

**MINUTES OF THE PLANNERS ADVISORY COMMITTEE
SPECIAL MEETING – 2:30 P.M.
MONDAY, AUGUST 27, 2001
BANK OF AMERICA BUILDING
600 CLEVELAND STREET, SUITE 850, EIGHTH FLOOR
CLEARWATER, FLORIDA**

Members Present:

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| Walter Fufidio, Chairman | City of Tarpon Springs |
| Gina Clayton | City of Clearwater |
| Jeff Dow | City of Dunedin |
| Mike Konefal | City of Gulfport |
| Katherine Burbridge | City of Indian Rocks Beach |
| Ric Goss | City of Largo |
| Mike Reynolds | City of Madeira Beach |
| Tom Shevlin | City of Pinellas Park |
| Ron Rinzivillo | City of Safety Harbor |
| Rick MacAulay | City of St. Petersburg |
| Mitch Bobowski | City of Seminole |
| Lynn Rosetti | City of Treasure Island |
| James Miller | Pinellas County School Board |

Also Present:

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| Etim Udoh | City of Clearwater |
| Wayne Wells | City of Pinellas Park |
| Bud Wortendyke | City of Pinellas Park |
| Mike Gustafason | City of Pinellas Park |
| Jamal Block | City of Seminole |
| Vivian Campbell | Lealman Community Association |
| Ray Neri | Lealman Community Association |
| Rebecca Heraman | Lealman Special Fire District |
| Bill Adams | Lealman Special Fire District |
| Mike Brophy | Lealman Special Fire District |
| Kathleen Litton | Lealman Special Fire District |
| Linda Campbell | Lealman Special Fire District |
| Richard Graham | Lealman Special Fire District |
| David Brown | Lealman Special Fire District |
| Ronald Neuberger | Lealman Special Fire District |
| Jewel Cole | Pinellas County Attorney's Office |
| Martha Gray | Pinellas County Planning Department |
| Detective Bill Fitten | Pinellas County Sheriff's Office |

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| Robert Walley | Pinellas Suncoast Fire & Rescue District |
| Bill Ripley | Pinellas Suncoast Fire & Rescue District |
| Chris Davis | Representative Frank Farkas, Florida House |
| Anne Lindberg | St. Petersburg Times |
| Mayor William B. Smith | Town of Kenneth City |
| Nancy Beelman | Town of Kenneth City |
| Chief Jim Ernst | Town of Kenneth City |
| David Healey | Pinellas Planning Council |
| Mike Crawford | Pinellas Planning Council |
| Alisa Hartsfield | Pinellas Planning Council |
| Abby Shannon | Pinellas Planning Council |

The special meeting of PAC was called to order at 2:30 p.m. by Chairman Walter Fufidio.

At the request of the Chairman an introduction of all members and visitors took place.

Dave Healey gave an explanation of the duties of the Planners Advisory Committee (PAC), which is made up of Planning Directors of various municipalities, the county and School Board staff. He stated that PAC serves in a technical advisory capacity to the Planning Council.

Mr. Healey stated that the first two items on the agenda, a copy of which is attached and made a part of the minutes, deal with the administration of Ordinance No. 00-63. This Ordinance, approved in November of 2000, is the process in Pinellas County that governs voluntary annexations. The third item on the agenda deals with provisions in the general and special legislation when annexations occur within an independent special districts.

1. Pinellas County Voluntary Annexation Ordinance No. 00-63

Mike Crawford gave an overview of what staff was expecting to gain from the Special PAC Meeting, including the identification of guidelines that might help clarify or interpret the ordinance for the Council.

A. Notification Requirements – Regarding notification requirements, he stated that once a municipality receives a petition for voluntary annexation, they have 5 days to transmit it to the Planning Council staff. Mr. Crawford stated that the 5 days should start when the municipality considers the application complete and that this must also be done before the first public hearing. Once the application is received, the Planning Council staff has 15 days to return any comments if there is a problem. Mr. Crawford stated the affected parties should be notified, i.e., the county, special districts, and the property owner(s) once the municipality deems the application complete. The notification should

include a copy of the petition and the legal description. Mr. Crawford added that a map is also requested, but is not required by the Ordinance. He stated that the letter to affected parties should include:

- That the petition is governed by the requirements of Pinellas County Ordinance No. 00-63;
- That the notice is being sent to them as an affected party;
- That the annexation must meet certain criteria relating to contiguity, reasonable compactness, location within the Planning Areas Delineating Eligibility for Voluntary Annexation, and the creation of enclaves;
- That they have the right to petition the Council and the Countywide Planning Authority to review the proposed annexation for consistency with the criteria and procedures set forth in Pinellas County Ordinance No. 00-63; and
- That the petition for full review must be filed with the Executive Director of the Council within ten calendar days of receipt of the notice.

Mike Konefal questioned if there was a requirement to notify adjacent property owners. Mr. Crawford responded in the negative. Mr. Konefal then questioned if an adjacent property owner were considered an affected party. Mr. Crawford answered by stating that an affected party is any entity having governmental jurisdiction over the property being annexed. Mr. Konefal wanted to clarify whether the Chapter 171, F.S., advertisement requirement for public notices were to be disregarded. Mr. Crawford said no, the standard legal requirements for notice of the local ordinance action apply. Dave Healey stated that each government needs to continue with their legal requirements and advertisements as provided in the general law and their local requirements. A brief discussion followed in regard to an entity notifying the annexing city that it desired to be notified and to whom the notice should be directed.

Walter Fufidio questioned if the definition given for an affected party is defined anywhere. Mr. Crawford stated that it is defined in the Ordinance as “any persons or firms owning property that is proposed for annexation to a municipality, or any governmental unit having jurisdiction over such area” (Section 4(11)). Mr. Healey offered a simplified understanding of the definition by stating any governmental entity providing any of the requisite seven urban services, such as fire, police, water, sewer, etc., listed in the ordinance should receive notice.

Mr. Healey also mentioned that the Sheriff’s Department is interested in receiving notification from municipalities of annexations in their jurisdiction and that the Pinellas Planning Council (PPC) will also be working with them to make sure they receive notice of annexations.

B. Discussion of Contiguity, Reasonable Compactness, and Enclaves - Mike Crawford stated that the four items that are necessary for an annexation to meet the

requirements of Ordinance No. 00-63 are that it be contiguous to the annexing municipality, be reasonably compact, not create an enclave, and be within the municipality's voluntary annexation planning area.

Mr. Crawford led a discussion on the examples of maps in the agenda package based on annexations that occurred prior to the effective date of Ordinance No. 00-63 relative to the issues of contiguity, compactness and enclaves.

Dave Healey indicated that it is the objective of staff to develop principles or guidelines to assist in administering the voluntary annexation ordinance that will focus on the overall intent of the criteria taken as a whole, as opposed to the narrow interpretation of each on a singular basis.

Mike Brophy questioned whether the pre-determined planning area eligible for annexation should remain and then have Ordinance No. 00-63 apply to everything else. Mr. Healey responded by stating that the pre-determined planning areas are part of Ordinance No. 00-63. He added that the property must first be in the area that is eligible to be annexed, then it must meet the other three criteria.

Mr. Healey pointed out during the discussion that the Council would like PAC's input on what constitutes a substantially contiguous parcel. Mr. Crawford said staff is looking at a "50 percent rule" whereby contiguity would have to be established with more than 50 percent of a boundary of the property to which it was to attach.

Mr. Healey added that staff is also looking at a standard for extension of a road or utility right-of-way, the length of which would not be more than 50% of the dimension of the parcel to which it attaches.

Mr. Crawford handed out and reviewed a number of examples to illustrate these points. Discussion and questions ensued from the participants on the examples.

Mr. Healey asked members if PAC was interested pursuing this discussion in order to offer the Council, at some point, additional clarification in terms of administering the voluntary annexation ordinance. PAC agreed that they would like to do so. Walter Fufidio pointed out that the topic needs to be reviewed in more detail before finalizing. Mr. Healey stated staff would develop the ideas discussed today in more detail for the September PAC meeting.

2. Annexation Within Independent Districts

Dave Healey introduced Jewel White-Cole, Assistant County Attorney, to describe and interpret the new provisions included under Section 171.093, F.S. and how they relate to some of the Special Districts legislation also approved in 2000.

Ms. Cole described the provisions in the East Lake Tarpon Special Act as an example, in particular Sections 2 and 11 dealing with effective date and annexation, and discussed their interpretation and potential internal conflict. She also addressed the provision in Section 171.093, Florida Statutes (FS) with respect to the provisions for interlocal agreement between the annexing municipality and the special district. She indicated the Section 171.093, FS, provisions may or may not be able to be reconciled with the special fire district acts referred to above.

In summary, Ms. Cole indicated it may require additional legislation, court interpretation or some kind of interlocal agreement to resolve what appear to be conflicts, or at least inconsistencies, in the legislation. Mr. Ray Neri asked whether it would not be the preferable course of action to pursue interlocal agreement. Mr. Healey responded that he thought that would be the ideal solution and offered the assistance of the PPC to facilitate such approach if that was the desire of the parties of interest.

Walter Fufidio and Ric Goss both asked whether the Chapter 171, FS, provision was applicable in light of Ordinance 00-63. Ms. Cole responded that Chapter 171 is still in effect in Pinellas County, except for the specific procedures and standards for voluntary annexation as authorized by Chapter 171.

Ms. Cole concluded by saying that the apparent intent of the legislation was to protect the property owners and provide for the reasonable transition of the service being provided by the special district.

Mr. Fufidio stated that there is a lot more study that needs to be undertaken before PAC would be in a position to suggest a course of action.

The special meeting was adjourned at 4:40 p.m.

Respectfully submitted,

David P. Healey, Executive Director
Pinellas Planning Council