

City of St. Petersburg
Committee of the Whole
Meeting of May 30, 2019 @ 3:00 p.m.
City Hall - Room 100

A. Call to Order – Council Chair Charlie Gerdes

B. Discussion Items

a. **Charter Referendum – Allow Acceptance of Grants for Park Conservation Purposes (Dema)**

b. **Charter Referendum – Affordable Housing Fund (Gabbard)**

c. **Sign Ordinance – Pier – Referred from 4/25/19 COW (Abernethy)**

C. Next Meeting – June 13, 2019 @ 1:15 p.m. – City Council Chambers

a. HCIP Fund – Updated Ordinance

D. Adjournment

Proposed Charter Amendment to Section 1.02

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Managing Assistant City Attorney – Land Use and Environmental Matters

City of St. Petersburg

May 30, 2019

COMMITTEE OF THE WHOLE

Charter Sec. 1.02 As-applied Currently

- Charter park property protections are such that the City is limited in its ability to accept certain grants
- Grants for ecological restoration oftentimes require conservation easements in perpetuity: a “permanent disposition of an interest in real property”
- Would require referendum to accept
- Also, restrictive covenants are important for passive groundwater remediation
- Same as above, would require referendum to accept

Proposed Concept for Charter Amendment

- Allow for City to accept grants for conservation/preservation purposes only at nature preserves that require a conservation easement to protect grantor's interest (cf. recreational uses provision)
- The conservation easement is a permanent disposition of Charter Park property, but one that serves to protect the park's fundamental role as a nature preserve
- This process would further the City's substantial interest in protecting its nature preserves, while eliminating a significant roadblock (i.e., referendum)
- Would need City Council approval with 6 or more votes
- Additionally, existing recreational uses provision could use a clarifying amendment to address confusing language

Boyd Hill Nature Preserve



- ~\$900K from SWFWMD
- Wetlands and natural drainage restoration
- Attempted to execute "use restriction" agreement, in concert with our strict Charter, Comp Plan, and zoning protections
- Grantor insists on conservation easement

Charter Section 1.02

- (b) *Definitions.*
 - (3) *Sale.* Sale shall mean the sale, donation or **any other permanent disposition of an interest in real property other than a utility easement.**
- (c) *The disposition of park and waterfront property.* With respect to the disposition of waterfront or park property the following shall govern:
 - (3) *Exception for Utility Easements.* Notwithstanding any other provision of this Article to the contrary, utility easements may be granted upon specific approval by ordinance where the easement will have no significant effect on the public's use of the property.

Charter Section 1.02 (cont.)

(c)(5) *Exception for acceptance of grants.* Notwithstanding any other provision of this Charter, the following properties may be encumbered with assurances as to future uses in order to receive grants from governmental agencies upon the approval of City Council by an Ordinance receiving a public hearing and receiving an affirmative vote from at least six members of City Council. Each such encumbrance must be approved by a single ordinance dealing with only that encumbrance:

Charter Section 1.02 (cont.)

A. Perpetual encumbrances or restrictions for property or portions of property classified as Park or Waterfront property where such restrictions would restrict the property to **recreation uses** provided such restrictions could be removed by replacing the grant facility and transferring the encumbrance to a new comparable park purchased at City expense or at the option of the Granting Agency repaying the grant money. The City could also accept similar grants having restrictions that are less than perpetual using the same ordinance adoption procedure.

Examples

- Maximo Park
 - Seven boat ramps
 - Site dedication agreement with Florida Fish & Wildlife Conservation Commission for 20 years
- Picnic Park at Lake Maggiore Park
 - Boat ramp, playground equipment, picnic shelter
 - Limitation of use/site dedication agreement with Florida Department of Environmental Protection in perpetuity
- But only for recreation uses, per Charter

Charter Section 1.02 (cont.)

B. Encumbrances or restrictions of up to twenty years for that property or portions of that property generally known as Albert Whitted Airport which would restrict the use of that property, or portions of that property, to airport uses each time such a restriction is executed. The Albert Whitted property is generally described as ...

- Several instances of this sub-section being used for hangar and runway construction or improvement, with agreements between City and FDOT or FAA restricting City's use at AW to aviation-friendly uses for at least 20 years as a condition of receiving grant monies

Proposed Timeline

- July 11 (or earlier): First reading
- July 18 (or earlier): Second reading/Public hearing
- August 20: Deadline for ballot language submission to Pinellas County Supervisor of Elections
- November 5: General Election (Citywide)

Questions?



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ORDINANCE NO. _____

AN ORDINANCE CONCERNING CREATION OF A CITY FUND FOR THE SUPPORT AFFORDABLE HOUSING; MAKING FINDINGS REGARDING THE NEED FOR SUCH A FUND; CALLING A REFERENDUM TO AMEND THE CITY CHARTER TO CREATE SUCH A FUND; PROVIDING THE TEXT OF THE PROPOSED CHARTER AMENDMENT; PROVIDING A BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG ORDAINS THE FOLLOWING:

SECTION 1—FINDINGS: The City Council of the City of St. Petersburg, Florida, hereby makes the following findings:

- (a) [TBD recitals describing need for affordable housing, why the City should work to address it, how a special revenue fund or other City fund could help, how the fund would receive funding, why the fund should be created while leaving the funding mechanism flexible, etc.]
- (b) Accordingly, Council believes that voters should consider an amendment to the Charter that would establish such a fund [while allowing the funding of such Fund to be determined at a later date].
- (c) Pursuant to Florida Statutes section 166.031, the Charter may be amended pursuant to a referendum put to a vote of the electors at a general election held within the municipality, and a referendum to amend the Charter as described in this section should be held as a part of the municipal general election scheduled for November 5, 2019.

SECTION 2—DATE OF REFERENDUM: The City Council hereby calls the Charter amendment referendum described in this ordinance (the “Referendum”) to be placed on the ballot of a November 5, 2019.

SECTION 3—CHARTER AMENDMENT: If the Referendum is approved by a majority vote, the City shall file a revised version of the St. Petersburg City Charter with the Department of

State. That revised version of the City Charter will be effective upon filing with the Department of State and will reflect the [the addition of new section 4.06 to article IV?] of the City Charter, as set forth below.

[Exact language TBD, but would address the following issues:

1. Establish fund.
2. Limit expenditures / withdrawals to the support of affordable housing.
3. Provide specific examples of what is allowed to the extent necessary to resolve ambiguity, keeping in mind that providing examples (especially obvious ones) risks unintended restrictions under principle of ejusdem generis. (A1)
4. Provide limits, if any, on where / how support can be used.
5. State that funding can come from any source or allow / exclude funding sources, as appropriate.
6. If appropriate, specify that fund is not trust, endowment, etc.
7. Other considerations from Council, Finance, Legal, etc.]

SECTION 4—BALLOT TITLE: The City shall use the following [caption as the ballot title] (A2) for the Referendum:

[15-word title, to be drafted after details of Charter amendment are largely settled.]

SECTION 5—BALLOT SUMMARY: The City shall use the following explanatory statement as the ballot summary (A3) for the Referendum:

[75-word summary, to be drafted after details of Charter amendment are largely settled.]

YES NO

SECTION 6—SEVERABILITY: The provisions of this ordinance are intended to be severable, and a determination that any portion of this ordinance is invalid should not affect the validity of the remaining portions of this ordinance.

SECTION 7—EFFECTIVE DATE: In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it will become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto this ordinance, in which case this ordinance will become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it will not become effective unless the City Council overrides the veto in accordance with the City Charter, in which case it will become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (Designee)

Administration