



City of Naples

City Council Minutes

Workshop Meeting 11/24/86

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-	Page
JOINT CITY/COUNTY ANNEXATION DISCUSSION	1-8



Mayor Putzell called the meeting to order and presided as Chairman:

PRESENT: Edwin J. Putzell, Jr., Mayor
 Max A. Hasse, Jr., Chairman,
 Collier County Commission

City Councilmen:
 Kim Anderson-McDonald
 William E. Barnett
 William F. Bledsoe
 Alden R. Crawford, Jr.
 John T. Graver (arrived 12:05 p.m.)
 Lyle S. Richardson

County Commissioners:
 Arnold Lee Glass
 John A. Pistor
 Burt L. Saunders

ABSENT: Anne Goodnight, County Commissioner

ALSO PRESENT:
 Franklin C. Jones, City Manager
 Donald Lusk, County Manager
 David W. Rynders, City Attorney
 Roger J. Barry, Naples Community
 Development Director
 Janet Cason, City Clerk
 Tara A. Norman, Administrative
 Assistant to City Manager
 Kenneth Cuyler, County Attorney
 Neil Dorrill, Assistant County Manager
 George Archibald, County Public Works
 Administrator
 Tom Crandall, County Utilities
 Administrator
 Dave Pettrow, County Community
 Development Administrator

Kenneth S. Small, Florida League
 of Cities
 Kurt Spitzer, State Association of
 County Commissioners
 Jerry Sealy, Naples Airport Authority
 Charles Andrews
 Howard Allman

Chuck Curry, Naples Daily News
 Carl Loveday, TV-9
 Todd Holzman, Miami Herald
 Bill Upham, Naples Times

Mayor Putzell welcomed County Commissioners and staff citing the City and County governments' significant impact upon each other. Because all are people of good spirit, he said, it is only appropriate for the City to extend an invitation to the County to work on matters of common interest, particularly since there are new members on the County Commission.

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Mayor Putzell said he hoped that this session would be the first in a series of public workshops to discuss matters of importance to both groups, today's discussion being on annexation. This matter has raised several questions recently, he pointed out, and the Council has been receiving input, including from experts in the field, and it occurred to the Council that the County Commissioners would be equally interested in this subject.

When all input from various sources is received, Mayor Putzell explained, the City will formulate a policy with respect to annexation, including possible amendment of the comprehensive plan, and then be in a position to judge potential annexations against this policy.

Other matters of common interest include such things as utilities, there being service areas in both the City and County, said Mayor Putzell, who mentioned recent work between the two entities on clarification of clouded areas with reference to utility service. He suggested that another area for discussion be beautification as well as celebration of the bicentennial of the Constitution of the United States. Mayor Putzell also suggested addressing programs for area youth.

To begin the discussion of annexation, Mayor Putzell introduced Kenneth S. Small, director of economic research for the Florida League of Cities, giving a brief description of Mr. Small's background and experience (Attachment #1).

Mr. Small outlined the definition of annexation as a legal tool for cities to increase limits and adjust for growth, via Chapter 171, Florida Statutes, which outlines procedures. Annexation can be done by: 1) Special Act of the Legislature; 2) Voluntary annexation; or 3) Non-voluntary annexation which requires a dual referendum both outside and inside the area to be annexed.

Although annexation is impossible for such cities as Fort Lauderdale because it is an "imbedded central city" already surrounded by other cities, Mr. Small explained, the opposite is true of free-standing cities without many adjacent suburbs and much vacant land available for growth and the extension of boundaries.

Following World War II, a great influx of population occurred in Florida (2.7-million people in 1950 compared to 9.7-million in 1980), Mr. Small pointed out, and until the 1970's cities were growing much faster than unincorporated areas surrounding them. Now, however, 52% of the state's population lives in cities. Unincorporated areas are rapidly increasing in size in comparison to cities as illustrated by the increase in Collier County population to that of the City of Naples. One reason for this trend cited by Mr. Small is that land is less costly outside the city limits; this, however, puts additional burdens upon counties to provide city-type services.

Traditionally cities provide municipal services while counties traditionally provide courts,

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sheriffs, rural roads, tax appraisal, tax collection and zoning outside corporate boundaries, said Mr. Small. Now with population going to the unincorporated areas, counties must also provide many municipal services which makes them compete with the adjacent cities which might be inclined to annex that territory.

Mr. Small then cited Tallahassee as an example of a city having an aggressive annexation program making it unnecessary for the surrounding county to provide municipal services, and thereby guiding its own growth.

If annexation had not been a policy in Tampa (which encompassed only 19 square miles in 1950) that city would be no larger than Ormond Beach, Mr. Small pointed out; Tallahassee was only 6.3 square miles, and without annexation of territory, it would have been no larger than Live Oak.

Planning for growth, he said, is necessary for an annexation policy and each community must decide if annexation is compatible with its comprehensive plan. If growth is desired, then annexation would definitely be in the picture. It takes great communication between city and county governments and then a specific plan, Mr. Small added.

To illustrate timely versus untimely annexations, Mr. Small explained that, optimally, cities should plan for and pursue specific areas to regulate the quality of their infrastructure. If annexation activity becomes stagnant, there will be areas which become densely populated and thus more difficult to mold to the character of the city. Also outside areas look for alternative sources of services and therefore can create a conflict as to which government provides those services.

Mr. Small cited compactness as another element to be considered to facilitate efficient police protection and other types of services.

Mr. Small then listed some of the benefits of annexation:

1. Encouraging orderly patterns of growth and land use;
2. Assuring the provision of urban services in a timely manner;
3. Strengthening and broadening the tax base, in part, because revenue sharing and cigarette tax revenues are population driven (A negative impact on the unincorporated area, although usually minimal, is that the 1/2 cent sales tax is divided on a population formula which results in taking money from the other jurisdiction.);
4. Increasing a city's ad valorem tax base to fund services (equity);
5. Allowing the city to retain an economic market area;
6. Reducing government conflict and minimizing duplication of services; and
7. Increasing a city's political clout with larger jurisdictions, including the state legislature.

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<p>Possible problem areas cited by Mr. Small included:</p> <ol style="list-style-type: none"> 1. Reducing the efficiency of existing services and maintaining levels of services in the city's original area; 2. Possibly reducing certain economies of scale enjoyed by the city's present size, such as police coverage; 3. Possibly creating conflict with other governments over the provision of services; 4. Changing the balance of political power in light of the Voting Rights Act of 1965; and 5. Possibly conflicting with the City's long-range comprehensive plan. <p>Growth is inevitable, Mr. Small concluded; services must be provided to these people. Consideration, however, must be given to the city's long range plans. Annexation can provide an increased financial base but is not an panacea - it must fit within each city's needs, he said.</p> <p>Mr. Small provided to workshop participants books entitled "Annexation In Florida: Issues And Options" prepared by the Florida Advisory Council on Intergovernmental Relations, a copy of which is on file in this meeting packet in the City Clerk's Office.</p> <p>Next, Mr. Kurt Spitzer, executive director of the State Association of County Commissioners, was introduced by Mayor Putzell who briefly outlined Mr. Spitzer's background and experience (Attachment #2)..</p> <p>Mr. Spitzer stated that he would provide the group with a state-wide perspective from the county point of view. He cautioned, however, that frequently state-wide considerations do not fully apply on the local level.</p> <p>It is important to understand, he said, the fundamental changes which have occurred in county governments over the past several years as well as the differences between cities and counties. Cities are created when people band together to address certain local services and policies. Counties in Florida, however, have historically functioned as creatures of the state legislature and were established to assure that all residents receive certain basic services such as public health, collection of taxes, etc.</p> <p>From the late 1960's to early 1970's this changed, Mr. Spitzer explained. The 1968 State Constitution, for example, gave broad home rule powers to both cities and counties which were further amplified by amendments to Chapter 125 of the Florida Statutes. Now county governments are essentially identical to city governments. Also, municipal services taxing units (MSTU's) in unincorporated areas were authorized for counties to allow them to provide municipal services in those areas. Just like cities, a ten-mill allowance was given to these areas, Mr. Spitzer said.</p> <p>The question of double taxation has been largely resolved in case law by the Supreme Court in that</p>					

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it set forth what is considered a real and substantial benefit, he added.

Another important factor is growth. The population growth in the state is now occurring in the unincorporated areas, Mr. Spitzer pointed out. By 1980 only 52% of the state's population lived in incorporated areas which put great demands on county governments to provide services for the remaining residents. With provision of these services, it is more difficult for cities to annex various areas because provision of municipal type services is no longer the exclusive domain of cities. Therefore, Mr. Spitzer explained, a successful annexation program must be one with a long history or one that with a new, emerging track record of providing services in a methodical manner after the area is annexed.

He stressed, however, that the problem is one which deserves considerable local attention and ultimately resides with the electorate in the areas to be annexed. Although there are state guidelines, there are no "magic solutions" available from the state organization.

Mr. Howard Allman, attorney and planning consultant from San Francisco, then addressed the group and reiterated that among the important issues regarding annexation is the issue of which government will provide services. In California, he explained, many counties did not want to provide urban services and have frequently conditioned new development in their jurisdictions upon annexation to a city. There are provisions under California law, like Florida, for joint planning powers to determine how regional plans should be developed. This applies to services and elements of infrastructure, such as joint financing, Mr. Allman added.

Having worked on all sides of the issue, Mr. Allman said, he stressed that annexation is a tool of planning to be approached after other issues have been resolved (control of growth, etc.). There are very sophisticated statues in Florida to provide enabling legislation but won't be of any use unless intelligently applied, he warned. Los Angeles County experienced much development in unincorporated areas and decided to push service provision onto the urban areas.

Councilman Crawford asked for clarification of what constitutes an enclave and whether an area would be considered an enclave if it were bordered by a incorporated areas on two or three sides. City Attorney Rynders said that an enclave must be totally surrounded by an incorporated area. Chapter 171 of the Florida Statues prohibits the creation of enclaves, Mr. Rynders explained.

Commissioner Saunders cited Mr. Allman's comment that annexation is a tool after the planning process is done, therefore, if the City is involved in this type of planning he would welcome County participation.

Commissioner Hasse asked what the City had in mind with reference to annexation and Mayor Putzell stated that individuals have come to the City

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about possible annexation for areas contiguous thereto. Mayor Putzell also stated that, personally, there is one area to the north and east of the City which is within its utility service area which logically could be annexed. No one has specifically suggested it, he added, but this sort of thing could be considered. The City does not now have an annexation policy.

Commissioner Hasse said there is much room for thinking along these lines, such as where natural boundaries occur. Mayor Putzell stressed that the City would like to work cooperatively in the overall area planning process.

Commissioner Pistor said there has been talk of the City annexing the area south of Golden Gate Parkway along Airport Road to Davis, surrounding the airport. The City is supplying water there now, he said, and consideration is being given to supplying wastewater services to the Bear's Paw development in that area. He said he also heard of efforts to annex Pelican Bay but that this issue had, hopefully, been clarified.

Councilman Crawford gave his opinion that the area between Goodlette and U.S. 41 from Pine Ridge Road to Creech Road would be a natural area for annexation. This is serviced by water and will have sewer service, he said; this is a "finger" into the center of the City with substantially different zoning regulations, he however observed. It is also worth considering going east to the area referred to by Commissioner Pistor, he added stating that it would also be advantageous to incorporate the area west of Airport Road. This gives compactness and a continuity to the City services, Councilman Crawford stated, but how this is done, such as time, etc., is still to be resolved. He also pointed out that there are disadvantages to some residents of the heavily populated area between U.S. 41 and Goodlette.

Mr. Crawford said he had asked the City Manager to inventory the types of properties within the area between Goodlette and U.S. 41 bounded by both Solana Road or Pine Ridge Road farther north. There are many different types of properties and people in this area, he pointed out, and stated that development in this area could have great impact on areas like the Moorings and Park Shore. "We are trying to maintain the current character of the community," he said.

Mayor Putzell also pointed out the inconsistency along U.S. 41, North, with the City on the west side and County on the east and stated that Pine Ridge Road would make a logical east-west boundary.

Commissioner Hasse asked how this would be accomplished and County Attorney Cuyler stated that there is a mechanism for either voluntary or involuntary annexation. Mayor Putzell said that, if not voluntary, there must be a majority of those voting in the City as well as in the area to be incorporated. On voluntary annexation, however, there must be concurrence of 100 per cent of those property owners to be annexed but not of the residents of the City.

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Mayor Putzell said the in terms of voluntary annexation, the area along Goodlette would be logical because there are few property owners.

Commissioner Glass observed that this would significantly change the character of the City and stressed the importance of the utilities issue. Mayor Putzell said that this is the reason the comprehensive plan should be done first.

Councilman Bledsoe said that all experts have emphasized planning, so it is premature to talk about specific areas. It should be determined what is the best benefit to City residents as well as to those residents of other areas for potential annexation.

Councilman Richardson also mentioned that the state-mandated planning activity should be coordinated between the County and the City on what levels of services are desirable to the urbanized areas, such as replacement of septic tanks with sewer service. Without choosing levels of service, planning will not get very far, he said.

Mayor Putzell asked for comment by the City and County Managers.

City Manager Jones referred to a schedule provided Council the week before on comprehensive planning activity and compliance with state requirements; one of these is levels of service, he said. County Manager Lusk stated that the County would be setting urbanized services for the various areas discussed; as this goes on it will become more difficult for the City to annex them. The County would be forced to fund these levels of service, Mr. Lusk also pointed out. Commissioner Glass reiterated that level of service is the basis from which to determine funding, which is the first step.

Commissioner Pistor additionally observed that without eliminating septic tanks there would be difficulty with water quality. "We must look at this level of service issue soon to see if the City is going to provide utility services, particularly sewer," he said.

Councilman Crawford assured the group, however, that the City doesn't want to have a sprawling urban area like such areas as Orlando. Merely extending boundaries to existing services areas is more logical, he said, because the City's water and sewer services are already defined there.

Commissioner Saunders said he was not philosophically opposed to annexation if the areas annexed received the services promised and, additionally, that this is a good opportunity for the City and County to work out the provision of services. Annexation is not necessarily a tool to provide a buffer against growth, Mr. Saunders, however, pointed out, which is the wrong reason to do so. If it is a means of providing services to eliminate such problems as pollution in the Bay, then he said it would support it.

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Mayor Putzell thanked both City and County representatives for their participation in this workshop session and called it an excellent kick-off for consideration of a very important issue for this metropolitan area. He said he hoped that the staffs can cooperate in planning to provide for the needs of the people in these areas.

"There is every reason to seriously look at areas which are causing pollution in the Bay," he added. "We should focus on these issues cooperatively in the interest of the community." He said, however, that this could not be done without an amendment to the comprehensive plan, but the issue of level of service must be researched first.

Luncheon was served at 12:05 p.m.

Adjourned at 12:30 p.m.

Edwin J. Putzell, Jr.
Mayor

Janet Cason
City Clerk

Tara A. Norman
Administrative Assistant

These minutes of City Council approved on DEC 17 1986

KENNETH S. SMALL

He has a degree in Economics with his minor in Business Administration from Florida State University.

Employment:

1975/76

Administrative Assistant to the City Auditor/Clerk of Port St. Joe, Florida.

1976/77

City Manager of Mulberry, Florida.

1977-80

Worked for the Board of County Commissioners, Leon County, Florida, in public works administration.

1980-84

Worked for the Board of County Commissioners, Leon County, Florida, as Senior Analyst in the office of Management and Budget.

1984 to Present

Director of Economic Research for the Florida League of Cities. His primary responsibility is research into all issues relating to finance and taxation and he served as Executive Assistant to the Florida City and County Management Assoc. (FCCMA), Florida Association of City Clerks and the Florida Government Finance Officer's Association.

KURT A. SPITZER

He has a Masters degree in Public Administration from Florida State University.

Employment:

Executive Director of the Florida Association of Counties since January of 1979. He has been with the Association since 1979, serving as Director of Training and Development and Director of Legislative Affairs.