

**MINUTES
SEMINOLE CITY COUNCIL
TUESDAY, JUNE 23, 2009**

The Regular Meeting of the Seminole City Council was held on Tuesday, June 23, 2009, in the City Hall, City Council Chambers, 9199 - 113th Street North, Seminole, Florida.

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

ROLL CALL:

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

INTRODUCTIONS AND PRESENTATIONS: None.

1. PUBLIC COMMENT:

- Mary DeGeorge of 7194 Key Haven Road, Unit 604; Thanked Council for allowing her to make a presentation, and thanked City Manager Edmunds for meeting with her on May 18, 2009 to discuss her concerns regarding recycling and sustainability. Ms. DeGeorge requested three things from Council: that a citizen task force be established, that the City of Seminole create a multi-page chart entitled "Who's Recycling in Seminole", and finally to invite Mr. Tim Center, Director of the Council for Sustainable Florida to make a presentation to Council.

2. APPROVAL OF MINUTES – REGULAR MEETING JUNE 9, 2009.

Motion by Councilor Hester, second by Vice Mayor Matthews to approve the minutes of June 9, 2009.

UNANIMOUS APPROVAL BY ACCLAMATION.

3. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 18-2009 REGARDING GRANDFATHERING OF THE SEMINOLE GARDEN APARTMENTS.

City Clerk Stilton read Ordinance No. 18-2009 by title only.

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

Councilor Plantamura inquired as to why the Seminole Gardens was rendered as Non-conforming in 1999, and why are they in conformance today, and also requested clarification to terminology in Section 1. (2), regarding destruction of a structure which has been grandfathered.

Community Development Director Ely explained that in 1999 when they updated the Comprehensive Plan; the Future Land Use Map amendment, the category of 15 units per acre was applied to the entire site, rendering the property non-conforming. The Comprehensive Plan has a policy that says on a site-specific-basis, based on Council determination; a non-conforming development/density can seek relief through this body. Regarding Councilor Plantamura's question as to the use of the terms "may" or "may not" as used to determine the application of the Building Code, Director Ely explained; in the case where if the building were to burn down and the owner decided not to rebuild the building, then you would not have to apply a Building Code.

With no further discussion, Mayor Johnson recognized Mrs. Peacock and Mr. Shotts from Seminole Gardens who were present in the audience.

Motion by Vice Mayor Matthews, second by Councilor Barnhorn to adopt Ordinance No. 18-2009 on second and final reading.

ROLL CALL:

COUNCILOR PLANTAMURA	AYE
VICE MAYOR MATTHEWS	AYE
COUNCILOR WATERS	AYE
COUNCILOR HESTER	AYE
COUNCILOR BARNHORN	AYE
COUNCILOR COUNTS	AYE
MAYOR JOHNSON	AYE

MOTION CARRIED.

4. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 11-2009 REGARDING MOTOR VEHICLE, TRAFFIC AND PARKING REGULATIONS IN RESIDENTIAL DISTRICTS.

City Clerk Stilton read Ordinance No. 11-2009 by title only.

Mayor Johnson opened the Public Hearing. Receiving no Public Comment, the Public Hearing was closed. Community Development Director Ely summarized the ordinance.

Motion by Councilor Hester, second by Councilor Waters to adopt Ordinance No. 11-2009 on second and final reading.

ROLL CALL:

COUNCILOR PLANTAMURA	AYE
VICE MAYOR MATTHEWS	AYE
COUNCILOR WATERS	AYE
COUNCILOR HESTER	AYE
COUNCILOR BARNHORN	AYE
COUNCILOR COUNTS	AYE
MAYOR JOHNSON	AYE

MOTION CARRIED.

5. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 12-2009 REGARDING OVERNIGHT PARKING WITHIN THE PUBLIC RIGHTS-OF-WAY.

City Clerk Stilton read Ordinance No. 12-2009 by title only.

Mayor Johnson opened the Public Hearing. Receiving no Public Comment, the Public Hearing was closed. Community Development Director summarized the ordinance which originated from the results of the overwhelmingly positive results from a Citizens Survey as directed by Council and conducted by staff last fall, with regard to the regulation of parking.

Councilor Barnhorn asked if there were any written guidelines regarding the number or limit of permits an individual will have, and asked if this (*ordinance*) basically restricts rights-of-way to all but passenger vehicles. Director Ely responded that it would be at the discretion of Council to determine the timeframe and number of times per year prior to implementation. City Manager Edmunds added that should the Council adopt this ordinance, at a later date, a Resolution specifying the policy guidelines will be presented to Council for approval, and he also confirmed the ordinance applied to passenger vehicles.

Councilor Plantamura asked if this change would be limited to single family, duplex or triplex areas. Director Ely stated that is correct, it does not involve the multi-family complexes, or commercial industrial areas, adding that most deed restricted areas have their own restrictions and it only applies to public rights-of-ways not private roadways. Councilor Plantamura asked if homeowners associations had in place restrictions which were essentially a duplication of the restrictions in the ordinances, would they contact the police to enforce, or the City. Director Ely stated that they would contact the City to enforce compliance.

Motion by Councilor Hester, second by Councilor Waters to adopt Ordinance No. 12-2009 on second and final reading.

ROLL CALL:

COUNCILOR PLANTAMURA	NAY
VICE MAYOR MATTHEWS	AYE
COUNCILOR WATERS	AYE
COUNCILOR HESTER	AYE
COUNCILOR BARNHORN	AYE
COUNCILOR COUNTS	AYE
MAYOR JOHNSON	AYE

MOTION CARRIED 6-1.

6. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 13-2009 REGARDING PARKING OF VESSELS, TRAILERS AND VEHICLES.

City Clerk Stilton read Ordinance No. 13-2009 by title only.

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

Community Development Director Ely explained that Ordinance No. 13-2009 is the companion ordinance to Ordinance No. 12-2009. Whereas, in the previous ordinance which dealt with parking in public rights-of-way, Ordinance No. 13-2009 deals with parking associated with private property. Ordinance No 13-2009 basically limits parking in the front yard to no more than two of any combination of the defined vehicles; trailers, vessels, etc., and as long as they are parked perpendicular to the property so they do not block the front of the house-with the exception of a home with a semi-circular driveway.

Councilor Plantamura restated her position that she is against regulating private property.

Councilor Hester commented that he also had difficulty with private property rights, but having said that, he stated he would vote in favor of this simply because of the extensive survey which was done and the results which indicated the taxpayers of the City have spoken very loud and very clear. He stated he would set aside his philosophical differences he had with this.

Councilor Barnhorn echoed Councilor Hester's decision to set aside his philosophical differences as well, and supports the resident's wishes in favor of regulation.

Vice Mayor added the consideration of the safety element was involved in this process as well.

Councilor Waters stated she was pleased with the way this has played out, starting with the survey and the overwhelming response, the many workshops and discussions that took place, and added the citizens have been well informed which is why she is in favor of this ordinance, and because of the safety issue. By making the neighborhoods look better, it adds to the value of property and is advantageous to all.

Councilor Counts stated we already ask residents to maintain their yards, control the debris and refuse on their property, and now all we are asking is that they maintain their vehicles and vessels in a safe and orderly manner-I am not sure why there are any philosophical differences with this at all.

Councilor Plantamura stated that many people are against doing anything-and it has not been a unanimous decision by all means. Director Ely responded with the survey statistics: out of 4005 surveys sent to those citizens who would be affected, 55% returned/responded to the survey, out of that response, 70% were in favor of it.

Councilor Hester commented again on the survey, stating that in the scheme of things as far as surveys-it was a huge response. Community Development Director Ely stated that in his twenty years of planning, it was one of the most staggering, open, transparent and participative public survey deliberative kinds of issue that he had ever seen in the planning field.

Motion by Councilor Hester, second by Councilor Waters to adopt Ordinance No. 13-2009 on second and final reading.

ROLL CALL:

COUNCILOR PLANTAMURA	NAY
VICE MAYOR MATTHEWS	AYE
COUNCILOR WATERS	AYE
COUNCILOR HESTER	AYE
COUNCILOR BARNHORN	AYE
COUNCILOR COUNTS	AYE
MAYOR JOHNSON	AYE

MOTION CARRIED 6-1.

7. CONSIDER A FIRST READING OF ORDINANCE NO. 14-2009 REGARDING PROPOSED AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (LDRs) REGARDING SCHOOL CONCURRENCY.

City Clerk Stilton read Ordinance No. 14-2009 by title only.

Motion by Councilor Barnhorn, second by Councilor Waters to approve Ordinance No. 14-2009 on first reading.

In response to Councilor Hester's question, Community Development Director Ely agreed that this was another unfunded mandate from Tallahassee. Councilor Plantamura asked what data was used. Director Ely said they used last September's numbers provided by the School Board.

ROLL CALL:

COUNCILOR PLANTAMURA	AYE
VICE MAYOR MATTHEWS	AYE
COUNCILOR WATERS	AYE
COUNCILOR HESTER	AYE
COUNCILOR BARNHORN	AYE
COUNCILOR COUNTS	AYE
MAYOR JOHNSON	AYE

MOTION CARRIED.

8. CONSIDER A FIRST READING OF ORDINANCE NO. 19-2009 REGARDING VOLUNTARY ANNEXATION: 10701 VILLAGE GREEN AVENUE.

City Clerk Stilton read Ordinance No. 19-2009 by title only.

Motion by Councilor Waters, second by Councilor Plantamura to approve Ordinance No. 19-2009 on first reading.

In response to Councilor Hester's question regarding the zoning on the property, Director Ely stated the property is zoned Residential-Office.

ROLL CALL:

COUNCILOR PLANTAMURA	AYE
VICE MAYOR MATTHEWS	AYE
COUNCILOR WATERS	AYE
COUNCILOR HESTER	AYE
COUNCILOR BARNHORN	AYE
COUNCILOR COUNTS	AYE
MAYOR JOHNSON	AYE

MOTION CARRIED.

9. CONSIDER A FIRST READING OF ORDINANCE NO. 20-2009 REGARDING VOLUNTARY ANNEXATION: 11164 – 91ST TERRACE N.

City Clerk Stilton read Ordinance No. 20-2009 by title only.

Motion by Councilor Waters, second by Councilor Barnhorn to approve Ordinance No. 20-2009 on first reading.

Councilor Hester asked if this was the only parcel outside the City limits. Director Ely said his goal had been to annex this house in order to close the enclave directly behind City Hall, which now he was able to, due to new ownership.

ROLL CALL:

COUNCILOR PLANTAMURA	AYE
VICE MAYOR MATTHEWS	AYE
COUNCILOR WATERS	AYE
COUNCILOR HESTER	AYE
COUNCILOR BARNHORN	AYE
COUNCILOR COUNTS	AYE
MAYOR JOHNSON	AYE

MOTION CARRIED.

10. CONSIDER AUTHORIZATION TO EXECUTE TWO POLLING PLACE AGREEMENTS WITH THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS.

Motion by Councilor Counts, second by Vice Mayor Matthews to authorize the City Manager to execute two Polling Place Agreements with the Pinellas County Supervisor of Elections to use the Seminole Library and Recreation Center as polling places on 8-24-2010, 11-2-2010, 3-9-2010 and 3-8-2011, for the County-wide elections.

Councilor Hester asked the City Manager if there were any issues with the advanced dates and the Charter Review. City Manager Edmunds said there were no issues with the dates, and in response to Councilor Plantamura's question about the \$50.00 fee for use of the Library, he responded that the fee is associated with the partnership of the college, and said that normally there is no charge to use the public facilities for this purpose.

UNANIMOUS APPROVAL BY ACCLAMATION.

11. CONSIDER AUTHORIZATION TO EXECUTE AN AGREEMENT FOR AN EXTENSION TO THE DRAINAGE MASTER PLAN WITH SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT.

Motion by Vice Mayor Matthews, second by Councilor Waters to authorize the City Manager to execute an Agreement with Southwest Florida Water Management District extending the current Master Drainage Plan Agreement.

UNANIMOUS APPROVAL BY ACCLAMATION.

12. CONSIDER AUTHORIZATION TO EXECUTE A LETTER OF CREDIT WITH WACHOVIA BANK.

Motion by Councilor Counts, second by Vice Mayor Matthews to authorize the City Manager to execute an Agreement with Wachovia Bank for a \$10,000,000 Line of Credit, in the event of a Declared Emergency and to extend approximately \$5,000 in Contingency Funds for related legal fees associated with acquiring the Line of Credit.

Councilor Plantamura asked if this was something that they do every year, how was it guaranteed and can the Penny for Pinellas funds be used. City Manager Edmunds explained the purpose of the Line of Credit and that it was initiated last year in response to advice received from City Council that they establish a Letter of Credit, only in the event that they need the funds. This was more or less a “safety net”, and he said they do anticipate they will have enough emergency funds available (\$4 million in reserves) dependent upon FEMA reimbursements. In the event FEMA reimbursements were delayed, they would have the Letter of Credit to fall back on; which was guaranteed by the non ad valorem revenues or any monies received from FEMA in a catastrophic weather event.

Councilor Hester said that this was a shelf reserve, adding it is a committed line, and twenty basis points is the fee to have it sitting on the shelf in the event of an emergency. He said the rate is listed at three months London Interbank Offered Rate (LIBOR) plus fifty basis points. In response to Councilor Plantamura’s question as to why they were not using the prime rate, Councilor Hester explained that the LIBOR is a more universal rate as opposed to the prime rate which is set by the Federal government.

UNANIMOUS APPROVAL BY ACCLAMATION.

13. PRESENTATION OF THE PROPOSED FISCAL YEAR 2010 OPERATING BUDGET.

In accordance with Charter requirements, City Manager Edmunds distributed the proposed Fiscal Year 2010 Operating Budget to Council, and offered a brief summary of the proposed Budget. The first Budget Workshop is scheduled for July 14, 2009, directly following the Regular Council Meeting.

14. CITY COUNCIL REPORTS.

- Councilor Plantamura: Reported that while in Europe the last two weeks she noted that they are doing so many sustainable things and environmentally oriented things, that we are also doing some as well, and she is aware of interest in the community to establish a citizen’s task force as Mrs. DeGeorge recommended earlier this evening.
- Councilor Barnhorn: Reported he had the chance to send off the R Club kids at Seminole Elementary and journey to Pensacola to attend the ordination of two of our local youth

into the Priesthood, and congratulated them; the Lamberts and the Ganci, adding Father Will and Father Paul will make their families and all of us proud.

- Mayor Johnson: Reported he attended Leona Kramer's 105th birthday celebration at the Vineyard Assisted Living Facility. He attended the Board of County Commissioners Meeting with the City Manager who spoke on Fire EMS issues. Interviewed with Yim Chan, a Girls State applicant who will travel to Tallahassee.

15. CITY MANAGER REPORTS.

- Reminded Council of the Suncoast League of Cities Annual Business Meeting and Luncheon which the City of Seminole is the host, the City Clerk has coordinated, and is scheduled for June 27, 2009.
- Tri if you Dare Event on Sunday, June 28th following the Fit -2- Fun Event on the 27th and Council is invited to participate in.
- July is tentatively scheduled to discuss the proposed FY 2010 Budget and then in August, the Charter Review Recommendations in workshop.

16. OLD BUSINESS. None.

17. NEW BUSINESS.

Vice Mayor Matthews mentioned that the Seminole High School Band has been selected to participate in the Thanksgiving Macy's Day Parade, and said that any suggestions to help them with fund raising beginning in August, would be appreciated.

18. CONSIDER A MOTION FOR ADJOURNMENT.

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

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: _____

Ginger Stilton, CMC
City Clerk

James Johnson
Mayor