

# Make Your Mark

and

# Vote

**ELECTION DAY IS  
MARCH 15, 2016**



Tune in to C-VIEW TV for a Candidates Forum on Feb. 23 at 6 p.m. to. The candidates will answer questions about Clearwater issues and you will get to hear more about who they are. There will also be more information about the seven charter amendment questions. Voters are also invited to watch the forum live in the City Council Chambers.

Candidates Forum • 6 p.m. Feb. 23 • Live on C-VIEW TV or by attending the event in City Council Chambers



## REFERENDUM QUESTIONS

### QUESTION NO. 1:

#### **Appointment of Charter Review Advisory Committee**

Shall Section 7.02 of the City Charter be amended as provided in Ordinance No. 8807-15 to require the appointment of a Charter Review Advisory Committee every six years instead of every five years?

#### **Background:**

Currently, §7.02 of the City Charter requires the City Council to appoint a charter review committee at least every five years in January of a year preceding an election. The purpose of the Committee is to examine the City Charter and provide recommended changes to the City Council. Since city elections are held every two years, the result of the current language is that the charter review committee must be appointed every four years in order to comply with the charter timing requirements.

#### **What a YES vote means:**

The City Council will appoint a Charter Review Advisory Committee at least every six years, in January of a year preceding the election. Additionally, Council may appoint a Charter Review Advisory Committee anytime it deems necessary.

#### **What a NO vote means:**

The Committee will continue to be appointed every four years.

### QUESTION NO. 2:

#### **Eliminate Competitive Bid Requirement for Sale of Certain Vacated City Right of Way**

Shall Section 2.01(d)(5)(ii) of the City Charter be amended as provided in Ordinance No. 8808-15 to allow surplus vacated right of way in which the City owns the fee interest and which vacated right of way is abutted by a single property owner, to be sold without competitive bid to the abutting property owner for not less than fair market value?

#### **Background:**

Currently Charter §2.01(d)(5)(ii) requires that real property which is declared surplus be sold to the party submitting the highest competitive bid above the appraised value whose bid meets the terms set by Council. On occasion, the city finds that it no longer needs certain roads, alleys or other rights of way and follows the process to vacate the right of way. In some circumstances, the city owns the land even though the right of way has been vacated. This proposed charter amendment addresses circumstances where the vacated right of way is abutted by one property owner. In that case, the proposed amendment would allow the city to sell the property to the abutting property owner for not less than fair market value, without competitive bid. This provision applies only to vacated right of way and does not apply to the city hall property or any other city-owned property.

#### **What a YES vote means:**

The city will be able to sell certain vacated right of way to an abutting property owner at or above the appraised property value and without a competitive bid. The proposed amendment eliminates the bid requirement, allowing staff to negotiate with the abutting property owner and present the item for council approval in a shorter time frame.

#### **What a NO vote means:**

The city will continue to complete a competitive bid process prior to presenting the sale of certain vacated right of way for council approval.

## REFERENDUM QUESTIONS

### QUESTION NO. 3:

#### Vacation of Utility Easements

Shall Section 2.01(d)(5)(vi) of the City Charter be amended as provided in Ordinance No. 8808-15 to allow the City to vacate utility easements which terminate at the water's edge where such easement was granted solely for utility purposes?

#### Background:

Currently, Section 2.01(d)(5)(vi) of the City Charter provides that a utility easement which terminates at the water's edge may not be vacated but may be exchanged for a new utility easement. Occasionally, the city determines that a utility easement is no longer needed. The current charter prevents the city from vacating the unneeded easement. This amendment would allow the city to vacate an unneeded utility easement even if it terminates at the water's edge. This change would not affect other easements, such as public access easements to the water.

#### What a YES vote means:

The city will be able to vacate a utility easement, such as a stormwater line, that ends at the water's edge and does not provide public access to the water. The easements or right of ways that provide public access to the water will remain protected.

#### What a NO vote means:

The city will continue to have to maintain the unneeded utility easement and seek an alternative easement if unable to vacate the utility easement.

### QUESTION NO. 4:

#### Limitations on Leases of City-Owned Real Property

Shall Section 2.01(d)(5)(vii) of the City Charter be amended as provided in Ordinance No. 8808-15 to allow surplus city-owned real property no longer needed for municipal purposes to be leased for an initial term of up to 65 years and a renewal period of up to 30 years not to exceed 95 years total without a referendum and to delete the requirement that leases in industrial parks contain certain lease restrictions?

#### Background:

Currently, Section 2.01(d)(5)(vii) of the City Charter limits the lease of surplus real property to an initial term of 30 years with a renewal term of a maximum of 30 years without referendum with the limit of 60 years total. From time to time, the city desires to lease surplus real property for redevelopment. Depending on the project and the development cost, an initial term of 30 years may be insufficient to encourage a developer to undertake the project.

That section also provides that leases of city property in an industrial park shall contain certain specific terms: continual use for public-private business purposes, reasonable rate of return on the city's investment, and a rent escalation clause. The city owns and uses certain industrially zoned property but does not own any industrial parks.

#### What a YES vote means:

The city will be able to lease surplus city-owned property to a developer for an initial term of up to 65 years. The lease term may be renewed for an additional 30-year maximum period without a referendum requirement. A referendum will be required if the initial lease term exceeds 65 years or the renewal period exceeds 30 years. The proposed amendment also deletes references to industrial parks, which is not an existing zoning or land-use designation.

#### What a NO vote means:

Leases of surplus city-owned property will continue to be limited to an initial term of up to 30 years, with a renewal period not to exceed 30 years, for a maximum of 60 years. Longer terms require approval at referendum.

### QUESTION NO. 5:

#### Downtown Waterfront Boatslips

Shall Clearwater Charter Section 2.01(d)(6) be amended as provided in Ordinance 8809-15 to allow, on the property generally bounded by Drew Street, Pierce Street, the Intracoastal Waterway Channel and the Bluff, the following on or as a part of the downtown boat slips: designated parking for boat slip users, restroom facilities, ticket booths and directional signage and the rental of non-motorized recreational equipment?

#### Background:

Charter Section 2.01(d)(6) governs the city-owned property generally bounded by Drew Street, Pierce Street, the Intracoastal Waterway Channel and the Bluff. It prohibits developing or maintaining the property for other than open space and public utilities and associated appurtenances without a referendum. This section has been amended several times to allow specific improvements and uses. This section was amended to allow the Downtown Marina and certain specific uses and structures. If it is not specifically allowed in the Charter it is not permitted.

#### What a YES vote means:

The city will be able to enhance the amenities offered to the Clearwater Harbor Marina boat slip tenants by incorporating designated surface parking, additional restroom facilities, and security fencing. This amendment allows concessions for rental of non-motorized recreational equipment, such as paddleboats, canoes, kayaks, and paddleboards, to the public. The proposed amendment eliminates the restriction on ticket booths for water taxis/ferries, excursion boats, and other similar uses, as these uses are permitted by charter. In addition, directional signage would be allowed for amenities and services available at the Marina.

#### What a NO vote means:

The city will continue to operate a limited service marina for boat slip tenants without additional amenities.



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## REFERENDUM QUESTIONS

### QUESTION NO. 6:

#### Downtown Waterfront Relocated Bandshell

Shall Clearwater Charter Section 2.01(d)(6) be amended as provided in Ordinance 8809-15 to allow, on the property generally bounded by Drew Street, Pierce Street, the Clearwater Harbor and the Bluff, the construction and maintenance of a city-owned bandshell and associated facilities including removable seating?

#### Background:

Charter Section 2.01(d)(6) governs the city-owned property generally bounded by Drew Street, Pierce Street, the Intracoastal Waterway Channel and the Bluff. It prohibits developing or maintaining the property for other than open space and public utilities and associated appurtenances without a referendum. While the current bandshell is permitted, expansion, relocation and seating would not be. This section also requires that the tennis courts be located south of Cleveland Street.

#### What a YES vote means:

The city will be able to construct a bandshell and associated facilities including removable seating anywhere below the Bluff. This provision will eliminate the requirement that the tennis courts be located below City Hall.

#### What a NO vote means:

The city will not be able to relocate or expand the bandshell or relocate the tennis courts from their current location.

### QUESTION NO. 7:

#### Additional Uses of Downtown Main Library

Shall Clearwater Charter Section 2.01(d)(7) be amended as provided in Ordinance 8809-15 to allow portions of the Downtown Main Library to be leased and used for a café or restaurant, special events, art galleries, maker space and other compatible public and commercial uses?

#### Background:

Clearwater Charter Section 2.01(d)(7) restricts city property bounded on the north by Drew Street, on the east by Osceola Avenue, on the south by Pierce Street, and on the west by the waters of Clearwater Harbor. It prohibits among other things, the lease or use of the property for other than city facilities without a referendum. The section has an exception for Harborview Center, but not the Library. The Urban Land Institute report recommends using the library as a downtown attractor and increasing its uses.

#### What a YES vote means:

The city will be able to lease portions of the library for amenities. These amenities may include a café or restaurant, art galleries, special events, or maker space and other compatible public and commercial uses.

#### What a NO vote means:

The city will not be able to lease portions of the Main Library for non-city facilities.