

Agenda and Meeting Notes
Interlocal Service Boundary Agreement/Annexation Workgroup Meeting
September 30th 2009 @ 2:00 p.m.
Largo Feed Store, Largo

1. **Call to Order** – Brian Smith, Pinellas County Planning Director, opened the meeting at 2:00 p.m.
- II. **Approval of the Meeting Minutes** – There were no comments on the notes for the June 30th, 2009 meeting and they were approved as drafted.

III. Review of County Response to the Municipal Counterproposal on Annexation Process

Brian Smith reviewed the purpose of this item, and introduced Gordon Beardslee, who went on to explain the County's response to the March 2009 Municipal Counterproposal Changes that the County had sent out.

MUNICIPAL COUNTERPROPOSALS

Counterproposal #1. – this item was fine as proposed.

Counterproposal #2. - The County wants to add a clarifying paragraph to Subsection c) which pertains to differences in allowable uses and density differences between the County Comprehensive Plan and the municipal comprehensive plans upon annexation of a parcel of land. In the County's response, if the city's comprehensive plan provides for residential density that exceeds the maximum permitted by the County comprehensive plan or allows uses not permitted in the County comprehensive plan for the annexed parcels, the city must establish a land use designation for the newly annexed property. Discussion ensued about the County's Future Land Use Map (FLUM) designations, and whether the County will be amending its FLUM designations to match the uses in the Countywide Map categories. The County noted that it is initiating an update to the County Code, which will result in some changes to the County's FLUM designations, but it is too soon to determine what those changes would be. Some cities would like to discuss Land Use categories and consistency with the County's categories or rules and are interested to see how the County's FLUM categories will change to reflect livable communities model code approved by the MPO. Mark Ely from the City of Seminole noted that Seminole allows residential in its Commercial General land use designation, and asked whether the City would have to adopt another CG category (e.g. CG lite) in order to avoid amending the City's comprehensive plan if they annexed a commercial property. If a city allows equal or less intense uses in its plan, then they should not need to go through a plan amendment process after annexation.

It was suggested that the wording in the existing Interlocal Agreements between the County and several cities could be considered in this subsection. It was noted by the County that the existing Agreement language provides flexibility where even if densities or intensities look different, the County has not raised an issue where there is a judgment call. Application of the existing Agreement language hasn't been an issue over the past 20 years that the Agreements have been in place.

It was questioned why the comparison would not be between the city plans and the Countywide Plan? County staff noted that there are differences between County and city land use categories based on policy differences that may not be reflected in the Countywide Plan. A jurisdiction can be more restrictive than the Countywide Plan (which serves as an umbrella), and the County prefers to compare its Chapter 163 plan with other local Chapter 163 plans.

It was suggested that the County map those areas that it feels may be an issue (e.g. the coastal storm area or LOS F roads) and see if the mapping results rise to a level that should be a concern and addressed in the Interlocal Agreement. It was suggested by one of the city representatives that the cities could determine the impact of the County's proposal on the city by comparing their categories with the County's FLUM categories, determining where there are differences, and see if any of these different categories are located in areas the city plans to annex.

David Healey, the PPC representative, recommended that any differences between the County and a municipal plan could be worked out upfront when the city amends their local plan to assign FLUM designations for unincorporated areas within their municipal service area.

Brian Smith agreed that the County can look at these different suggestions and recommendations and work on the wording for this subsection.

During the discussion on this item, concern was raised by the cities that the County was giving the cities something they already had in existing Interlocal Agreements, and that the County has not provided a proposal to make annexation more flexible. The cities need something in return before they agree to boxes restricting annexation.

Counterproposals # 3. & # 4. - Gordon Beardslee related how the County Commission was not supportive of forced annexation, and the County Administrator does not support annexation in enclaves that is not contiguous to a municipal boundary. It was also noted that while Section 171.205, Florida Statutes, provides a flexible process for securing consent of persons in the area proposed for annexation, it does not permit the mandatory annexation of enclaves and other unincorporated areas as contained in the municipal counterproposal, except for what is already allowed in Part I of Chapter 171. Section 171.205 of the FL Statutes provides flexibility on securing consent for annexations. He asked if the cities had taken a look at this, to provide a more flexible process. David Sadowsky explained further the County's position, how the County now needs to know what the cities want. As this is a major component of the proposal, the definition of contiguous, non-contiguous and consent was discussed. It was requested that the County provide a more specific proposal. The cities want to be able to annex properties that are inside enclaves, whether or not they are contiguous. David Sadowsky asked whether the cities were interested in any of the consent flexibility provided for in Section 171.205, and for the cities to tell the County what they agreed with. The cities didn't see how Section 171.205 would help them accomplish the annexation of enclaves, and felt it does not address annexations, only in obtaining consent. Some cities have no problem obtaining consent and the proposed flexibility would not be a big benefit to them. For the cities, noncontiguous annexation in enclaves is a major component of any agreement with the County. This is extremely important to cities actively engaged in annexation.

David Sadowsky agreed that the County would not pursue including consent flexibility in the Interlocal Agreement. He then addressed the cities about the issues of compactness and contiguity, and asked if there were any other issues. The cities noted that the County's initial proposal in January 2009 was more flexible than the latest County response. Gordon

Beardslee explained how the cities counterproposal #3 is not supported by the County Administrator, who does not support noncontiguous annexation in enclaves. He is concerned that noncontiguous annexation would only worsen problems with service delivery. From Largo's perspective, most enclaves in their proposed municipal service area are single-family neighborhoods where there is already a mix of county and city jurisdictions. Facilitating annexation of enclaves would quicken a resolution of service delivery questions. There was also a question as to whether the County Administrator supports the forced annexation of enclaves under the current provision in Part I of Chapter 171. It was agreed that the proposal to allow noncontiguous annexation in enclaves will be taken back to the County Administrator for further discussion. The municipalities requested that the County Administrator attend the next meeting of the Workgroup so they could address their concerns about enclaves. Mark Ely requested that the Interlocal Agreement only address Type A enclaves. This would facilitate annexation of road ROW and drainage systems that wouldn't be possible if there continued to be a prohibition against creating Type B enclaves.

Counterproposal # 5 – Pinellas County supports this section as drafted by the municipalities.

Counterproposal #6 - Pinellas County supports this section as modified to include the correct statutory reference.

Counterproposal # 7- Pinellas County supports this section as drafted. The East Lake Tarpon Fire District has a concern with this proposed section of the Agreement. The Fire District strongly feels the independent fire districts should be represented by the County, because they are part of unincorporated Pinellas County. The Fire District is concerned that comments by the fire districts seem to be completely discounted by the County. The East Lake Fire District proposes that when a city tries, and fails, to annex part of a special fire control district during the term of the agreement, the annexation area should be removed from the municipal services area if the annexation attempt fails. Gordon Beardslee felt that this issue relates more to the map, but the Fire District feels that this is an issue that pertains to the text of the Agreement. If the area is not annexed, and the people don't want it, the area should be removed from the municipal service area on the map for the term of the agreement. An exception could be put in the Agreement for enclaves. The cities responded that this request by the Fire District is contrary to the May 2007 Settlement Agreement. The Settlement Agreement states that a municipality must wait at least 7 years after a failed annexation before attempting another annexation of the area.

Counterproposal #8 - Pinellas County supports this section as drafted.

Counterproposal #9 – Pinellas County does not support this proposal, and recommends deletion, and a revision to read that “an appeal of an annexation shall utilize the procedure provided for in section 171.081, Florida Statutes.” The cities questioned the need for any further litigation if an agreement on annexation is reached, and asked for an explanation. David Sadowsky explained that it is not realistic to expect that an agreement would be so tight that there would be no disagreement over 20 years. If the County and cities disagree on something, the County can't give away the Board's right to litigate.

Counterproposal #10 – Based upon direction provided at the June meeting, the statement was added that “a city shall not be permitted to annex property located within the municipal service area of another city established by this agreement.” This language was added at the request of the cities. After discussion, the cities requested that this additional language be removed from Counterproposal #10. It was questioned why the County would care which city decided

to annex a piece of property. The municipalities felt that if two cities want to work out an understanding that allows one of the cities to annex in the other's municipal service area, those two cities should be the only two interested parties, and this option should not be prohibited in the Agreement.

Mike Staffopoulos from the City of Largo asked if Pinellas County is going to be performing Ability to Serve Reports to show that the County can provide municipal services and facilities. In the past, Pinellas County has raised questions or challenged Urban Service Reports, and Largo feels that the comments from the County could be turned around and levied against Pinellas County. Reference was made to cuts in the Sheriff's Office budget. Gordon Beardslee responded that the County evaluates the provision of services and facilities through the comprehensive planning process. Pinellas County evaluates service provision for the entire unincorporated area, not just the unincorporated area within a proposed municipal service area. Since the cities will have to prepare a comprehensive urban services report for the unincorporated area within their respective municipal service area, the cities feel it would only be fair to ask the County to do the same thing for the unincorporated service areas – a long-term strategy for providing services. David Healey suggested allowing cities to satisfy the Ability to Serve Report requirement when they amend their comprehensive plans to include the unincorporated areas within their municipal service areas.

IV. Review of Draft Procedures proposed by Pinellas County for Amending the Interlocal Service Boundary Agreement.

Brian Smith reviewed the process that was outlined on the Flowchart. The purpose of the flowchart was to give an idea of the process and steps involved, before seeking public comment. The cities thought that this item should be deferred, until they are further along in the process of developing an Interlocal Agreement.

V. Report on Status of Suggested municipal and unincorporated service area boundaries.

Meetings on the map- Gordon Beardslee stated that the County has contacted the cities and fire districts, and is scheduling meetings in October to go over the results of County staff discussions with the County Administrator on the municipal and fire district proposals for municipal and unincorporated service area boundaries.

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

Brian Smith asked if there were any other conclusions not covered by the previous discussion. In Largo's responding resolution, there were some additional issues that were raised that they want included on the agenda for the next meeting. There are additional issues that the cities raised in their resolutions above and beyond what the County had identified in its initiating resolution. David Sadowsky said he would work with Bruce Haddock, Workgroup CoChairman, to place these issues on the agenda for the next meeting.

VII. Set Next meeting date, location and Agenda Items

Bruce Haddock will bring the city managers up-to-date on the ISBA process at the December 4th City Managers meeting, and try to reach some conclusions. The County Administrator also

attends these meetings. The date of the next Workgroup meeting will be scheduled between December 4th and the 25th. The next meeting will be held in St. Petersburg, with the location as yet to be determined.

VIII Public Comment

Terry Haas asked if the map meetings are open to the public. Brian Smith stated that they were staff meetings, and closed. Mr. Haas wanted to know if there is any opportunity for public input into the map. The public is invited to speak at the end of the Workgroup meetings, where public comment is allowed. Brian Smith stated that once process is defined, it will be open to the public. Gordon Beardslee stated that the public can meet with County staff to discuss their comments and any concerns they have on the map.

Art Hebert wanted to thank Mr. _____ for his concern for providing a long-term strategy for pockets of unincorporated areas that will not be served by a municipality.

IX. Adjournment

The meeting was adjourned at 3:45 p.m.

The September 30, 2009 Meeting Notes were approved by the Interlocal Service Boundary Agreement/Annexation Workgroup on December 8, 2009.

Attendees – September 30, 2009

PINELLAS COUNTY:	Brian Smith Gordon Beardslee David Sadowsky
BELLEAIR BEACH	Paul J. Marino - attorney
CLEARWATER:	Leslie Dougall-Sides
DUNEDIN:	Greg Rice
EAST LAKE TARPON FIRE:	Tom McKone
GULFPORT:	Fred Metcalf
LARGO:	Alan Zimmet – attorney (also representing Safety Harbor) Mike Staffopoulos Carol Stricklin Teresa Brydon Mary Hale Lisa Vega – Legal Intern
LEALMAN FIRE:	Jim Millican
OLDSMAR:	Bruce Haddock Tom Trask – attorney (also representing Tarpon Springs, Dunedin, Indian Shores, Belleair Bluffs)
PALM HARBOR FIRE:	James Angle
PINELLAS PARK:	Tom Shevlin Regina Kardash James W. Denhart
SAFETY HARBOR:	Matt McLachlan
SEMINOLE:	Mark Ely John Elias (also representing Kenneth City)
SO. PASADENA:	Linda Hallas - Attorney
ST. PETERSBURG:	Kimberly G. Jackson Gary Jones Jeanne Hoffman
TARPON SPRINGS:	Renea Vincent Joe DiPasqua
PPC:	David Healey
GENERAL PUBLIC:	Art Hebert Terry Haas Dot Miller Patricia Loop Norman Atherton