

**CITY OF PINELLAS PARK, FLORIDA**

**PINELLAS ASSEMBLY MEETING**

**November 10, 2003**

Meeting was called to order at 5:10 P.M.

**PRESENT:** Pinellas Assembly Committee Members: Ray Neri, Ed Armstrong, Dan Massaro, Grady Pridgen, Staff Member Michael Gustafson and Staff Member Jake Stowers

**ABSENT:** Committee Members: Roger Sellow, Judy Mitchell, and David Stone

**GUESTS:** Mark Ely, Bryan Sutherland, Steven Stanton, Steve Ross, Gina Clayton, Dave Healey, Elithia V. Stanfield and Gordon Beardslee

Chairman Armstrong asked if everyone had a chance to look at the minutes of October 17? Chairman Armstrong stated that Dave Healey had suggested some corrections to the minutes which were appropriate, which have been done. Chairman Armstrong had an additional change on page 4, the 5<sup>th</sup> paragraph from the bottom, the word opportunity should have been unilaterally and that change was so noted. A motion was made by Committee Member Pridgen and seconded by Committee Member Massaro to approve the minutes of October 27, 2003 as corrected.

Chairman Armstrong stated he felt the committee is on the verge of starting to wrap up and thought it was the conclusion of most of the committee members that the information gathering phase of their task was, for the most part, completed. The committee needed to make some deliberations and decide if they are going to ratify and reaffirm straw votes previously taken or whether the committee thought they needed to go collectively in a different direction.

Chairman Armstrong suggested for the next meeting, having a discussion on what the committee thinks are tentative conclusions and schedule December 1, 2003 as a meeting to take a series of votes on final positions presented and that will be the binding position of the group. They will then see if they have to maintain the December 8, 2003 meeting date. Everyone in attendance, with the exception of Staff Member Gustafson, was able to attend the December 1, 2003 meeting. Mark Ely of Seminole would be sitting in for Staff Member Gustafson.

Chairman Armstrong asked the committee, in terms of a starting point for discussion for the meeting of November 17, 2003, if it would be helpful for him to work up some of the points they've discussed for a beginning point. Straw vote issues would be discussed with elaboration on some of them.

Gordon Beardslee handed out some material that had been compiled at the request of Chairman Armstrong at the October 27, 2003 meeting relating properties of metropolitan significance with an additional handout pertaining to Pinellas County staff positions on annexation.

Staff Member Stowers stated that properties of metropolitan significance are properties that provide a countywide roll that are managed by the Florida County Commissioners typically in support of countywide issues. Properties like such as the Criminal Justice Complex and the St. Petersburg-Clearwater Airport have a relationship on a countywide basis. Management and operation of them, uses, are all things that should be in the hands of a countywide agency.

Chairman Armstrong asked Staff Member Stowers if the committee wants an outcome for the County to control the facilities, what is the best way to do this? Is it best to allow it to remain in the unincorporated county or let it be annexed with an inter-local agreement, but basically divest the municipality of those rights and they would remain in the county?

Staff Member Stowers stated given the inter-local agreement could legally bind both parties in the long term. The other issue is cost. If the waste energy plant was in Pinellas Park, they may have to pay electrical charges to Pinellas Park, which are very high.

Chairman Armstrong stated he should have been more specific with his question. The underlying assumption was that the waste energy plant would not be subject to those fees.

Staff Member Stowers stated some fees can be exempted and some cannot. Staff Member Stowers stated the County discussed with Seminole, one of the reasons they want to take and annex properties is so you may have contiguity and compactness.

Dave Healey stated he thought there must be a way, even if the tax has to be levied, to have it refunded, rebated or set aside. Mr. Healey thinks it's a situation if the parties agree (inaudible)? Let it be annexed without any implication of that annexation as to cost or regulatory ability to operate, which would be the way to structure it.

Mark Ely stated that Chapter 166 speaks to utility taxes, the state, the county and its' subdivisions are exempt from utility taxes on properties they own and operate. For example; Waste Management, you own it, it's your property, you may contract out the management but you still own it, that would be exempt from utility taxes under state law. Chick Filet that is private, on your leased properties, would probably not be exempt from utility taxes.

Chairman Armstrong's opinion is that properties that fit their definition ought to be more or less controlled by the County but it its not fare to be an obstacle in terms of compactness and contiguity to other annexations by municipalities.

Mark Ely stated under the definition of contiguity, rights-of-way and County owned parks are currently exempt from the rules to preclude contiguity.

Steve Stanton stated it was interesting as to what one perceives as a negative, in fact they perceive as a positive. The airport, from municipal perspective, Mr. Stanton feels because it has an impact on surrounding communities, a host of issues, those things ought not be excluded from annexing into a community and those that are irrelevant as far as small parks and things that don't generate a substantial impact on anybody, if you want to create a small metropolitan significant category for them it's almost a metropolitan insignificant property. When people say they are going to exempt it because it has a negative impact on cities, should not be constrained by municipal regulation of fees, as a city Mr. Stanton is concerned that something as large as an

airport is going to be administered and potentially developed in total isolation from the surrounding communities because it's a municipal facility of major metropolitan importance. If anything, those issues ought to be addressed in a collaborative fashion with the municipality. Mr. Stanton can see the financial aspect, if there is concern about the cost as far as fees where there is one government taxing another government to do a governmental function, but then to make a great leap forward and need to make sure they're never impacted by a municipality because they feel the County, based on the countywide orientation of BCC, is better apt to be able to determine what impact it's going to have on surrounding communities, which is in the city, surround you as unincorporated island, as effective urban planning, doesn't make any sense to Mr. Stanton at all.

Mr. Stanton stated the mirror image that the County is concerned with is that cities may have desire to regulate some of the land use issues and impacts on the community, therefore let's exclude it from annexation. Mr. Stanton is saying they are absolutely correct. They definitely want an impact on those things and that's why they want to annex.

In response to Mr. Stanton, Staff Member Stowers stated they are doing that.

Chairman Armstrong stated his concern is not Largo having input, that would be appropriate, but to be final authority over it, with something as emotional as the airport has come, he thinks the smaller the group is that's making the final decision, the more likely it is that you have sheer political pressure dictating the outcome and to the extent you've broaden the circle of the final authority, you have somewhat defused the political ramifications of the decision. Chairman Armstrong stated it's not like the City of Largo would not have significant opportunity. There would be multiple opportunities for the City of Largo to be an effective party and have meaningful input during that process.

Mr. Stanton stated he perceived the emotional trauma that has been developed is because that issue was done in such a way that someone determined those who are surrounding the airport weren't relevant to the decision making.

After some debate between Mr. Stanton and Staff Member Stowers, Mr. Stanton stated if you put a red line around a large facility because it's county and therefore should be exempt from any impact that it may have on the city is contrary to good government and probably contrary to the principals of growth management. Mr. Stanton stated the handout from the county stated "should not be constrained by municipal regulation of fees".

Staff Member Stowers stated he didn't say they should be negative from the impact. That's was different than not recognizing the impact on a city. They do recognize that, that is why they build roads like Bayside Bridge.

Mr. Stanton stated if it were in a big circle excluding "municipal regulation", there is no role for the city to follow.

Staff Member Stowers disagreed with Mr. Stanton. Staff Member Stowers stated he may choose to have complete storm water compliance and Largo may not. The County cannot allow that.

Dave Healey stated he felt the competing interest he was hearing between Mr. Stanton and Staff Member Stowers can be best handled if you have an absolute (inaudible)? that they cannot be annexed and you want to preserve the issues of contiguity, you've got to go to the state law and start pulling the definitions on the stuff you can't control. Assuming an inter-local agreement you can have that municipal interest identified without having the ultimate absolute authority to negate the legitimate Countywide interest in operating a facility, but you can lay out in the inter-local agreement what those expressed interests are relative to having input on the impact of new or expanded facilities or changed land use plan classifications and you can lay those parameters out in the inter-local agreement so that the municipal interests are expressed and protected and provided for, but leaving with the property owner/manager the ultimate right to make those hard decisions about what is going to happen.

Mr. Neri's simplistic point of view is that the County has a responsibility to protect the airport and not have to go into the future with arguments about what the inter-local agreement meant because these things wind up in the courts and sometimes commissioners don't have the will to fight legally and cities that are epigenous by nature and why open Pandora's Box? Mr. Neri thinks the counties respond to the cities and cannot conceive the county will just turn their backs.

There was some discussion of Pinellas County Properties listed on a handout from the City of Largo along with a list of Criteria for Determination of Properties of Metropolitan significance.

Committee Member Pridgen stated he liked the idea of being able to annex the properties and let the County still keep control during the inter-local agreement. Mr. Pridgen has experienced this and it has worked well and seems like it's the most logical way to go.

For Straw vote purposes Chairman Armstrong called for a motion on the issue.

Committee Member Pridgen made a motion that County owned properties are okay to annex as long as their inter-local agreement allows the County to keep control so they still get the benefits as though nothing had happened but it doesn't just become a blot.

Chairman Armstrong restated the motion for an understanding as follows: the county controls it, it is annexed and no longer can be used from a contiguity compactness standpoint to be an obstruction from other annexations, but there be no economic or regulatory impact to the County owned property.

Committee Member Neri noted his concern with revenues derived from airport properties and those costs would be passed on to the rest of the county and did not know what they were.

A second to the motion was made by Committee Massaro. The straw vote was 3 to 1 with Committee Member Neri voting against the motion.

Chairman Armstrong stated the next two meetings will be more of an emphasis on input from the members of the task force but there will still be time for questions from others.

Committee Member Neri asked to be educated on what an inter-local agreement does, how it works and the power it has.

Chairman Armstrong stated there is a statute in Florida that allows governmental entities to contract with one another where in a circumstance they need to have a business understanding about a topic. The governments sit down and negotiate and hammer out a business deal and that becomes an inter-local agreement, which eventually becomes binding like a contract.

Chairman Armstrong stated the final meeting with binding votes is December 1, 2003. Chairman Armstrong also requested that no proxy's be allowed.

The next regularly scheduled meeting is November 17, 2003.

## **ADJOURNMENT**

Meeting was adjourned at 6:30 P.M.

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Cynthia S. LeVan  
Administrative Assistant

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