

RESOLUTION 2010-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA; PROVIDING FOR A BALLOT TITLE AND BALLOT SUMMARY FOR AUGUST 24, 2010 PRIMARY ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 3, 2008, a majority of City electors approved Ordinance 2008-10, pursuant to Section 3.15 of the City Charter, which required, at that time, referendum approval of all amendments to the City's Comprehensive Plan; and

WHEREAS, Ordinance 2008-10 proposed an amendment to the City's comprehensive plan creating the Community Redevelopment District within the City; and

WHEREAS, following voter approval of Ordinance 2008-10, the City transmitted the a comprehensive plan amendment to the Department of Community Affairs (DCA) for review required by Section 163.32465, Florida Statutes; and

WHEREAS, upon completion of its review, DCA sent a Comments and Recommendations letter to the City, pursuant to Section 163.32465, Florida Statutes. The letter indicated that paragraph (C) on page 53 of the proposed amendment did not provide meaningful standards and was contrary to particular sections of law and agency rule. Likewise, the letter advised that a footnote on page 106 of the proposed comprehensive plan was vague contrary to particular sections of law and agency rules; and

WHEREAS, on August 26, 2008, the City Commission held a public hearing on whether to adopt, by Ordinance 2008-15, the comprehensive plan amendment proposed in Ordinance 2008-10 and reviewed by DCA; and

WHEREAS, on August 26, 2008, the City adopted Ordinance 2008-15, which differed from the comprehensive plan amendment approved by the City electors on June 3, 2008, by excluding paragraph (C) on page 53 and the footnote on page 106 of the comprehensive plan amendment; and

WHEREAS, the City has been named as the Defendant in numerous lawsuits arising out of, and in connection with, the adoption of Ordinance 2008-15. The City has expended thousands of dollars in defense of these cases and has successfully defended its actions against many of the claims; and

WHEREAS, one of the remaining claims in the litigation is whether the June 3, 2008 referendum was sufficient approval from the City electors to comply with City Charter Section 3.15 because the City Commission adopted a comprehensive plan amendment that differed, however slightly, from the amendment approved by the voters; and

WHEREAS, the City finds that it is in the City's best interest to put this matter before the City electors rather than expend additional taxpayer dollars to further dispute this claim through trial, and if necessary, on appeal.

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

SECTION 1: The following measure shall be placed on the ballot for the
August 24, 2010, primary 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:

**Approval of a Comprehensive Plan Amendment Creating a Community
Redevelopment District**

BALLOT SUMMARY:

The City adopted, and the Florida Department of Community Affairs found in compliance, Ordinance 2008-15, a comprehensive plan amendment creating a Community Redevelopment District providing goals, objectives, policies, permitted uses, densities, intensities and height standards that encourage commercial and temporary lodging uses; provides green standards for redevelopment promoting energy efficiency and conservation, public beach access, evacuation requirements, and enables impact fees. Should the amendment be approved?

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 8th day of June, 2010.

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

By: Mike Fimerty
Mayor

ATTEST:

By: Sheresa McMaster
City Clerk