

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

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

ROLL CALL:

Present were: Councilors John Counts, Patricia Hartstein, Dan Hester, Peter Hofstra and Bob Matthews (arriving 7:05 pm); Vice Mayor Thomas Barnhorn; Mayor James Johnson; City Attorney John Elias; and City Clerk Lesley DeMuth. City Manager Frank Edmunds asked to be excused.

INTRODUCTIONS AND PRESENTATIONS: None.

1. PUBLIC COMMENT:

Mike Masem, 8950 Park Boulevard, suggested the City Council implement a Public Safety Advisory Committee, and presented a proposal to the City Clerk for distribution to Council.

2. APPROVAL OF MINUTES – REGULAR MEETING SEPTEMBER 25, 2007.

Motion by Councilor Hofstra, second by Councilor Hartstein to approve the minutes of September 25, 2007.

UNANIMOUS APPROVAL BY ACCLAMATION

3. CONDUCT A PUBLIC HEARING. CONSIDER FINAL APPROVAL OF A PROPOSED DEVELOPMENT AGREEMENT REGARDING ORANGE BLOSSOM GROVES.

Community Development Director Ely stated this is the second required Public Hearing under the Development Agreement process to allow for the reopening of the former Orange Blossom Groves. He explained the Development Agreement is for a three-year term, and terms specific to the Agreement is the removal of a nonconforming existing sign, re-stripping the parking lot, and reinstalling landscaping in compliance with approved site plans. The retail sales of citrus goods, citrus wines, and wine tasting will be permitted.

Mayor Johnson opened the Public Hearing.

Steve Williamson, 911 Chestnut Street, representing the applicant and Citrus Country Groves had nothing to add to Mr. Ely's presentation. He advised Council Mr. Harold Sample, Citrus Country Groves, was present to address the Board.

Harold Sample, 14950 US Highway 301, stated he was present to answer questions from Council.

There being no other speakers, Mayor Johnson closed the Public Hearing.

Motion by Councilor Hester, second by Councilor Hartstein to adopt the proposed Development Agreement with Mr. Allison Repetto on Second and Final Hearing.

UNANIMOUS APPROVAL BY ACCLAMATION

Mr. Sample thanked Council for their consideration.

4. CONDUCT A PUBLIC HEARING. CONSIDER A FINAL READING OF ORDINANCE NO. 08-2007; AMENDMENTS TO THE CODE REGARDING ALCOHOLIC BEVERAGE ESTABLISHMENTS AND UNDER AGE PATRONS.

The City Clerk read Ordinance No. 08-2007 by title only. Mayor Johnson opened the Public Hearing.

Speaking in favor of the adoption of the Ordinance without the grandfathering provision:

Lourdes Rasdall, 8950 Baywood Park Drive; Wanda Stuart, 6655 66th Street North and Jessica Rasdall, 8950 Baywood Park Drive.

Speaking against the adoption of the Ordinance:

Ed Mlotkowie, 6990 Seminole Boulevard; Bryant Gibson, 13957 Jamaica Drive; Matt Dunton, 12540 Frank Drive South; Joshua White, 14181 83rd Place North; John Gaskill, 8584 111th Street North; Ashley Braver, 8203 132nd Street North and Lauren Vicari, 13957 80th Avenue North, and Jody Zellner, Clearwater.

There being no other speakers, Mayor Johnson closed the Public Hearing.

Motion by Councilor Hester, second by Councilor Hofstra to adopt Ordinance No. 08-2007 on Final Reading.

Vice Mayor Barnhorn stated at the last meeting he asked Council to consider sending the Ordinance back to staff to be broken into two separate ordinance; one about the security issues and the other about under 21 year olds being allowed in stand alone bars. At the last workshop Council included a grandfather clause for the underage drinking portion of the ordinance, and last week a bouncer was changed with allegedly allowing a 15 year old into Page II. Vice Mayor Barnhorn stated he cannot support an ordinance with a grandfather clause for age. He asked that the Ordinance be sent back to staff and broken into two ordinances to be voted on separately. Vice Mayor Barnhorn respectfully requested Mayor Johnson poll Council on this idea.

Councilor Hester stated he felt it admirable for the 18 and 19 year olds who got up to speak, and hoped they do get involved in the community and government. Councilor Hester felt this is a tough decision and it would be easy not to grandfather these businesses in and basically put them out of businesses but,

to change the rules is unfair, and he could not support it. Councilor Hester stated this is a very fair ordinance and it makes it incumbent upon the proprietors to abide by the guidance and rules. If there are issues in these establishments, and they are grandfathered in, there is an avenue for them to go and that is the Special Master. The Special Master will make decisions based on whatever valid information is presented and there will no longer be it is not my fault. These businesses will have to police their own facilities, which is the same requirement that every business owner in the community has. Councilor Hester stated he does not support bigger government but, this is a win-win.

Councilor Matthews stated he asked earlier today if the Deputy could present the report that Vice Mayor Barnhorn referred to.

Deputy DiSano stated the report is an ongoing investigation and therefore is it not releasable at this time. Deputy DiSano stated the Sheriff's Office charged one of the bouncers at the Page II Nightclub with allowing a 15 year old into the establishment.

Councilor Matthews stated at the last meeting he compromised himself to give everyone a chance and voted for the Ordinance. He stated he was disappointed to hear about this incident and did not know if he could support the Ordinance. He suggested Council consider separating the Ordinance into two ordinances.

Councilor Hofstra asked Deputy DiSano why the bouncer was arrested because it is his understanding under the law as it currently exists the 15 year old has the right to be in the establishment. Deputy DiSano stated he did not conduct the investigation but, felt she was not allowed to be there, that night.

Councilor Hofstra stated he was the one who introduced the concept of grandfathering; he sticks by it and felt it is time for Council to vote on the issue.

Councilor Counts applauded the Seminole High School students for coming to speak. Councilor Counts advised Council he requested our State Representative to look at this issue and consider adopting legislation at the State level, and he also contacted County Commissioner Seel. Councilor Counts stated he has serious concerns about the grandfathering and encouraged Council to look at splitting the Ordinance into two ordinances.

Councilor Hartstein commended the students who came tonight to speak and read, for their information, Section 70-1022 of the Ordinance. Councilor Hartstein stated she felt leaving the grandfathering in the Ordinance is a win-win situation. It cleans the slate and gives everyone the opportunity to make the best possible choices. Councilor Hartstein stated Council has been talking about this issue for a while and needs to vote. She stated she is in favor of keeping in the grandfathering and is in favor of the Ordinance.

Mayor Johnson stated he also appreciated the comments from the students, and agreed that it is time to vote on the issue. Mayor Johnson stated he has received several emails and most are in favor of the Ordinance without the grandfather clause. Mayor Johnson asked City Attorney Elias if he had any comments before he called the question.

Attorney Elias commented that several Councilors expressed a desire to send this back to a workshop to come up with two separate ordinances. He reminded Council if they voted to pass the Ordinance as drafted, the possibility of breaking the Ordinance into two ordinances is eliminated. If Council denied the Ordinance, there are no regulations concerning stand alone bars or underage drinking.

Vice Mayor Barnhorn requested the Council be polled as to whether or not the Ordinance should be sent back and be split in two.

Councilor Hester stated there was an email the City Manager sent to Council with regard to an event at Page II. He did not know what that event is, and was not going to speculate on what it was or whether there was a law broken. Councilor Hester felt this Ordinance is a win-win, it is an Ordinance the Council thinks as a whole needs to be put in place and it is fair and reasonable.

Councilor Matthews stated his concern with this incident is that the establishment knows Council is looking at this tonight, and he felt an explanation from that establishment would have been appropriate.

City Attorney Elias advised Council it would be improper to poll the Council at this time as there is a motion on the floor, it has been seconded and there has been a call for the question.

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

MOTION FAILED 4 TO 3.

5. CONSIDER AUTHORIZATION TO EXPEND TRANSPORTATION IMPACT FEE FUNDS.

Motion by Councilor Hester, second by Councilor Hofstra to authorize the expenditure not to exceed \$8,000 from the TIF Funds for expenses associated with fence relocation along 70th Avenue.

In response to a question from Councilor Matthews, Public Works Director Godfrey stated the fence is east of Seminole Boulevard, and encroaches into the right-of-way.

UNANIMOUS APPROVAL BY ACCLAMATION

6. CONSIDER AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE BUSINESS ASSISTANCE PARTNERSHIP AGREEMENT (BAPS).

Mayor Johnson stated he is the Executive Director of the Seminole Chamber of Commerce and he will abstain from voting on this item as well as Agenda Item No. 7, as there may be a perception of a conflict of interest. He asked Vice Mayor Barnhorn to lead the meeting during these items, and he stepped down from the dais.

Motion by Councilor Matthews, second by Councilor Hofstra to authorize the City Manager to execute the Business Assistance Partnership Agreement with the Greater Seminole Area Chamber of Commerce and Pinellas County Government beginning October 1, 2007 and terminating September 30, 2008, and authorize the expenditure of \$21,000.00.

Councilor Hester asked if the amendment to the contract is the extension of one-year and Administrative Services Director Harry Kyne stated this is correct.

UNANIMOUS APPROVAL BY ACCLAMATION.

7. CONSIDER A REQUEST TO PERMIT THE DISPENSING OF BEER AT THE ANNUAL CHAMBER GOLF EVENT.

Motion by Councilor Hartstein, second by Councilor Matthews to approve a one day permit to allow the Greater Seminole Area Chamber of Commerce to dispense alcoholic beverages for on premise consumption during their annual golf tournament.

UNANIMOUS APPROVAL BY ACCLAMATION

8. CITY COUNCIL REPORTS:

Councilor Hofstra reported he attended Kohl's Grand Opening, and felt the store is a good addition to the City.

Vice Mayor Barnhorn reported on his attendance at the Florida League of Cities Conference, and advised Council he was appointed to the Legislative Council of the Florida League of Cities.

Councilor Counts reported on the Florida Taxation Issues seminar he attended during the Florida League of Cities Conference and that he has been in Kohl's and it is a very nice store.

Councilor Matthews stated he will give his report on the Florida League of Cities Conference at the next meeting.

Mayor Johnson reported on the seminars he attended during the Florida League of Cities Conference, and stated he would provide copies to Council of his written recap.

9. CITY MANAGER REPORTS:

Deputy Beverly Ireland gave an update on the activities of Community Policing Officers.

Mayor Johnson reminded Council of the Halloween Field of Screams being held October 26.

10. OLD BUSINESS:

Councilor Counts stated his recommendation based on the Council vote tonight is to request staff to revisit and schedule a workshop on the Alcoholic Beverage Ordinance. There being no objections from Council, Mayor Johnson asked the City Clerk to schedule a workshop.

11. NEW BUSINESS:

Councilor Hartstein stated the October 20 meeting of the Suncoast League is being held in Pinellas Park and the speaker and discussion will be on changes to cable companies and the impact to government access channels.

Mayor Johnson stated this item was discussed at a recent Mayors Council Meeting and as he understood it there will not be any changes made anytime soon on this issue.

12. CONSIDER A MOTION FOR ADJOURNMENT.

There being no further business, Mayor Johnson adjourned the meeting.

Date Approved: _____

Lesley DeMuth, City Clerk

James Johnson, Mayor

FORMS 8B MEMORANDUM OF VOTING CONFLICT FOLLOWS:

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <u>Johnson, James</u>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Seminole City Council</u>
MAILING ADDRESS <u>118 Fernwood Circle</u>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY <u>Seminole, Fl 33777</u> COUNTY <u>Pinellas</u>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <u>October 9, 2007</u>	NAME OF POLITICAL SUBDIVISION: <u>City of Seminole</u>
	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 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, James Johnson, hereby disclose that on October 9, 20 07:

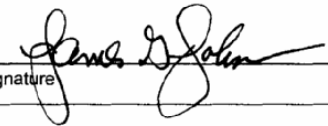
(a) A measure came or will come before my agency which (check one)

- 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 The Greater Seminole Area Chamber of Commerce, 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:

To approve the Business Assistance Partnership Agreement with the Greater Seminole Area Chamber of Commerce of which I am the Executive Director, the City of Seminole and Pinellas County Government for the Fiscal Year beginning October 1, 2007, and ending September 30, 2008.

10-17-07
Date Filed


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.

APPOINTED OFFICERS (continued)

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- 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.

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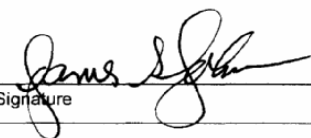
(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
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- inured to the special gain or loss of my relative, _____;
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- 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:

To approve a one day permit to allow the Greater Seminole Area Chamber of Commerce, of which I am the Executive Director, to dispense alcoholic beverages for on premises consumption during their annual golf tournament.

Date Filed 10-17-07

Signature 

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