

ORDINANCE NO. 9353-19

AN ORDINANCE OF THE CITY OF CLEARWATER,
FLORIDA, SUBMITTING TO THE CITY ELECTORS
PROPOSED AMENDMENTS TO THE CITY
CHARTER AMENDING SECTION 2.01(d)(5) TO
INCREASE THE SIZE OF CITY OWNED REAL
PROPERTY THAT MAY BE DONATED OR SOLD
FOR LESS THAN FAIR MARKET VALUE TO FIVE
ACRES FOR THE PURPOSE OF WORKFORCE
HOUSING; TO ALLOW THE DONATION OR SALE
FOR LESS THAN FAIR MARKET VALUE OF
UNECONOMIC REMAINDERS TO ADJACENT
PROPERTY HOLDERS AFTER A PUBLIC HEARING;
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 2019 Charter Review Committee appointed by the City Council met 17 times over 8 months and reviewed the City Charter and presented their recommendations to the City Council on November 7, 2019; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF CLEARWATER, FLORIDA:

Section 1. It is hereby proposed that Section 2.01(d)(5)(i) of the City Charter be amended as follows:

Section 2.01. Council; composition; powers.

* * * * *

(d) *Limitations.* The legislative power provided herein shall have the following limitations:

* * * * *

(5) Real property.

(i) Prior to the sale, donation, lease for a term longer than five years, or other transfer of any municipal real property, the real property must be declared surplus and no longer needed for municipal public use by the council at an advertised public hearing. Except in the case of right-of-way dedications, the granting of easements, transactions with governmental entities as described herein, conveyance for Workforce or Affordable Housing, or conveyance of an uneconomic remainder of land, no real property may be given away or donated without prior approval at referendum. Following a public hearing, the City Council may approve the donation or sale for less than fair market value of city-owned property of not more than five acres in size for workforce housing. Workforce Housing means housing affordable to persons or families whose total annual

income does not exceed 120 percent of the Area Median Income (AMI), adjusted for household size, as published by the U.S. Department of Housing and Urban Development (HUD) for Pinellas County or metropolitan area. Following a public hearing, the City Council may approve the donation or sale for less than fair market value of city-owned property that has been determined by Council to be an uneconomic remainder of land to the owner of real property adjacent to said uneconomic remainder. For the purposes of this provision, an uneconomic remainder of land means real property owned by the City of Clearwater with characteristics such as size, shape, limited access or other limiting characteristics that prevent meaningful development of the property.

Section 2. A referendum election is hereby called and will be held on March 17, 2020, at the regular city election for the consideration of the voters of the City of Clearwater of the proposed charter amendments. The questions to appear on the referendum ballot reflecting the proposed amendment to the charter at the regular municipal election scheduled for March 17, 2020, shall be as follows:

DONATION OR SALE FOR LESS THAN MARKET VALUE OF PROPERTY FOR
WORKFORCE HOUSING

Shall Section 2.01(d)(5)(i) of the City Charter relating to limitations on the conveyance of real property be amended as provided in Ordinance No. 9353-19 to allow the city to donate or sell for less than market value real property which does not exceed five acres for workforce or affordable housing which means housing affordable to people and families whose total annual income does not exceed 120% of the Area Median Income?

YES _____ For Amendment to City Charter
NO _____ Against Amendment to City Charter

DONATION OR SALE OF UNECONOMIC REMAINDER TO ADJACENT
PROPERTY OWNER

Shall Section 2.01(d)(5)(i) of the City Charter relating to limitations on the conveyance of real property be amended as provided in Ordinance No. 9353-19 to allow the city to donate or sell for less than market value real property which has been determined to be an uneconomic remainder to an adjacent property owner, after a public hearing has been held?

YES _____ For Amendment to City Charter
NO _____ Against Amendment to City Charter

Section 3. The City Clerk is directed to notify the Pinellas County Supervisor of Elections that the referendum items provided above shall be considered at the election to be held on March 17, 2020.

Section 4. This ordinance shall take effect immediately upon adoption. The amendments to the City Charter provided for herein shall take effect only upon approval of a majority of the City electors voting at the referendum election on these issues and upon the filing of the Amended Charter with the Secretary of State.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

George N. Cretekos, Mayor

Approved as to form:

Attest:

Pamela K. Akin, City Attorney

Rosemarie Call, City Clerk