

**MINUTES
SEMINOLE CITY COUNCIL
TUESDAY, OCTOBER 14, 2008**

The Regular Meeting of the Seminole City Council was held on Tuesday, October 14, 2008, 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 Patricia Hartstein followed by the Pledge of Allegiance.

ROLL CALL:

Present were: Councilors John Counts, Peter Hofstra, Dan Hester, Patricia Hartstein 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: None

1. PUBLIC COMMENT: None.

2. APPROVAL OF MINUTES – REGULAR MEETING SEPTEMBER 23, 2008.

Motion by Councilor Hofstra, second by Councilor Hester to approve the minutes of September 23, 2008.

UNANIMOUS APPROVAL BY ACCLAMATION

3. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 23-2008 REGARDING AMENDMENTS TO THE CITY CODE OF ORDINANCES CHAPTER 38; STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PROPERTY.

The City Clerk read Ordinance No. 23-2008 by title only.

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

Motion by Councilor Matthews, second by Councilor Hofstra to approve Ordinance No. 23-2008 on Second and Final Reading.

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

MOTION CARRIED UNANIMOUSLY

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

LAST NAME—FIRST NAME—MIDDLE NAME <u>James Johnson</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 type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <u>October 14, 2008</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 14,, 2008 :

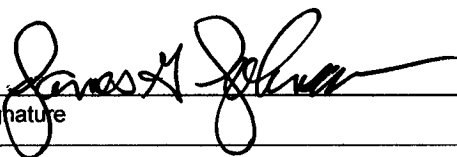
(a) A measure came or will come before my agency which (check one)

- 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 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, 2008 and ending September 30, 2009.

October 22, 2008
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.

4. CONSIDER A FIRST READING OF ORDINANCE NO. 26-2008 REGARDING A VOLUNTARY ANNEXATION OF 4723 BAY PINES TERRACE, OWNED BY ST. PETERSBURG COLLEGE.

Mayor Johnson introduced Susan Reiter, Vice President of St. Petersburg College.

The City Clerk read Ordinance No. 26-2008 by title only.

Motion by Councilor Hofstra, second by Councilor Hester to approve Ordinance No. 26-2008 on First Reading.

In response to a question by Councilor Counts on what is going to happen with this body of water, as right now it is housing a number of vessels underwater, City Manager Edmunds stated the issue before Council, at this time, is an annexation and future use of the property is subject to conversations with the College. There are a number of derelict boats at this location and the City will be exploring ways of partnering with the College to improve that condition.

Councilor Hofstra asked City Manager Edmunds if the City anticipates any public improvements having to be constructed once this property is annexed into the City. City Manager Edmunds stated not as a direct result of the annexation. The property has some significant offerings the City would like to see developed over time, and following annexation the Administration will be discussing a number of these possibilities with the College as well as with the Council.

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

MOTION CARRIED UNANIMOUSLY

5. CONSIDER AUTHORIZATION TO EXECUTE A ONE YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE IAFF LOCAL 2896 EFFECTIVE OCTOBER 1, 2008 AND EXPIRING SEPTEMBER 30, 2009.

Motion by Councilor Matthews, second by Councilor Hartstein to authorize the City Manager to execute a one year Collective Bargaining Agreement between the City of Seminole and IAFF Local 2896.

In response to questions by Councilor Hester on the contract, City Manager Edmunds stated the City's preference is a three year contract, but given the uncertain economic times it was felt to be more appropriate to do a one year contract and revisit the subject matter in or around March, 2009. The Legislative Session will be well under way and the City will have a better comfort level for what we believe we can afford as an employer. City Manager Edmunds stated if we are comfortable projecting ahead a number of years, the maximum permissible under Florida Law is three years, this would clearly be our preference. In regard to the recent discussions regarding the consolidation with County EMS and jurisdictional issues, City Manager Edmunds stated he felt this may have an effect on meaningful discussions on a three year contract from both the labor and City's perspective. Both sides will be

impacted by any discussions associated with either consolidation or as we are now actively discussing a modification to the EMS delivery system. City Manager Edmunds advised Council the Union membership voted with the majority in favor of the proposal; it was not unanimous.

Vice Mayor Barnhorn asked if the only Contract modification is the City offering the same cost of living and merit increase adjustments that is being offered to the other city employees. City Manager Edmunds stated that is correct. There is tentative agreement on a 2% cost of living adjustment effective October 1, which is in the existing contract, and rather than a step plan compensation for successful performance appraisals, there will be a 2% salary adjustment on a successful performance appraisal. The only other item that was slightly modified was the amount the City contributes to education. This change was made to reflect the increased costs for education as a result of Florida's decision to fund university programs, but it has no impact on the City's budget.

UNANIMOUS APPROVAL BY ACCLAMATION

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

Mayor Johnson stated as the Executive Director of the Chamber of Commerce he will abstain from voting on the agenda item as there may be a perception of a conflict of interest, and he asked Vice Mayor Barnhorn to lead the meeting during the agenda item. (In accordance with Florida Statutes, Form 8B – Memorandum of Voting Conflict filed by Mayor James Johnson is attached hereto, and made a part of the minutes.)

Motion by Councilor Counts, 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, 2008 and ending September 30, 2009, and authorize the expenditure of \$21,000.

In response to questions by Councilor Hester, City Manager Edmunds explained this is a tri-party agreement that involves participation by Pinellas County Government, City of Seminole Government and the Chamber. For the last several years, the City's and the County's expenditure has been held at a \$21,000 ceiling and those funds are matched by either in-kind or dollar services provided by the Chamber. City Manager Edmunds stated he believed these funds are blended into the Chamber's general revenues, an accounting of the in-kind service value is verifiable, and the oversight of this program is at the County level.

Councilor Hartstein pointed out the compensation listed in the Agreement is \$20,000. City Manager Edmunds asked the motion be modified to authorize an expenditure of up to \$21,000, and there was no objection from Council Counts or Councilor Hofstra to modifying the motion.

MOTION CARRIED.

7. CONSIDER AUTHORIZATION TO EXECUTE A CONTRACT FOR LAW ENFORCEMENT SERVICES WITH THE SHERIFF OF PINELLAS COUNTY.

Motion by Vice Mayor Barnhorn, second by Councilor Counts to authorize the City Manager to execute a contract for law enforcement services with the Sheriff of Pinellas County for Fiscal Year 2008-2009 in the amount of \$1,712,754.80.

City Manager Edmunds advised Council the contract represents a very slight decrease in what was discussed during the budget process; seven school crossing guards had been anticipated, six were requested by the school district.

UNANIMOUS APPROVAL BY ACCLAMATION

8. CONSIDER AUTHORIZATION TO PERMIT THE SALE OF BEER AND WINE BY A SEMINOLE NON-PROFIT ORGANIZATION, DURING THE 2009 POW WOW FESTIVAL TO BE HELD MARCH 13, 2009 THROUGH MARCH 15, 2009.

Motion by Councilor Hartstein, second by Councilor Hester to approve and authorize the sale of beer and/or wine by a Seminole based non-profit organization at the 2009 Pow Wow Festival.

City Manager Edmunds advised Council the Pow Wow Committee will take the appropriate actions to ensure restrictions on age regarding this activity.

In response to a question by Councilor Hester, City Manager Edmunds explained what a Seminole based non-profit organization is, and how this organization is chosen.

UNANIMOUS APPROVAL BY ACCLAMATION

9. CONSIDER AUTHORIZATION TO EXECUTE AN ENTERTAINMENT CONTRACT WITH RICK BANKEMPER, ENTERTAINER, IN THE AMOUNT OF \$250 FOR THE DECEMBER 7, 2008, HOLIDAY VOLUNTEER RECOGNITION DINNER AT THE WINE CELLAR.

Motion by Councilor Hester, second by Vice Mayor Barnhorn to authorize the City Manager to execute a contract with Rick Bankemper, Entertainer, in the amount of \$250 to provide musical entertainment during the December 7, 2008, Annual Holiday Volunteer Recognition Dinner at the Wine Cellar.

UNANIMOUS APPROVAL BY ACCLAMATION

10. CONSIDER RECOMMENDING AN APPOINTMENT TO THE PINELLAS PLANNING COUNCIL.

Motion by Vice Mayor Barnhorn, second by Councilor Counts to nominate Mayor James Johnson for appointment to the Pinellas Planning Council to serve a two year term beginning January 1, 2009 through December 2010, representing the Group "C" combined cities of Belleair, Belleair Bluffs, Gulfport, Kenneth City, South Pasadena and Seminole.

UNANIMOUS APPROVAL BY ACCLAMATION

11. CONSIDER A REAPPOINTMENT TO THE GREATER SEMINOLE AREA SPECIAL RECREATION DISTRICT BOARD.

Motion by Vice Mayor Barnhorn, second by Councilor Hofstra to reappoint Beth Ann Scharrer to the Board of Commissioners for the Greater Seminole Area Special Recreation District for the term beginning December 2008 through November 2012.

UNANIMOUS APPROVAL BY ACCLAMATION

12. CITY COUNCIL REPORTS:

Councilor Matthews spoke on a presentation made during the Tampa Bay Regional Planning Council Meeting by John Toppe, President of the US Green Building Council Florida Gulf Coast Chapter.

Vice Mayor Barnhorn reported he attended Music in the Park, he spoke on the upcoming amendments at several meetings, and he attended the P.A.C.E Awards. Vice Mayor Barnhorn clarified for Council and the public that unless the Council appoints him as a chosen representative, such in the case of the Leagues, when he speaks he does not speak on behalf of any member of the Council nor does he speak for the Council as a whole. Vice Mayor Barnhorn stated when he goes somewhere and is introduced by the title of Vice Mayor he feels he is representing the City.

13. CITY MANAGER REPORTS:

- Deputy Dave DiSano gave an update on the activities of the Community Policing Officers. In response to a question by Councilor Hofstra on the availability of a portable message board to remind people to lock their car doors, Deputy DiSano stated he will look into its availability. In response to a question by Councilor Hester regarding the speed of motorcycles, Deputy DiSano spoke on recent legislation establishing fines for speeds 50 mph and over.
- The City Council Meeting of November 11, conflicts with the Veterans Day Holiday. The meeting was rescheduled to November 4.
- The annual “Field of Screams” is being held October 24, and Council was invited to participate.
- Public Works Director Allen Godfrey has resigned his position with the City, and accepted a position with Jefferson County, Alabama. City Manager Edmunds recognized Allen for his leadership in the Public Works Department.

14. OLD BUSINESS. None

15. NEW BUSINESS. None

16. CONSIDER A MOTION FOR ADJOURNMENT.

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

UNANIMOUS APPROVAL BY ACCLAMATION

Date Approved: _____

Lesley DeMuth, City Clerk

James Johnson, Mayor