

Clearwater Sun

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Clearwater, Florida

City: Solicitation law will stand test

By HOWARD FRENCH Sun staff writer

Clearwater city commissioners Thursday quietly put their final stamp of approval on a controversial ordinance regulating fundraising efforts by non-profit organizations.

The commission's 4-1 vote made what once was an emergency ordinance a standard law and extended the city's battle with the Church of Scientology one more step. Only Commissioner James Berfield voted against the measure, without-comment.

The law began life as a temporary measure passed March 15, two weeks before U.S. District Court Judge Elizabeth Kovachevich ruled against the city's original solicitations law in the sect's ongoing constitutional challenge.

City officials said the new law was structured to withstand a constitutional challenge better than the original, although Mrs. Kovachevich also placed a restraining order on enforcing the new ordinance on April 21, while the entire matter continues through a lengthy appeals process.

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Both laws require non-profit organizations to register with the city and to file mandatory financial reports. In addition to the Church of Scientology, the ordinance has been opposed by Americans United for Seperation of Church and State, the National Council of Churches, the American Jewish Committee and the Suncoast Baptist Church of Clearwater.

But there was no testimony from either side of the question Thursday—just a simple majority approval.

In other business, however, commissioners may have opened themselves up for additional legal trouble from Bernard Powell.

owner of the Belleview Biltmore Hotel. Powell and attorney Roger Larson objected to the city Planning Department's request to rezone the hotel's Sand Key Cabana Club from commercial to highdensity, multi-family residential.

City planner Chris Papandreas said the change is necessary to bring the zoning of the 2-acre parcel, west of Gulf Boulevard, into conformance with the city's landuse plan. In addition, she said, the rezoning would ensure that the private club on the site is not some day converted into a public restaurant or bar, a use not in keeping with the exclusive neighborhood of condominiums.

But Powell said he has owned the property under commercial zoning since 1946, adding that he always had been highly cooperative with the city's zoning and annexation plans in the area but needed to maintain the commercial status.

City planners won the argument, with a 3-2 commission vote in their favor. But Powell said he felt "extremely slighted" and "very bitter," hinting he would consider going to court to restore his original zoning.