

ORDINANCE NO. 09-2024

AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA SUBMITTING TO THE ELECTORS OF THE CITY OF SEMINOLE A PROPOSED AMENDMENT TO ARTICLE I, SECTION 1.02 OF THE CITY CHARTER TO REQUIRE A REFERENDUM APPROVED BY A TWO-THIRDS VOTE OF THE CITY'S ELECTORS TO APPROVE THE ALIENATION OF REAL PROPERTY OWNED BY THE CITY WHICH IS DESIGNATED AS RECREATIONAL PROPERTY; PROVIDING FOR A REFERENDUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 10.03 of the Seminole City Charter requires the establishment of a Charter Review Committee during the month of January 1999 and each five years thereafter with an expressed purpose to review the operations of City government in order to recommend amendments to the City Charter; and

WHEREAS, the Mayor and Council appointed a Charter Review Committee in January 2024 which has completed a comprehensive review of City government and provided the Mayor and Council with recommended charter amendments; and

WHEREAS, the City Council has reviewed such recommendations and has determined this Ordinance amending the City Charter to be in the best interest of the public health, safety, and welfare of the City of Seminole.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEMINOLE, FLORIDA, HEREBY ORDAINS:

Section 1. Section 1.02 of the City Charter of Seminole is hereby amended to read as follows:

Section 1.02. – Acquisition, ~~and~~ Use of Property, and Property Acquired by Eminent Domain.

(a) *Real and Personal Property.* The City shall have the power to acquire by purchase, gift, devise, condemnation or otherwise, property real of personal, or any estate or interest therein within or without the City, and for any of the purposes of the City and to improve, sell lease, mortgage, pledge or otherwise dispose of the same or any part thereof, provided that the purchase or sale of any real property shall require a supermajority vote (5/7) from the full City Council.

(b) *Eminent Domain.* Notwithstanding any other provisions of this Charter or other law providing for the use of the power of eminent domain; the City shall not use the power

of eminent domain to take private property for the purpose of making the property so taken available for a private commercial, financial, retail, or industrial enterprise. The City may only use the power of eminent domain to take private property if such property is to be owned by the City and used for a public purpose.

(c) Greenspace. Property owned or acquired by the City designated by City ordinance as recreational property cannot be sold, leased for six months or more, vacated, conveyed, transferred, or abandoned except by ordinance of the City Council approved by a majority vote of the City Council and subsequent approval of a referendum by two-thirds of City voters at a general election. This section shall not be construed so as to impair or extinguish private property rights and any measures determined by City Council to frustrate the intent of this subsection, including but not limited to the utilization of serial leases, shall be prohibited.

Section 2. The City Council shall separately adopt a Resolution setting forth the proposed ballot statement and ballot summary in a manner that conforms with applicable state law.

Section 3. The City Clerk is hereby directed to notify the Pinellas County Supervisor of Elections that the referendum item provided in this Ordinance and the corresponding Resolution shall be considered on the same ballot as the election to be held on November 5, 2024.

Section 4. This Ordinance shall be published in accordance with the law.

Section 5. This Ordinance shall take effect immediately upon its passage and adoption. The referendum measure shall take effect only upon the approval of a majority of the City electors voting at the referendum election voting on this issue.

APPROVED ON FIRST READING: _____

PUBLISHED: _____

PASSED AND ADOPTED ON
SECOND AND FINAL READING: _____

Leslie Waters, Mayor

City Clerk

Business Impact Estimate

Proposed ordinance's title/reference: **Ordinance No. 09-2024**

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This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **The proposed ordinance submits to the City's electors a proposed charter amendment to require a 2/3 vote when the City seeks to alienate property it owns which is designated by ordinance as recreational property. The proposed amendment serves the public purpose of preserving the City's recreational properties for preservation and use by residents and visitors.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):

None.