

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: V D.

MEETING DATE: July 15, 2009

SUBJECT:

Interlocal Service Area Boundary Process Update

RECOMMENDATION:

Council Receive and Discuss As Is Appropriate
(Information Only – No Action Required)

I. BACKGROUND

This process, initiated pursuant to Chapter 171, Part II, is in follow-up to the Joint PPC/CPA Subcommittee recommendation to seek an improved way of dealing with annexation in Pinellas County.

As reported earlier to the Council, the process was initiated by resolution of the Board of County Commissioners inviting municipal and special district jurisdictions to respond. Fifteen municipalities and four fire districts have responded and are participating in the process.

The initial organizational meeting was held on November 19, 2008. County staff then met with several cities individually prior to the second meeting of the full group on February 5, 2009. The County outlined its recommended positions/policies as well as accompanying preliminary maps which were previously provided to the Council in February. The cities discussed and responded to the outlined items and developed alternative language/positions that were then provided to the County in March, while County staff met with individual cities and special districts to ascertain their objectives and recommendations.

The most recent meeting was held on June 30th in Oldsmar. The agenda for that meeting, the meeting notes from the previous meeting in February, and the respective positions of the County in response to the March municipal counterproposals are attached for your information.

PINELLAS PLANNING COUNCIL ACTION:

COUNTYWIDE PLANNING AUTHORITY ACTION:

SUBJECT: Interlocal Service Area Boundary Process Update

The major issues on which agreement has not been reached include the following:

- The details of processing municipal plan amendments upon annexation;
- The provisions for annexing enclaves and how enclaves will be defined;
- The parameters for challenging an action under the terms of the interlocal agreement;
- If, when, and how the agreement can be amended; and
- The major and most difficult item, the delineation of annexation area boundaries

The only direct issue on the table involving the Planning Council is the Ability to Serve Report requirement contained in the Special Act (see Item 5 in the attached materials). The objective is to fold this requirement into whatever interlocal agreement(s) can be reached by providing for a so-called “Master Ability to Serve Report” prepared by each jurisdiction for their planning/annexation area as part of the Interlocal Agreement process, with this one-time report fulfilling the requirement of the Special Act.

The next meeting of the group is scheduled for September 30th at the Largo Library. Council staff will continue to monitor this process and report periodically to the Council, whose input and direction is welcomed.

II. ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Agenda for June 30 Meeting of the Interlocal Service Boundary Agreement/Annexation Meeting |
| Attachment 2 | Meeting Notes from February 5 th Meeting of ISBA |
| Attachment 3 | Pinellas County Response to the March 2009 Municipal Counterproposal and accompanying map |

Agenda

Interlocal Service Boundary Agreement/Annexation Meeting

June 30, 2009 ♦ 2:00 p.m.

Oldsmar Library

400 St. Petersburg Drive East, Oldsmar

- I. Call to Order
- II. Approval of the February 5, 2009 Meeting Notes (attached)
- III. Review Municipal Counterproposal on Annexation Process
- IV. Pinellas County Response and Determine Direction on How to Proceed
The Municipal Counterproposal and the County's Response are attached
- V. Report on County/City and County/Fire District Meetings since February 5th on the Municipal and Unincorporated Service Areas
The revised map of the suggested municipal service areas based on input from the cities is attached
-- the cities involved in meetings since February 5th were Dunedin, Tarpon Springs and St. Petersburg and the fire districts involved were Palm Harbor, East Lake Tarpon, Lealman and Pinellas Suncoast.
- VI. Draw Conclusions on Discussions to Date as to Direction of this Program
- VII. Set Next Meeting Date, Location and Agenda Items
- VIII. Public Comment
- IX. Adjournment

Agenda and Meeting Notes
Interlocal Service Boundary Agreement/Annexation Meeting
 February 5, 2009 ♦ 1:00 p.m.
 Largo Library - 120 Central Park Drive, Largo, Florida
 (Revised June 15, 2009)

- I. Call to Order – Brian Smith, County Planning Director, opened the meeting at 1:05 p.m.
- II. Approval of the Meeting Notes – There were no comments on the notes for the November 19, 2008 meeting and they were approved as drafted.
- III. Selection of a Municipal Official as CoChairman
It was agreed at the last meeting that this work group would establish a cochairman procedure with one from the county and one from the municipal group
 Bruce Haddock, Oldsmar City Manager, was nominated and selected by those present to serve as a CoChairman of the Interlocal Service Boundary Agreement (ISBA) Workgroup.
 Mr. Haddock and Brian Smith will work together as CoChairmen of the Workgroup.
 Mr. Haddock said that the City of Oldsmar would like to host the next meeting of the Workgroup.
- IV. Review Text on Annexation Policies and Procedures Proposed by the County
A copy of that draft proposal for the group to discuss is attached
 Gordon Beardslee summarized each of the eleven changes to the existing annexation process recommended by Pinellas County and each item was discussed by the Workgroup. There was a concern expressed by Dunedin's representative that their city does not want to be forced to provide services to unincorporated areas within its municipal service area. It was reiterated that these negotiations and the ISBA will focus on annexation and not attempt to address service delivery issues.

Item 1 – Annexation provisions in the 2007 Settlement Agreement

- In order to make it clear that the Settlement Agreement would remain in effect, the municipalities would prefer that the Interlocal Service Boundary Agreement (ISBA) incorporate the annexation provisions from the Settlement Agreement by reference. The Settlement Agreement could be an attachment to the ISBA. Pinellas County has no problem with this proposal.

Item 2 (the definition of “enclave”) and Item 3 (annexation within enclaves) were discussed together -

- Mike Staffopoulos, City of Largo, speaking on behalf of several municipalities that had met earlier to discuss the County's proposals, stated that they were in agreement with items 2 and 3 *IF* the limitation in Item 3 on annexation within enclaves was removed. The County explained that it is intended that the limitation apply to annexations that are compelled through sewer indentures that were signed prior to the current owners acquiring the property.
- There was a discussion about Type A and Type B enclaves. The County clarified that its intent is that the annexation process would only recognize Type A enclaves. Municipalities were interested in expanding the proposed flexibility for annexation within Type A enclaves to also include Type B

enclaves. The County has to determine the location and extent of Type B enclaves before it can respond to this proposal. If Type B enclaves are included in the Interlocal Agreement, Seminole recommended that roads not be included as a manmade obstacle when identifying this type of enclave.

- Seminole also suggested that perhaps we need to define what is meant by 'voluntary' annexation.
- St. Petersburg wants to include Type B enclaves in Item 2.
- It was agreed that the municipalities would get together and come up with alternative language for Items 2 and 3.

➤ **Item 4 – Planning Authority for Municipal Service Areas**

- It was agreed that the municipalities would draft alternative language that could be considered for expanding municipal planning authority to include unincorporated areas within an established municipal service area as described in 4a.
- The County would be concerned if the "affected person" provision in 4c were not included in an agreement that allows cities to exercise some planning authority for unincorporated areas. Discussion followed that, if a city's planning authority for unincorporated areas is limited to the ability to adopt a map for their municipal service area, expanding the current definition of "affected person" in Chapter 163, F.S. may not be necessary if it is assumed that the city's map would mimic the County's FLUM. An increase in density or intensity above what's on the County's FLUM would only occur after a property is annexed and would have to undergo the normal public hearing process required for a map amendment.
- It was explained that the County's proposal gives the Pinellas County Planning Department the responsibility for determining whether a city's FLUM for a specific property provides for intensity or density that is equal to or less intense than the County's FLUM. The PPC representative asked if the municipalities were comfortable with this proposal.

➤ **Item 5 – Ability to Serve Review and Recommendation**

- County staff noted that this may require an amendment to the Special Act in order to implement. As an alternative, the participating municipalities suggested that a city could prepare a Master Ability to Service Report for its municipal service area and have this reviewed and approved by the PPC. Rather than review each individual proposed annexation of more than 10 acres, the Master Report would be approved once for the entire municipal service area. While the participating municipalities agreed to have these reports approved by the PPC, County staff proposed that if this approach is taken, the Report should also be approved by the BCC.

➤ **Item 6 – Require only one legal notice for voluntary annexations**

- There is unanimous support for this recommendation.

➤ **Item 7 – Consider a 20-year time frame for the ISBA**

- Support for this longer time frame would depend upon the contents of the ISBA.

➤ **Item 8 – Certified notices for voluntary annexations sent to the County Planning Department**

- There was no objection raised about sending the required certified notice to the Planning Department rather than the County Clerk's Office. The Planning Department would distribute the notice to the Clerk's Office as part of its internal routing procedure.

Mike Staffopoulos stated that the following three items (#9, #10 and #11) were unacceptable to the municipalities.

➤ **Item 9 – Proposed criteria to ensure an annexation meets the requirements for contiguity and compactness**

- The municipalities do not support the County proposal. Some municipalities take the position that anything greater than "point to point" satisfies the contiguity requirements of the law. It was asked by one municipality that if municipal service areas are established why would the County be concerned about how a city annexed property within its service area?
- It was noted that the Florida Statutes requires that a substantial part of a boundary of the proposed annexation area be coterminus with the municipality. One of the cities suggested that perhaps the word 'substantial' should be deleted from the statutory definition.
- Another proposal is that the County and cities just live with the current definitions for contiguity and compactness contained in Chapter 171, Part I, of the Florida Statutes.
- The municipalities may look at this subject and come up with an alternate proposal.

➤ **Item 10 – Proposed criteria to help determine if an annexation is reasonably compact**

- Pinellas County stated that it will not be pursuing this proposal. The municipalities were in agreement with this action.

➤ **Item 11 – Proposed modifications to annexation process in Section 171.0413(6) of the Florida Statutes**

- The County's proposal partially addresses concerns of nonresidential property owners who properties are involuntarily annexed through this type of annexation process. Municipalities raised objections to this proposal and felt that the current statutory requirements for this type of annexation should not be changed.

V. Report on County/City Meetings on the Municipal and Unincorporated Service Areas

The maps that were discussed are on the County's website at

<http://www.pinellascounty.org/annexation/pdf/meeting-2008-11-19.pdf>

-- The cities involved in those meetings were Pinellas Park, Seminole, Oldsmar, and Largo

Representatives from Pinellas Park, Seminole, Largo and Oldsmar briefly described their city's suggested boundaries for a municipal service area for their respective jurisdiction. They also summarized the results of the initial discussions they have had with County staff on the suggested boundaries. County staff stressed that discussions with these four cities is still underway and that no final position has been taken by either the cities or the County on the suggested boundaries. There was some discussion about what percentage of the unincorporated area within the suggested Oldsmar municipal service area is contained within the proposed East

Lake Woodlands annexation. It was also clarified that the East Lake Fire District adopted a timely resolution to participate in the negotiations. *(In a follow-up to this meeting, it was determined that the Pinellas Suncoast Fire District took appropriate timely action to establish their agency as a participant in negotiations on the ISBA. This increased the total number of participating parties to 19.)*

County staff noted that meetings with St. Petersburg and Belleair Bluffs will be scheduled in the near future to discuss those jurisdictions' suggested changes to the municipal service area boundaries included in County Resolution 08-110. At the meeting, the cities of Dunedin and Tarpon Springs and the East Lake Fire District and the Palm Harbor Fire District also asked to meet with County staff to discuss municipal and unincorporated service area boundaries. County staff will work with these cities and agencies to schedule the meetings.

VI. Draw Conclusions on Discussions to Date as to Direction of this Program

- Before the next meeting of the Workgroup, County staff will meet with St. Petersburg, Belleair Bluffs, Dunedin, Tarpon Springs, the East Lake Fire District, and the Palm Harbor Fire District to discuss boundaries for municipal service areas and unincorporated service areas.
- The municipalities will work together and develop alternatives to some of the County proposals discussed above for consideration at the next meeting of the Workgroup.

VII. Set Next Meeting Date and Agenda Items

It was agreed that the next meeting should be scheduled for approximately two months out. Before scheduling the meeting, the municipalities wanted an opportunity to meet and begin drafting their alternative proposals. Once this is underway, they will have a better idea about when they would have their proposals ready for the meeting. It was agreed that any proposals for consideration at the next Workgroup meeting should be provided to participants at least two weeks in advance of the meeting.

VIII. Public Comment

- Art Hebert – Mr. Hebert asked for clarification on whether anything greater than 'point to point' contiguity meant that one foot or two feet would meet the contiguity requirement. He also thanked the County for looking out for its citizens.
- Marilyn Murphy – Does this agreement mean that people in the unincorporated area have no say on annexation? Ms. Murphy also for clarification on the City of Seminole's request that the ISBA allow the City to annex noncontiguous property between Seminole Blvd and 113th Street. Mark Ely from the City of Seminole and Brian Smith explained the City's proposal and Ms. Murphy was asked to get with Mr. Ely after the meeting so he would discuss that item with her in more detail.
- James Fehl – Mr. Fehl is happy that the smaller unincorporated areas around the County are being included in the discussions on annexation.

IX. Adjournment @ 2:30 p.m.

A list of those attending is attached.
Attachment.

PINELLAS COUNTY RESPONSE

TO THE

March 2009 MUNICIPAL COUNTERPROPOSAL
 Changes to Annexation Process Recommended by
 Pinellas County for Inclusion in an Interlocal Service Delivery Agreement
 June, 2009

The following represents a municipal counterproposal to language proposed by Pinellas County and discussed at the February 5, 2009 Interlocal Service Boundary Agreement/Annexation Meeting. Pinellas County's responses to the municipal counterproposal are shown in *italics* and County modifications to the counterproposal are noted with strike-through and underline. The last page of the counterproposal summarizes the changes made to Pinellas County's original proposal.

COUNTERPROPOSAL

1. The annexation provisions in the May 2007 Settlement Agreement shall remain in effect and shall not be superseded by the provisions of this Interlocal Service Boundary Agreement.

Pinellas County supports this section as drafted.

2. Planning Authority for Municipal Service Areas

- a) Any reference to "municipal service area" contemplated in this agreement shall be limited to municipal service areas as defined in section §171.202(11)(a), Florida Statutes.

Pinellas County would add the following subsection:

- b) Any reference to "unincorporated service area" contemplated in this agreement shall be limited to unincorporated service area as defined in section 171.202(16)(a), Florida Statutes.

- b) c) A city, in preparing and adopting its comprehensive plan for the development of land within the city, and amendments thereto, may include its municipal service area within the city's plan in order to advise both the County and the owners of parcels of property therein of the long range planning objectives of the city. However, the city acknowledges that the inclusion in the city's plan of parcels of property within its municipal service area which lie outside the corporate limits of the city shall not be binding on the County or the property owners prior to annexation of such parcels by the city.

Subsection c) is acceptable to Pinellas County with the following clarification at the end of this subsection:

After annexation of such parcels by the city, a land use designation will be established for the newly annexed property pursuant to the provisions of Chapter 163.3184, Florida Statutes.

3. Each municipality shall have the ability to annex any and all unincorporated areas contained within its service area pursuant to §171.204, Florida Statutes, regardless of whether the area to be annexed is contiguous as defined in §171.031(11), Florida Statutes, compact as defined in §171.031(12), Florida Statutes or is an enclave or creates an enclave as defined in §171.031(13)