

**Agenda**  
**Interlocal Service Boundary Agreement/Annexation Meeting**  
June 30, 2009 ♦ 2:00 p.m.  
Oldsmar Library  
400 St. Petersburg Drive East, Oldsmar

- I. Call to Order
- II. Approval of the February 5, 2009 Meeting Notes (attached)
- III. Review Municipal Counterproposal on Annexation Process
- IV. Pinellas County Response and Determine Direction on How to Proceed  
*The Municipal Counterproposal and the County's Response are attached*
- V. Report on County/City and County/Fire District Meetings since February 5<sup>th</sup> on the Municipal and Unincorporated Service Areas  
*The revised map of the suggested municipal service areas based on input from the cities is attached*
  - *the cities involved in meetings since February 5th were Dunedin, Tarpon Springs and St. Petersburg and the fire districts involved were Palm Harbor, East Lake Tarpon, Lealman and Pinellas Suncoast.*
- VI. Draw Conclusions on Discussions to Date as to Direction of this Program
- VII. Set Next Meeting Date, Location and Agenda Items
- VIII. Public Comment
- IX. Adjournment

**Agenda and Meeting Notes**  
**Interlocal Service Boundary Agreement/Annexation Meeting**  
February 5, 2009 ♦ 1:00 p.m.  
Largo Library - 120 Central Park Drive, Largo, Florida  
(Revised June 15, 2009)

- I. Call to Order – Brian Smith, County Planning Director, opened the meeting at 1:05 p.m.
- II. Approval of the Meeting Notes – There were no comments on the notes for the November 19, 2008 meeting and they were approved as drafted.
- III. Selection of a Municipal Official as CoChairman  
*It was agreed at the last meeting that this work group would establish a cochairman procedure with one from the county and one from the municipal group*  
Bruce Haddock, Oldsmar City Manager, was nominated and selected by those present to serve as a CoChairman of the Interlocal Service Boundary Agreement (ISBA) Workgroup.  
Mr. Haddock and Brian Smith will work together as CoChairmen of the Workgroup.  
Mr. Haddock said that the City of Oldsmar would like to host the next meeting of the Workgroup.
- IV. Review Text on Annexation Policies and Procedures Proposed by the County  
*A copy of that draft proposal for the group to discuss is attached*  
Gordon Beardslee summarized each of the eleven changes to the existing annexation process recommended by Pinellas County and each item was discussed by the Workgroup. There was a concern expressed by Dunedin's representative that their city does not want to be forced to provide services to unincorporated areas within its municipal service area. It was reiterated that these negotiations and the ISBA will focus on annexation and not attempt to address service delivery issues.

**Item 1 – Annexation provisions in the 2007 Settlement Agreement**

- In order to make it clear that the Settlement Agreement would remain in effect, the municipalities would prefer that the Interlocal Service Boundary Agreement (ISBA) incorporate the annexation provisions from the Settlement Agreement by reference. The Settlement Agreement could be an attachment to the ISBA. Pinellas County has no problem with this proposal.

**Item 2 (the definition of “enclave”) and Item 3 (annexation within enclaves) were discussed together -**

- Mike Staffopoulos, City of Largo, speaking on behalf of several municipalities that had met earlier to discuss the County's proposals, stated that they were in agreement with items 2 and 3 **IF** the limitation in Item 3 on annexation within enclaves was removed. The County explained that it is intended that the limitation apply to annexations that are compelled through sewer indentures that were signed prior to the current owners acquiring the property.
- There was a discussion about Type A and Type B enclaves. The County clarified that its intent is that the annexation process would only recognize Type A enclaves. Municipalities were interested in expanding the proposed flexibility for annexation within Type A enclaves to also include Type B

enclaves. The County has to determine the location and extent of Type B enclaves before it can respond to this proposal. If Type B enclaves are included in the Interlocal Agreement, Seminole recommended that roads not be included as a manmade obstacle when identifying this type of enclave.

- Seminole also suggested that perhaps we need to define what is meant by 'voluntary' annexation.
- St. Petersburg wants to include Type B enclaves in Item 2.
- It was agreed that the municipalities would get together and come up with alternative language for Items 2 and 3.

➤ **Item 4 – Planning Authority for Municipal Service Areas**

- It was agreed that the municipalities would draft alternative language that could be considered for expanding municipal planning authority to include unincorporated areas within an established municipal service area as described in 4a.
- The County would be concerned if the "affected person" provision in 4c were not included in an agreement that allows cities to exercise some planning authority for unincorporated areas. Discussion followed that, if a city's planning authority for unincorporated areas is limited to the ability to adopt a map for their municipal service area, expanding the current definition of "affected person" in Chapter 163, F.S. may not be necessary if it is assumed that the city's map would mimic the County's FLUM. An increase in density or intensity above what's on the County's FLUM would only occur after a property is annexed and would have to undergo the normal public hearing process required for a map amendment.
- It was explained that the County's proposal gives the Pinellas County Planning Department the responsibility for determining whether a city's FLUM for a specific property provides for intensity or density that is equal to or less intense than the County's FLUM. The PPC representative asked if the municipalities were comfortable with this proposal.

➤ **Item 5 – Ability to Serve Review and Recommendation**

- County staff noted that this may require an amendment to the Special Act in order to implement. As an alternative, the participating municipalities suggested that a city could prepare a Master Ability to Service Report for its municipal service area and have this reviewed and approved by the PPC. Rather than review each individual proposed annexation of more than 10 acres, the Master Report would be approved once for the entire municipal service area. While the participating municipalities agreed to have these reports approved by the PPC, County staff proposed that if this approach is taken, the Report should also be approved by the BCC.

➤ **Item 6 – Require only one legal notice for voluntary annexations**

- There is unanimous support for this recommendation.

➤ **Item 7 – Consider a 20-year time frame for the ISBA**

- Support for this longer time frame would depend upon the contents of the ISBA.

➤ **Item 8 – Certified notices for voluntary annexations sent to the County Planning Department**

- There was no objection raised about sending the required certified notice to the Planning Department rather than the County Clerk's Office. The Planning Department would distribute the notice to the Clerk's Office as part of its internal routing procedure.

Mike Staffopoulos stated that the following three items (#9, #10 and #11) were unacceptable to the municipalities.

➤ **Item 9 – Proposed criteria to ensure an annexation meets the requirements for contiguity and compactness**

- The municipalities do not support the County proposal. Some municipalities take the position that anything greater than "point to point" satisfies the contiguity requirements of the law. It was asked by one municipality that if municipal service areas are established why would the County be concerned about how a city annexed property within its service area?
- It was noted that the Florida Statutes requires that a substantial part of a boundary of the proposed annexation area be coterminous with the municipality. One of the cities suggested that perhaps the word 'substantial' should be deleted from the statutory definition.
- Another proposal is that the County and cities just live with the current definitions for contiguity and compactness contained in Chapter 171, Part I, of the Florida Statutes.
- The municipalities may look at this subject and come up with an alternate proposal.

➤ **Item 10 – Proposed criteria to help determine if an annexation is reasonably compact**

- Pinellas County stated that it will not be pursuing this proposal. The municipalities were in agreement with this action.

➤ **Item 11 – Proposed modifications to annexation process in Section 171.0413(6) of the Florida Statutes**

- The County's proposal partially addresses concerns of nonresidential property owners who properties are involuntarily annexed through this type of annexation process. Municipalities raised objections to this proposal and felt that the current statutory requirements for this type of annexation should not be changed.

V. Report on County/City Meetings on the Municipal and Unincorporated Service Areas

*The maps that were discussed are on the County's website at*

*<http://www.pinellascounty.org/annexation/pdf/meeting-2008-11-19.pdf>*

*-- The cities involved in those meetings were Pinellas Park, Seminole, Oldsmar, and Largo*

Representatives from Pinellas Park, Seminole, Largo and Oldsmar briefly described their city's suggested boundaries for a municipal service area for their respective jurisdiction. They also summarized the results of the initial discussions they have had with County staff on the suggested boundaries. County staff stressed that discussions with these four cities is still underway and that no final position has been taken by either the cities or the County on the suggested boundaries. There was some discussion about what percentage of the unincorporated area within the suggested Oldsmar municipal service area is contained within the proposed East

Lake Woodlands annexation. It was also clarified that the East Lake Fire District adopted a timely resolution to participate in the negotiations. *(In a follow-up to this meeting, it was determined that the Pinellas Suncoast Fire District took appropriate timely action to establish their agency as a participant in negotiations on the ISBA. This increased the total number of participating parties to 19.)*

County staff noted that meetings with St. Petersburg and Belleair Bluffs will be scheduled in the near future to discuss those jurisdictions' suggested changes to the municipal service area boundaries included in County Resolution 08-110. At the meeting, the cities of Dunedin and Tarpon Springs and the East Lake Fire District and the Palm Harbor Fire District also asked to meet with County staff to discuss municipal and unincorporated service area boundaries. County staff will work with these cities and agencies to schedule the meetings.

#### VI. Draw Conclusions on Discussions to Date as to Direction of this Program

- Before the next meeting of the Workgroup, County staff will meet with St. Petersburg, Belleair Bluffs, Dunedin, Tarpon Springs, the East Lake Fire District, and the Palm Harbor Fire District to discuss boundaries for municipal service areas and unincorporated service areas.
- The municipalities will work together and develop alternatives to some of the County proposals discussed above for consideration at the next meeting of the Workgroup.

#### VII. Set Next Meeting Date and Agenda Items

It was agreed that the next meeting should be scheduled for approximately two months out. Before scheduling the meeting, the municipalities wanted an opportunity to meet and begin drafting their alternative proposals. Once this is underway, they will have a better idea about when they would have their proposals ready for the meeting. It was agreed that any proposals for consideration at the next Workgroup meeting should be provided to participants at least two weeks in advance of the meeting.

#### VIII. Public Comment

- Art Hebert – Mr. Hebert asked for clarification on whether anything greater than 'point to point' contiguity meant that one foot or two feet would meet the contiguity requirement. He also thanked the County for looking out for its citizens.
- Marilyn Murphy – Does this agreement mean that people in the unincorporated area have no say on annexation? Ms. Murphy also for clarification on the City of Seminole's request that the ISBA allow the City to annex noncontiguous property between Seminole Blvd and 113<sup>th</sup> Street. Mark Ely from the City of Seminole and Brian Smith explained the City's proposal and Ms. Murphy was asked to get with Mr. Ely after the meeting so he would discuss that item with her in more detail.
- James Fehl – Mr. Fehl is happy that the smaller unincorporated areas around the County are being included in the discussions on annexation.

#### IX. Adjournment @ 2:30 p.m.

A list of those attending is attached.  
Attachment.

## PINELLAS COUNTY RESPONSE

TO THE

March 2009 MUNICIPAL COUNTERPROPOSAL  
Changes to Annexation Process Recommended by  
Pinellas County for Inclusion in an Interlocal Service Delivery Agreement  
June, 2009

The following represents a municipal counterproposal to language proposed by Pinellas County and discussed at the February 5, 2009 Interlocal Service Boundary Agreement/Annexation Meeting. Pinellas County's responses to the municipal counterproposal are shown in *italics* and County modifications to the counterproposal are noted with strike-through and underline. The last page of the counterproposal summarizes the changes made to Pinellas County's original proposal.

### COUNTERPROPOSAL

1. The annexation provisions in the May 2007 Settlement Agreement shall remain in effect and shall not be superseded by the provisions of this Interlocal Service Boundary Agreement.

*Pinellas County supports this section as drafted.*

#### 2. Planning Authority for Municipal Service Areas

- a) Any reference to "municipal service area" contemplated in this agreement shall be limited to municipal service areas as defined in section §171.202(11)(a), Florida Statutes.

*Pinellas County would add the following subsection:*

- b) Any reference to "unincorporated service area" contemplated in this agreement shall be limited to unincorporated service area as defined in section 171.202(16)(a), Florida Statutes.

- ~~b)~~ c) A city, in preparing and adopting its comprehensive plan for the development of land within the city, and amendments thereto, may include its municipal service area within the city's plan in order to advise both the County and the owners of parcels of property therein of the long range planning objectives of the city. However, the city acknowledges that the inclusion in the city's plan of parcels of property within its municipal service area which lie outside the corporate limits of the city shall not be binding on the County or the property owners prior to annexation of such parcels by the city.

*Subsection c) is acceptable to Pinellas County with the following clarification at the end of this subsection:*

After annexation of such parcels by the city, a land use designation will be established for the newly annexed property pursuant to the provisions of Chapter 163.3184, Florida Statutes.

3. Each municipality shall have the ability to annex any and all unincorporated areas contained within its service area pursuant to §171.204, Florida Statutes, regardless of whether the area to be annexed is contiguous as defined in §171.031(11), Florida Statutes, compact as defined in §171.031(12), Florida Statutes or is an enclave or creates an enclave as defined in §171.031(13)

& §171.202(2), Florida Statutes. For the purposes of this agreement:

- a) Any parcels of property located within a municipal service area shall be considered “urban in character”, as defined in §171.031(8), Florida Statutes; and
- b) Annexation may be achieved by both referendum and non-referendum, or any other methodology approved by Florida Statutes.

*Pinellas County supports providing a more flexible process for annexation of enclaves contained within a municipal service area. The municipal counterproposal in this section, however, encompasses all unincorporated areas within a municipal service area, and is not supported by the County. It would also result in further and more pronounced fragmentation of jurisdictional boundaries. Pinellas County would like to work with the other members of the Annexation Workgroup to develop a process for annexation of enclaves that:*

- a. provides more procedural flexibility than current law,*
- b. does not exacerbate the problem of fragmented jurisdictional boundaries,*
- c. avoids creating residual unincorporated areas of lower taxable value, and*
- d. considers the rights of unincorporated residents and property owners.*

- ~~4. Each municipality shall identify existing enclaves and unincorporated areas within its service area where municipal services are provided by that municipality. The municipality and County shall set forth an annexation schedule for a mandatory, phased annexation of the identified enclaves and unincorporated areas. The annexations shall then occur by interlocal agreement in accordance with the schedule.~~

*Pinellas County does not support this section, and would remove it in its entirety.*

5. Each municipality pursuing an annexation within its municipal service area, and requiring an Ability to Serve review and recommendation by the Pinellas Planning Council pursuant to Section 5 (13) of the Special Act, shall have the ability to develop one Master Ability to Serve report for its entire municipal service area. The development of one Master Ability to Serve report shall be deemed consistent with the requirements and intent of Section 5 (13) of the Special Act.

*Pinellas County supports this section as drafted.*

6. Only one legal notice shall be required for a voluntary annexation within a municipal service area rather than two as is currently required by Section 171.044(2) ~~166-041~~, Florida Statutes.

*Pinellas County supports this section as modified to include the correct statutory reference. .*

7. The Interlocal Service Delivery Agreement shall have a 20 year time frame.

*Pinellas County supports this section as drafted.*

8. A municipality shall send the required certified notice for voluntary annexations to the Pinellas County Planning Department, rather than the Pinellas County Clerk's Office.

*Pinellas County supports this section as drafted.*

- ~~9. If municipal annexation ordinances are adopted in accordance with the conditions set forth in the Agreement, the County will not challenge administratively, judicially, or otherwise, any annexations by a municipality within its planning area.~~

*Pinellas County does not support this section, and would remove it in its entirety.*

10. Annexation by a city shall be limited to unincorporated parcels of property located within the city's municipal service area.

*Pinellas County would add this section.*

June 18, 2009



SUMMARY OF MUNICIPAL COUNTER PROPOSAL CHANGES  
TO PINELLAS COUNTY'S ORIGINAL PROPOSAL  
March, 2009

Pinellas County paragraph 1. replaced with the following language:

*The annexation provisions in the May 2007 Settlement Agreement shall remain in effect and shall not be superseded by the provisions of this Interlocal Service Boundary Agreement.*

Pinellas County paragraphs 2. and 3. replaced with the following language:

*Each municipality shall have the ability to annex any and all unincorporated areas contained within its service area pursuant to §171.204, Florida Statutes, regardless of whether the area to be annexed is contiguous as defined in §171.031(11), Florida Statutes, compact as defined in §171.031(12), Florida Statutes or is an enclave or creates an enclave as defined in §171.031(13) & §171.202(2), Florida Statutes. For the purposes of this agreement:*

- A) Any parcels of property located within a municipal service area shall be considered "urban in character", as defined in §171.031(8), Florida Statutes; and B) Annexation may be achieved by both referendum and nonreferendum, or any other methodology approved by Florida Statutes.*

Pinellas County paragraph 4. replaced with the following language:

- A) Any reference to "municipal service area" contemplated in this agreement shall be limited to municipal service areas as defined in section §171.202(11)(a), Florida Statutes.*
- B) A city, in preparing and adopting its comprehensive plan for the development of land within the city, and amendments thereto, may include its municipal service area with the city's plan in order to advise both the County and the owners of parcels of property therein of the long range planning objectives of the city. However, the city acknowledges that the inclusion in the city's plan of parcels of property within its municipal service area which lie outside the corporate limits of the city shall not be binding on the County of the property owners prior to annexation of such parcels by the city.*

Pinellas County paragraph 5. replaced with the following language:

*Each municipality pursuing an annexation within its municipal service area, and requiring an Ability to Serve review and recommendation by the Pinellas Planning Council pursuant to Section 5 (13) of the Special Act, shall have the ability to develop one Master Ability to Serve report for its entire municipal service area. The development of one Master Ability to Serve report shall be deemed consistent with the requirements and intent of Section 5 (13) of the Special Act.*

Pinellas County paragraphs 6., 7., and 8. remain unchanged.

Pinellas County paragraphs 9., 10., and 11. removed in their entirety.

Municipalities propose new paragraphs 4. and 9.

*Each municipality shall identify existing enclaves and unincorporated areas within its service area where municipal services are provided by that municipality. The municipality and County shall set forth an annexation schedule for a mandatory, phased annexation of the identified enclaves and unincorporated areas. The annexations shall then occur by interlocal agreement in accordance with the schedule.*

*If municipal annexation ordinances are adopted in accordance with the conditions set forth in the Agreement, the County will not challenge administratively, judicially, or otherwise, any annexations by a municipality within its planning area.*

