

**MINUTES
SEMINOLE CITY COUNCIL
REGULAR MEETING – APRIL 24, 2007**

The Regular Meeting of the Seminole City Council was held on Tuesday, April 24, 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 John Counts, followed by the Pledge of Allegiance.

ROLL CALL:

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

INTRODUCTIONS AND PRESENTATIONS:

Mayor Johnson read a proclamation proclaiming April 24, 2007, as Patrick Johnson Day in recognition on his achievement of Eagle Scout, and presented City Clerk DeMuth with a proclamation proclaiming April 29 – May 5, 2007, as Municipal Clerks Week.

1. PUBLIC COMMENTS:

None.

2. APPROVAL OF MINUTES – REGULAR MEETING APRIL 10, 2007.

Motion by Councilor Hartstein, second by Vice Mayor Barnhorn to approve the minutes of April 10, 2007.

UNANIMOUS APPROVAL BY ACCLAMATION

3. CONDUCT A PUBLIC HEARING. CONSIDER A FIRST READING OF ORDINANCE NO. 03-2007 REGARDING THE REZONING OF PROPERTY LOCATED AT 10005 AND 10401 BAY PINES BOULEVARD FROM RESIDENTIAL LOW MEDIUM/MOBILE HOME (RLM/MH) TO RESIDENTIAL MEDIUM-15 (RM-15)

Councilor Hofstra stated he must abstain from voting on this item. He was one of the sellers of the property to the applicant, and obviously has a conflict of interest. (Form 8B Memorandum of Voting Conflict is attached hereto, and made a part of this record)

Mayor Johnson announced this is a Quasi-Judicial proceeding. City Attorney Elias swore in potential speakers.

The City Clerk read Ordinance No. 03-2007, by title only.

Mark Ely, Community Development Director, advised Council this is a request to amend the zoning map from Mobile Home Park to Residential Medium 15. He gave a brief background on the history of the property and presented an aerial photograph of the property which is roughly 57 acres. Mr. Ely stated only 53 acres of the parcel is being rezoned; the three ponds are not proposed to be changed. Mr. Ely reviewed the six findings of consistency as detailed in his staff report, and advised Council that staff is recommending approval of the request.

Marilyn Healy, Ruden McClosky representing the applicant Bay Pines, LLC, stated they were present to request a rezoning of the Bay Pines Property from Residential Low/Medium Mobile Homes to Residential Medium-15. The Development Review Board unanimously recommended approval for this application in February. Ms. Healy advised Council the applicant has met with the neighbors to the north and the neighbors on Woodland Drive to try to find out more about their concerns as the development moves forward. Ms. Healy stated they concur with the staff report as prepared by Mr. Ely and for the record introduced the following evidence: a true and correct copy of the rezoning application with exhibits, the applicable Land Development Code provisions; the utility capacity letter; the traffic analysis prepared by Tyndall Oliver, and the professional resumes of Mr. Oliver, Mr. Stralow, and Mr. Horstman. Ms. Healy asked that the Mayor and Council take notice of the City's Land Development Code, the applicable Florida Statutes, and the Pinellas Planning Council's Countywide Rule. Ms. Healy stated the issue before Council tonight is a simple rezoning request. It is not a Comprehensive Plan amendment, and it is not a site plan approval. Mr. Healy referenced City Code section 70-432(b) which states that no new mobile home park or subdivision or additions thereto are allowed in any coastal high-hazard area, or hurricane evacuation zone A. All mobile home parks are classified in hurricane evacuation zone A. A redevelopment of this site as a mobile home park is not viable from either a legal or practical respect. Ms. Healy stated the he RM-15 zoning classification is compatible with the surrounding land uses, and is consistent with the City's Comprehensive Plan category of Residential Medium. This change will allow a mixture of quality residential uses which are compatible to the adjacent properties and will not create any adverse impact on those properties. Ms. Healy stated they respectfully ask Council to approve the rezoning request.

Bill Oliver, Tyndall Oliver and Associates, stated he is a Registered Professional Engineer in the State of Florida and a Professional Traffic Operations Engineer certified by the Transportation Professionals Certification Board. Mr. Oliver explained that prior to undertaking their analysis they met with City staff to determine the requirements. Based on their analysis of that procedure, and the use of data which has been compiled by the Pinellas County Metropolitan Planning Organization, supplemented with traffic data they collected, they have concluded the major roadways that serve to access the site, Seminole Boulevard and Bay Pines Boulevard, are within the adopted level of service standards. Mr. Oliver stated one concern that came up during the meeting with the Planning Board was the relative impacts of the mobile home park vs. the proposed development of multifamily uses and townhomes. Rather than just add an incremental difference between the two land uses, they added the full traffic generations of the proposed land uses to the counts they recorded in the field to reach this finding.

Neale Stralow, Senior Project Manager with Wilson Miller Corporation in Tampa a registered Landscape Architect and Certified Planner, explained as part of their site review activities for this application both he and Ryan Horstman, Wilson Miller's staff ecologist, did an onsite field review of the environmental features, the tree preservation, and tree locations on the property. He pointed out that the three ponds were generated as a dredged water body, and are not part of the rezoning application before

Council. The ditch line along the west end of the property is connected to Boca Ciega Bay through a FDOT drainage structure, at the end, and is tidally influenced. There are wetland indicative plants in portions of that ditch, and they anticipate this being jurisdictionally claimed by the Army Corps and the Southwest Florida Water Management District. As part of their review, they went out and flagged, and identified in a tree location map for the site demo permit activity, all of the oaks that are on the site. The City's existing Land Development Regulations identify Mangrove and Live and Laurel Oaks as the protected species and those were identified and submitted as part of the demolition permit activities.

Mayor Johnson opened the Public Hearing, asking first if there were proponents who wished to speak, there were none, and then opponents who wished to speak.

Those speaking in opposition:

Peter Brown, 5073 104th Way North

Ken Fixter, 4978 Woodland Drive, representing Dennis Phillips, Carol Phillips and Cathleen Krause

Ellen Thompson, 556 19th Avenue North East, Suncoast Sierra Club

Tina Yoder, 4925 Woodland Drive, representing various residents of Woodland Drive

Mayor Johnson asked if there were other citizens wishing to speak. Those speaking:

Mary Roberge, 4932 104th Way North

Charles Briden, 4909 and 4917 Woodland Drive

Rich Foulke, 9970 48th Avenue

There being no further public comment, Mayor Johnson asked if there was a rebuttal by staff and/or the applicant.

Community Development Director Ely, in response to issues brought up under public comment, explained that the City approves rezoning and subsequently handles the site specific development at site plan. He explained what is different with this request is that it accompanies a Development Agreement. During site plan, if the applicant needs any deviation from any of the Code provisions, they will have to come before Council at two advertised public hearings, with notice to property owners within 300 feet of the property. Mr. Ely stated the City Code allows building height of up to 71 ½ feet, as long as it is 50 feet away from the perimeter of the property. Buildings within 50 feet of the property line can only be 35 feet high, and no principal living structure can be within 25 feet of the property line. Any drainage for a new development can not create any more run-off than what is currently on the site, and access management at the Department of Transportation controls curb cut permits. Mr. Ely stated the City Code is specific that 25% of the trees must be kept as a minimum, compared to the County where only 3% of the total site is required.

Ms. Healy called Mr. Ely back to the stand, and asked him if in his professional opinion, he felt the six findings he made in the staff report are consistent with the Land Development Code and the Comprehensive Plan. Mr. Ely stated in his professional opinion the threshold tests have been met so this rezoning could be positively approved, and recommended for approved. Ms. Healy asked Mr. Ely if any structures or drainage improvements can be made on the site without going through the City's proper permitting processes. Mr. Ely stated you cannot put any structures, any drainage, or any improvements

on the property without a site plan and that has multiple levels of approval. Ms. Healy asked Mr. Ely if he is familiar with Bill Oliver's credentials on his professional resume, and Mr. Ely stated he is. Mr. Oliver is the consultant for the Pinellas County MPO, he does the level of service reports, and he is the principal consultant for the Metropolitan Planning Organization; the countywide traffic organization.

Mr. Oliver stated it was called to their attention that they did not address traffic on 100th Way. They issued a supplemental letter to Mr. Ely, which reflects and maintains the adopted level of service standard of 100th Way.

Ms. Healy reminded Council they are asking for a zoning classification which is consistent with the Comprehensive Plan. Competent, substantial evidence has been presented by staff and their experts which supports this determination. There has been no substantive, competent evidence to the contrary presented tonight. The existing mobile home park classification is not consistent with the City's Land Development Code and the Comprehensive Plan element that Mr. Ely raised in his staff report. The traffic analysis has demonstrated that they will not exceed the level of service standards and they do comply with concurrency management. The issues regarding access management, the environment, trees, buffering, height of the buildings, and all the other things which are important will be part of the site plan review process. Ms. Healy respectfully asked Council for their approval, and stated they looked forward to working with the City in the future.

Mayor Johnson closed the Public Hearing, and asked staff and/or the applicant if they had a response or summary.

Mr. Ely stated staff has nothing to add, and that they stand by their original recommendation for approval.

Ms. Healy had no additional comments.

Mayor Johnson asked if there were questions from Council.

Councilor Hester asked Mr. Ely with regard to the expert testimony, who are they engaged by and Mr. Ely stated the applicant themselves are responsible for hiring and compensating the consultants.

In response to a question from Councilor Hester regarding the traffic study, Mr. Ely stated the City had the applicant run the traffic scenario under a straight rezoning and then with the affordable housing, fire station, etc. to insure that the adopted level of service standards will be maintained.

In response to a question from Vice Mayor Barnhorn, Mr. Oliver stated the estimates on traffic generation are based on actual field studies of similar developments. The issue that has been raised regarding the connection of the frontage road to 100th Way is an issue that has not escaped them. This type of issue is an operational issue that has to do with the way the site is designed, and they are optimistic that as they design their sight they can elevate some of the concern or all of that concern. They will deal with this issue as they move into the site plan review process.

In response to a question from Vice Mayor Barnhorn, Community Development Director Ely stated the rezoning is substantially predicated on the companion Development Agreement. The effective date of

this ordinance is upon the filing of the Development Agreement with the Clerk of the Court and transmittal to and a receipt from the Department of Community Affairs. If Council decides not to adopt the Development Agreement the effective date language in the rezoning ordinance will be amended.

In response to a question from Councilor Matthews on curb cuts on 100th Way, Community Development Director Ely stated there may be substantial concessions having to be made by the developer to get the access management permits from the Florida Department of Transportation. The Florida Department of Transportation, Mr. Oliver, and the developer will get together to determine what they consider reasonable access management.

Councilor Counts asked if the City can require or encourage the replacement of any oaks that are removed. Community Development Director Ely stated the City has mitigation and replacement programs.

Mayor Johnson questioned the flooding issue that was mentioned, and Community Development Director Ely stated there is a commercial building on the west side of the property that he and the code enforcement officer are looking into possible code violations there regarding drainage.

In response to a question from Councilor Hester regarding whether or not the ponds on the site are spring-fed, Community Development Director Ely stated they were not. He stated there is a potential that the ditch on the west side of the property is spring-fed, and may fall under the Army Corps of Engineers. In the event it is determined that it does, it will be appropriate for the City, after the site plan is approved, to process an amendment to put preservation on the map to recognize the jurisdictional line.

In response to a question from Councilor Hester on the age of a 20 inch Oak Tree, Mr. Stralow, who is not a certified arborist, estimated between 40 to 60 years.

Councilor Hester asked for an explanation of the preliminary site review, and its purpose.

Ryan Horstman, Ecologist for Wilson Miller, stated this is a general review to get an idea of what issues may arise during permitting, and was done on December 18, 2006. It was a day long site review where he covered a majority of the property looking for species, wetlands, characteristics of surface waters, trees, and just the general characteristic of the site. A further review will be done in preparation of permitting applications to the water management district, and the Army Corps of Engineers. Mr. Horstman spoke on the species categories of endangered, threatened and species of special concern, and stated that with each category, and each species there are different kinds of permitting options that you can take. It is category specific as well as, at times, species specific based on that species management plan. Mr. Horstman stated he has not seen what wildlife is leaving the site but, would estimate it is the common species; squirrels, raccoons, and those types of animals which are use to living in an urban environment that should take up refuge in foliage and live in an adjacent area. Mr. Horstman stated he would not consider this to be a natural resource problem but, it may cause a nuisance.

City Attorney Elias reminded Council the issue for their consideration is the approval of the applicants request to rezone the property. Council has heard testimony and comments, and is obligated to base their decision upon competent, substantial evidence.

Motion by Councilor Hartstein, second by Councilor Counts to approve Ordinance No. 03-2007 on first reading.

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

MOTION CARRIED UNANIMOUSLY

4. CONDUCT A PUBLIC HEARING. CONSIDER PRELIMINARY APPROVAL OF A PROPOSED DEVELOPMENT AGREEMENT REGARDING PROPERTY LOCATED AT 10005, 10301, AND 10401 BAY PINES BOULEVARD.

City Manager Edmunds stated the City Council adopted Ordinance No. 18-2005 in April 2006, which authorized the City Manager to negotiate Development Agreements for City Council review and approval. Additionally, the City Council retained Attorney Robert Lincoln to serve as Special Counsel regarding such Development Agreements. The Development Agreement before Council provides for the dedication of up to one acre to the City for a future fire station and the provision for 40 affordable housing units consistent with Ordinance No. 01-2006, previously adopted by the City Council.

Attorney Robert Lincoln, Special Counsel for the City on Development Agreement issues, advised Council the Development Agreement provides vesting for concurrency and for the current development ordinances and rules for this project and property for 10 years. He stated this project site includes not just the property being rezoned but, the Bahama Winds property which the developer acquired and has brought into the Development Agreement process. The City had some things it wanted to see happen in this area, the fire station and affordable housing, and the developer wanted to be able to vest themselves particularly for transportation concurrency and for other concurrency issues for that 10 year period. Attorney Lincoln spoke on the City's obligation provisions as described in the Agreement, and the public hearing and document recording process.

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

Councilor Hofstra asked Attorney Lincoln questions on the off-site or in-lieu payment of affordable housing units, the time limitation on the transfer of unused density rights, and if the density rights can be sold.

Attorney Lincoln explained the developer may pay another entity to provide affordable housing but, the City would have to approve any arrangement that would work that way. The transfer of the density rights is a provision and a right that is inherent in the Development Agreement, and will expire with the Development Agreement if the law is not changed within the 10 year period. On the sale of the density rights, he stated it was hard to say because the specifics of implementing legislation are not in place yet.

Council Hofstra stated his concern under this agreement is that the developer does not have to provide the affordable housing units, they can make a cash contribution in lieu of actually providing the affordable housing units, get the additional density rights due under the agreement and then sell those rights that they do not use to someone else in the City.

Attorney Lincoln stated any contract they would have that would allow them to move the affordable housing units off this site, would end up with terms that guarantee that they would be built. If the City wanted, and there was an appropriate place to do it within the City, the City could require it be done within the City limits. The City does not have to accept an off-site transfer of the affordable housing units unless the conditions are in that contract in a way to the City's satisfaction that guarantees that they will be provided. Attorney Lincoln stated it is difficult to say how this might work because there are no programs that will allow this to occur right now.

Council Hartstein asked if there is a way if the City did not develop the property with a fire station that it can remain green space.

City Manager Edmunds stated the City's obligation once the property is transferred is to maintain it as green space, in an appropriate manner. The concept that has been discussed is that the City has 15 years to decide whether or not to construct a fire facility at that location. Failing that, the developer would have the option to reclaim that parcel. Right now, the Agreement is that the parcel is given to the City for the expressed purpose of construction of a future fire station but, until that time the City will maintain it as a passive park.

In response to a question by Councilor Hartstein regarding the City's responsibilities for private roads, Community Development Director Ely stated this is a function of site plan approval and the development order. The City will require a copy of the homeowners' documents, and will make sure they contain the expressed language that they are responsible for their ponds, roads, street lights, and other items dealing with infrastructure.

In response to questions from Councilor Hester on Page 9, Default, and Page 11, Partial Invalidity, Attorney Lincoln stated if the issue is they failed to live up to some aspect of the Development Agreement, the City could go into Court and ask the Court to order them to comply with the Development Agreement with an injunction. The equity part means that injunctive remedies would be available. Partial invalidity applies to a particular circumstance which may occur but, will not invalidate the entire agreement.

In response to a question from Councilor Hester with regard to completion capacity, City Manager Edmunds stated there is no requirement for a Performance Bond. The City would be guided essentially by this Agreement. Once the Agreement is approved, it will be in full force and effect for 10 years. The conditions that are described in the Agreement will be imposed upon the parties. As far as performance of construction, that will be market driven.

City Manager Edmunds stated that prior to the Development Agreement, Council had expressed a concern that significant projects were being processed without direct City Council input. The Development Agreement puts the City Council in that process. City Manager Edmunds stated this is the

first of maybe another Development Agreement that will be coming before Council as this project develops.

Councilor Barnhorn asked what is the current height allowed. Community Development Director Ely stated the Code allows for up to 71 ½ feet as long as you are 50 feet inside the property line. If the applicant desires any relief from that, they will have to come back and ask Council for an amendment to the Development Agreement.

Councilor Barnhorn asked if the affordable housing and the alternative of offering financial compensation would be something that would come back before the Council. City Manager Edmunds stated if there is a deviation from the commitment, it will come back before the City Council. The commitment is to provide 40 affordable housing units.

Councilor Hofstra stated he is opposed to the reverter clause in the deed for the fire station property. The developer has made his calculations based on giving the City this piece of property, and if the City builds a fire station or not, he felt the City should retain the property as a green space.

City Manager Edmunds stated he would be happy to continue that negotiation but, would suggest this evening that Council express that concern, and advance the Agreement for a preliminary approval allowing him time to speak with the parties to resolve this issue.

Attorney Lincoln advised Council that in a motion to approve this on first hearing, it is necessary to announce the date of the next hearing. He reinforced that there is the legal ability to make changes in the development agreement between tonight and when it comes back to Council.

Motion by Councilor Hester, second by Councilor Hartstein to preliminary approve the proposed Development Agreement with Bay Pines, L.P., and authorize the establishment of a Second Public Hearing on May 8, 2007, at 7:00 p.m.

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

MOTION CARRIED UNANIMOUSLY

5. CONSIDER A FIRST READING OF ORDINANCE NO. 05-2007 AUTHORIZING A BUDGET AMENDMENT TO RECOGNIZE UNANTICIPATED REVENUE FROM SUMMER CAMP REGISTRATIONS AND ALLOCATE FUNDS WITHIN THE RECREATION DIVISION.

The City Clerk read Ordinance No. 05-2007 by title only.

Motion by Councilor Counts, second by Vice Mayor Barnhorn to approve Ordinance No. 05-2007 on First Reading.

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

MOTION CARRIED UNANIMOUSLY

6. CONSIDER AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS NOT TO EXCEED \$112,500 FOR THE CITY OF SEMINOLE'S 50% COST OF THE MASTER STORM DRAINAGE PLAN.

Motion by Councilor Counts, second by Vice Mayor Barnhorn to authorize the expenditure of up to \$112,500 from the Capital Improvements Fund for the City of Seminole's portion of the Master Storm Water Drainage Plan.

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

MOTION CARRIED UNANIMOUSLY

7. CONSIDER EXPENDING \$1,000 IN CAPITAL IMPROVEMENT FUNDS FOR THE REPLACEMENT OF POOL FURNITURE; EIGHT (8) TABLE UMBRELLAS FOR THE FAMILY AQUATIC CENTER.

Motion by Councilor Counts, second by Councilor Hester to approve the expenditure of \$1,000 from the Capital Improvements Fund for the budgeted replacement of eight Family Aquatic Center table umbrellas.

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

MOTION CARRIED UNANIMOUSLY

8. CONSIDER CO-SPONSORSHIP WITH THE SEMINOLE CHAMBER OF COMMERCE FOR THE 28TH ANNUAL KIDS APPRECIATION DAY ON MAY 18, 2007.

Mayor Johnson stated he is the Executive Director of the Seminole Chamber of Commerce, and will excuse himself from voting on this item as it involves the Chamber of Commerce. Before stepping down from the Dias, Mayor Johnson asked Vice Mayor Barnhorn to present the agenda item. (Form 8B Memorandum of Voting Conflict is attached hereto, and made a part of this record)

Motion by Councilor Counts, second by Councilor Matthews to approve the co-sponsorship of the 28th Annual Kids Appreciation Day.

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

MOTION CARRIED UNANIMOUSLY

9. CITY COUNCIL REPORTS:

Vice Mayor Barnhorn reported he attended the Relay for Life, the Seminole Stampede, a tree planting at City Park, and USF's Marine Science Institutes Wildlife Expo.

Councilor Hartstein stated she felt the retreat on Saturday was very well organized, and thanked staff.

Councilor Hofstra reported he attended the Seminole Stampede, and also thanked staff for the retreat this past Saturday.

Mayor Johnson reported he read a proclamation during Relay for Life, he spoke to the Rotary Club of Seminole Lake, he attended the tree planting in City Park, and this evening he spoke at the Elks Club.

10. CITY MANAGER REPORTS:

City Manager Edmunds reported:

- The Florida League of Cities is receiving nominations for Trustees to the Florida Municipal Insurance Trust. If any member of Council is interested in serving, please submit the nomination form to the City Clerk.
- A workshop on the Pinellas County Integrated Traffic Signalization Program will tentatively be scheduled prior to the second business meeting in May.

11. OLD BUSINESS:

None.

12. NEW BUSINESS:

In response to a question from Councilor Matthews, Mayor Johnson reminded Council the Teachers Appreciation Breakfast is tomorrow at Seminole Middle School at 7:30 am.

13. ADJOURNMENT:

Motion by Councilor Hester, second by Vice Mayor Barnhorn to adjourn.

Date Approved: _____

Lesley DeMuth, City Clerk

James Johnson, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME HOFSTRA, PETER T.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COUNCIL
MAILING ADDRESS 10380 TODD CIRCLE CITY COUNTY SEMINOLE PINELLAS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: X CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED APRIL 24, 2007	NAME OF POLITICAL SUBDIVISION: CITY OF SEMINOLE MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officers father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes. *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

You must disclose orally the nature of your conflict in the measure before participating.

You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, PETER T. HOFSTRA, hereby disclose that on April 24, 2007

(a) A measure came or will come before my agency which (check one)

inured to my special private gain or loss;

inured to the special gain or loss of my business associate, _____

inured to the special gain or loss of my relative, _____

inured to the special gain or loss of _____, by whom I am retained; or

inured to the special gain or loss of _____ which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

BAY PINES, L.P., WAS APPLYING TO THE CITY COUNCIL FOR A ZONING CHANGE. MY LAW PARTNER AND I, ACTING AS TRUSTEES, HAD SOLD THE SUBJECT PROPERTY TO THE APPLICANT.

Date Filed May 3, 2007

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

RECEIVED

MAY 3 - 2007

City of Seminole

CE FORM 8B - EFF. 1/2000

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Jimmy Johnson</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Seminole City Council</i>
MAILING ADDRESS <i>118 Fernwood Circle</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Seminole</i>	NAME OF POLITICAL SUBMISSION: <i>City of Seminole</i>
COUNTY <i>Pinellas</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED <i>April 24, 2007</i>	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jimmy Johnson, hereby disclose that on April 24, 2007:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

AS EXECUTIVE DIRECTOR of the Seminole Chamber of Commerce, there may be a ~~perception~~ perception of a conflict of interest - this is why I abstained.

5-2-07
Date Filed

Jimmy Johnson
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

RECEIVED

CE FORM 8B - EFF. 1/2000

MAY 2 - 2007

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City of Seminole