

**MINUTES  
SEMINOLE CITY COUNCIL  
TUESDAY, FEBRUARY 26, 2008**

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The Regular Meeting of the Seminole City Council was held on Tuesday, February 26, 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 Councilor Bob Matthews 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:**

Fire Chief Dan Graves presented the following promotion: Lieutenant Firemedic Terry Tokarz to Chief of Training and EMS.

Mayor Johnson presented Recreation Director Jim Sheets with a Proclamation recognizing the 40<sup>th</sup> Anniversary of the Pow Wow Festival and Parade.

Peter Schatzel presented an overview of the Fiscal Year ending September 30, 2007, Annual Financial Report. Mr. Schatzel explained rather than using the term fund balance in the Report the term used to measure the City's equity is net assets. This is the total assets less the total liabilities. Also, as a part of the City's equity there is a portion they measure called unrestricted net assets. This represents the total equity that is not encumbered by any type of a restriction. The amount of the City's unrestricted net assets went from \$5.4 million at the end of 2006 to \$6.6 million at the end of 2007.

Councilor Hester asked Mr. Schatzel what he is finding with regard to other municipalities from the standpoint of reserve allocations. Mr. Schatzel stated they have found in the past several years that reserves have actually come down in a number of cities, and a number of cities are operating with a reserve of about two months or slightly more. He stated they do have one city that as a goal would like to have a total of about six months in their operating reserve. Mr. Schatzel thought going forward with this was going to be a difficult goal to obtain because of the budgetary cuts that he sees occurring or that cities will be facing. Mr. Schatzel stated he thought the amount of reserve the City has is slightly higher than what he sees in a number of cities their firm audits.

Council Hester asked Mr. Schatzel if it would be his suggestion, even though it may be some what unobtainable, that a six months reserve is where the City ought to get to. Mr. Schatzel stated he would not want to venture forth in indicating that the City should try to obtain that. He thought it would be a very difficult goal to obtain. If the City was able to do that, it would be a favorable accomplishment but, he did not know if this can be set as a reasonable goal as far as being able to have that much put aside.

**1. PUBLIC COMMENT:** None.

**2. APPROVAL OF MINUTES – REGULAR MEETING FEBRUARY 12, 2008.**

Motion by Councilor Hartstein, second by Vice Mayor Barnhorn to approve the minutes of February 12, 2008.

UNANIMOUS APPROVAL BY ACCLAMATION

**3. CONSIDER A FIRST READING OF ORDINANCE NO. 02-2008 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 9401 117<sup>TH</sup> STREET NORTH.**

The City Clerk read Ordinance No. 02-2008 by title only.

Motion by Councilor Matthews, second by Councilor Hofstra to approve Ordinance No. 02-2008 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

**4. CONSIDER A FIRST READING OF ORDINANCE NO. 03-2008 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 9368 117<sup>TH</sup> STREET NORTH.**

The City Clerk read Ordinance No. 03-2008 by title only.

Motion by Councilor Hofstra, second by Councilor Hester to approve Ordinance No. 03-2008 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

**5. CONSIDER A FIRST READING OF ORDINANCE NO. 04-2008 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 4871 100<sup>TH</sup> WAY NORTH.**

The City Clerk read Ordinance No. 04-2008 by title only.

Motion by Councilor Hester, second by Vice Mayor Barnhorn to approve Ordinance No. 04-2008 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 A FIRST READING OF ORDINANCE NO. 05-2008 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 11203 GOLDEN RIDGE DRIVE.**

The City Clerk read Ordinance No. 05-2008 by title only.

Motion by Councilor Counts, second by Councilor Hofstra to approve Ordinance No. 05-2008 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

**7. CONSIDER A FIRST READING OF ORDINANCE NO. 06-2008 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 10738 111<sup>TH</sup> STREET NORTH.**

The City Clerk read Ordinance No. 06-2008 by title only.

Motion by Councilor Hofstra, second by Councilor Hartstein to approve Ordinance No. 06-2008 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

**8. CONSIDER A FIRST READING OF ORDINANCE NO. 07-2008 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 10866 111<sup>TH</sup> STREET NORTH.**

The City Clerk read Ordinance No. 07-2008 by title only.

Motion by Councilor Hartstein, second by Vice Mayor Barnhorn to approve Ordinance No. 07-2008 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

**9. CONSIDER A FIRST READING OF ORDINANCE NO. 08-2008 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 10845 VILLAGE GREEN DRIVE.**

The City Clerk read Ordinance No. 08-2008 by title only.

Motion by Vice Mayor Barnhorn, second by Councilor Hofstra to approve Ordinance No. 08-2008 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

**10. CONSIDER A FIRST READING OF ORDINANCE NO. 09-2008 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 11276 FREEDOM COURT.**

The City Clerk read Ordinance No. 09-2008 by title only.

Motion by Councilor Matthews, second by Councilor Hester to approve Ordinance No. 09-2008 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

**11. CONSIDER A FIRST READING AND PUBLIC HEARING OF ORDINANCE NO. 10-2008 REGARDING A COMPREHENSIVE PLAN - FUTURE LAND USE PLAN AMENDMENT.**

The City Clerk read Ordinance No. 10-2008 by title only.

Mayor Johnson opened the Public Hearing.

Community Development Director Mark Ely explained the proposed Ordinance provides for changes to the Future Land Use Plan that include new and amended standards to allow for mixed use development within the Commercial General Plan Category, to change the residential equivalent conversion factor to recognize the existing assisted care living facilities within the City, and to prohibit increased residential densities within the Coastal High Hazard Area to comply with State Law.

Councilor Hester asked if there are any current development plans within the City that will be impacted by this. Community Development Director Ely stated the City has not had any requests for rezoning that would require mixed use development.

In response to questions by Vice Mayor Barnhorn, Community Development Director Ely stated if a developer comes in and meets every letter of the Code the site plan approval process is administrative and does not come before the City Council. He stated although it is technically possible to meet the Code, it is very seldom on the larger projects that some relief relative to parking, drainage, landscaping or signage is not needed. If a developer requests relief, this will then drive the development to Council through the function of a development agreement. Community Development Director Ely explained Residential was taken out of the Comprehensive Plan in 2001, and is being put back in. This not only will aid in potential redevelopment but, ratifies the existing assisting living facilities within the City that are planned Commercial General on the Future Land Use Map.

Councilor Hartstein asked if Seminole has any Coastal High Hazard Areas. Community Development Director Ely stated the City does within the Harbor Lights Mobile Home Park, the KOA Campground and a portion on the backside of the Target and Kohl's area. The new definition prohibits the City from

increasing the density beyond what is already on the Future Land Use Map by a Comprehensive Plan or zoning change on that property.

Receiving no public comment, the Public Hearing was closed.

Motion by Councilor Hester, second by Councilor Hofstra to approve Ordinance No. 10-2008 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

**12. CONSIDER A FIRST READING OF ORDINANCE NO. 12-2008 REGARDING A VOLUNTARY ANNEXATION OF APPROXIMATELY 2.51 ACRES OF OLD RIDGE ROAD RIGHT OF WAY LYING BETWEEN THE CENTER OF 102<sup>ND</sup> AVENUE NORTH RIGHT OF WAY AND 213.58 FEET SOUTH OF THE SOUTHSIDE OF THE MARLA LANE RIGHT OF WAY.**

The City Clerk read Ordinance No. 12-2008 by title only.

Motion by Councilor Matthews, second by Councilor Hofstra to approve Ordinance No. 12-2008 on First Reading.

City Manager Edmunds explained the annexation is a result of a number of inquires from City residents for the placement of street lights or the construction of a sidewalk in this area. This roadway was not annexed when the City completed the annexation activities in 2003, and he felt it appropriate for the City to include that portion of roadway in the City’s corporate jurisdiction to address the residents concerns.

Councilor Hofstra asked if the City will be responsible for maintaining the roadway, and if the condition of the roadway has been looked into. City Manager Edmunds stated the City will be responsible for maintaining the roadway and it is in relatively good shape. The roadway base and the drainage are fine but, the roadway will need resurfacing in future years.

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

**13. CONSIDER A FIRST READING OF ORDINANCE NO. 13-2008 REGARDING A CAPITAL IMPROVEMENTS PROGRAMS FUND TRANSFER.**

The City Clerk read Ordinance No. 13-2008 by title only.

Motion by Councilor Hartstein, second by Councilor Hofstra to approve Ordinance No. 13-2008 on First Reading.

Councilor Hofstra stated at the workshop he indicated he would be in support of this provided the interest accruing on the unreserved fund balance is designated for transfer to the emergency preparedness reserve fund, and requested this addition be placed into the Ordinance.

Motion by Councilor Hester, second by Councilor Hofstra to amended the motion to include the addition of any reserve interest into said reserve fund.

Vice Mayor Barnhorn stated his concern is until the Council has exhausted their discussion this evening on the fire budget, he felt Council may want to leave part of the unreserved fund alone.

Councilor Matthews stated Council can always go back and get money if they need to do so by a vote of the Council.

In response to a question by Vice Mayor Barnhorn, City Manager Edmunds explained as a function of the audit \$500,000 has been placed in the emergency reserve for a total in the reserve of \$3.5 million. This action was discussed by Council during a workshop with no Council opposition. There may not be any expenditure from the emergency reserve without Council action.

Mayor Johnson called for the vote on the motion to amend.

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

Mayor Johnson called for a vote on the original motion as amended.

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

**14. CONSIDER RESOLUTION NO. 04-2008 MANAGING OF ANIMAL LIFE PRESENT ON CITY OWNED PROPERTIES.**

The City Clerk read Resolution No. 04-2008 by title only.

Motion by Councilor Hester, second by Councilor Hartstein to approve Resolution No. 04-2008.

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

**15. CONSIDER RESOLUTION NO. 05-2008 AMENDING THE PERSONNEL POLICIES AND PROCEDURES.**

The City Clerk read Resolution No. 05-2008 by title only.

Motion by Councilor Matthews, second by Councilor Counts to adopt Resolution No. 05-2008 on First Reading.

City Manager Edmunds advised Council it is his position that the current policy of requiring the compensation plan to be updated every three years should be modified to occur every five years. In the current budget the City has set aside \$35,000 for this expense, which will not be incurred. The plan update will be delayed another two years and this action will essentially put a cap on the City's existing compensation plan for that period of time. The Resolution also allows for an amendment regarding the separation of City service, and makes clear what the determining factors are during those considerations.

Councilor Hofstra asked if Council, by adopting this, is obligating the City to purchase these services two years down the road. City Manager Edmunds stated Council is not obligating the City to purchase but, is obligating the City to review the plan, whether it is done by staff or by a contractor.

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

**16. CONSIDER AUTHORIZATION TO EXECUTE A LICENSE & INDEMNITY AGREEMENT WITH THE SEMINOLE MALL FOR THE 2008 POW WOW PARADE EVENT.**

Motion by Councilor Matthews second by Councilor Hartstein to authorize the City Manager to execute the License and Indemnity Agreement with the Seminole Mall.

Councilor Hofstra asked City Attorney Elias if he has reviewed and approved the form. City Attorney Elias stated he has, and this is the same form the City has executed for the past several years.

UNANIMOUS APPROVAL BY ACCLAMATION

**17. CONSIDER AUTHORIZATION TO EXECUTE THE 2008-2009 PINELLAS COUNTY SCHOOL BOARD BUS AGREEMENT.**

Motion by Councilor Hartstein second by Councilor Matthews to authorize the City Manager to execute the 2008-2009 Pinellas County School Board Bus Agreement.

In response to a question by Councilor Hester, City Manager Edmunds stated the Agreement conditions have not changed.

UNANIMOUS APPROVAL BY ACCLAMATION

**18. CONSIDER AN APPOINTMENT TO THE RECREATION ADVISORY BOARD TO FILL THE BALANCE OF A TERM VACATED, THROUGH DECEMBER 2008.**

Motion by Vice Mayor Barnhorn, second by Councilor Counts to appoint Ms. Latisha Springer to the Recreation Advisory Board to fill the balance of the two year term expiring December 2008.

UNANIMOUS APPROVAL BY ACCLAMATION

Mayor Johnson recognized Ms. Springer who was in attendance.

**19. CONSIDER APPOINTMENTS TO THE 2008 POW WOW COMMITTEE.**

Motion by Councilor Hartstein, second by Councilor Hester to appoint the following volunteers to serve as the 2008 Seminole Pow Wow Festival and Parade Committee: Dorie Michalik, Gretchen Cain, Jelene Mingo, Betty Oldanie, Jacob Valintine, Jimmy Vines, Leah Hoffman, Cathy Hayduke, Susan Sousa, Sandy Reynolds, Greg Michalik, Dottie Reeder, Harold Kinsey, Dawn Waechter, Barbara Koyutis, Barbara Allen, Rosemary Madigan, Phil Hayduke, Jean Hand, William Barbosa, Carolyn Smith, and Sharon Oliphant.

## UNANIMOUS APPROVAL BY ACCLAMATION

### **20. CITY COUNCIL REPORTS:**

Vice Mayor Barnhorn reported he attended the: Panama Canal Museum Luncheon, Miss Seminole Pageant, Boy Scout tour of City Hall, Suncoast League of Cities Meeting, Starkey Elementary Volunteer Luncheon, Representative Long's Open House, a 25th Anniversary Celebration at the SPCA for Beth Lockwood, and the Mayors' Council/Pinellas County Legislative Delegation Meeting.

Councilor Hartstein reported she attended the Miss Seminole Pageant and the Suncoast League of Cities Meeting. Councilor Hartstein provided information on the Florida League of Cities Legislative Call-in, and complimented Waste Management on the help they provide to a neighbor.

Mayor Johnson reported he had meetings with Commissioner John Morroni, Commissioner Karen Seel and County Administrator Fred Marquis, and he attended the Mayors' Council/Pinellas County Legislative Delegation Meeting, the Miss Seminole Pageant, Seminole Sings, and gave the Boy Scouts a tour of City Hall.

### **21. CITY MANAGER REPORTS:**

City Manager Edmunds:

- Reminded Council of the upcoming Pow Wow Festival and Parade.
- Advised Council the USF Staff will be conducting public meetings on the Architectural Standards Project on March 4 and March 20 at 6:00 pm in the Library. Property owners and businesses that are leasing properties that may be impacted by this project are being encouraged to attend. In an attempt to notify property owners 275 letters have gone out, several display advertisement will appear in the newspaper and City Inspectors will hand deliver flyers to businesses along their routes.

### **22. OLD BUSINESS:**

Councilor Hofstra inquired as to what the City is doing as far as possible litigation against the Tax Collectors Office. City Attorney Elias stated the City is not doing anything. The impression countywide is not to take any action, and that this was a one time situation that will probably never happen again. There is an attempt by the SBA to rectify the situation that was caused by the release of funds.

### **23. NEW BUSINESS.**

Councilor Hester commended the Pinellas County Sheriff's Department on the apprehension and arrest of the person who robbed the pharmacy on Seminole Boulevard.

Councilor Matthews asked if the Architectural Standards Meeting notices were being sent to all businesses or just businesses within the corridor. Community Development Director Ely stated every non-residential property owner in the City, irrespective of whether or not the property is in a specific corridor, is being notified.

**24. CONSIDER A MOTION FOR ADJOURNMENT.**

Motion by Councilor Hofstra, second by Councilor Hester to adjourn.

UNANIMOUS APPROVAL BY ACCLAMATION

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

\_\_\_\_\_  
Lesley DeMuth, City Clerk

\_\_\_\_\_  
Thomas Barnhorn, Vice Mayor