

**LEALMAN SPECIAL FIRE CONTROL DISTRICT TASK FORCE  
PARK STATION, 5851 PARK BLVD., ROOM 202, PINELLAS PARK  
SEPTEMBER 28, 2007 – 2:00 P.M.**

Members Present: Pinellas Park City Manager, Michael Gustafson (representing Mayor Mischler) - St. Petersburg First Deputy Mayor, Tish Elston - Pinellas County Board of County Commissioners, Ken Welch – Lealman Special Fire Control District Chairman, Rebecca Harriman

Facilitator: Jon Kieffer, Esquire

Ex Officio Members: Town of Kenneth City Mayor, Muriel Whitman – Seminole City Manager, Frank Edmunds (representing Mayor Jimmy Johnson)

**I. CALL TO ORDER**

Chairman Welch called the meeting to order at 2:05 P.M.

**II. PLEDGE OF ALLEGIANCE**

Ms. Whitman led the pledge of allegiance.

**III. INTRODUCTIONS**

All attendees introduced themselves.

**IV. APPROVAL OF THE AGENDA**

**MOTION** was made by Ms. Harriman, and **SECONDED** by Ms. Elston to **APPROVE** the Agenda of September 28, 2007.

Voting Yea: Ms. Tish Elston  
Ms. Rebecca Harriman  
Mr. Michael Gustafson  
Mr. Kenneth Welch

Voting Nay: None  
Absent: None  
Abstaining: None

**MOTION CARRIED UNANIMOUSLY**

**V. APPROVAL OF MINUTES**

**MOTION** was made by Ms. Elston and **SECONDED** by Mr. Gustafson to **APPROVE** the Minutes of September 12, 2007.

Voting Yea: Ms. Tish Elston  
Ms. Rebecca Harriman  
Mr. Michael Gustafson  
Mr. Kenneth Welch

Voting Nay: None  
Absent: None  
Abstaining: None

**MOTION CARRIED UNANIMOUSLY**

**VI. NEW BUSINESS**

**A. Review of Attorney/Staff Work Session**

Facilitator Kieffer stated at the last Task Force Meeting it was determined the Attorneys for Pinellas Park, St. Petersburg, Pinellas County and the Lealman Special Fire Control District (District) would meet. The Attorneys met on three occasions and now each Attorney will report on what took place at those meeting and what is recommended as a result. After the Attorneys give presentations the Task Force Members can ask questions.

St. Petersburg Chief Assistant City Attorney Mark Winn stated the Attorneys met three times and reached some agreement on the things that could be recommended to respective Boards or Councils. He just received the Districts new proposed interlocal agreement. The Attorneys did agree the terms of the agreement would be basically 15 years and at some point prior to that it should be discussed whether the agreement should be extended. Discussion was held on dissolution and having a referendum sometime prior to the termination of agreement.

Attorney Winn stated the City of St. Petersburg does not believe that would resolve the real issue of concern on what happens if the District is too small to support Fire Service. The Attorneys discussed rates of repayment based upon what the Cities pay for their Fire Services but the District's proposed agreement appears to go back to the District's Fire Rate. The term of repayment was discussed as being shorter then the term of the agreement and eight years would be a reasonable recommendation. The District would provide First Responder Services in their current District boundaries.

Attorney Winn stated he thought the discussions went well but he is not sure the agreement proposed by the District reflects where they ended up at and it also places a limit on where annexations can occur annually.

Pinellas Park City Attorney James Denhardt, stated the Attorneys took charge to accomplish refining the terms of an agreement even though they could not commit their clients to those terms. At the end of the meetings they came to a consensus among themselves on most terms. The term was agreed for a 15 year with no renewal. Sunsetting was discussed and the District couldn't agree on sunsetting. The District could agree that near the end of the 15 year term there would be a referendum held on whether the electors wish to continue with the District providing Fire Services or whether to have Fire Services provided by Pinellas County. The recommendation was not to have a sunset date but to have a referendum near the end of the agreement expiration.

Attorney Denhardt stated Pinellas Park originally proposed that if the District is sunsetted, then the stations would be operated by Pinellas County but Attorney Swain pointed out that would not be realistic because there is no way of predicting where municipal and service boundaries would be in 15 years. It was the agreement of the Attorneys that an interlocal agreement would not include any method for what happens in the event of dissolution of the District.

Attorney Denhardt stated First Responder Services were discussed and the consensus was the District would continue to provide Fire and EMS services during the entire 15 year term of the agreement for all properties in the District whether they are annexed or not. The issue was raised on the period of reimbursement and all parties agreed for any annexed areas the District would be reimbursed pursuant to a reimbursement formula set forth in the agreement for a period of eight years at the City's rate so the term and method for reimbursement was resolved.

Attorney Denhardt stated Pinellas Park originally requested a four or five year term because under the Farkas Bill the reimbursement period would be five years and under F.S. Chapter 171 it is four years. The Attorneys agreed that reimbursement could be anything from 1.75 to 2.25 to 2.3 mils and that is something Staff needs to determine at the City rate. St. Petersburg's rate would be lower than Pinellas Park but the actual figures have not been resolved. It was agreed a rate would be set for the life of the agreement and not a variable rate to be discussed annually. Annexation areas or limits on annexations were discussed to look for some controlled logical method. The District has not proposed any geographical boundaries on areas there would be annexations but Pinellas Park has proposed geographical boundaries but no consensus was reached. The District's Attorney did propose a dollar limitation and Pinellas Park and St. Petersburg are willing to discuss geographic boundaries or dollar limitations but it needs to be one or the other, not both.

Attorney Denhardt stated the last Attorney meeting was left with everybody thinking most of the issues were resolved or closed and there is one more meeting set for next week.

District Attorney Lyons requested Attorney Mooney give a presentation on behalf of the District.

District Attorney Maggie Mooney stated the Attorneys agreed no one had authority from their perspective clients and only concepts were discussed to take back to their boards and commissions. The District's Commissioners concern is hearing from their public. The 15 year term proposed by Chairman Welch was used to move forward but she has no idea if her client is going to accept 15 years.

Attorney Mooney stated she hasn't spoken to her Commissioners to discuss concepts but the District is moving forward in good faith to negotiate. An additional factor is Pinellas County Ordinance 00-63 litigation and whether or not there are going to be annexation boundaries in place because the courts are still considering the validity of those boundaries. During the course of the Attorney meetings an opinion was rendered on Ordinance 00-63 stating Pinellas County does have authority to establish annexation boundaries but it must be done through a Charter Amendment. Regardless of any laws the District acknowledges and accepts that annexations would always be allowed. In reviewing the language of the Cities it was determined it is not within the District's authority to regulate annexation boundaries. The Cities requested an eight year time frame for reimbursement but that proposal has not been presented to the District's Commissioners. The issue of the rate needs to address items in the District's rate not included in City rates. There has not been a breakdown presented by the Cities how they are arriving at their rate.

Attorney Lyons stated there was a simple method discussed by Attorney Denhardt to determine a method of what Cities may pay for annexation and it was based upon established rate times the time period equaling a total sum. If the proposed rate of 2.3 is used (as proposed by Pinellas Park) and multiplied by eight years then there would be 18.4 total mils of reimbursement. For St. Petersburg there was a number of 1.9 time eight years equal to 15.2 total mils over the eight year reimbursement period.

Attorney Lyons stated under F.S. 171.093 the District is entitled to four years reimbursement at its rate. Four years at the District's rate of 3.69 mils gives 14.67 mils as compared to only 15.2 mils over eight years. Given the time value of money it would come out better then eight years at St. Petersburg's rate and probably break even at Pinellas Park's proposed rate. The District originally proposed 20 years at the Cities' rate but the City wants a shorter term. If eight years is wanted, then the rate needs to be bumped up.

Attorney Mooney stated there needs to be some basis for a mechanism to protect the taxpayers within the District from an inflated millage rate if a large annexation takes place. A mechanism to control how much was annexed all at once so the District is proposing the concept of regulation. There is no dispute as to service areas due to the existence of the mutual aid agreements. Payments for services were discussed proposing eight years with a fixed rate, if a rate can be agreed upon.

Attorney Mooney stated she believes at one of the last Task Force Meetings Ms. Elston recommended there be some way to find out what the District residents want. Language was drafted for the concept of a referendum. Anti-lobbying and the liquidated damages provision were discussed but not necessary. There is \$250,000 in litigation with Pinellas Park and \$35,000 with St. Petersburg that brings the Districts' thorough consideration for any numbers proposed. The District thinks it is appropriate to dismiss litigation if a reasonable agreement can be reached but the District is not going to waive all their rights just to determine how it will be compensated for annexations in the future.

Sr. Assistant Pinellas County Attorney Swain stated one piece of the negotiations is annexations and the issue of County Ordinance 00-63. From Pinellas County's standpoint it would be premature to decide on the annexation issue. There needs to be some provisions where all parties agree what is going to be done and not go to the Legislature to try and get out of the agreement. Penalties need to be discussed further. The value issue was discussed and according to the Pinellas County Property Appraiser the properties in the District have a taxable value of \$1,366,241,104 and .05% is about \$680,000 for a cap on annexation equal to approximately eight parcels per year. The goals of Pinellas Park are different than the goals of St. Petersburg. Although the terms for repayment were discussed, property values are unpredictable, the millage rate is a moving target and the Legislature is unpredictable. The good news is the same issues are being discussed and there is a good bit of agreement on the bare bones, it is just filling in the details

Chairman Welch requested clarification on the numbers presented.

Attorney Swain stated taking .05% total revenue from the property taxes in the District equal to \$680,000 per City.

Mr. Gustafson stated that is correct.

Chairman Welch asked if what Lealman is proposing is to limit the value of properties annexed per year or total?

Attorney Mooney stated that would be the limit per year for each City.

Attorney Swain clarified this discussion was held based on a preliminary figures.

Attorney Denhardt stated he did not comment on anything other than the meetings between the Attorneys as Facilitator Kieffer requested.

**B. Discussion on presentations**

Chairman Welch stated there are positives to be focused on. The terms, the length of the term and the reimbursement formula are the issues.

Chairman Welch stated he thought the District was going to meet and review what is on the table.

Attorney Mooney stated the only meeting of the District was held too early in Attorney negotiations and only people she has discussed the proposals with are Ms. Harriman and District Fire Chief Graham.

Chairman Welch stated everyone talked about a referendum toward the end of a fifteen year term so what would that referendum entail?

Attorney Mooney stated it should address whether or not the District should continue to be in existence. If the District is not viable in fifteen years, as has been suggested by other members, then it would be appropriate for the residents to determine whether the District should still be in existence.

Attorney Denhardt stated the issue the District would vote on is if they wish to retain the District and provide Fire Services in the District as opposed to having those services provided by Pinellas County.

Chairman Welch asked when the decision on Pinellas County Ordinance 00-63 occurred?

Attorney Mooney stated the decision was rendered right before the second meeting of the Attorneys.

Attorney Lyons stated the District originally proposed 20 years at the Cities rate but the Cities wanted a shorter time frame. If it is going to be a shorter period the rate needs to be raised.

Chairman Welch stated the pending litigation between the District and the Cities has yet to be determined by the courts.

Attorney Lyons stated the lawsuit is in ambience pending the outcome of the Task Force and it involves the Cities of St. Petersburg and Pinellas Park.

Mr. Gustafson stated he agrees there are four points the Task Force is still looking at which are the rate of payment, the formula, the eight years of payment and if there is a maximum amount each year annexed.

Ms. Harriman stated her main concern is public comment. The District sees Pinellas County as their governing body so as far as annexations the District does not have the authority to determine what can and cannot be annexed. The public has come out and said they do not want annexation to happen. The recent decision on Pinellas County Ordinance 00-63 has everybody in an uproar and all she can do is negotiate even though the public and herself do not want annexation

Ms. Harriman stated she has to take this information back to the Districts' Board Meeting on October 21, 2007.

Ms. Whitman clarified Pinellas Park has said they would like to bring their limits to 54<sup>th</sup> Avenue?

Attorney Denhardt stated when the Attorneys initially met they discussed boundary lines and it was discussed whether the boundary line could be 54<sup>th</sup> Avenue or the former boundary line established with Pinellas County Ordinance 00-63 which is 54<sup>th</sup> Avenue to the west and 58<sup>th</sup> Avenue to the east. The Attorneys are committed to establishing a boundary line.

Seminole City Manager Frank Edmunds, stated he did not have any comments at this time.

Chairman Welch stated the decisions of the courts on Pinellas County Ordinance 00-63 has changed a lot and the annexation issue is a countywide issue everyone is going to work on.

Chairman Welch suggested taking the annexation borders off the table because they only have three weeks before the public hearing.

Chairman Welch stated this is all about the fiscal viability of the District and it makes more sense to have some kind of limit on the amount of annexations rather than a geographic area, if there is some reasonable certainty on what the financial impact would be. The term and the term of 15 years sounds reasonable.

Attorney Lyons stated there is the reimbursement rate and the reimbursement period.

Ms. Elston stated she was in agreement being silent on the annexation issue and letting it be resolved in another forum.

Ms. Elston stated she doesn't know that St. Petersburg can agree on limitation on the amount of annexations.

Chairman Welch stated there will be reimbursement for those annexations but there won't be a limit?

Ms. Elston stated that is correct and she thinks the Task Force should focus on developing a reimbursement scheme to move forward. The 15 year term is reasonable and having a referendum is reasonable to let the residents decide if they want a District and if they want to pay for the District. If there is a District it needs to be healthy because everyone is served by the District due to the mutual aid system.

Ms. Elston stated she is still concerned with the issue of Lealman not providing all the services that St. Petersburg provides and that needs to be a part of the discussion.

**C. Procedure to move forward**

Facilitator Kieffer stated he would like to discuss where to go from here. It would be worthwhile for him to meet with the Task Force Members individually and another meeting of the Attorneys would be appropriate.

Facilitator Kieffer stated each Task Force Member needs to go back before their Councils and obtain direction. Discussion was held on the respective boards/commissions next meeting dates.

Chairman Welch asked if the Task Force agreed whether Kenneth City and Seminole need to be signatories to the interlocal agreement?

Facilitator Kieffer stated he believes the consensus was they do not and the issue is whether Pinellas County needs to be included.

Town of Kenneth City Attorney Paul Marino stated the few annexations that took place in Kenneth City took place pre-Farkas Bill so the issue is not relevant and Kenneth City is not an aggressive taker of land and they are very happy where they are.

Facilitator Kieffer stated he does know that Seminole and the District are on the verge of an agreement.

Mr. Edmunds stated Seminole proposed two agreements, one is a no annexation proposal and the other is consistent with Lealman's first proposal. Seminole does not feel they are a part of the agreement that is being discussed.

## **VII. OTHER BUSINESS**

### **A. Schedule for future meetings and Public Hearing**

Facilitator Kieffer stated he thinks the next meeting should be scheduled prior to the public meeting after the Attorneys have met and Facilitator Kieffer has met with Task Force Members.

Chairman Welch stated there is a meeting scheduled on October 18, 2007, and he thinks it is not a bad idea to schedule another evening meeting.

Discussion was held on possible meeting dates.

Consensus was to hold the next meeting on Wednesday, October 10, 2007 at 5:00 p.m.

Arrangements were made for Facilitator Kieffer to attend the next meeting of the Attorneys on Tuesday, October 2, 2007, at 8:00 a.m. at the St. Petersburg City Attorneys Office.

Chairman Welch stated Task Force information is available on [www.pinellascounty.org](http://www.pinellascounty.org).

Mr. Gustafson requested information on the notification from Representative Long's Office about the October 18, 2007, meeting stating it is now a Lealman Task Force/Pinellas Park Water Management Town Hall meeting.

Chairman Welch stated Representative Long and Senator Justice would like to attend the public hearing. Representative Long is interested in holding a Town Hall meeting on all issues.

Katie Eiland, Representative Janet Long's Office, stated it would be acceptable to hold the Task Force Meeting first, then the open Town Hall Meeting.

Discussion was held on Pinellas Park hiring a court reporter and how much the services will be and where services will be billed to.

## **VIII. PUBLIC COMMENTS**

John Franks, 3837 44<sup>th</sup> Avenue, provided input on the interlocal agreement proposed by Seminole.

Mr. Franks stated all he sees in the Task Force is how much the residents of Lealman are going to subsidize neighboring City Fire Departments. The Cities will annex, they will collect the taxes and the District will respond first and services the areas and the residents of the District will pay more and subsidize the surrounding Cities. In 2000 the District lost 7% of the budget in the District from the annexations on the west side of Park Street and the assessments went up 7% and there was a smaller area with a smaller tax base and rising costs.

Sasha Freedman, 6439 41<sup>st</sup> Avenue, stated a 15 year term is being discussed but it has only been 7 years since the District's residents voted by referendum to put the District together to begin with.

Ray Neary, 4361 45<sup>th</sup> Street, stated there are questions on a webpage for District residents at [www.lca.fl.com](http://www.lca.fl.com) and there is also a proposal for a Community Protection Act. Residents should be allowed to vote in a binding referendum.

Ellen Lovell, 3675 43<sup>rd</sup> Avenue, asked when will the Charter Review Commission meet again?

Chairman Welch right stated right now there is a grey area because Pinellas County Ordinance 00-63 has been termed invalid. There is the option to appeal but legal experts have explained the language should have been in the Charter. The next action has not been decided but it will not wait until the next Charter Review.

## **IX. ADJOURNMENT**

Meeting was adjourned at 3:32 p.m.

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Kenneth T. Welch, Chairman  
Lealman Special Fire Control District Task Force