

**MINUTES
SEMINOLE CITY COUNCIL
TUESDAY, JANUARY 9, 2007**

The Regular Meeting of the Seminole City Council was held on Tuesday, January 9, 2007, in the City Hall, City Council Chambers, 9199 113th Street North, Seminole, Florida.

James Johnson, Mayor, called the meeting to order at 7:00 p.m. The invocation was given by Councilor Bob Matthews, followed by the Pledge of Allegiance.

ROLL CALL:

Present were: Councilors Bob Matthews, Thomas Barnhorn, Patricia Hartstein, and John Counts; Vice Mayor Dan Hester, Mayor James Johnson, City Attorney John Elias, City Manager Frank Edmunds and City Clerk Lesley DeMuth.

INTRODUCTIONS AND PRESENTATIONS:

Kristin Aiello, Tampa Bay Devil Rays, presented a baseball bat to Recreation Director Jim Sheets in appreciation of the City's involvement in the Devil Rays - Parks and Recreation Day.

Mark Woodward, Assistant County Administrator, spoke on the Board of County Commissioners consideration of changing the Pinellas County Water and Sewer Enterprise Funds from a closed to an open flow of funds.

1. PUBLIC COMMENT:

Arden Ford, 12604 Frank Drive North, asked Council for their consideration as an appointment to fill the unexpired term of Trina Watkins.

2. APPROVAL OF MINUTES – REGULAR MEETING DECEMBER 26, 2006.

Motion by Vice Mayor Hester, second by Councilor Hartstein to approve the minutes of December 26, 2006.

UNANIMOUS APPROVAL BY ACCLAMATION

3. CONDUCT A PUBLIC HEARING: CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 22-2006 REGARDING CONCURRENCY MANAGEMENT.

The City Clerk read Ordinance No. 22-2006 by title only.

Mayor Johnson opened the public hearing.

Community Development Director Ely explained the Ordinance is a requirement of 2005 legislation which amended the Growth Management Act, and if adopted will bring the City into compliance with those legislative changes.

Receiving no further comments, the Public Hearing was closed.

Motion by Councilor Hartstein, second by Councilor Matthews to adopted Ordinance No. 22-2006 on second and final reading.

ROLL CALL:	COUNCILOR MATTHEWS	AYE
	VICE MAYOR HESTER	AYE
	COUNCILOR BARNHORN	AYE
	COUNCILOR HARTSTEIN	AYE
	COUNCILOR COUNTS	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY

4. CONDUCT A PUBLIC HEARING: CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 23-2006 REGARDING ESTABLISHING A CANVASSING BOARD.

The City Clerk read Ordinance No. 23-2006 by title only.

Mayor Johnson opened the Public Hearing. Receiving no public comment, the Public Hearing was closed.

Motion by Councilor Counts, second by Councilor Hartstein to adopt Ordinance No. 23-2006 on second and final reading.

ROLL CALL:	COUNCILOR MATTHEWS	AYE
	VICE MAYOR HESTER	AYE
	COUNCILOR BARNHORN	AYE
	COUNCILOR HARTSTEIN	AYE
	COUNCILOR COUNTS	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY

5. CONDUCT A PUBLIC HEARING: CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 24-2006 REGARDING AN EASEMENT VACATION LOCATED AT 8000 SEMINOLE BOULEVARD.

The City Clerk read Ordinance No. 24-2006 by title only.

Mayor Johnson opened the Public Hearing.

Community Development Director Ely stated the building on the property was built in 1953, and five feet of the existing building traverses as an easement. The applicant has applied to vacate the easement because it is considered a cloud on the title. Community Development Director Ely stated as a follow-up to Vice Mayor Hester's request, staff did verify with TECO that there is not an easement there that they have an interest in. The City has received "Letter of No Objection" from all the utility providers for this area, and staff is recommending approval of the vacation.

Receiving no further comments, the Public Hearing was closed.

Motion by Councilor Barnhorn, second by Councilor Hartstein to adopt Ordinance No. 24-2006 on second and final reading.

ROLL CALL:	COUNCILOR MATTHEWS	AYE
	VICE MAYOR HESTER	AYE
	COUNCILOR BARNHORN	AYE
	COUNCILOR HARTSTEIN	AYE
	COUNCILOR COUNTS	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY

7. CONSIDER AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS IN THE AMOUNT OF \$22,955 FOR CARPET REPLACEMENT AT THE SEMINOLE RECREATION BUILDING.

Motion by Vice Mayor Hester, second by Councilor Barnhorn to authorize the City Manager to enter into a contract with Floor Color Center in the amount of \$22,955, from the Capital Improvement Fund, for carpet replacement at the Seminole Recreation Building.

In response to a question from Councilor Counts, City Manager Edmunds stated the carpet on the first floor is being replaced. The carpet is six years old carpet, and this is a matter of normal maintenance.

Vice Mayor Hester advised Council that he went over and looked at the carpet, and it is in need of replacement.

ROLL CALL:	COUNCILOR MATTHEWS	AYE
	VICE MAYOR HESTER	AYE
	COUNCILOR BARNHORN	AYE
	COUNCILOR HARTSTEIN	AYE
	COUNCILOR COUNTS	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY

8. CONSIDER AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS IN AN AMOUNT UP TO \$5,000 FOR OFFICE MODIFICATIONS AT CITY HALL.

Motion by Councilor Counts, second by Councilor Hartstein to authorize the expenditure of up to \$5,000 for office modifications in City Hall.

In response to a question from Vice Mayor Hester, City Manager Edmunds explained this expenditure will allow for the installation of two hallway doors; one on the south side of the building in the area of Conference Room A, and the other on the north side of the building between the City Clerk's Office and City Manager's Office.

ROLL CALL:	COUNCILOR MATTHEWS	AYE
	VICE MAYOR HESTER	AYE
	COUNCILOR BARNHORN	AYE
	COUNCILOR HARTSTEIN	AYE
	COUNCILOR COUNTS	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY

9. CONSIDER AUTHORIZATION TO TAKE FROM THE TABLE A REQUEST FOR COUNCIL AUTHORIZATION TO EXPEND \$58,045 FROM THE CAPITAL IMPROVEMENTS FUND FOR THE PURCHASE OF A PREFAB CONCRETE RESTROOM FACILITY FOR BLOSSOM LAKE PARK.

Motion by Vice Mayor Hester, second by Councilor Hartstein to take from the table the purchase of a prefab concrete restroom facility for Blossom Lake Park.

ROLL CALL:	COUNCILOR MATTHEWS	AYE
	VICE MAYOR HESTER	AYE
	COUNCILOR BARNHORN	AYE
	COUNCILOR HARTSTEIN	AYE
	COUNCILOR COUNTS	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY

Motion by Vice Mayor Hester, second by Councilor Hartstein to authorize the expenditure of \$58,045 from the FY07 Capital Improvements Fund for the purchase of a WalCon, Model 2S-CON-WET-L-ADA-CC prefab concrete restroom facility.

ROLL CALL:	COUNCILOR MATTHEWS	AYE
	VICE MAYOR HESTER	AYE
	COUNCILOR BARNHORN	AYE
	COUNCILOR HARTSTEIN	AYE
	COUNCILOR COUNTS	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY

10. CONSIDER AUTHORIZATION TO EXECUTE AN AGREEMENT WITH GREAT SHOW FIREWORKS, L.L.C. FOR \$5,000 TO PROVIDE FIREWORKS AT THE 2007 POW WOW.

Motion by Councilor Hartstein, second by Councilor Counts to authorize the City Manager to execute an agreement with Great Show Fireworks, in the amount of \$5,000 for fireworks at the 2007 Pow Wow Festival.

ROLL CALL:	COUNCILOR MATTHEWS	AYE
	VICE MAYOR HESTER	AYE
	COUNCILOR BARNHORN	AYE
	COUNCILOR HARTSTEIN	AYE
	COUNCILOR COUNTS	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY

11. CONSIDER AUTHORIZATION TO EXECUTE AN AGREEMENT WITH A & E AMUSEMENTS TO PROVIDE CARNIVAL MIDWAY AND GAMES AT THE 2007 POW WOW FESTIVAL.

Motion by Councilor Matthews, second by Councilor Barnhorn to authorize the City Manager to execute an agreement with A & E Amusements to provide Carnival Midway and Games at the 2007 Pow Wow Festival.

Vice Mayor Hester asked if the percentage of gross receipts back to the City has changed from last year, and City Manger Edmunds stated it has not changed from the immediate past year.

ROLL CALL:	COUNCILOR MATTHEWS	AYE
	VICE MAYOR HESTER	AYE
	COUNCILOR BARNHORN	AYE
	COUNCILOR HARTSTEIN	AYE
	COUNCILOR COUNTS	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY

6. CONSIDER AN APPOINTMENT TO FILL A CITY COUNCIL VACANCY CREATED BY THE RESIGNATION OF FORMER COUNCILOR WATKINS FOR THE UNEXPIRED TERM ENDING MARCH 2009.

City Manager Edmunds explained the nominating and voting process.

City Attorney Elias advised Council that when they determined and decided to accept applications to fill the vacancy, it also determined certain time periods of which applications were to be submitted. City

Attorney Elias stated that Mr. Ford did not comply with the time frame, and advised Council that they should not consider his request to fill the vacancy. Their consideration of his application would not only violate the rules established, it would likely be prejudicial to the other applicants who complied with the time period, and submitted their applications in a timely manner.

Mayor Johnson asked for nominations to fill the vacancy.

Councilor Matthews nominated Pete Bengston, Councilor Hartstein nominated Peter Hofstra, and Councilor Counts nominated Kimberley Warth.

There being no further nominations, a motion was made by Councilor Matthews, second by Councilor Hartstein to close the nominations.

UNANIMOUS APPROVAL BY ACCLAMATION.

Mayor Johnson asked each Councilor to cast their vote on the ballot provided, and asked the City Clerk to read the results once the ballots are tallied. City Clerk DeMuth stated Ms. Warth received one vote; Mr. Bengston received one vote, and Mr. Hofstra received four votes.

City Attorney Elias administered the Oath of Office to Peter Hofstra.

In response to a request from Vice Mayor Hester, City Clerk DeMuth read into the record the ballot responses:

Councilor Matthews – Peter Bengston
Councilor Barnhorn – Peter Hofstra
Councilor Hartstein – Peter Hofstra
Councilor Counts – Kimberley Warth
Vice Mayor Hester – Peter Hofstra
Mayor Johnson – Peter Hofstra

12. CITY COUNCIL REPORTS:

Councilor Counts reported on the discussion at the School Safety Transportation Board Meeting regarding traffic and pedestrian concerns at Seminole Middle School. A recommendation has been made to change the drop off from 131st Street to 86th Avenue by creating a new roundabout adjacent to the school bus drop off roundabout. They are continuing to look at this problem but, it comes down to budget concerns.

Councilor Matthews spoke on the TBRPC Meeting. The Council heard a presentation from the Director of the Office of Policy Planning for the Florida Department of Transportation, on transportation planning and needs in the State, and the Agency on Bay Management discussed the proposed boat ramp at the south end of Sunshine Skyway Bridge.

Mayor Johnson reported he received several phone calls on the sign at Park and Starkey, a dumpster problem, tree removals, and he attended one ribbon cutting.

13. CITY MANAGER REPORTS:

City Manager Edmunds:

- Reminded Council of the Fire Department Open House on February 11, from noon to 3:00 p.m.
- Report the Commission of Fire Accreditation International is here this week to review the management and operations of the Fire Department in hopes of receiving international accreditation.
- Advised Council Judge Beach has issued several Orders concerning the litigation with Pinellas County Government as a result of the Charter Review activities. Every City in the County, with the exception of three, and Pinellas County Government are now compelled to enter into the Chapter 164 mediation process. In the Order from the Judge, he is requiring an initial mediation on January 29, to be attended by every City Manager and City Attorney, in preparation of an elected officials meeting which is to occur on February 9, at a location to be established by the City of St. Petersburg. He asked City Council to mark their calendars for this date as it is a requirement that a majority of all elected officials attend this meeting.
- Deputies Ireland and DiSano spoke on their bike patrol, and foot patrol efforts in the mall, retail stores, and the library.

14. OLD BUSINESS:

In response to a question on the status of the live broadcasting of Council Meetings, City Manager Edmunds stated he was hopeful that within the next several weeks the City would begin televising Council Meetings. An assessment of the Council Chambers was done, and a recommendation has been made that for optimum televising, another camera is necessary. The City would also like to purchase additional software to have the ability to include captions on the screen.

Vice Mayor Hester stated he has seen the tapes, and felt the clarity through the television is fine. He asked if the City could stick to its schedule of a year ago to broadcast in January. City Manager Edmunds stated he is fine activating the Channel, with the existing camera, with the understanding that it is not where the City would ultimately like to be. There were no objections from Council to begin the televising of Council Meetings.

Councilor Matthews spoke on his concerns with the total road closures that were allowed within the County on November 11, during the Ironman Competition.

15. NEW BUSINESS:

Councilor Counts stated he would like Council to take into consideration an outdoor bathroom facility at the Recreation Complex. City Manager Edmunds stated he will present this as part of the Capital Improvements Plan for Council's consideration.

Mayor Johnson asked Council to respond to the City Clerk regarding their attendance at Commissioner Morroni's Appreciation Dinner, as the Seminole Fire Department is a winner this year.

16. CONSIDER A MOTION FOR ADJOURNMENT.

Motion by Councilor Matthews, second by Council Counts to adjourn.

Mayor Johnson announced a Workshop will follow to discuss the Summer Recreation Registration Program.

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: _____

Lesley DeMuth, City Clerk

James Johnson, Mayor