

CITY OF PINELLAS PARK, FLORIDA

PINELLAS ASSEMBLY MEETING

November 17, 2003

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

PRESENT: Pinellas Assembly Committee Members: Roger Sellw, Ray Neri, Ed Armstrong, Dan Massaro, Grady Pridgen, Staff Member Michael Gustafson and Gordon Beardslee, sitting in for Staff Member Jake Stowers

ABSENT: Committee Members: Judy Mitchell, and David Stone

GUESTS: Mark Ely, Nancy Biesinger, Charles Attando, Dave Healey, Dave Goodwin, Gina Clayton, Gary Jones, Tami Bach, Eleanor Lovell, Steve Ross, Steve Stanton and Richard Hough

Chairman Armstrong asked for approval of the minutes for November 10, 2003. Committee Member Pridgen called for approval and Committee Member Neri stated there was a paragraph where the intent was there but the wording was wrong. Committee Member stated the minutes could be approved pending the corrections and straightening out the language. There was a unanimous vote to approve the minutes of November 10, 2003 as Committee Member Neri had stated.

Chairman Armstrong stated at the end of the last meeting he had begun to commit to paper what some of the committees discussions had been in preparation for the final meeting on December 1, 2003 where they will take some definitive action or recommendation to the Mayor's Council and the Board of County Commissioners. Chairman Armstrong then distributed the handout he had prepared.

Chairman Armstrong asked that any discussion be limited to the committee members around the table and there would be adequate time for input from others concerned, whose input has been appreciated throughout the process.

Committee Member Sellw asked for an understanding of the language on the issue of Voluntary Annexation, Item (A).

Chairman Armstrong stated that the first thing the committee had collectively acknowledged was that there is an important role for unincorporated areas in Pinellas County to stay unincorporated indefinitely. That was one of the first straw votes the committee had taken.

Committee Member Sellw stated keeping the lines is only an objective and in fact keeping the lines would tend to freeze out for voluntary annexation, anything outside those lines.

Chairman Armstrong stated that was correct with one possible exception and that would be if you had voluntary annexation and it was approved by the PPC and the County Wide Planning Authority, then that would be an exception to no annexations outside the planning area during that window of time. Footnote: 1(b).

The committee then proceeded to go over each item as listed on the handout that Chairman Armstrong had put together. Chairman Armstrong stated on page one was the issue of Voluntary Annexation, on page two was the Referendum Annexation, on page three were Enclaves and on page four were some Overall Principles pertaining to items the committee had talked about that were very important.

Voluntary Annexation:

- (A) Chairman Armstrong stated to try and get to the point where the lines are frozen until 2008 that would happen to coincide with the Farcus Bill which deals with five districts. It would give enough time from a planning standpoint for all the jurisdictions to have some level of comfort that their planning areas are not going to change next week or next month.
- (B) Chairman Armstrong stated he felt another critical area was the criteria in 00-63 that governs requests to amend service area boundaries because there is some litigation over what the standards are and how do you apply these criteria.
- (C) Chairman Armstrong stated this was more of an implementation of (B).

The question of voluntary annexation being governed by state law was addressed.

Staff Member Gustafson stated he thought adding an administrative hearing process was a good idea. If there is a super majority that over road the PPC, they would still have the administrative hearing process to go through which they do not have at this time.

Charles Attando was concerned with the state law and stated from Tarpon Springs' standpoint, unless something were negotiated ahead of time that changes the boundaries in 00-63, he has a serious concern that the City of Tarpon Springs or its' Commissioners and Mayor would not go along with that.

Chairman Armstrong stated they have contemplated in getting more local home rule so they are exempted from the statute.

Dave Healey stated that they do not operate under state law for the purpose of voluntary annexation today. The voluntary annexation process is in place under the charter amendment that gave them that home rule authority for voluntary annexation.

Committee Member Neri asked if somebody, after the period of time noted in (A), who was not in a planning area, could ask to be put into somebody's planning area?

Chairman Armstrong stated they could even during that window of time which is part of foot note 1. (b)

Steve Stanton stated he would think anybody on the task force that can't take a more global look at this, rather than looking at a particular issue, must be the challenge. Mr. Stanton stated in the City of Largo there are a number of things they would take objection to but, taken in its' totality one off-sets the other.

Gordon Beardslee stated it would be a policy decision by the board as to restoring the planning area boundaries back to where they were originally. Mr. Beardslee stated he didn't see anything on the Voluntary Annexation issue that he had a problem with.

Referendum Annexation

Chairman Armstrong stated the committee had spent a lot of time talking about the inequities of the statute and the desire, if not need, to run its' own show as far as that goes which would require some legislation and that's why the process to implement contemplates that. To amend the county charter and to ask for legislation, would allow Pinellas County to set its' own annexation referendum rules to try and address the inequities that the committee isn't happy with. Chairman Armstrong feels part of what the committee has considered as part of the package of obligations and commitments back and forth is for municipalities to agree no annexation by referendum through and including January 1, 2008.

Dave Healey asked to understand if the sequence read, that referendums would be okay during the period of time up until 2008 within established planning areas? The charter amendment which would put the new process in place targeted for 2008 would specify from that point forward where referendums would occur, either limited to the planning area or to some different definition. The charter amendment would do then much like it did for the voluntary annexation and prescribe a condition by which you could conduct a referendum.

Chairman Armstrong stated part of this goes back to the underlying notion that during this window of time the emphasis is on filling in of the existing boxes either through voluntary annexation or by referendum, but not expanding the boxes.

The understanding was that the County has the final say.

Dave Healey asked for a clarification for the discussion. Mr. Healey stated his understanding was that the County has the final say during an interim freeze period and afterwards something else could happen.

Steve Stanton stated in the City of Largo's situation, they knew it would be very difficult to go for referendums. Their service area represents their desire to annex and they didn't ever envision going outside the planning service area. There was no mistake when they did 00-63 regarding allowing cities to change the planning area by referendum. If people wanted to annex into a city that was not in a planning area they were able to do so, if the cities agreed in exchange for the county not restricting the planning service areas, the cities would also forego expanding those areas to outside people who want to come in and that is a significant concession by the cities.

Chairman Armstrong stated in preparing and balancing the equities in the package that was the single biggest thing the municipalities were giving up.

Enclaves

(A) Chairman Armstrong stated he felt this was self explanatory.

Staff Member Gustafson asked what happens in 2008?

Chairman Armstrong replied by saying they have the guidelines in place to deal with voluntary annexation and annexation by referendum. Hopefully, the discussions over rendering urban services efficiently, has been answered by the filling in of the box of significant portion during this window of time.

Gordon Beardslee stated the County's recommendation was looking at inter-local agreements for providing services, but he is not sure it will always be assumed that the municipality that would be able to provide the service cheaper or more effectively. It may be better and more efficient to have the County provide the service. Mr. Beardslee is not totally comfortable with a blanket agreement that if the service is to provide, that it would be by a municipality.

Chairman Armstrong asked about the notion of having a presumption that the municipality is the more proficient provider subject to rebuttal by compelling evidence that the County could deliver more efficiently.

The objective is to reduce external enclaves. There are a couple of ways to do that, one is to have them annex or have an inter-local agreement to try and create the same economic impact in terms of service delivery (municipal or county based on efficient and effective urban services).

Committee Member Pridgen stated he felt it was not just a matter of cost but a matter of community.

Committee Member Masarro asked if it was possible that even though some of the cities have identified their service areas with their boundaries, that they could look at this as the coming together of all the enclaves and they must come into the city, could this be a negative thing from a cost standpoint and could it require cities now to make expenditures to make that commitment that they've already placed on somebody's planning area?

Chairman Armstrong stated that might be the inverse of cherry picking and that could be a possible outcome, but within service area boundaries you take the good with the bad.

Staff Member Gustafson asked if the boundaries for Pinellas Park get moved back which goes into Lealman Fire District, so that's saying in 2010 Lealman Fire District could cost more than fire service from Pinellas Park, they would no longer by inter-local agreement give that service in an area. Mr. Gustafson stated in short, that Lealman would loose that area by 2010 whether Pinellas Park annexed it or not. In that planning area, it would no longer be a question, it's if Pinellas Park is giving better service they would be giving service in that area and Lealman Fire District would not, if Pinellas Park is cheaper at that time. Lealman would not have to annex but they would get the service and loose the tax benefits for the Lealman Fire District.

Steve Stanton stated that ultimately the community, if serious about the effectiveness, the efficiency putting aside any particular service area, if the service areas effectiveness and

efficiency economic liability can't be sustained in the future, it's needs to go away. The issue of enclaves be it internal or external is the way of doing that. Mr. Stanton did not know if the changes made at the table are changing the committees' initial focus on this. He thought the external objective was ultimately that those areas need to be annexed into a city if it's within the planning service area. The objective should not be to provide the most efficient service, because for a city, if those areas are never going to be coming into a city, there's no desire to provide the service just because they efficiently do so.

Chairman Armstrong stated his presumption was, in time they would all be coming into a municipality.

Steve Stanton stated if the objective is that they need to be annexed vs. the objective to provide efficient delivery mechanisms, that's contrary to a City's mission.

Committee Member Sellew stated he felt the lines that were drawn from the cities requests were, in fact the lines that the cities felt were the most efficient for their services. Then those areas that are within those planning areas most efficiently can be served by cities that own those boundaries.

Steve Stanton stated with one minor understanding, if they never come into the city, assuming they can provide them cheaper service, and now they don't have to come into the city, the city of Largo would not want to provide those services, if they are never going to come into the city despite of the fact it's cheaper for Largo to do it than anybody else.

Committee Member Sellew suggested taking the last sentence out of (B) to read that they support proactive majors where it's possible and joint County-City efforts to facilitate annexation where practical and eliminate the time frame.

Dave Healey stated if the mandatory language was taken out, encourage your annexation to voluntary or referendum process or in the alternative provide inter-local agreement and get rid of the drop dead thing. Encourage them to come in, because it's the most logical thing to do, and in the absence of being able to either entice them or force them to do that, have an agreement to provide service.

The consensus of the Committee on (B) was to leave out the drop dead dates and mandatory language out until the December 1, 2003 Meeting when final votes would be taken.

Overall Principles

Chairman Armstrong reviewed A thru E of the recommendations he had proposed.

The next scheduled meeting is December 1, 2003

ADJOURNMENT

Meeting was adjourned at 6:50 P.M.

Cynthia S. LeVan
Administrative Assistant

/csl