

Clearwater, Florida, August 15, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 5:05 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Karen Burns
James F. Coats, Sheriff
Katie Cole
Robert C. Decker
George Jirotko
Louis Kwall
Roger Wilson

Late Arrivals:

Roy Harrell
Susan Latvala, County Commissioner
Jim Sebesta, State Senator

Absent:

John Bryan, City of St. Petersburg Councilmember

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc.
Mark Curfman, MGT of America, Inc.
Other interested individuals
MaryAnn Penhale, Deputy Clerk

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AGENDA

1. Welcome
2. Approval of Minutes
3. MGT – Updates
 - Fire Services Study
 - Building Services Study
4. Items Continued from August 1st
 - Non-Partisan Election of Supervisor
 - Manager's Authority to Terminate Senior Staff
 - Annexation Policy
5. Future Calendar
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and confirmed the presence of a quorum; whereupon, he noted that Mr. Bryan would not be in attendance; and that Senator Sebesta, Commissioner Latvala, and Mr. Harrell are not yet present.

MINUTES OF MEETING OF AUGUST 1, 2005 – APPROVED

Upon presentation of the minutes of the meeting of August 1, 2005 by Chairman Bomstein, Ms. Cole confirmed that she had rejoined the meeting via telephone at the time of the recess and had remained in attendance until the end of the meeting.

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At this time, 5:07 P.M., Senator Sebesta entered the meeting.

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Thereupon, Chairman Bomstein noted the absence of other comments; and indicated that the minutes are approved as submitted with the aforementioned amendment.

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MGT UPDATES

Fire Services Study

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc., stated that an in-depth report regarding fire and fire service rescue had been presented at the meeting of August 1; that surveys have been received from many of the fire departments; that additional contacts will be made this week to seek any further input; that staff has had the opportunity to speak to each of the fire chiefs; and that work on the study continues to move forward.

Building Services Study

Mr. Humphrey stated that the building services study is intended to be an update of previous studies conducted in 1992 and 1998; and that a draft report is expected to be available by the end of the month.

Mark Curfman, MGT of America, Inc., indicated that the three main areas targeted in the study are building inspection services, code enforcement, and development services; that building inspection encompasses building permits for items such as new homes, additions and decks, the evaluation of those permits and associated plans, and the inspection of the new homes, additions and decks; that code enforcement relates to such issues as the façade of a building, tall grass or weeds, or the parking of cars, recreational vehicles or boats in side or front yards; and that the development services element relates to new development or redevelopment, such as the demolition of an old building and construction of a new one, or the building of a new structure on a vacant lot. Referring to procedural matters, he indicated that staff has reviewed services provided by the county and by the 24 municipalities; and that a survey had been sent to all municipalities.

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At this time, 5:13 P.M., Mr. Harrell entered the meeting.

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Mr. Curfman stated that work volume regarding the number of permits, inspections and land development parcels is included in the baseline of the study; that the baseline has been analyzed against the previous 1992 study; and that the analysis and interviews conducted with county personnel have resulted in the formation of preliminary findings and recommendations.

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At this time, 5:15 P.M., Commissioner Latvala entered the meeting.

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Mr. Curfman referred to a document titled *Pinellas Charter Review Commission – Building, Code Enforcement, Development Services*, a copy of which has been filed and made a part of the record, and summarized the following preliminary findings:

- Very little consolidation of services in development, code enforcement and building services, and little cooperation between municipalities and county, except for six municipalities that have contracts with the county to provide building inspection services.
- Differing levels of service for various jurisdictions in the county.
- Widely disparate applications of technology being used within all 24 municipalities.
- Different code standards and code enforcement strategies within the county.

Responding to queries by Senator Sebesta, Mr. Curfman discussed the differences in codes between the cities as well as the varying levels of enforcement; whereupon, Chairman Bomstein provided input regarding the state building code, the differences in local ordinances, and code enforcement issues.

Referring to the preliminary recommendation, Mr. Curfman stated that the Pinellas County Building Department should continue implementation of Accela's PERMITS Plus automation tools and central database for land management, and building permitting and inspections; whereupon, he provided a brief description of the technology and the numerous types of information that reside in the database; and stated that the permitting process will be online; and that inspections will be accomplished electronically through the use of tablet PCs and wireless transmission of information to the county database. Responding to queries by Chairman Bomstein and the members, he indicated that the county has purchased the system and is currently in a testing phase; that it is not yet available online; that the system could be accessed by the municipalities; that the six municipalities which contract with the county for inspection services constitute a minor

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percentage of the total number of permits; that he will provide additional information regarding the number of permits as requested by Ms. Cole; that city managers and zoning officers had been consulted; that there was no recurring theme of requests for assistance by the county from the cities; and that differentiations in the application in flood zones and rebuilding issues had not been explored in depth.

Mr. Curfman also recommended that smaller and mid-sized municipalities consolidate their services at the county level; that larger municipalities utilize the county's database and technology; and that substantial savings could be achieved across the board. Responding to a query by John Hipp from the audience, Chairman Bomstein directed that Mr. Hipp discuss his concerns with Mr. Curfman or Mr. Spratt after the meeting.

Mr. Curfman also recommended utilization of a neighborhood code compliance district, which would involve a minimum set of standards that would be enforced across the county while allowing for individual differences in various neighborhoods and districts. Responding to queries by the members, Mr. Curfman indicated that other counties around the country have incorporated the neighborhood code compliance district into their charters; and that one minimum standard would apply across the board.

Responding to queries by Chairman Bomstein, Mr. Humphrey indicated that the draft report will outline the proposed recommendations and costs associated with implementation, an approximate timeline, legal considerations, and projected staffing requirements; and Mr. Spratt related that the Accella system has the expansion capability for interoperability with other users; whereupon, discussion ensued regarding the possible use of the county's technology services by the municipalities.

Chairman Bomstein indicated that he would take two questions from the audience; whereupon, in response to query by Marsha Young, Tierra Verde, Mr. Curfman indicated that the proposed minimum standards would not affect deed-restricted communities. City of Pinellas Park Mayor William F. Mischler related that the city is already conducting computerized building and fire inspections for the Town of Kenneth City.

Responding to query by Mr. Wilson, Mr. Humphrey confirmed that the fire report would address mutual aid activity and other issues.

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ITEMS CONTINUED FROM AUGUST 1, 2005

Non-Partisan Election of Supervisor

Chairman Bomstein referred to discussion at the meeting of August 1; and indicated that he had requested the vote be postponed at that time because there were so few members present and there had been issues involving telephone connections; whereupon, he advised the members that Supervisor of Elections Deborah Clark was not able to be present tonight; and that she had requested that the vote be deferred until she could be in attendance.

Following discussion, Mr. Jirotko removed the item from the table; whereupon, Chairman Bomstein stated that no second is required; and that the item is off the table and available for action if the members so choose. During the ensuing discussion, the members offered the following input:

- Senator Sebesta indicated that if the non-partisan route were chosen, it would not be enough to “say” the office is non-partisan. It would be necessary to add some “teeth” to the amendment by including a requirement that the office be “run” in a non-partisan manner.
- Chairman Bomstein referenced discussion regarding filing fees at the last meeting and stated that the filing fee is six percent of the annual salary; and that two percent would be sent to the state political party.
- Mr. Kwall indicated that he thinks it is naïve to believe anyone is non-partisan; and that he sees no reason to change the existing status.
- Ms. Burns stated that she believes there is value to the position being non-partisan from a perception standpoint and because of the confidence voters have in the non-partisan running of an election.
- Sheriff Coats suggested better education of the public and indicated that the Supervisor of Elections can qualify by petition.

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- Ms. Burns stated that the Governor's Commission had been in favor of the non-partisan status.
- Attorney Churuti stated that the Governor's Commission had recommended a statewide law change to make all supervisors simultaneously non-partisan as opposed to counties having supervisors with differing status.
- Mr. Harrell suggested that there is a possibility that making the supervisor position non-partisan might be helpful and questioned why it should not then be done.

Thereupon, Mr. Jirotko requested that the Chairman call the question; and indicated that he had made the motion at the last meeting to leave the supervisor status as is.

Chairman Bomstein indicated that the motion was to take no action on the item which would leave the Supervisor of Elections position partisan as it currently is; whereupon, he called for the vote by a show of hands; and announced a tie vote of 6 to 6, with the Chairman, Ms. Burns, Ms. Cole, Mr. Davis, Mr. Decker, and Mr. Harrell casting the dissenting votes. Chairman Bomstein noted that the motion failed; whereupon, Mr. Harrell indicated that it would be helpful to have additional information as to the requirement of conducting elections in a non-partisan manner; and Attorney Churuti briefly summarized previously presented options regarding making the office non-partisan.

Thereupon, Chairman Bomstein indicated that with the commission's concurrence, the item will be left dormant for the present time; and that if Ms. Clark would like to address the commission and if the members wish to revisit the matter, they are free to do so.

Manager's Authority to Terminate Senior Staff

Mr. Spitzer referred to two versions of the amendment regarding the County Administrator's employment powers, one being the Charter Amendment #4 which was rejected by the voters in November 2004, and the other being a revision to the same article of the charter which attempts to accomplish the same thing using slightly different wording.

Mr. Spratt stated that the threshold question is whether the commission wants government to exercise good management practices; that individuals with responsibility need to have authority; that having a legislative branch determining whether senior staff

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can be terminated represents a misplaced priority and responsibility; that the board had agreed to delegate this authority to him when he was hired; that the language on the ballot was confusing and misinterpreted; that the proposed revised language is clear; and that he still maintains the position that the county commission should delegate the aforementioned types of decisions to the chief executive.

Mr. Bomstein reviewed the language in the ballot amendment presented to the voters in November 2004 as well as the proposed revision; and noted that the revised wording provides a more explicit explanation of what will be accomplished by adoption of the amendment.

Thereupon, Mr. Harrell moved, seconded by Senator Sebesta, that the revised language be approved. During discussion, Mr. Kwall stated that there is no reason for the proposed amendment inasmuch as the county commission has already delegated this authority to the county administrator; whereupon, he pointed out that the voters had overwhelmingly rejected the amendment in the November 2004 election. Sheriff Coats stated that the proposed change would subscribe to good business management practices; and Senator Sebesta indicated that the previous ballot wording had been confusing. Mr. Davis related that he had previously voted against the item; that he disagreed with the references made regarding good management practices; and that chief executive officers in companies are not allowed to fire personnel one level down without board oversight; whereupon, alluding to the November 2004 election results, he expressed concerns regarding how many times an issue is to be reworded and presented again to the voters. Discussion ensued; and in response to query by Ms. Burns, Attorney Churuti briefly described state and federal whistleblower statute protections for employees. Replying to a question by Mr. Wilson, Mr. Spratt described the process related to civil service workers under the Unified Personnel System. Additional deliberations continued; and Attorney Churuti and Mr. Spitzer presented input regarding the practices of other charter counties; whereupon, Mayor Mischler offered his views and indicated that the board should stay completely out of the hiring process.

Following additional discussion, the motion carried by a vote of 10 to 2, with Messrs. Davis and Kwall casting the dissenting votes.

Annexation Policy

Chairman Bomstein related that Councilmember Bryan had requested to be present for the vote regarding the annexation policy; that in-depth discussion of the policy had taken place at the last meeting; that when he had attended the Mayors' Council luncheon, the mayors expressed deep concerns regarding the issue; and that the mayors feel any change

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in the annexation policy represents an infringement on the home rule of the individual cities.

Mr. Harrell indicated that he thought it was inappropriate to have a vote regarding the policy at the present time inasmuch as Councilmember Bryan is the only city representative on the commission; whereupon, discussion ensued regarding a proposed timetable and the schedule of upcoming meetings. Chairman Bomstein reviewed a portion of the minutes of the meeting of August 1, 2005, a copy of which has been filed and made a part of the record, and summarized information provided by Attorney Bennett regarding annexation policy. Mr. Jirotko expressed concerns regarding another type of annexation involving an industrial area where there are property owners but no voters involved; and Attorney Bennett indicated that the proposed resolution would address all forms of referendum annexations including the aforementioned type.

Responding to the Chairman's call for persons wishing to speak, Mayor Mischler alluded to a temporary deferral of the matter; and requested that a room of ample size be utilized to accommodate the number of attendees expected, rather than the Swisher Building conference room.

Following discussion, Mr. Kwall moved, seconded by Mr. Wilson, that the recommendation for the three proposals set forth by Attorney Bennett be adopted. Responding to query by Mr. Wilson, Attorney Churuti indicated that the preserve concept does involve the legislature; and that the third concept of key definitions does not require legislative action. Responding to query by Ms. Cole, Mr. Kwall clarified that his motion encompasses all three concepts, A.i, A.ii, and A.iii, which were presented at the August 1 meeting.

Following discussion, Senator Sebesta moved that the matter be tabled; and Chairman Bomstein indicated that the item would be continued to the meeting of September 19; and that consideration will be given to selecting an appropriate venue to accommodate the number of people expected to attend.

FUTURE CALENDAR

Mr. Spitzer stated that meetings have been scheduled for September 19, October 11 (with the legislative delegation), October 17, November 7, and November 21; whereupon, Chairman Bomstein indicated that he would like to adjourn after the last November meeting and not reconvene until or unless it is necessary in 2006.

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OTHER BUSINESS

Senator Sebesta indicated that he had received a telephone call earlier today regarding the Office of Program Policy Analysis and Government Accountability (OPPAGA) study; that a countywide bus service which would have included five more municipalities and some unincorporated areas involves a very small area; that the Pinellas Suncoast Transit Authority (PSTA) Board will not pursue the matter for another five years; that OPPAGA does not intend to comment regarding the matter of increasing the size of the PSTA board by four members; and that the draft report is expected to be available in approximately ten days; whereupon, Commissioner Deborah Kynes, City of Dunedin, Chairperson of the PSTA, added input regarding matters that are within the purview of OPPAGA; and confirmed that the draft report is expected to be completed by the beginning of next week. Chairman Bomstein indicated that previous action taken by the commission regarding the matter will be ascertained; and that the item will be added to a list of matters to be addressed with the legislative delegation on October 11.

Chairman Bomstein and Mr. Spitzer indicated that annexation, a fire report update, and the issue of a centralized location for growth information would be addressed at the next meeting.

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 6:50 P.M.