

**MINUTES  
SEMINOLE CITY COUNCIL  
TUESDAY, APRIL 28, 2009**

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The Regular Meeting of the Seminole City Council was held on Tuesday, April 28, 2009, in the City Hall, City Council Chambers, 9199 - 113<sup>th</sup> Street North, Seminole, Florida.

Mayor James Johnson called the meeting to order at 7:00 p.m. The invocation was given by Councilor Patricia Plantamura, followed by the Pledge of Allegiance.

**ROLL CALL:**

Present were: Councilors Patricia Plantamura, Leslie Waters, Dan Hester, Patricia Hartstein; Vice Mayor Bob Matthews; Mayor James Johnson; City Attorney John Elias; City Manager Frank Edmunds and City Clerk Ginger Stilton present. Councilor Counts asked to be excused.

**INTRODUCTIONS AND PRESENTATIONS:**

I.A.F.F. Local 2896 Union President Mike Murray described for Council a class that he and Assistant Fire Chief Bessler attended called Fire OPS 101. Union President Murray invited the Mayor and Council Members to join other elected officials for this program on May 16, 2009 between the hours of 7:00 a.m. and 1:00 p.m. at the St. Petersburg College Fire Training Center, to experience first hand, in a controlled situation, what firefighters deal with on a daily basis. There is a pre-event briefing on May 15, 2009 from 4:00 p.m. to 6:00 p.m. at the St. Petersburg College Fire Training Center located at 5005 – 126<sup>th</sup> Avenue North, Clearwater, FL 33760.

Interim Conservation Department Director for Pinellas County Utilities, Robert Peacock provided a brief background and update on reclaimed water, describing how the master plan determined where and how they would expand reclaimed water systems. Director Peacock stated they developed a prioritized means of where and how they were going to accomplish that with both systems. Several factors were scrutinized; the location and proximity to current water reclamation facilities, which in Seminole's case would be the South Cross Bayou, availability of alternative water supply sources; shallow, deep and surface wells and how much people were using. Director Peacock expanded on the ten priority zones which were developed from the studies and offered to provide an electronic version of the priority zones outlined in the map per request from Councilor Hartstein. Director Peacock responded to Councilor Hester's concern regarding the inequitable distribution of watering restrictions, well systems and equity issues with regard to irrigation variances. Councilor Plantamura complimented Director Peacock and Pinellas County Utilities for helping lower the water use by a 40 % reduction, and stated that was great. Director Peacock, remarked, he appreciated the accolades, but felt it should be directed toward the customers who changed their ways and water use in order to conserve. Director Peacock stated that he would be more than happy to wait until after the meeting and meet with any residents who may have any questions.

**1. PUBLIC COMMENT:**

- Mary DeGeorge of 7194 Key Haven Road, Unit # 604, Seminole, FL spoke on recycling and sustainability and the contacts and presentations she has conducted throughout the community, and offered Seminole some promotion ideas.
- Thom Barnhorn of 11084 Duncan Street, Seminole, FL respectfully requested that the Council do not waive recreation fees for one group who may not be able to afford it, stating then you do that-you have to waive the fees for other groups as well, and believed it would not be in the best interest of our constituents.

**2. APPROVAL OF MINUTES – REGULAR MEETING APRIL 14, 2009.**

Motion by Councilor Waters, second by Councilor Hartstein to approve the minutes of April 14, 2009.

UNANIMOUS APPROVAL BY ACCLAMATION.

**3. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 02-2009 RELATED TO EMERGENCY MANAGEMENT POWERS.**

City Clerk Stilton read the Ordinance by title only.

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

Motion by Councilor Hartstein, second by Councilor Waters to adopt Ordinance No. 02-2009 on Second and Final Reading.

ROLL CALL:	COUNCILOR PLANTAMURA	AYE
	VICE MAYOR MATTHEWS	AYE
	COUNCILOR WATERS	AYE
	COUNCILOR HESTER	AYE
	COUNCILOR HARTSTEIN	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY.

**4. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 03-2009 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 11364 – 81<sup>ST</sup> PLACE NORTH.**

City Clerk Stilton read the Ordinance by title only.

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

Motion by Councilor Waters, second by Councilor Hartstein to adopt Ordinance No. 03-2009 on Second and Final Reading.

ROLL CALL: COUNCILOR PLANTAMURA AYE  
VICE MAYOR MATTHEWS AYE  
COUNCILOR WATERS AYE  
COUNCILOR HESTER AYE  
COUNCILOR HARTSTEIN AYE  
MAYOR JOHNSON AYE

MOTION CARRIED UNANIMOUSLY.

**5. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 04-2009 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 9403 – 117<sup>th</sup> Street North.**

City Clerk Stilton read the Ordinance by title only.

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

Motion by Councilor Hartstein, second by Vice Mayor Matthews to adopt Ordinance No. 04-2009 on Second and Final Reading.

ROLL CALL: COUNCILOR PLANTAMURA AYE  
VICE MAYOR MATTHEWS AYE  
COUNCILOR WATERS AYE  
COUNCILOR HESTER AYE  
COUNCILOR HARTSTEIN AYE  
MAYOR JOHNSON AYE

MOTION CARRIED UNANIMOUSLY.

**6. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 05-2009 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 9569 – 117<sup>th</sup> Street North.**

City Clerk Stilton read the Ordinance by title only.

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

Motion by Councilor Plantamura, second by Councilor Waters to adopt Ordinance No. 05-2009 on Second and Final Reading.

ROLL CALL: COUNCILOR PLANTAMURA AYE  
VICE MAYOR MATTHEWS AYE  
COUNCILOR WATERS AYE  
COUNCILOR HESTER AYE  
COUNCILOR HARTSTEIN AYE  
MAYOR JOHNSON AYE

MOTION CARRIED UNANIMOUSLY.

**7. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 06-2009 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 9547 – 117<sup>th</sup> Street North.**

City Clerk Stilton read the Ordinance by title only.

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

Motion by Councilor Waters, second by Vice Mayor Matthews to adopt Ordinance No. 06-2009 on Second and Final Reading.

ROLL CALL:	COUNCILOR PLANTAMURA	AYE
	VICE MAYOR MATTHEWS	AYE
	COUNCILOR WATERS	AYE
	COUNCILOR HESTER	AYE
	COUNCILOR HARTSTEIN	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY.

**8. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 07-2009 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 10898 – 111<sup>th</sup> Street North.**

City Clerk Stilton read the Ordinance by title only.

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

Motion by Vice Mayor Matthews, second by Councilor to adopt Ordinance No. 07-2009 on Second and Final Reading.

ROLL CALL:	COUNCILOR PLANTAMURA	AYE
	VICE MAYOR MATTHEWS	AYE
	COUNCILOR WATERS	AYE
	COUNCILOR HESTER	AYE
	COUNCILOR HARTSTEIN	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY.

**9. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 08-2009 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 10897 – 111<sup>th</sup> Street North.**

City Clerk Stilton read the Ordinance by title only.

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

Motion by Councilor Hartstein, second by Councilor Waters to adopt Ordinance No. 08-2009 on Second and Final Reading.

Councilor Hester stated that he was assuming that by the previous action, that this property is now contiguous, asking the City Manager to confirm, in which Mr. Edmunds responded yes, that is correct. Councilor Plantamura asked, is this because the previous property made it so? City Manager Edmunds responded yes, that is correct.

ROLL CALL:	COUNCILOR PLANTAMURA	AYE
	VICE MAYOR MATTHEWS	AYE
	COUNCILOR WATERS	AYE
	COUNCILOR HESTER	AYE
	COUNCILOR HARTSTEIN	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY.

The Mayor asked at this point, if there were any folks in the audience who were just annexed into the City tonight, and if so, they wanted to welcome them into the City of Seminole and thank them for being a part of our City.

**10. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 09-2009 AMENDING CHAPTER SIX, BUILDINGS AND BUILDING REGULATIONS OF THE SEMINOLE CODE OF ORDINANCES.**

City Clerk Stilton read the Ordinance by title only.

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

Motion by Councilor Waters, second by Vice Mayor Matthews to adopt Ordinance No. 09-2009 on Second and Final Reading.

ROLL CALL:	COUNCILOR PLANTAMURA	AYE
	VICE MAYOR MATTHEWS	AYE
	COUNCILOR WATERS	AYE
	COUNCILOR HESTER	AYE
	COUNCILOR HARTSTEIN	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY.

**11. CONSIDER A FIRST READING OF ORDINANCE NO. 10-2009 AMENDING THE BUDGET, RECOGNIZING ADDITIONAL REVENUE FROM CITY RESERVES FOR ENCUMBERANCES AND TO PROVIDE FOR ADDITIONAL BUDGET APPROPRIATIONS IN THE AMOUNT OF \$783,729.99 FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008 AND ENDING SEPTEMBER 30, 2009.**

City Clerk Stilton read the Ordinance by title only.

Motion by Councilor Hester, second by Councilor Waters to approve Ordinance No. 10-2009 on First Reading, amending the budget to recognize additional revenue of \$783,729.00 from City reserves for encumbrances and provide for budget appropriations of \$783,729.99 to a variety of accounts.

Councilor Plantamura said under the Architectural Standards there is almost \$24,000 and then two professional services under Community and Public Works-that is about \$50,000; in a general statement what are those two for. City Manager Edmunds stated that his response is for all of the items, at the end of any fiscal year the City may have contracts, such as the Architectural Standards for services, projects that are not yet completed but have been authorized under the prior – current year budget. At year end we encumber the outstanding amount due to those vendors. That encumbrance is then recognized in the following audit, and it requires Council’s re-appropriation of the remaining funds so that we can pay the vendors. Councilor Plantamura inquired as to specifically what that \$23,000 under Architectural Standards was for. City Manager Edmunds said that was the outstanding amount to our contract with the Florida Institute of Government at USF, for the contract of service in the amount of \$125,000.; up to that point in time the fee had been paid except the \$23,000-for the standardization of the City of Seminole. In response to the other two services mentioned, City Manager Edmunds said he wasn’t sure, but he assumed they may either be a Tampa Bay Engineering payable or there may have been a drainage project not yet completed at that time.

ROLL CALL:	COUNCILOR PLANTAMURA	AYE
	VICE MAYOR MATTHEWS	AYE
	COUNCILOR WATERS	AYE
	COUNCILOR HESTER	AYE
	COUNCILOR HARTSTEIN	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY.

**12. CONSIDER A FIRST READING OF ORDINANCE NO. 11-2009 AMENDING THE CITY CODE BY RELOCATING CHAPTER 58, DIVISION 5. REQUIREMENTS IN RESIDENTIAL DISTRICTS, TO CHAPTER 39, MOTOR VEHICLE, TRAFFIC AND PARKING REGULATIONS, DIVISIONS 2., AND RETAINING THE SAME TITLE AS IN CHAPTER 58.**

City Clerk Stilton read the Ordinance by title only.  
Motion by Councilor Waters, second by Councilor Hartstein to approve Ordinance No. 11-2009 on First Reading.

City Manager Edmunds stated this is a very long description of moving a section of our Code to another section of the Code, and is in response to a point that Councilor Plantamura made during the workshop on this issue. Following that workshop, City Attorney Elias and Community Director Ely discussed the issue and agreed to relocate this section into another section of the Code. Councilor Plantamura stated that all the wording stays the same; it is simply changing the sections. City Manager Edmunds concurred.

ROLL CALL:	COUNCILOR PLANTAMURA	AYE
	VICE MAYOR MATTHEWS	AYE
	COUNCILOR WATERS	AYE
	COUNCILOR HESTER	AYE
	COUNCILOR HARTSTEIN	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY.

**13. CONSIDER A FIRST READING OF ORDINANCE NO. 12-2009 REGARDING OVERNIGHT PARKING WITHIN THE PUBLIC RIGHTS OF WAY.**

City Clerk Stilton read the Ordinance by title only.

Motion by Councilor Hester second by Councilor Hartstein to approve Ordinance No. 12-2009 on First Reading.

Councilor Plantamura stated that in one part of her neighborhood, someone has a school bus parked, and she is not sure that the wording, vessels, trailers and recreational related vehicles and prohibitions of those would cover a school bus. City Manager Edmunds pointed out that the Ordinance can be modified prior to Second Reading and he will have staff review the issue to see if it is necessary to modify this, prior to Second and Final Reading. City Attorney Elias stated that they can take a look at this, but he felt that buses would fall within the definition of commercial motor vehicles. City Attorney Elias read from *Section 1. Chapter 39-52 Overnight parking., is amended to read as follows:* ... from the proposed Ordinance which included commercial motor vehicles.

ROLL CALL:	COUNCILOR PLANTAMURA	AYE
	VICE MAYOR MATTHEWS	AYE
	COUNCILOR WATERS	AYE
	COUNCILOR HESTER	AYE
	COUNCILOR HARTSTEIN	AYE
	MAYOR JOHNSON	AYE

MOTION CARRIED UNANIMOUSLY.

**14. CONSIDER A FIRST READING OF ORDINANCE NO. 13-2009 REGARDING REGULATIONS GOVERNING THE PARKING OF VEHICLE, VESSELS AND TRAILERS IN RESIDENTIAL DISTRICTS.**

City Clerk Stilton read the Ordinance by title only.

Motion by Councilor Hartstein second by Councilor Hester to approve Ordinance No. 13-2009 on First Reading.

Councilor Plantamura stated, that this is specifically prohibiting the number of vehicles on residential property, which we spoke about during the workshop, explaining that this is Florida, and many people own these R.V.'s, boats etc., and added, she had a problem with saying how many you can have, on private property.

ROLL CALL:	COUNCILOR PLANTAMURA	NAY
	VICE MAYOR MATTHEWS	AYE
	COUNCILOR WATERS	AYE
	COUNCILOR HESTER	AYE
	COUNCILOR HARTSTEIN	AYE
	MAYOR JOHNSON	AYE

VOTE: 5-1 IN FAVOR. MOTION CARRIED.

**15. CONSIDER RESOLUTION NO. 05-2009 ACKNOWLEDGING THE ACCOMPLISHMENTS OF SEMINOLE RESIDENT BRITTANY LINCICOME AND OFFERING CONGRATULATIONS ON HER FIRST MAJOR LPGA TITLE WIN ON APRIL 5, 2009 AT THE KRAFT NABISCO CHAMPIONSHIP.**

City Clerk Stilton read the Resolution by title only.

Motion by Councilor Waters second by Councilor Hartstein to approve Resolution No. 05-2009.

UNANIMOUS APPROVAL BY ACCLAMMATION.

Councilor Waters stated that she had spoken with Brittany's mother and had invited them here this evening, as she understands Brittany has a very busy schedule, and they were very honored and pleased about the Resolution. Noting that the Lincicomes' were not in attendance, Councilor Waters requested and read aloud the Resolution which would be sent to Brittany, afterward.

**16. CONSIDER SELECTION OF A CONSTRUCTION MANAGER AT RISK FOR THE PUBLIC WORKS DEPARTMENT OPERATIONS BUILDING AND THE ADMINISTRATION/EOC BUILDING.**

Motion by Councilor Hartstein, second by Vice Mayor Matthews to select Builtmore Construction for Construction Management at Risk Services for the Public Works/EOC project and authorize the City Manager to determine project cost.

UNANIMOUS APPROVAL BY ACCLAMMATION.

Mayor Johnson recognized Mr. Parker from Builtmore Construction, whom was in attendance and thanked him coming, adding we look forward to working with him.

**17. CONSIDER ESTABLISHMENT OF A NO PARKING ZONE, 160 FEET EAST AND WEST OF THE ACCESS DRIVE TO SEMINOLE ELEMENTARY SCHOOL, LOCATED ON THE NORTH SIDE OF 70<sup>TH</sup> AVENUE.**

Motion by Councilor Waters, second by Councilor Hartstein to approve the establishment of a no parking zone on the north side of 70<sup>th</sup> Avenue, 160 feet east and west of the ingress/egress at Seminole Elementary School.

UNANIMOUS APPROVAL BY ACCLAMMATION.

**18. CONSIDER CO-SPONSORSHIP WITH THE GREATER SEMINOLE AREA CHAMBER OF COMMERCE FOR THE 30<sup>TH</sup> ANNUAL KID'S APPRECIATION DAY TO BE HELD JUNE 2, 2009.**

Mayor Johnson stated that he would exclude himself for voting on the next this item. *As the Executive Director of the Chamber of Commerce, he would abstain from voting, as there may be a preconception of a conflict of interest.* and turned the meeting over to Vice Mayor Matthews. (In accordance with F.S. 112.3143, Form 8B, Memorandum of Voting Conflict filed by Mayor Johnson is attached hereto, and made a part of the minutes.)

Vice Mayor Matthews asked for a motion.

Motion by Councilor Hartstein, second by Councilor Waters to approve co-sponsorship of the 30<sup>th</sup> Annual Kid's appreciation Day scheduled for Tuesday, June 2, 2009.

UNANIMOUS APPROVAL BY ACCLAMATION. 6 IN FAVOR and 1 ABSTAINING (Mayor Johnson).

At this time the meeting was turned back over to Mayor Johnson.

**19. CONSIDER THE APPOINTMENT OF A REPRESENTATIVE TO THE SUNCOAST LEAGUE OF CITIES (SLC).**

Motion by Councilor Hester, to appoint Councilor Plantamura as the representative to the Suncoast League of Cities. Councilor Waters stated she was interested in the appointment also. Councilor Hartstein stated one could be the representative and one could be the alternate. Mayor Johnson asked all those in favor of Councilor Plantamura as the representative to please raise

their hand. Councilor Plantamura and Councilor Hester voted for Councilor Plantamura as the City's representative.

The Mayor asked for all those in favor of Councilor Waters as the representative to the Suncoast League, to raise their hands. Vice Mayor Matthews, Mayor Johnson, Councilor Waters and Councilor Hartstein voted for Councilor Waters as the City's representative to the Suncoast League of Cities.

Councilor Hester questioned was there a second to either nomination? City Attorney Elias stated that for a nomination, a second is not needed. Councilor Plantamura asked if you could nominate yourself. Councilor Hartstein said, if the verbiage used was, move to appoint...it would have required a second, which did not happen, at the beginning. City Attorney Elias stated that if there was a motion to appoint then it would require a second, and with regard to Councilor Hester's motion, there was no second. In response to Councilor Hester's question regarding if a second is necessary, City Manager Edmunds stated that if the nomination is motion based, it would need a second, otherwise it would not.

Councilor Hartstein stated she would still like to remain as the alternate since she has been involved for over ten years.

Motion by Councilor Plantamura to appoint herself as the alternate to the Suncoast League of Cities, second by Councilor Hester.

City Clerk Stilton pointed out there was no alternate position open at this time. Councilor Hartstein agreed, but added that is, unless Council wanted to open it up, because the new season does start at the conference, adding she wanted to nominate herself to remain as the alternate. In response to City Manager Edmunds question regarding the end of terms, Councilor Hartstein stated that the new officers are usually selected by the May conference and representatives and alternates are usually in place by then. Councilor Plantamura asked if people exterior to our City would be voting on the alternate and Councilor Hartstein said no, and explained the process, reiterating that she would still like to remain the City's alternate. Councilor Plantamura stated she still wants to nominate herself as alternate.

Mayor Johnson called for a show of hands in favor of Councilor Plantamura as alternate to the Suncoast League of Cities. Councilor Plantamura and Councilor Hester voted in favor of Councilor Plantamura as the alternate.

Mayor Johnson called for a show of hands in favor of Councilor Hartstein remaining as the City's alternate to the Suncoast League of Cities. Vice Mayor Matthews, Mayor Johnson, Councilor Waters and Councilor Hartstein voted in favor of Councilor Hartstein remaining as the City's alternate to the Suncoast League of Cities.

Councilor Leslie Waters was appointed as City's representative and Councilor Hartstein was voted to remain the alternate to the Suncoast League of Cities.

## **20. CONSIDER A RE-APPOINTMENT TO THE DEVELOPMENTAL REVIEW BOARD.**

Motion by Vice Mayor Matthews, second by Councilor Hester to re-appoint Mr. Jack Russell to the Developmental Review Board for a term expiring on April 30, 2011.

UNANIMOUS APPROVAL BY ACCLAMMATION.

## **21. CITY COUNCIL REPORTS.**

Councilor Waters reported: 4/16 - Personal Enrichment Board Meeting, at PEHMS, 4/18 – dedication of the R.W. Caldwell Park, in Gulfport- at the invitation of Mayor Yakes, last week attended the Pinellas County Urban League Finance Committee Board and Workshop, and attended a Largo Republican Club, and 4/25 attended a community health event fundraiser in Clearwater.

Mayor Johnson reported: Most important event attended was on 4/22 – Participated with the National Character Education Committee who met to discuss Seminole Elementary as being recognized as a National School of Character, placing the school in the 27<sup>nd</sup> place of all the school systems in the country, and a team from Washington, D.C. was sent down to interview the staff and this Committee. For a school in our City to be considered, it is quite an honor. 4/8 - Leads Group @ SPC, 4/9 – Chamber Mixer for Pre-Stampede Race Party, 4/11 – 16<sup>th</sup> Annual Seminole Stampede, 4/14 – Gave a tour of City Hall to the Student Council Members of Seminole Elementary, 4/23 – Tribute to Teachers breakfast at Seminole Middle.

Councilor Hartstein announced that there would be a spring picnic for special needs students on Saturday, May 9, 2009 at 11:00 a.m. at the City of Largo's Highland Recreation Complex. It is a free event, so families with special needs are encouraged to participate.

## **22. CITY MANAGER REPORTS.**

City Manager Edmunds announced:

City Council Annual Workshop on May 2<sup>nd</sup> at the Library from 8:00 a.m.-12:00 p.m.

Aquatic Center opening May 2, 2009.

Charter Review Public Hearing tomorrow night in Chambers beginning at 7:00 p.m.

The next Charter Review meeting is scheduled for May 6, 2009 from 6:00 p.m.-8:00 p.m.

City staff has received interest to construct a 160 feet cell phone tower on the Post Office property adjacent to City Hall property.

City Manager Edmunds directed Council to a letter received by the Pinellas Suncoast Fire & Rescue from Fire Chief Russell Livernois regarding the tragic accident on 86<sup>th</sup> Avenue. City Manager Edmunds stated that reading of this letter clearly demonstrates the Chief's ignorance of the conditions at this tragic accident. First and foremost, our response to that accident was consistent with Pinellas County policy. Second, there is no factual evidence to support the

Pinellas Suncoast Fire & Rescue's assertion that the survival rate of the accident victims would have improved with their response. Third, based upon the initial assessment of the accident scene, it is our opinion-this City's Administration's opinion, that appropriate emergency response vehicles and personnel were assigned to this incident. There is much more that could be said, but it would not be appropriate at this time-other than to say, that this letter, sadly, is an effort to politicize a very tragic accident and we would like the Council to understand the City Administration's response to this letter. City Manager Edmunds added, he would expect a response from Pinellas County Government, since the letter was addressed to them, and a there have been a number of conversations with County Administrative staff, and we will await their response, but this is our position.

Councilor Plantamura asked about the advertising for the Charter Review Meetings, and City Clerk Stilton confirmed that the legal requirements for notice and publishing of the meeting is in compliance; confirming most recently the Public Hearing was noticed in the St. Pete Times.

**23. OLD BUSINESS.** None.

**24. NEW BUSINESS.**

Referring to an invitation received, Councilor Waters asked if anyone from Council or Administration was planning to attend the Progress Energy Storm Forum. City Manager Edmunds stated that typical the Public Works Director attends, and Mayor Johnson added that he attended last year and it was quire informative.

**25. CONSIDER A MOTION FOR ADJOURNMENT.**

Motion by Vice Mayor Matthews, second by Councilor Waters to adjourn.

UNANIMOUS APPROVAL BY ACCLAMATION.

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

\_\_\_\_\_  
Ginger Stilton, CMC  
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 Jimmy Johnson		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Seminole City Council	
MAILING ADDRESS 118 Fernwood Circle		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Seminole	COUNTY Pinellas	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED APRIL 28, 2009		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 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 28, 2009

(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 preconception of a conflict of interest. This is why I abstained.

4/28/09  
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.