



City of Largo, Florida

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September 23, 2005

Alan Bomstein, Chair
Pinellas County Charter Review Commission
620 Drew Street
Clearwater, Florida 33755

Dear Mr. Bomstein:

At the last Charter Review Commission session on September 19, 2005, the Charter Review Commission received a detailed presentation from County Administrator Steve Spratt regarding charter history of annexations within Pinellas County. During the presentation, Mr. Spratt used three illustrations which seemed to emphasize Mr. Spratt's position that Pinellas County should assume greater responsibility for approving municipal annexations in the future. Mr. Spratt specifically focused on annexations in the general area of 49th Street involving the annexation of industrial institutional and government properties, 58th Street regarding TechData and the Bay Vista Office Park, and the numerous annexations currently being considered by the City of Largo along 49th Street and Ulmerton Road.

As you and I have discussed in the past, annexation between the City of Largo and Pinellas County has been very contentious due to the City of Largo's policy of assertively annexing all properties in the City's Planning Service Area. As Mayor, I found the presentation by Mr. Spratt very one-sided and lacking a balanced approach to ensure that all members of the Charter Review Commission understood the complexities concerning annexation, not just within Pinellas County but with all cities and all counties throughout the State of Florida. While it is not my intent to provide a detailed critique of Mr. Spratt's presentation, it is important to remember that two of the four examples that Mr. Spratt discussed with the Charter Review Commission are actively being litigated between the City of Largo and Pinellas County.

In the first illustrative case Mr. Spratt identified concerning annexation on 49th Street involving the PSTA property, the City and Pinellas County have engaged in a complex dispute resolution process and have come to an acceptable solution concerning the annexation of these properties that are within the City of Largo's Planning Service Area. Pinellas County agreed to resolve its dispute with the City of Largo regarding the annexation of this property due to the fact that the annexation was lawful, consistent with Florida Statute 171, and complied with all local ordinances regulating annexation. The presentation made by Mr. Spratt concerning this annexation would call into question why the Pinellas County Board of County Commissioners had agreed to drop their objection to this annexation and have most recently agreed to make a \$200,000 payment to the City of Largo as a result of property tax owed to the City.

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The annexation of property along 58th Street, generally known as the TechData/Bay Vista Office Park, has been extensively discussed by all the property owners within the Bay Vista Office Complex. This is a voluntary annexation. It is consistent with the interests of the property owners concerning the improvement of their business park to remain a viable employment center. It is consistent with the City of Largo's interest in the annexation of properties within its Planning Service Area. Representatives from both Bay Vista and TechData have come before the Largo City Commission in support of this annexation and have chosen their own right of self-determination to become a part of the City of Largo community. The City of Largo annexed properties along the southern side of Roosevelt based upon the fact that these properties currently receive the benefit of City services due to their location within the City of Largo's Planning Service Area. Florida Statutes provide that commercial properties that are contiguous to annexed parcels can be annexed into the City based upon the legislative intent in creating logical service areas that are dependent on public service. In this particular instance, the City of Largo provides fire, EMS, and sanitary sewer service to these properties which are essential for their continued operations. It has been the City of Largo's position that all properties within its Planning Service Area should ultimately be annexed into the City due to the fact that they are consumers of City services either directly or indirectly. The presentation by Mr. Spratt made it appear that such annexations were either unlawful or improper due to the fact that the property owners were not given an opportunity to specifically vote affirmatively to join the City of Largo. This characterization of the annexation associated with these properties in the entire TechData/Bay Vista area is a very one-sided presentation of the proposed annexation.

It should also be noted that at the most recent dispute meeting concerning Pinellas County's objection relating to the annexation of property in the High Point area, the Largo City Commission expressed a willingness, that night, to begin to discuss Pinellas County's objections to the annexation involving the Bay Vista office park. At this meeting, the chairperson of the Pinellas Board of County Commissioners (BCC) stated that the BCC was not prepared to discuss the annexation objections concerning this property. It was stated by many members of the Board that they had no information concerning this annexation, had not been briefed by staff, and were not in a position to discuss the issue with the Largo City Commission. However, the *very next day*, the City received a letter from the County which explained that the BCC had discussed the annexation at a recent work shop and expressed several areas of concern and objections.

It was clear to the Largo City Commission and, I suspect, the Board of County Commissioners that the real objection to the Bay Vista annexation was the financial impact to the High Point Fire District property tax base. Acknowledging this, the Largo City Commission was willing *that evening*, and today, to discuss the issue in an effort to avoid the expensive legal confrontation that was described in Mr. Spratt's presentation. It should also be noted, that the Pinellas County Planning Council Director Dave Healey does not agree with the County's legal basis for objecting to the annexation of the Bay Vista annexation and has expressed the Council's findings that the annexation is consistent with state law.

Mr. Spratt also discussed the annexation of numerous properties along Ulmerton Road and 49th Street. This annexation is complicated by the fact that some properties were obligated to annex into the City as a result of receiving sanitary sewer service as well as negotiated annexation agreements between property owners on the east side of 49th Street. As indicated at the meeting, many property owners felt deceived as a result of the discussions regarding the annexation process that took place between themselves and the City's annexation manager, Mr. Lou Hilton. Prior to bringing this annexation forward, the City Administration learned of the fact that, it appeared, Mr. Hilton had exceeded his scope of authority in negotiating potential annexation incentives regarding the improvement of properties or reimbursement from the City of Largo in exchange for a voluntary petition to annex. The City has always been sensitive to the perception that it is making cash payments to property owners absent of any public purpose and contrary Florida law. When it became apparent that Mr. Hilton made representations that were inconsistent with the policy directive to only reimburse properties for improvements that are consistent with

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the public purpose nature of the City's annexation program, Community Development Director Mike Staffopoulos contacted each of the various property owners personally to discuss the matter and resolve the particular issue of concern. This additional effort to resolve these disputes was made to avoid any misunderstanding between the City of Largo and future residents.

Unfortunately, since the time these conversations took place, the annexation of this area has become contentious and many property owners have communicated a desire not to annex into the City of Largo as a result of communication that has taken place among property owners and staff members of Pinellas County. Please note that the City of Largo has delayed the second and final reading of this proposed annexation pending additional communication between the City of Largo Administration and property owners in this area. It is my hope that an acceptable solution will be reached between the City of Largo and affected property owners prior to this annexation being reconsidered by the Largo City Commission.

It is important to note that the City of Largo does not use deceptive practices regarding the annexation of property. As clearly demonstrated by Mr. Spratt in this detailed presentation, Pinellas County and the City of Largo have a contentious history regarding the annexation of unincorporated property within the City of Largo's Planning Service Area. I would call your attention to a very comprehensive report that was prepared by the Pinellas Planning Council entitled, "Composite Annexation Report for Pinellas County 2001-01 to 2003-04" which examined the numerous voluntary annexations that have been reviewed in accordance with Pinellas County Ordinance No. 00-63. The report found that during the review period, there were 798 voluntary annexations submitted for review for compliance with County Ordinance No. 00-63 for the four fiscal years. Of the 798 voluntary annexations submitted, 761 were found compliant and the remaining annexation requests were either withdrawn or taken to full review before the Pinellas County Board of County Commissioners acting as the Countywide Planning Authority. All 10 full reviews within Pinellas County regarding complying with County Ordinance No. 00-63 all involved City of Largo annexations. It is interesting to note that out of the 10 full reviews that were performed by Pinellas County, only two of the City's annexation requests were deemed to be noncompliant with Ordinance No. 00-63 and six of the numerous annexations to which Pinellas County objected were deemed to be compliant with Ordinance No. 00-63 in spite of the County staff's objections. (Two annexation cases were withdrawn voluntarily by the City.) Of the remaining six full reviews done by the County, all were approved and are now properties that reside within the city of Largo's jurisdiction. I would highly recommend that you request a full annexation presentation by the Executive Director of the Pinellas Planning Council Mr. Dave Healey. I am very disappointed that the presentation by Mr. Spratt was not a balanced presentation and made it appear that the City of Largo is engaging in improper actions regarding the annexation of property within its legally defined Planning Service Area.

Alan, as you can see, the issues concerning annexation are very complex and have been the source of contention between the City of Largo and Pinellas County, as well as other municipalities throughout the State of Florida. Most recently, within the Pinellas American Assembly Process, the Annexation Task Force also explored potential annexation reform and the City of Largo and Pinellas County had extensive dialogs regarding potential solutions that have once again surfaced in the numerous annexation examples that Mr. Spratt discussed with the Charter Review Commission. During the annexation review conducted by the Annexation Task Force, City Manager Steve Stanton submitted a very detailed analysis of the city of Largo's position regarding suggested legislative reform to the Task Force which I have attached to this letter for your review. The City of Largo has attempted to suggest such legislative reform at both the local and state level and will continue to advocate changes in the State Statute which will hopefully address some of the concerns that the Charter Review Commission have heard on behalf of Pinellas County and other affected citizens impacted by living in the very high growth metropolitan area.

It would be my hope that with this additional information, as well as having a more formal presentation from Pinellas Planning County Director Dave Healey concerning annexation within Pinellas County, the Charter Review Commission will have a more balanced understanding of the complexities of annexation and would be in a better position to suggest potential reforms during the upcoming year.

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I appreciate the opportunity to address this issue with you and look forward to working with you and the Charter Review Commission in the very near future.

Sincerely,



Robert E. Jackson, PhD
Mayor

c: City Commission
Steven B. Stanton, City Manager
Michael Staffopoulos, Community Development Director
Steve Ross, Assistant to the City Manager