voted "no".

Mayor Finnerty called for a ten minute recess.

Mayor Finnerty called the Meeting back to order and recognized City Attorney Mike Davis.

a. Resolution 2011-01

Mr. Davis explained that this is simply a Resolution with all the Ballot Title and Summaries on it which were just approved. This Resolution must be adopted tonight because it needs to be signed and attached to the form that goes to the Supervisor of Elections tomorrow in order to meet the deadline for these measures to go on the ballot.

Mayor Finnerty and the Commission took a few minutes to read the Resolution.

Mayor Finnerty asked Mr. Davis for his recommendation. Mr. Davis recommended that they approve it.

Commissioner Halpern made a motion to approve Resolution 2011-01, a Resolution of the City Commission of the City of St. Pete Beach, Florida; providing for ballot titles and ballot summaries for referendum to appear on the March 8, 2011 general municipal election in the City. The motion was seconded by Commissioner Shavlan and was unanimously approved by roll call vote.

Mr. Davis then asked the Commission for their advice in Pyle v. Finnerty, which is consolidated case number 08-008129-CI-8 and 08-00864-CI-08 and Kadoura v. Huhn which is case number 08-12498-CI-8. He would recommend that the Commission schedule a Shade Meeting as soon as possible in order to talk about their options before the time for appeal expires.

Mr. Bonfield suggested 5:00 pm next Tuesday (January 11, 2011). All were in agreement; Mr. Davis will attend and Suzanne Van Wyk will appear by telephone.

Special City Commission Meeting
January 6, 2011
Page 16 of 16

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

Pamala A. Prell
Pamala Prell, Acting City Clerk

Mike Finnerly, Mayor
Mike Finnerly, Mayor

Minutes approved on: 2-8-11