

**LEALMAN SPECIAL FIRE CONTROL DISTRICT TASK FORCE  
PARK STATION, 5851 PARK BLVD., ROOM 202, PINELLAS PARK  
OCTOBER 10, 2007 – 5:00 P.M.**

Members Present: Pinellas Park Mayor, Bill 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 Member - Town of Kenneth City Mayor, Muriel Whitman

Absent: Ex Officio Member - Seminole Mayor, Jimmy Johnson

**I. CALL TO ORDER**

Chairman Welch called the meeting to order at 5:04 P.M.

**II. PLEDGE OF ALLEGIANCE**

Mayor Mischler led the pledge of allegiance.

**III. INTRODUCTIONS**

There were no introductions.

**IV. APPROVAL OF THE AGENDA**

**MOTION** was made by Ms. Elston and **SECONDED** by Mr. Mischler to **APPROVE** the Agenda of October 10, 2007.

Voting Yea: Ms. Tish Elston  
Ms. Rebecca Harriman  
Mr. William Mischler  
Mr. Kenneth Welch

Voting Nay: None  
Absent: None  
Abstaining: None

**MOTION CARRIED UNANIMOUSLY**

**V. APPROVAL OF MINUTES**

**MOTION** was made by Ms. Harriman and **SECONDED** by Mr. Mischler to **APPROVE** the Minutes of September 28, 2007.

Voting Yea: Ms. Tish Elston  
Ms. Rebecca Harriman  
Mr. William Mischler  
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 September 28, 2007, Task Force Meeting there was discussion on two versions of an interlocal agreement. It was decided to have a meeting between the Attorneys which was held on October 2, 2007. The District met on October 1, 2007 and he met with three of the voting Task Force Members.

Facilitator Kieffer stated he thinks it would be appropriate for the District to report on their position as a result of meetings held.

Facilitator Kieffer stated he reviewed House Bill 1097 which the Task Force is acting under and the Statute states it "shall" render a report to the Pinellas County Legislative Delegation on or before November 1, 2007.

Facilitator Kieffer stated the District is holding a Workshop Meeting on October 11, 2007, and depending on what happens tonight he will attend that meeting.

Facilitator Kieffer recommended another meeting be held before the Public Hearing on October 18, 2007.

Attorney Lyon stated at the last Task Force Meeting the District presented a counter proposal containing three major items of disagreement which are the length of reimbursement period, the rate of reimbursement and limitation on the amount of property that could be annexed within a given time by the Cities. Since the last meeting he doesn't think the District's position has changed much but one of the things they need is a hard number from the Cities for their fire rates. It makes it difficult to make this type of decision without knowing what the terms of the deal are. The last agreement contained an eight year reimbursement period at a higher rate and that was met with resistance. Yesterday he received a projected number from Pinellas Park along with some professed flexibility in the reimbursement period.

Attorney Lyon stated the District is still open to debate in considering the various alternatives and trying to come to a resolution before November 1, 2007.

Facilitator Kieffer asked the importance of having the rate?

Lealman Fire Chief Graham stated the importance of the rate is to make sure the numbers are right and they are going to work in budgeting. Chief Graham stated he does not think the numbers from Pinellas Park depict all costs. There have not been any numbers presented by St. Petersburg.

City of St. Petersburg Attorney Winn stated he has represented at every meeting their rate is approximately 1.7 mils.

Ms. Elston stated she will be happy to sit down with Chief Graham and discuss numbers.

Chief Graham stated he does not have all the factors needed to determine if proposals will work and he does not know how long it will take to generate a report to the Legislative Delegation.

Facilitator Kieffer stated a report needs to be rendered no later than November 1, 2007. If there is going to be an interlocal agreement it needs to be completed by then. This is the date the Task Force needs to report back and he is not sure whether or not that could be extended but there needs to be a recommendation whether to rescind the Farkas Bill.

Attorney Lyon stated he met with Representative Long and Senator Justice and he thinks they must report back by November 1, 2007. Final approval of local bills is not done until the January Delegation Meeting.

Attorney Lyon stated he is not certain if the Task Force will be able to continue on past November 1, 2007.

Attorney Lyon stated he received correspondence there is an October 15, 2007, deadline for all local bills to be submitted. Representative Long and Senator Justice requested a shell bill be submitted by October 18, 2007, that could be amended as the Task Force moves forward an agreement is reached.

Facilitator Kieffer stated he agrees there needs to be a report by November 1, 2007, and he hopes Pinellas Park, St. Petersburg and the District will continue working toward an agreement past that date if necessary.

Attorney Denhardt stated he looks at the Special Act creating the Task Force as a law and the Task Force is charged by law with rendering a report by November 1, 2007. He will not advise Pinellas Park not to follow the law. If there is still business for the Task Force involving not allowing change to the Farkas Bill but advancing toward an interlocal agreement then there is no prohibition against the Task Force continuing to operate. The Task Force is required to have a report to comply with the law.

Facilitator Kieffer stated he thinks they all agree the Task Force will write a report by November 1, 2007.

Chairman Welch stated there needs to be a report written by November 1, 2007, and the report needs to be started the week prior to that deadline. It is down to term and rate. Does the District agree to a term of eight years for a reimbursement period?

Attorney Lyon stated the District originally proposed 20 years at the Cities rate but the Cities responded that was too long. Chairman Welch recommended 15 years as a compromise. At the Attorney Meetings the Cities proposed eight years at the Cities rate which cuts the reimbursement by more than half. The District counter-proposed eight years at the District's rate of 3.69. The Pinellas Park offer was 2.1752 which does not include some items.

Attorney Denhardt stated the Pinellas Park rate is all inclusive.

Chairman Welch asked what the term is that Pinellas Park is proposing?

Attorney Lyon stated Pinellas Park proposed the possibility of extending to 10 or 12 years.

Chairman Welch stated St. Petersburg is saying approximately 1.7 mils and asked what the term is for that?

Ms. Elston stated originally St. Petersburg was supportive of an eight year term but is willing to entertain ten years if there was a sliding scale where the millage decreased during that time frame. Computing the various total millage netted and looking at other options where the District would be weaned off the dollars during that time frame and the rate would be heavily weighted with the first four years at a higher rate.

Chairman Welch stated the third item from the District would be the value of or the number of parcels that could be annexed in a year.

Attorney Lyon stated there was significant opposition to this item from both Cities.

Attorney Denhardt stated Pinellas Park always said they would agree to boundary lines, basically like Pinellas County Ordinance 00-63, which provides geographical boundaries.

Chairman Welch stated that is off the table because Ordinance 00-63 is a countywide issue that everyone is going to have to deal with.

Attorney Denhardt stated between these parties it could be established.

Mr. Mischler stated he was not in the last meeting but the meeting prior to that there were 10 or 12 items that were not agreed upon and Facilitator Kieffer asked the Attorneys to meet and iron those out. At the last meeting this new issue was brought forward and he does not think that is fair. Limiting annexation was not discussed in the initial items in the beginning and bringing up a new issue is not fair.

Chairman Welch stated if there is an interlocal agreement then why would a local bill be needed?

Attorney Lyon stated if the negotiations don't result in an interlocal agreement then protections would be needed.

Attorney Lyon stated public comment led to the need to put some limitation on annexations and it was something brought up between City Manager Gustafson and Fire Chief Graham prior to Task Force Meetings.

Facilitator Kieffer asked Ms. Elston if the District can use 1.7? A sliding scale has been presented but the District is having difficulty determining the revenue and expense.

Ms. Elston stated with adjustments made related to things that aren't provided by the District the actual millage equivalent is 1.66 mils so the 1.7 is reasonably good and without any adjustments it is 1.89 mils.

Attorney Lyon stated so far discussion has been focused on an agreement being the same for both Cities but they are not in the same situation. Litigation factors and boundaries may make it necessary for separate term and reimbursement for the two Cities.

Facilitator Kieffer asked if St. Petersburg has room for the eight year reimbursement period?

Ms. Elston suggested there be a deduction over the ten year period with a certain number of years at a higher rate and then maybe two tiers of deductions.

Facilitator Kieffer asked what the District's position on the reimbursement rate is?

Attorney Lyon stated if the rate is right the term would be negotiable.

**B. Discussion/Resolution of Issues**

Facilitator Kieffer asked where does the Task Force go from here?

Chairman Welch stated he met with Representative Long and Senator Justice and this is an opportunity to show that the County, Cities and District can work together to reach an interlocal agreement to serve as a model for how the whole annexation issue is dealt with. This needs to be done by November 1, 2007, and another shot needs to be taken to agree on a rate and a term. The status of the negotiations is what should be in the report and the annexation issue is something the entire county has to work through.

Facilitator Kieffer stated Chief Graham needs more time for budget numbers.

Chief Graham stated the last thing his Commission gave him direction on was using the District rate and he understands there are other factors to be considered. He has not looked at St. Petersburg's numbers to determine what items are being backed out.

Ms. Elston stated she will stay after the meeting and go over those numbers.

Chairman Welch stated another option would be to suggest that a rate and term will be agreed to by July 1, 2008.

Mr. Mischler stated the City of Pinellas Park's rate to supply Fire Service to unincorporated Pinellas County is 2.36 mils but the City would reduce the Life Safety Services the City supplies to the properties in the District leaving a total of 2.1752 mils to be paid to the District for Fire Service. The District recommended this type of formula in their first draft agreement.

Mr. Mischler stated a major issue is how long the interlocal agreement will be and how long the City will pay the District for their Fire Services. If the agreement is fifteen years then Pinellas Park would pay the District as long as they provide Fire Service or for the life of the agreement. Pinellas Park has no desire to take over the District. Regardless of how long the District stays in existence, the City will continue to pay the millage rate the residents of Pinellas Park pay for Fire Services. If the District goes out of existence before that time that is a different case.

Mr. Mischler stated Pinellas Park is adamantly opposed to limitations on how much property could be annexed annually. The suggested \$600,000 limitation could equal only three residential properties per year and that is not logical.

Mr. Mischler stated the District will be in existence as long as it wants as far as Pinellas Park is concerned if they agree to the proposed rate. If the rate goes up to 2.52 next year then that is what the City will pay. The District will have the right to audit the City.

Chairman Welch asked how the rate is calculated?

Pinellas Park Fire Chief Doug Lewis stated about 11% of Pinellas Park Fire District is unincorporated. The total budget for just fire delivery, with the Highpoint contract backed out, the EMS contract backed out and just fund for Fire Service and 11% of the total Fire Budget which is 11% of the unincorporated area is about \$770,000 this year. Pinellas County determines the millage rate to derive that amount of money. This would use the Pinellas County's numbers each year when they set the millage rate for an unincorporated area and then the Life Safety and Fire Prevention costs are backed out.

Attorney Lyon asked if the agreement could set out parameters to avoid repeated negotiations?

Chief Lewis stated that is why Pinellas Park is proposing the rate, to keep it clean and simple.

Sr. Assistant Pinellas County Attorney Swain stated the way Pinellas County does it is to take the value of the unincorporated area they serve and compare it with the value of the incorporated area and come up with a ratio and apply it to their Fire Budget. That amount is determined by Pinellas County's Fire Administration and is part of the contracts for Cities that service the unincorporated areas of Pinellas County. There is an extra step where the budget is gone through to ensure there is no double accounting and is part of the ordinance establishing the rate.

Ms. Harriman stated she hasn't had the opportunity to look at most of information but she will address it with the District's Commission.

Mr. Mischler stated as long as the Fire District is in existence then Pinellas Park will pay that rate.

Attorney Lyon stated there is significant opposition on limitations but in prior drafts the language from Pinellas Park appeared to get the District to agree to waive any annexation provisions in Florida Statutes Chapter 171. The way he read it, essentially if Pinellas Park was to annex a particular parcel then the District would waive any right to challenge it based upon the grounds of the four items set out in the Florida State Statutes.

Attorney Lyon stated the District could not agree that Pinellas Park could violate State Law on annexation.

Attorney Denhardt stated he thinks the draft of the agreement Pinellas Park presented was pretty specific to say the procedural and due process requirements of Chapter 171 would be followed. The reimbursement would be pursuant to this agreement as opposed to what the District alleges they may be entitled to under Chapter 171. It was not the intent that Pinellas Park had any rights not granted under Chapter 171.

Ms. Elston stated she does not think St. Petersburg is prepared to pay as long as the District exists. There should be some limitations and they are willing to negotiate rates versus time. If the issue of limitations on the annexations is off the table then it is down to rate and time.

Discussion was held on the Cities having separate agreements.

### C. Task Force

Chairman Welch asked when the District's Commission will consider the latest proposals?

Facilitator Kieffer stated they will meet on Thursday, October 11, 2007, and he would be attending the meeting.

Discussion was held on scheduling meetings for the Attorneys and the Task Force.

The Attorneys will meet Monday, October 15, 2007 at 7:30 a.m. at the City of St. Petersburg's Attorney Office.

The Task Force will meet Monday, October 15, 2007, at 5:00 p.m. and a tentative meeting is scheduled for Wednesday, October 17, 2007 at 1:00 p.m.

**VII. PUBLIC COMMENTS**

Ray Neary, 4361 45<sup>th</sup> Street, spoke on including community input on these issues and read a letter opposing annexation into the District.

Fran Cody, Unincorporated Area Resident, stated she is not concerned with what happens to the District but she thinks residents should be heard on annexation and compensation provided for lost tax base.

Michael Anderson, St. Petersburg, stated he is tired of paying his taxes and having St. Petersburg annex other people to pay their taxes and if the people in the District don't want to be annexed then just leave them alone.

Debra Whimsey, 4970 46<sup>th</sup> Avenue North, stated she thinks if they don't want to be annexed they shouldn't have to and the Fire Department should be left as it is.

John Franks, 3837 44<sup>th</sup> Avenue, stated the Cities proposed rates are declining and the focus of these meetings needs to be on how much the District taxpayers will subsidize the Cities.

Sasha Freedman, 6439 41<sup>st</sup> Avenue, stated she would like to see the Task Force consider extending the Farkas Bill until the District residents vote in a referendum.

Chairman Welch stated the issue of annexation is beyond the scope of this Task Force and the boundaries of where voluntary annexation takes place were dismissed in court. The Task Force is required to give recommendations to the Legislature in light of the fact the Farkas Bill will be expiring.

**IX. OTHER BUSINESS**

**A. Public Hearing**

Thursday, October 18, 2007, from 6:00 to 9:00 p.m., Dixie Hollins High School 4940  
62<sup>nd</sup> Street North, St. Petersburg

**VIII. ADJOURNMENT**

Meeting was adjourned at 6:12 p.m.

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