

**MINUTES  
SEMINOLE CITY COUNCIL  
TUESDAY, NOVEMBER 25, 2008**

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The Regular Meeting of the Seminole City Council was held on Tuesday, November 25, 2008, in the City Hall, City Council Chambers, 9199 113<sup>th</sup> Street North, Seminole, Florida.

James Johnson, Mayor, called the meeting to order at 7:00 p.m. The invocation was given by Vice Mayor Thomas Barnhorn 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 Deputy City Clerk Ginger Stilton.

**INTRODUCTIONS AND PRESENTATIONS:**

Fire Chief Graves promoted William Schobel to the position of Training Chief.

City Manager Edmunds announced the City has received a Certificate of Achievement for Excellence in Financial Reporting for the City's Comprehensive Annual Financial Report, and recognized Senior Accountant Christine Trovato and the Finance Staff for their efforts in the City receiving this recognition.

**1. PUBLIC COMMENT:**

Harold Doc Kinsey, 11494 88<sup>th</sup> Avenue N., thanked the City for supporting the Bright Before Your Eyes Parade.

Bob Lohrman, 34020 Azalea Drive, on behalf of the Country Snowbirds requested the City reconsider the \$60.00 fee they will be assessed per event for the use of the City Park. Mr. Lohrman presented a list of 211 patrons who attend their jam sessions requesting they be allowed to continue playing music in the park at no cost.

Mike Mugharbel, Seminole Towing and Recovery, presented a letter to the City Council requesting they use their authority to limit the Pinellas County Sheriff's Office wrecker rotation list to the two Seminole towing companies.

**2. APPROVAL OF MINUTES – REGULAR MEETING NOVEMBER 4, 2008.**

Motion by Councilor Hofstra, second by Councilor Hester to approve the minutes of November 4, 2008.

UNANIMOUS APPROVAL BY ACCLAMATION

**3. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 15-2008 ADOPTING PROPOSED AMENDMENTS TO THE PUBLIC SCHOOL FACILITIES ELEMENT (PSFE), INTERGOVERNMENTAL COORDINATION ELEMENT (ICE), AND A CAPITAL IMPROVEMENTS ELEMENT (CIE).**

The Deputy City Clerk read Ordinance No. 15-2008 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 adopt Ordinance No. 15-2008 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

**4. CONSIDER A FIRST READING OF ORDINANCE NO. 27-2008 REGARDING SOLID WASTE.**

The Deputy City Clerk read Ordinance No. 27-2008 by title only.

Motion by Vice Mayor Barnhorn, second by Councilor Counts to approve Ordinance No. 27-2008 on First Reading.

City Manager Edmunds explained over the years staff has experienced some difficulties enforcing the City's agreement with Waste Management in the absence of an ordinance. The proposed ordinance will empower the staff to manage, in a more efficient manner, the agreement with Waste Management.

In response to questions by Councilor Hester on what enforcement issues the City is having, City Manager Edmunds stated the contract with Waste Management provides that they are the exclusive company chosen by the City to provide the collection and disposal of waste which includes construction debris. On numerous occasions the Building Department has gone to construction sites where, without consulting the City, the services of another company have been retained. This issue is not about the smaller companies who have their own waste containers that come into the City and do work for a day. City Manager Edmunds pointed out that City residents enjoy the second lowest rate for this service within the county because the City bundles the service. Waste Management performs recycling, household collection, and commercial dumpster and construction debris removal.

Vice Mayor Barnhorn asked if the commercial rate is also competitive, and City Manager Edmunds stated it is.

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 AN AMENDMENT TO A CONTRACT WITH WASTE MANAGEMENT INC. OF FLORIDA.**

Motion by Councilor Hartstein, second by Councilor Hester to authorize the City Manager to execute the amendment to a contract with Waste Management, Inc. of Florida.

In response to a question by Councilor Matthews, City Manager Edmunds stated from time to time the City receives complaints regarding collection, but once the City is aware of an issue Waste Management is contacted and they address the issues as close to immediately as possible.

Councilor Matthews suggested collection information be provided to commercial users.

City Manager Edmunds explained the contract amendment does put some emphasis on recycling. Waste Management has agreed to redistribute new recycling containers to every customer in the City no later than the January 1, and will expand the recycling effort to multi-family. The terms of the contract are essentially the same with one significant exception. Waste Management will be entitled to a rate adjustment annually that must be submitted to his office and justified, and they have an opportunity to adjust their rates based upon the fuel charge. City Manager Edmunds pointed out, as a safeguard, there is a provision giving the City the right in November 2010, to review the fees. If the fees are found not to be competitive, the City has the opportunity to negotiate an adjustment or cancel the contract.

In response to a question by Councilor Hester on Item 6, Article II, Section 8, City Manager Edmunds stated if a storm is so sever that it qualifies for FEMA designation, the City cannot use Waste Management; the City must use the FEMA approved contractor it has under contract. For those storms that do not meet the FEMA threshold, the City will negotiate at that time with Waste Management to assist the City.

In response to a question by Vice Mayor Barnhorn, City Manager Edmunds explained that residents pay for the waste that is collected and disposed of, and recycling is paid by the City through their tax dollar.

UNANIMOUS APPROVAL BY ACCLAMATION

**6. CONSIDER AUTHORIZATION TO EXECUTE AN INTERLOCAL AGREEMENT FOR ADVANCED TRAFFIC MANAGEMENT SYSTEM/INTELLIGENT TRANSPORTATION SYSTEMS (ATMS/ITS) WITH PINELLAS COUNTY.**

Motion by Councilor Counts, second Councilor Hofstra to approve the Interlocal Agreement for Advance Traffic Management System/Intelligent Transportation Systems with Pinellas County and authorize the City Manager to execute the Interlocal Agreement.

UNANIMOUS APPROVAL BY ACCLAMATION

**7. CONSIDER AUTHORIZATION TO EXECUTE A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT WITH PINELLAS COUNTY FOR THE DESIGN, IMPLEMENTATION, OPERATION AND MAINTENANCE OF THE AMBIENT WATER QUALITY MONITORING PROGRAM.**

Motion by Councilor Counts, second by Councilor Hofstra to authorize the City Manager to execute a First Amendment to the Interlocal Agreement with Pinellas County for the Design, Implementation, Operation and Maintenance of the Ambient Water Quality Monitoring Program.

UNANIMOUS APPROVAL BY ACCLAMATION

**8. CONSIDER AUTHORIZATION TO EXPEND FY 09 CAPITAL IMPROVEMENT PROJECT FUNDS IN THE AMOUNT OF \$155,000 FOR THE PURCHASE AND INSTALLATION OF A WALCON PREFAB CONCRETE RESTROOM FACILITY FOR THE SEMINOLE TENNIS CLUB PARK.**

Motion by Councilor Hester, second by Councilor Counts to expend \$155,000 from the FY 09 Capital Improvement Project Fund for the purchase and installation of a WalCon, Model 2S-CON-WET-L-ADA-CC, prefab concrete restroom facility for Seminole Tennis Club Park.

UNANIMOUS APPROVAL BY ACCLAMATION

City Manager Edmunds stated this project will complete the Council's program of installing restroom facilities at all City parks.

**9. CONSIDER AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENTS FUNDS OF UP TO \$7,250 FROM THE HURRICANE PREPAREDNESS ACCOUNT FOR THE PURCHASE OF THREE (3) COMPUTER SYSTEMS WITH GPS, AND RELATED SOFTWARE FOR USE BY THE BUILDING DIVISION.**

Motion by Vice Mayor Barnhorn, second by Councilor Hofstra to authorize the expenditure of up to \$7,520 from the CIP Hurricane Preparedness Account for the purchase of three (3) computer systems with GPS and related software for the use by the Building Division.

City Manager Edmunds explained this expenditure is from the Hurricane CIP Fund, not the dedicated reserve Council established for a significant weather event.

UNANIMOUS APPROVAL BY ACCLAMATION

**10. CONSIDER AUTHORIZATION TO EXECUTE A LAWN MAINTENANCE CONTRACT WITH RICK'S LAWN & HOME CARE IN THE AMOUNT OF \$3,600 FOR THE LAWN MAINTENANCE OF FIRE STATIONS 29, 30, 31, AND 32.**

Motion by Councilor Hartstein, second by Vice Mayor Barnhorn to authorize the City Manager to execute a contract with Rick's Lawn & Home Care to provide lawn maintenance service for Fire Stations 29, 30, 31 and 32 in the amount of \$3,600 annually.

In response to a question by Councilor Hester, City Manager Edmunds stated the City advertised and received 27 bids; the low bid is before Council this evening.

UNANIMOUS APPROVAL BY ACCLAMATION

**11. CONSIDER A RE-APPOINTMENT OF A TRUSTEE TO THE CITY OF SEMINOLE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND BOARD FOR A TERM EXPIRING SEPTEMBER 2010.**

Motion by Vice Mayor Barnhorn, second by Councilor Hartstein to re-appoint Mrs. Lynn Adams-Buckley as the City's appointed Trustee to the City of Seminole Municipal Firefighters' Pension Trust Fund Board for a term expiring September 2010.

UNANIMOUS APPROVAL BY ACCLAMATION

**12. CITY COUNCIL REPORTS.**

Vice Mayor Barnhorn reported he attended the National League of Cities Conference, the Florida League of Cities Legislative Review, and the Mayors' Council Meeting.

Councilor Counts reported he attended the National League of Cities Conference, and participated in the "Bright Before Your Eyes" parade.

Mayor Johnson reported he attended the National League of Cities Conference and participated in the Great American Teach-In at Starkey, Madeira Beach and Orange Grove Elementary Schools.

**13. CITY MANAGER REPORTS.**

- The Annual Holiday Volunteer Recognition Dinner is December 7, 2008.
- The Holiday Tree Lighting in City Park will be December 13, 2008.
- The FY 2009 Budget is available on the City's website.
- In January the City Council will need to appoint a Charter Review Committee. The City Clerk will provide Council with a list of names of the residents who served on the last Committee and a list of residents who have expressed an interest in serving.
- A summary on the status of the Firefighters' Pension Fund was provided.
- In response to the Country Snowbirds request, staff is trying to following Council direction of trying to recover actual costs, and there is 1.5 man-hours used to support this event. Unless directed otherwise, the administration will hold that the Snowbirds will be assessed \$60.00 an

event. Vice Mayor Barnhorn asked if the Snowbirds would be able to pass a hat, and City Manager Edmunds stated the City has no restrictions on charging fees or collection fees for this group. Mayor Johnson stated he has mixed emotions about charging the fee, but understands the effect Amendment One has had on activities within the City. Councilor Hester felt that as simple as the \$60.00 is, it is Council's responsibility to be the stewards of the taxpayer's money and be fiscally responsible.

- A workshop will be scheduled to discuss the request from Seminole Towing.
- In light of the petition from residents requesting speed tables in the Temple/Valencia Avenue area, the City will do an analysis of the traffic conditions, and upon the completion of the analysis the Community Policing Officer will meet with the petition organizer and share the information. The City has also been made aware of a recent accident on Temple Avenue, and an engineering analysis possibly will be done on the curvature of the road. Vice Mayor Barnhorn asked that a workshop be held with Council to go over the findings.

**14. OLD BUSINESS.**

Councilor Hester advised Council he was fine having a workshop on the Seminole Towing and Recovery issue, but the Council has spent a good bit of time on this to the extent that a presentation was made by the Detective Sergeant who oversees this program. Councilor Hester spoke on the information provided by the Sheriff's Department, and stated he admired Seminole Towing for not letting this go, and felt rather than to keep bringing this back, it needs to be resolved.

**15. NEW BUSINESS.**

Vice Mayor Barnhorn provided information to Council on a discount prescription card program sponsored by the National League of Cities through CVS/Caremark. Vice Mayor Barnhorn stated there is no cost to the City to participate in this program, and he would like to see the City go forward with offering this program to our residents.

Councilor Hester asked if City Manager Edmunds could research this and make a recommendation to Council at the next business meeting.

**16. CONSIDER A MOTION FOR ADJOURNMENT.**

On a motion by Councilor Hester, the meeting was adjourned.

Date Approved: \_\_\_\_\_

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Lesley DeMuth, City Clerk

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James Johnson, Mayor