

CITY OF PINELLAS PARK, FLORIDA

PINELLAS ASSEMBLY MEETING

AUGUST 25, 2003

Meeting was called to order at 5:12 P.M.

PRESENT: Pinellas Assembly Committee Members: Ray Neri, Roger Sellew, Ed Armstrong, Jim Miles, Dan Massaro, David Stone, Judy Mitchell, Staff Members: Michael Gustafson.

ABSENT: Committee Members: Grady Pridgen, Paul King and Ed Droste

GUESTS: Mark Ely, Gordon Beardslee, Gina Clayton, Dave Healey, Gary Jones, and Tammi Bach, Roberta Sellew, Kevin Bronson, Richard Hough, Chris Staubus, Darlene Kaleda

Gordon Beardslee was representing Staff Member Jake Stowers.

Chairman Armstrong asked for any comments on the minutes of the last meeting of August 11, 2003. With no comments from anyone, Chairman Armstrong had a comment and correction to the minutes. Correction was the last paragraph of page three. Correction was so noted. Motion was made by Committee Member Stone to approve the minutes with the correction and seconded by Committee Member Sellew.

Chairman Armstrong stated the committee had left off at the last meeting, discussing annexation by referendum and had tentively suggested a five year moratorium mutually agreed to by the cities and suggested the County Attorney's office and the City Attorney's get together and see if it is viable and if they agree that there is a mechanism to get there. Chairman Armstrong would like to ask Alan Zimmet or Jim Bennett to look at this.

Chairman Armstrong stated the question that was unresolved at the last meeting was, what to do about the "Seminole exception", recognizing that they believe their circumstance is different... Chairman Armstrong asked for input from the committee.

Committee Member Stone asked why Seminole had accepted what they have so readily.

Chairman Armstrong stated he believed Seminole would contend they did not, but from day one they said for the greater good they would accept the planning areas, but they did not think they were fair or appropriate. Chairman Armstrong stated that Staff Member Stowers had previously had more or less conceded that it would be appropriate to consider moving the boundary areas and implied some sort of adjustment would be appropriate because there were some unique circumstances to Seminole.

Gordon Beardslee stated the County wouldn't be interested in opening a review for the other municipalities. The County is willing to go back and take a look at it, not necessarily agreeing to the proposed boundaries of the City of Seminole, but having it such that it doesn't open up the other planning areas as well.

Chairman Armstrong stated he was reasonably hopeful that if Seminole and the County would sit down, they could work it out with some reasonable adjustments being made that they would both be comfortable with. That does not address the question of how the other municipalities are going to feel about that.

Staff Member Gustafson stated he felt there would be a problem, even though Seminole has been special in the way they've done annexations by referendum, there are other cities that conscientiously have said they are not going to do referendums because they would like to do it voluntary one on one. No one was happy with the boundaries, everybody accepted them. If you open it up to only one city, you may find other municipalities come back and say it was opened up, why would they consider working with recommendations coming out of the committee?

Committee Member Stone asked if the other municipalities should have that opportunity and what would be the over all impact of their desires to the whole picture?

Chairman Armstrong stated the committee's role is from the public policy standpoint, what's the correct outcome and what is our recommendation going to be and what is the common sense outcome?

Staff Member Gustafson suggested what had already been said that it would be wise for the committee to make recommendations for the County and Seminole to sit down and re-hammer out their boundaries. That way the committee hasn't made a recommendation that the boundaries be changed but you have made the recommendation that they need to be looked at and all the cities would use the same criteria.

Committee Member Massaro stated he felt it was unfair to give Seminole the option of moving their lines. They were treated unjustly early on but, it's not fair to the other communities.

Committee Member Sellew stated the committee has looked at three elements, one being enclaves, ones that are within the boundaries and steps that can be taken outside the boundaries and most of the steps taken have been in the boundaries, with the exception of Seminole who has chosen to implement their vision of their city by whatever rules that were available to them, whether they were inside or outside the boundaries. If the package the committee would bring forward would include elements of all three, the one who would have taken away from them is Seminole, because they are the one that most clearly uses the third element. Seminole has had a different vision for the growth of their city and demonstrated that they were willing to implement that vision. Because of that, the committee should ask the county what their feelings are toward them.

Mr. Beardslee presented a list to each committee member present a list of Pinellas County recommendations to modify the referendum annexation process and a list of recommendations for the voluntary annexation process. After Mr. Beardslee addressed each recommendation, the committee went over the recommendations, sharing their opinions and ideas.

After Mr. Beardslee gave his presentation he then stated that most of the recommendations would require an amendment to the Florida Statute since the Florida Statutes actually control referendum annexations.

Chairman Armstrong asked Dave Healey of the Pinellas County Planning Council, if there could be a special act that would delegate down to the County, their own ground rules for holding referendums on annexation?

Mr. Healy suggested amending the general law to be much like the general law does as in the voluntary annexations that say the voluntary annexations in a home rule Charter County can establish their own thing. Mr. Healy continued to speak but tapes audio was very poor.

Gina Clayton of the City of Clearwater's Planning Department had concerns that #4 of the County's recommendations was problematic: Properties of metropolitan significance should not be subject to referendum annexations. Ms. Clayton feels that there should be an obligation for properties to meeting zoning requirements that everyone else has to meet. Concerning #8, Ms. Clayton stated that Clearwater does not offer incentives.

Gary Johnson, representing the City of St. Petersburg, feels there are benefits to #8; the use of incentives can be beneficial.

Chairman Armstrong suggested the topic for the next meeting scheduled for September 15, 2003 be the discussion of incentives, appropriate and inappropriate. Chairman Armstrong also suggested inviting the Chief Assistant County Attorney Jim Bennett along with Alan Zimmet, City Attorney of Largo because Largo has been more aggressive than most cities in offering incentives.

Chairman Armstrong asked for feedback on some of the other County recommendations.

Committee Members Miles stated he didn't agree with the way #4, as it is written on the handout. Mr. Miles had no strong feelings on some of the recommendations. Mr. Miles stated #1 changes the law the way he understands it, # 7 would have to be worked out. Miles stated he could agree with #9 and would like to hear more about #8 before he agrees with it.

Marc Ely of the City of Seminole stated #'s 2, 3, 5, 7 & 9 are fairly simple. Mr. Ely stated he didn't know how you would get around the State voting law for #1. #'s 4, 6, 8 and #7 (audio poor)

Mr. Beardslee stated out of #'s 4, 6 and 8, the county would be most interested in #6. Mr. Beardslee stated that certain areas are locked in the unincorporated area and the planning has been that those areas would eventually transition into cities, but if they remain unincorporated because of requiring a lot of services and don't generally generate a lot of tax revenue, that could impact the long term physical viability of the MSTU tax base.

Chairman Armstrong asked the committee to talk about #4. Properties of metropolitan significance should not be subject to referendum annexations.

Committee Member Mitchell asked why that would be a problem?

Chairman Armstrong used St. Pete/Clearwater Airport currently in unincorporated County as an example. The County would argue adamantly that the airport, not to be subject to zoning and land use regulations in the City of Largo. Also franchise fees, in terms of paying surcharges on electricity, would have potential to greatly increase the operating expenses of a facility like that.

Mr. Beardslee stated what Chairman Armstrong had said would be a clear representation of some of the concerns the County has.

Chairman Armstrong asked the committee what the right outcome was for #4; properties of metropolitan significance?

Committee Member Mitchell asked if Chairman Armstrong meant, aside from the tax issues would everything be done with an interlocal agreement?

Chairman Armstrong's answered yes and asked if anyone had thoughts of what the appropriate outcome is, that would be implemented by the interlocal agreement

Committee Member Stone asked if it meant that those properties be excluded from any impact of a referendum?

Chairman Armstrong stated in terms of what zoning and land use regulations apply. As an example; would an interlocal agreement say it's governed by the County or governed by a local jurisdiction and would that extend to other regulatory burdens that would be treated as if it was in the County by virtue of an interlocal agreement?

Chairman Armstrong asked Mr. Beardslee to provide the committee with a list of the properties of metropolitan significance.

Chairman Armstrong asked for discussion of #6.

Mr. Beardslee explained that the County has looked at the per capital taxable value of all the properties and divided it by the population for the unincorporated area that would remain if all the municipalities expanded out to their planning area boundaries. The County found there would be a reduction but it was not significant and it does not take into consideration referendum annexations which go outside the impacted referendum annexations or if not all of the areas in the box are annexed.

Chairman Armstrong asked if the County had or would they be willing to put together a suggested formula that could prove some detrimental financial impact. Chairman Armstrong asked Mr. Beardslee, if the County could put that together and if so, distribute it prior to the September 29, 2003 meeting so the committee can react to it.

Chairman Armstrong reviewed what would be discussed at future meetings. The next meeting is September 15 and incentives will be the main focus of discussion. The two meetings that are in October, the committee will be looking for some conclusion.

Committee Member Sellew asked if the committee would be willing to entertain a motion to have Seminole and the County readdress their boundary issues

Chairman Armstrong stated he is hesitant to do that because every municipality will ask the committee to do the same thing. They are actively utilizing a lawful method that other municipalities could utilize as well, but haven't as of yet.

Some discussion was held on voluntary annexations.

September 3, 2003 is the Pinellas Assembly meeting at Harborview Center. Committee Member Sellew will be attending and will report back to the committee at their meeting on September 15, 2003

ADJOURNMENT

Meeting was adjourned at 6:45 P.M.

Cynthia S. LeVan
Administrative Assistant

/csl