

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

The Regular Meeting of the Seminole City Council was held on Tuesday, July 28, 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 Vice Mayor Matthews, 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; Acting City Manager Harry Kyne and City Clerk Ginger Stilton present. City Manager Frank Edmunds asked to be excused.

INTRODUCTIONS AND PRESENTATIONS: None.

1. PUBLIC COMMENT: Linda Cole, Seminole Gardens - Thanked Administration and staff for their leadership and balanced budget, while not having to tap the reserves, or increase the current millage rate. Leadership such as this makes the City of Seminole a fine example to follow. Noted at the last Council workshop, Ms. Cole acknowledged much discussion over the City Manager's salary, but there was no discussion of Council's salary. Ms. Cole compared the City Manager's salary with the Council's and provided her calculations'. Ms. Cole challenged Council to share in the burden and sacrifices which were asked of their very own employees by either freezing, cutting back, rolling back Council's salaries in a show of solidarity with staff, adding she asks Council to look within, before asking the others to make even more sacrifices. Ms. Cole addressed others issues discussed at the budget workshop, such as how donations were handled, how they chose which one from another, how is church and state separated, and also mentioned her surprised to realize that funds which were appropriated for travel and education were used for another purpose. Ms. Cole says the situation begs for even more transparency, a more fair and equitable process and improved policy and standards. Lastly, regarding the comments about going green, the City has already demonstrated going green even before it was fashionable, in the 70's with the College, the Library, Recreation Center, City Hall and now the EOC/Public Works Facility. Since going green costs so much more green, Ms. Cole thought the tax payers should know what has already been spent, and suggested posting a running total to the City's web page.

2. APPROVAL OF MINUTES – REGULAR MEETING JULY 14, 2009.

Motion by Councilor Hester, second by Councilor Barnhorn to approve the minutes of July 14, 2009.

UNANIMOUS APPROVAL BY ACCLAMATION.

3. CONSIDER A FIRST READING OF ORDINANCE NO. 21-2009 REGARDING FLORIDA BUILDING CODE.

City Clerk Stilton read the Ordinance by title only.

Motion by Vice Mayor Matthews, second by Councilor Barnhorn to adopt Ordinance No. 21-2009 on First 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 UNANIMOUSLY.

4. CONSIDER A FIRST READING OF ORDINANCE NO. 22-2009 AMENDING THE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND.

City Clerk Stilton read the Ordinance by title only.

Motion by Councilor Barnhorn, second by Councilor Counts to adopt Ordinance No. 22-2009, amending the City of Seminole Municipal Firefighters' Pension Trust Fund as required by law on First Reading.

Councilor Hester requested a brief overview as to why the changes were necessary. Fire Chief Graves explained that the requirements are mostly because of changes in the Florida Statutes from the last year, adding the other requirements were related to IRS regulation. There is no cost to the plan or anticipated future cost to the plan as shown in the actuarial study.

Councilor Plantamura commented that the document was hard to read, but based upon the requirements and the fact that so many attorneys have reviewed this large document, she did not know how they could say no to it. Fire Chief Graves commented that at least there are no unfunded mandates in it.

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 UNANIMOUSLY.

5. CONSIDER RESOLUTION NO. 07-2009 RECOGNIZING PATRICIA BARTELL FOR 30 YEARS OF SERVICE.

Motion by Councilor Waters, second by Councilor Barnhorn to adopt Resolution No. 07-2009, honoring Patricia Bartell for her 30 years of distinguished service to the library and community.

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 UNANIMOUSLY.

Mayor Johnson asked Patricia Bartell to come forward from the audience. Councilor Barnhorn formally presented the Resolution to Ms. Bartell, thanking her for her dedication and service to the community. Councilor Waters said that she has great respect for librarians, adding that her mother served twenty five years as librarian at the Gulfport Library, and regarded them the best years of her life. Councilor Waters commented on Patricia Bartell’s speaking engagement at the Historical Society Meeting and said she had them rolling in the aisles, and again thanked her for her service to the community. Mayor Johnson said they were all very proud of Pat’s thirty years of service, saying it goes by quickly, and sincerely thanked her.

6. CONSIDER AUTHORIZATION TO EXECUTE AN ENGAGEMENT CONTRACT WITH THE 2009 MUSIC IN THE PARK MUSICAL GROUPS.

Motion by Councilor Barnhorn, second by Councilor Counts to authorize the City Manager to execute the engagement contracts with the 2009 Music in the Park musical groups.

UNANIMOUS APPROVAL BY ACCLAMATION.

7. CONSIDER AUTHORIZATION TO EXECUTE AN ENGAGEMENT CONTRACT WITH FANTASIA PRODUCTIONS FOR SOUND & LIGHTING SERVICES DURING THE 2009 MUSIC IN THE PARK SERIES IN THE AMOUNT OF \$2,400.

Motion by Vice Mayor Matthews, second by Councilor Waters to authorize the City Manager to execute the engagement contract with Fantasia Productions for Sound and Lighting services

UNANIMOUS APPROVAL BY ACCLAMATION.

8. CONSIDER AUTHORIZATION TO EXECUTE A COMMITMENT LETTER AND OTHER RELATED DOCUMENTS ASSOCIATED WITH A \$5.5 MILLION TERM NOTE WITH A TEN YEAR MATURITY FROM WACHOVIA BANK.

Motion by Vice Mayor Matthews, second by Councilor Counts to authorize the City Manager to execute a Commitment Letter for a bank qualified Term Note in the amount of \$5.5 million with Wachovia Bank.

Councilor Hester asked Acting City Manager Kyne how the selection was made. Acting City Manager Kyne explained what they have done with previous loans by working through the Florida Municipal Loan Council. The Florida Municipal Loan Council then recommended the best offer after solicitation, which turned out to be Wachovia, and Acting City Manager Kyne stated it was his understanding that Wachovia is actually holding these bonds in their own portfolio, and has no intention to sell them out on the street. Councilor Hester asked if this would be a tax-free event for Wachovia-soon to be Wells Fargo. Councilor Hester added that the rates and terms of the facility are not the best he has seen, but he felt it was reflective of the market they were in today. The expiration date has come and gone, but Acting City Manager Kyne added, they have a letter which extended the date; and the other applicable date would be a closing date of September 14, 2009. Councilor Hester described the amortization as he understood it to be basically a straight-line level term amortization whether you have anything funded out on it, with principal payments, he assumes would be the upon the first draw, with Acting City Manager Kyne confirming the first payment would be due in December.

Councilor Plantamura stated for the benefit of the audience that this 5.5 million dollar loan is for the construction of the Emergency Operations Center and the Public Works Facility, and it will be repaid from the Penny for Pinellas money. The rate of interest is 4.8% on a 10 year fixed loan. Acting City Manager Kyne added that he checked the municipal loan rates that day and the rates ranged from the very high threes to the very high fives.

Councilor Barnhorn said he was concerned about the prepayment penalty. Acting City Manager Kyne stated that if they chose option two, after the fourth year they could prepay without a penalty, as long as it follows the normal payment dates. With option one, there is a one quarter percent penalty, and they would not prepay.

Councilor Plantamura stated again, that perhaps because she is new and really does not know this; asked why we were paying interest on money that they would be receiving from Penny for Pinellas. Acting City Manager Kyne responded that the money they would receive in monthly increments and is over ten years-not all up front, which means they would have to wait five or six years to begin construction on the new EOC/Public Works Facility.

UNANIMOUS APPROVAL BY ACCLAMATION.

9. CONSIDER AUTHORIZATION TO EXECUTE AN AGREEMENT WITH ST. PETERSBURG COLLEGE AND OASIS REFRESHMENT SYSTEM, INC.

Motion by Councilor Counts, second by Councilor Barnhorn to execute an agreement with St. Petersburg College and Oasis Refreshment System, Inc. for food service at the community library.

Based on the name Oasis, Councilor Plantamura asked if this was Middle Eastern food or Mediterranean and what kind of food is offered. Acting City Manager Kyne said they offer soups, sandwiches and salads, typical food that normal vendors offer, and they have a breakfast menu.

UNANIMOUS APPROVAL BY ACCLAMATION.

10. CITY COUNCIL TO ESTABLISH THE FIRST PUBLIC HEARING DATE FOR THE PROPOSED FISCAL YEAR 2010 BUDGET AND THE TENTATIVE MILLAGE RATE FOR THE TRIM NOTICE.

Motion by Councilor Hester, second by Vice Mayor Matthews to establish September 7, 2009 at 7:00 p.m. as the date and time of the First Public Hearing to be held in Council Chambers for the proposed FY 2010 Budget and to set a tentative millage rate of 2.4793 for the TRIM notice.

UNANIMOUS APPROVAL BY ACCLAMATION.

11. CONSIDER RE-APPOINTMENT OF TINA NEVILLE TO A TWO YEAR TERM TO THE LIBRARY ADVISORY BOARD.

Motion by Councilor Barnhorn, second by Councilor Waters to mutually re-appoint, with St. Petersburg College, Tina Neville to a two year term on the Library Advisory Board expiring July 2011.

UNANIMOUS APPROVAL BY ACCLAMATION.

Councilor Waters said that Ms. Neville is very well regarded by the Library and the City, and it would be a fine reappointment.

12. CONSIDER AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS NOT TO EXCEED \$140,000 FOR THE REPLACEMENT OF THE CITY HALL HVAC SYSTEM.

Motion by Vice Mayor Matthews, second by Councilor Barnhorn to authorize the City Manager to expend existing CIP Funds not to exceed \$140,000 for the replacement of the City Hall HVAC System.

Councilor Plantamura asked if we were making sure this (*system*) was the most environmentally, and technically advanced—kind of sustainably \$140,000 that we spend. Public Works Director Hockenbury explained they have completed an energy audit with Progress Energy, and it was recommended that the system be updated-in which case we would be eligible to receive rebates from Progress Energy, and in response to Councilor Plantamura's inquiry, clarified the project would not

qualify for any Stimulus money. President Joe Griner of Griner Engineering provided an overview of the analysis his firm had done on the system and explained the cost-analysis and pay-back expectations, and described the system as being the most green or energy efficient system for the environment and though more expensive than a less efficient system, he believes it is the best for the environment and the City of Seminole. Councilor Hester further explained that the difference between the system mentioned by President Griner and brand X is that the cost is re-captured in six and one half years.

UNANIMOUS APPROVAL BY ACCLAMATION.

13. CITY COUNCIL REPORTS.

- Vice Mayor Matthews said the reception honoring City Manager Edmunds was very well received, about 65 people attended, some Council Members and staff. It was a good event and an opportunity to thank Mr. Edmunds for his performance and delivering a good budget.
- Councilor Waters elaborated on the event honoring the City Manager, saying that Ken Burke, Clerk of the Court, County Commissioner Neil Brickfield, County Administrator Robert LaSala, and our esteemed Senator Dennis Jones attended, including a great representation from the business community, and the Kwansis. Last Saturday, attended the St. Petersburg College graduation of our own City Clerk Ginger Stilton. She received her Associate of Arts Degree; it usually takes people two years, and she kept plugging away for four years, and finally got her AA. (Also, it should be noted there was a woman there, that it took her 27 years to get her AA.) It was even more special for Ginger because Dr. Olliver, in his cap and gown got to read her name, and we cheered her on. Dr. Kuttler, of course led the charge, and it was great to see the enthusiasm. Councilor Waters said it was a great day and pleased to be there and the Mayor was also there. Congratulations, now she has to go on and get her four year degree. City Clerk Stilton thanked everyone and said it was worth it.
- Councilor Barnhorn reported he also attended the event for Frank Edmunds, City Manager, and reminded everyone that as wonderful as the event was – it was done completely on donations-no City funds were spent. Also, along with others had the opportunity to privately honor retired City Council Member Hartstein for her service.
- Mayor Johnson reported he also attended the St. Petersburg College graduation ceremony and noted the enthusiasm and it was trilling just to see the families gathered together, adding what a great event and he can't wait until the next one.

14. CITY MANAGER REPORTS.

Acting City Manager Kyne reminded everyone that September 7th was a Monday, and they are not allowed to conflict with the School Board or a County Commission Budget Meeting, so it is a unique date.

15. OLD BUSINESS.

Councilor Plantamura stated she had a number of questions still within the budgetary process, and referenced her letter distributed tonight regarding the City Manager's salary which ranges somewhere between \$127,000 and 150,000. Councilor Plantamura stated she wanted to respond to Ms. Cole's request made during Public Comments (*regarding Council cutting or freezing their own salaries*), and offered the Council's paychecks are \$197 every two weeks, so if you compare that to \$127,000-she appreciated her (*Ms. Cole*) watching, but thought everyone should know how much they all make, because it is not as though they have other benefits and a salary outside of \$197 every two weeks. Councilor Plantamura said she did not expect answers to her questions tonight, but would like it if Council would be looking at the addendum to her letter so they could discuss the City Manager's salary in future meetings.

Councilor Counts stated that answered one of his questions regarding the multiple emails on this, and he was wondering why all the extra paperwork on the City Manager's pay. Councilor Counts asked what was the end game, is there an underlying belief that we are overpaying our City Manager or that he is overly compensated. Councilor Counts referenced the letter and asked for clarification if the questions posed were for the City Attorney, to whom the letter was addressed, or Council because Councilor Plantamura seemed to want Council to consider further discussion, and the questions seemed narrowly focused on the City Manager's pay.

Councilor Hester said he had listened to Councilor Plantamura's questions at the workshop and thought they could all agree as elected officials, that any member of Council has the right to ask any questions they want, and also get the information that will make them comfortable with the answer. With regard to the City Manager's compensation, Councilor Hester said his personal opinion is that it is pretty much a dead issue, until 2013 when the contract expires. Then at that particular time, whomever is on Council will have an opportunity to evaluate and make some decisions, recalling a number of years ago he had looked at that very closely and found some flaws with the contract. Councilor Hester stated that having said that, he always tries to preface his direction on that, separating the man from the position, because he had fault with the contract and certainly not with the man in the position. Councilor Hester said Council will have an opportunity to address that down the road-the only movement there can be would be a change in the Charter that speaks specifically to the City Manager not being able to have a reduction in compensation during the term of his contract, adding he appreciated Councilor Plantamura's interest in not only that but all aspects of our government. Councilor Hester said that it is a 15 million dollar budget and as a taxpayer he would expect everyone on Council to be familiar with how that money is spent.

Councilor Plantamura added that she hoped the Council would read the letter and additional information because when some asks her what does your City Manager make, she has three different answers; a contract with him is for \$127,000, the budget shows \$122,000 and from an email inquiry the City Manager responded with \$121,000. Councilor Plantamura says she would really like to know the base salary, and thought they should be consistent and advise people in the public on what they see and become critical thinkers in this as part of their job as Councilors. Councilor Plantamura added that she publicly talks about this and people ask, and thinks they should be open to questions and transparency which she does so in that spirit, adding no criticism of the City Manager is intended. Councilor Plantamura stated again, that she respectfully posed these questions.

On another issue Councilor Plantamura mentioned her meeting with two of our deputies and a resident, Ms. Wyatt regarding a traffic complaint, in which Council was emailed on. She said she felt the resident was pleased with the meeting and would be looking forward to some answers to her questions.

16. NEW BUSINESS.

Councilor Plantamura recalled that last Monday, Council was emailed with information from the United States Conference of Mayors and at her request the Clerk has provided copies before them tonight. Councilor Plantamura explained the United States Conference of Mayors were asking if Council was planning to join in support of comprehensive health care reform by adopting a Resolution and host a public event as outlined in the supporting documents provided.

Councilor Plantamura suggested they hold a comprehensive health care seminar, adding she was not sure where other people stand on this, but the Conference of Mayors supports this and she would like to seek input on how they feel about the comprehensive health care reform.

Councilor Hester said he has seen a number of recommendations, if you will, all from the Conference of Mayors many of which made absolutely no sense, adding he was not saying whether that one does or not, but what he would say is that this is not an event for city government. Councilor Hester said he felt that it was one that could very easily be turned into a partisan politics, and based on everything he has read is that 85% of Americans are satisfied with their level of health care. Councilor Hester stated he would not try to support or defend an action that clearly is outside of his realm of responsibility.

Councilor Barnhorn added after reviewing the related documents, it had a party agenda rather than an actual agenda that would benefit, in his opinion any citizens of Seminole. Therefore as a city official, Councilor Barnhorn stated that he could not recommend it for his citizens in any shape, fashion or form. Mayor Johnson and Councilor Waters echoed their agreement with Councilor Barnhorn.

Councilor Plantamura said it was good for the public to know who and why members of Council do not want to support the United States Conference of Mayors on health care reform.

Vice Mayor Matthews commented, that for those new on Council-the practice is that information such as this is included in their packet so they have an opportunity to review the material and be prepared for discussion prior to the meeting. Vice Mayor Matthews stated he has not read his email, but though he would not support it, he appreciated the opportunity to look at it.

Councilor Plantamura said that everyone had received this information over a week ago-so it wasn't new, and she said she was interested to know that this was a political decision and asked how it can be political not to provide health care for all of our citizens. Though in the minority, Councilor Plantamura respectfully offers that as the pulse of the people and lowest line of legislation-personal ideas aside-that there are people who are suffering and need this very much.

Councilor Hester reiterated that it is outside the realm of what this elected body can do. If the Council's responsibility is within the City limits with regard to our form of government we do not get involved as a legislative body with events that are going on in Washington, or even state events,

for example; state driven unfunded mandates that they do not have a say in, but are unfortunately responsible for. Councilor Hester said he has not received a call from his congress man or two senators asking him to help with the health care initiative, probably because he can not contribute to that as an elected official, but when he is on the other side of the floor, he certainly has an opinion.

17. 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