

CITY OF PINELLAS PARK, FLORIDA

PINELLAS ASSEMBLY MEETING

SEPTEMBER 15, 2003

Meeting was called to order at 5:08 P.M.

PRESENT: Pinellas Assembly Committee Members: Ray Neri, Roger Sellev, Ed Armstrong, Jim Miles, Dan Massaro, David Stone, Judy Mitchell, Staff Member Michael Gustafson, Staff Member Jake Stowers

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

GUESTS: Mark Ely, Charles Attando, Darlene Kaleda, Marc Mariano, Gary Jones, Richard Hough, Gary Schobel, Mike Crawford, Lou Hilton, Kirk Crane, Kevin Bronson, Alan Zimmet, Steven Stanton, Gordon Beardslee

Chairman Armstrong asked for the minutes of August 25, 2003 to be approved or amended. A motion was made by Committee Member Stone and Seconded by Committee Member Sellev to approve the minutes of August 25, 2003.

Chairman Armstrong asked Committee Member Sellev to give an update on the meeting that was held on September 2, 2003 with the all the chairmen from each task force committee.

Chairman Armstrong stated the committee would be discussing incentives which had been identified as a topic of a discussion early on.

Chairman Armstrong introduced Mr. Jim Bennett, Chief Assistant Pinellas County Attorney and Allen Zimmit, City Attorney for the City of Largo. Both have been involved on a professional basis with the legal issues involving annexation. Also present was Steve Stanton, City Manager for the City of Largo. Mr. Stanton distributed a memo which had comments about the annexation process in general.

Chairman Armstrong asked Mr. Bennett to speak on the County's perspective on incentives from the public policy standpoint.

Mr. Bennett stated the big issue with annexations was reverse incentives. These are incentives that do not reward you for coming in but punish you for not coming in. In order for any incentive to be offered, it must have an overall purpose for the public for it to be legal. Mr. Bennett also stated that any incentive that included a cash payout or considered a waiver to a cash requirement to build was not legal. Mr. Bennett stated a lot of the incentives the county has seen lately have been public dollars for private purposes and that is a concern.

Mr. Bennett stated annexing for revenue purposes drives patterns of annexations that don't necessarily make a lot of sense. Mr. Bennett also stated there should be logical growth of serviceable boundaries and that has not been the hallmark of annexation in Pinellas County.

As far as the legal issue, Chairman Armstrong stated incentives are a heavy discussion in terms of getting a lot of competing legal theories that are pretty murky. You are at the mercy of which judge you happen to draw and he feels there is not a lot of legal guidance out there on some of the judgment calls.

Chairman Armstrong stated he would like to focus on the public policy aspects of annexation and what incentives are appropriate to be used and why they are good public policy.

Mr. Zimmit then gave his presentation on why annexation incentives are legal. Mr. Zimmit stated he agreed with Mr. Bennett that you can't take incentives and annexations and look at them as separate things. Mr. Zimmitt stated you can't just talk about incentives, but why does annexation occur? Annexation occurred because the cities have been directly effected service delivery wise and monetarily by properties that develop in the unincorporated areas without the control of the cities, then use city services. Unincorporated residents have an effect on cities and cause the city to incur both capitol dollars and maintenance dollars for the roads that they use and pay nothing for. Mr. Zimmitt stated there are many services that cites provide that are utilized by the unincorporated residents who don't pay their fair share or any share.

Mr. Stanton stated in a perfect world it would be sure lunacy to have to provide any incentives for anybody to annex, if anything, to the extent the cities are offering services that are not in the county. Mr. Stanton stated cities ought to be assessing a mandatory municipal impact fee for people that come into the city.

Mr. Stanton reiterated what Mr. Zimmit had stated as to how residents in the unincorporated areas use city services without paying their fair share. Mr. Stanton also stated that the county should stop trying to be the 25th largest city in the county.

Mr. Stanton had a handout that listed ten important areas for the Committee to look at because they all relate to annexation and county services.

Committee Member Stone asked Mr. Stowers when the county loses dollar tax revenue to annexation, how much of a dollar does it save on average?

Staff Member Stowers stated he did not have that figure at this time but would and get it for him.

Committee Mitchell stated that there are varying degrees of incentives.

Chairman Armstrong asked the group if they thought incentives were appropriate, do they have a place, should they be precluded as a matter of public propriety in any and all instances or is there a middle ground somewhere? Chairman Armstrong asked if incentives was something the group felt they can and should they deal with?

Committee Member Neri stated that incentives are part of the problem with annexation. Mr. Neri stated he felt some incentives would be good.

Staff Member Gustafson stated that incentives need to be defined before it's said if they should be done or not. If they're not supposed to be done, then the Committee is over, because if you don't allow incentives, annexation is over.

Staff Member Stowers stated incentives are desirable as long as they foster a public purpose. Incentives are not all bad.

Some discussion was held on the incentives to annex and incentives to develop and how they are tied together.

Chairman Armstrong suggested a decision on the incentive issue be deferred to the next meeting and after further discussion a straw vote be taken at that time.

The next meeting will be September 29, 2003.

ADJOURNMENT

Meeting was adjourned at 6:55 P.M.

Cynthia S. LeVan
Administrative Assistant

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