

**MINUTES
SEMINOLE CITY COUNCIL
TUESDAY, AUGUST 11, 2009**

The Regular Meeting of the Seminole City Council was held on Tuesday, August 11, 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 Mayor Johnson, 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:** None

2. **APPROVAL OF MINUTES – REGULAR MEETING JULY 28, 2009.**

Motion by Councilor Hester, second by Councilor Waters to approve the minutes of the Seminole City Council of Tuesday, July 28, 2009.

Councilor Plantamura apologized for inappropriately looking to discussion before the motion and asked to be excused.

Councilor Plantamura noted under New Business, regarding discussion of the United States Conference of Mayors and their request for our legislative body to advocate for comprehensive health care reform, the minutes were not complete. Councilor Plantamura requested the City Clerk complete the minutes by reflecting: She said their government is now working on health care and they needed our input, and they needed to get past their personal opinions and see what the needs of the community were and that she had taken a poll at the Seminole Chamber of Commerce meeting, and some of the members there had said it was a good idea to add health care reform.

In response to Mayor Johnson, City Clerk Stilton acknowledged the requested comments were so noted.

UNANIMOUS APPROVAL BY ACCLAMATION.

Councilor Barnhorn asked if the minutes were to be amended, did they need to table, and approve at next meeting. City Manager Edmunds said actually, it would have been appropriate

for the Council to have made a motion to amend, with included language, and then second, in which the amendment would be adopted. Or they could be tabled until next meeting.

Motion by Councilor Plantamura, second by Vice Mayor Matthews to amend the minutes.

UNANIMOUS APPROVAL BY ACCLAMATION.

3. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 21-2009, REGARDING THE FLORIDA BUILDING CODE.

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

4. CONDUCT A PUBLIC HEARING. CONSIDER A SECOND AND FINAL READING OF ORDINANCE NO. 22-2009, AMENDING THE MUNICIPAL FIREFIGHTERS' PENSION.

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 Barnhorn to adopt Ordinance No. 22-2009, amending the City of Seminole Municipal Firefighters' Pension Trust Fund as required by law 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 UNANIMOUSLY.

5. CONSIDER A FIRST READING OF ORDINANCE NO. 23-2009 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY: 11588 – 107TH AVENUE N.

City Clerk Stilton read the Ordinance by title only.

Motion by Councilor Waters, second by Vice Mayor Matthews to adopt Ordinance No. 23-2009 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.

6. CONSIDER A FIRST READING OF ORDINANCE NO. 24-2009 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY: 5825 LONG BAYOU WAY S.

City Clerk Stilton read the Ordinance by title only.

Motion by Councilor Waters, second by Councilor Hester to adopt Ordinance No. 24-2009 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.

7. CONSIDER A FIRST READING OF ORDINANCE NO. 25-2009 REGARDING A VOLUNTARY ANNEXATION OF PROPERTY: 12951 ESTATES TERRACE S.

City Clerk Stilton read the Ordinance by title only.

Motion by Councilor Waters, second by Vice Mayor Matthews to adopt Ordinance No. 25-2009 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.

8. CONSIDER A FIRST READING OF ORDINANCE NO. 26-2009 REGARDING ANNEXING PORTIONS OF PUBLIC RIGHTS OF WAY.

City Clerk Stilton read the Ordinance by title only.

Motion by Councilor Waters, second by Councilor Barnhorn to adopt Ordinance No. 26-2009 on First Reading.

Councilor Hester asked the City Manager to provide an overview. City Manager Edmunds explained that areas within the City were identified which were previously annexed, and the public rights-of-way had failed to be included in those annexations. Over time, there had been issues with jurisdiction, maintenance, and drainage, resulting in the ordinance which would bring those public rights-of-way into the City's jurisdiction. City Manager Edmunds stated the ordinance is an attempt to clear up jurisdictional issues and does not in anyway make it easier to annex in the future.

Councilor Plantamura asked if we were annexing the land, would it cost our City anything to have to pave, or mow these areas, provide drainage, sidewalks and what is the advantage.

City Manager Edmunds explained the advantages were numerous, for example referring to the recently adopted ordinance related to parking of RV's and parking on streets. While the properties on the streets are in our jurisdiction, the street is not and the ordinance would not be enforceable. Another example was a street had been identified for resurfacing because the majority of the residents on that street were City residents. There were two properties on the street in which the roadway in front of the property had not been annexed. So technically, to resurface the street they would not have to pave in front of those homes. There would be an expense, as with any annexation when dealing with public road rights.

Councilor Plantamura recounted, it was 31.96 acres and the City would pay for future drainage and sidewalks, mowing and paving, etc., asking would it provide for better delineation of our boundaries. City Manager Edmunds concurred, adding that it would also provide better service to residents which did annex.

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.

9. CONSIDER APPROVAL OF THE GUARANTEED MAXIMUM PRICE (GMP) FOR THE PUBLIC WORKS/EOC PROJECT AND AUTHORIZATION TO EXPEND FUNDS.

Motion by Councilor Hester, second by Councilor Barnhorn to approve a Guaranteed Maximum Price of \$5.5 million dollars and authorize the expenditure of up to \$5.65 million dollars from note proceeds, and Infrastructure Surtax funds for the construction of the Public Works/EOC project.

Councilor Plantamura questioned the difference between the Guaranteed Maximum Price of \$5.5 million dollars and the \$1.19 million dollars less than the project's probable cost estimate listed in the agenda memo. She stated it did not compute for her that they would be guaranteed a price of \$5.5 million dollars that was \$1.19 million dollars less than the probable cost of the estimate and asked for an explanation.

City Manager Edmunds explained that in anticipation of starting this project, they had an architect and estimating consultant provide them with a probable cost for the project, which was in the vicinity of \$6.7 million dollars. Through the process of selecting a Construction Manager at Risk, one of the benefits of that was to have the construction company work with the architectural firm and the owner, in this case the City, to identify efficiencies and where they could be gained. The architect prepares the drawings from purely an architect's point of view, whereas a Construction Manager at Risk would look at the project to see how it could be built practically and maybe more efficiently. City Manager Edmunds said that this marriage of professionals has reduced the project cost by more than a million dollars as the Council may note, and again, through this process the contractor was now guaranteeing to construct the project for not more than \$5.5 million.

UNANIMOUS APPROVAL BY ACCLAMATION.

10. CONSIDER AUTHORIZATION TO EXECUTE AN EAP/FAP PROFESSIONAL SERVICE AGREEMENT WITH OPERATION PAR, INC. FOR AN EMPLOYEE ASSISTANCE PROGRAM.

Motion by Vice Mayor Matthews, second by Councilor Barnhorn to authorize the City Manager to execute the EAP/FAP Professional Service Agreement with Operation PAR, Inc. in the amount of \$400.00 for the provision of employee assistance services.

Councilor Plantamura said all should be concerned about medical expenses and they knew her view on that, but asked was the \$400 for each employee or for all the City employees. City Manager Edmunds explained it was for all employees should they have any problems, and added that the City has had great experience with them.

UNANIMOUS APPROVAL BY ACCLAMATION.

11. CONSIDER AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH BRYANT MILLER OLIVE, P.A.

Motion by Councilor Barnhorn, second by Councilor Hester to authorize the City Manager to execute the Professional Services Agreement with Bryant Miller Olive P.A. in the amount of \$15,000 for the provision of Bond Counsel Services.

Councilor Plantamura said this was for the construction of the Emergency Operations Center and the Public Works Facility project and asked if she were correct to understand that the City is paying through increments of Penny for Pinellas, and the loan approved in a previous meeting and bonds-making it three sources of income for the project.

City Manager Edmunds explained that the firm provides Bond Council and would render an opinion on the quality of the bond that Council authorized at the last business meeting, which by law has to be attached to make the issuance legal. City Manager Edmunds noted that the Florida League of Cities as well as the City has previously had good experiences with this firm. The funds are to be drawn from the Operating Budget out of the legal account.

Councilor Hester said the Bond Council, in this case has to render an opinion regarding the tax benefit for anyone in fact that purchases it, and the interest paid is exempt from Federal Income Tax, which is part of the reason why a Council renders an opinion on any Bond issue.

Councilor Plantamura questioned the cost of \$15,000 for the service, and City Manager Edmunds explained that because it is a highly specialized area of law, and though it does seem expensive - for the issuance of a \$5.5 million dollar Bond, it is relatively an incremental cost.

City Attorney Elias offered that in the addition to the Opinion, there would probably be a stack of prepared documents and their expertise in preparation and review of documents from the other side is to make sure the interests of the City are protected.

UNANIMOUS APPROVAL BY ACCLAMATION.

12. CONSIDER AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS IN THE AMOUNT OF \$2,304 FOR REPLACEMENT OF COMPUTERS IN THE LIBRARY AND CITY MANAGER'S OFFICE.

Motion by Vice Mayor Matthews, second by Councilor Waters to approve the expenditure of up to \$2,304 from the Administration Capital Improvement Fund for the replacement of computer equipment.

UNANIMOUS APPROVAL BY ACCLAMATION.

13. CITY COUNCIL REPORTS.

- Vice Mayor Matthews - reported that his business participated in providing some balloon designs for Relay of Life, the event total was over \$84,000 and his team in Seminole raised \$13,000 of that. The relay team in Seminole placed number one in Pinellas County. There were a total of nineteen relays, and each year they grow.

Mayor Johnson said that Relay for Life had contacted him, and asked if they could be reconsidered in the budget, adding Council can probably discuss that on September 3, 2009.

- Councilor Waters - noted the Chamber of Commerce's Back to School Drive, and suggested that in conjunction with the Seminole Chamber of Commerce, the Seminole Council and staff also encourage our citizens and ourselves to contribute back packs, glue sticks, post-it Notes, spiral notebooks, highlighters, etc. and drop off at City Hall over the next two weeks. She knew of many local businesses, especially local law firms, accounting firms, consultants of all type who often have used and extra 3-ring binders and other supplies stacked in their supply room that could be of great use in our Seminole schools. On Saturday, September 26, Councilor Waters reported she would be lacing up her walking shoes and participating in the Annual Memory Walk sponsored by the Alzheimer's Association at the St. Petersburg Pier. She invited anyone to join her, sponsor her or stand on the sidelines and cheer, so please let her know. She said Alzheimers' is referred to as "The Long Goodbye", which it is, certainly for the caregiver as well as their loved one. The Alzheimer's Association helps both parties, as well as research to help stop this sad and terminal disease.
- Mayor Johnson reported he attended the Mayor's Council and the big issue was Home Rule. Sheriff Jim Coats was the speaker and spoke about the issues in the jail system in Pinellas County. Mayor Johnson said they can use prison labor to help pick up the trash on the medians, and said it is a pretty good program.

14. CITY MANAGER REPORTS.

- Deputy DiSano presented the Community Policing Report and encouraged citizens wishing to start up a crime watch program to please contact him through the Seminole website or Sheriff's Office.
Mayor Johnson asked Council if they had any questions for Deputy DiSano. Councilor Plantamura thanked Deputy DiSano and staff for answering questions from Maria Wyatt, a citizen with a lot of questions and appreciated that they were responding to her and providing her with information.

- City Manager Edmunds reminded Council that the Legislative Delegation has noticed their meeting schedule in advance of the Legislative Session – November 10th and December 14th, which is an opportunity to appear before them on either Special Bills, or comments on legislation.
- The budget meeting schedule was altered due to a conflicting holiday and other Public Hearings, and it appears that the Council is in agreement to meeting in a special session on Thursday, September 3rd beginning at 6:00 p.m., the First Budget Hearing, which Director Kyne emailed notice of to Council. City Manager Edmunds asked if it was the Council's desire to combine the regular meeting, (September 8th) with the Thursday budget meeting on September 3rd. City Manager Edmunds asked Mayor Johnson for a motion to establish the Budget Public Hearing as well as the business meeting for Thursday, September 3, 2009 beginning at 6:00 p.m. Councilor Barnhorn so moved, second by Vice Mayor Matthews.

UNANIMOUS APPROVAL BY ACCLAMATION

Councilor Matthews stated that for the benefit of the new Council Members, the Budget meetings had to be different than other County budget meetings.

- City Manger Edmunds continued with the budget meeting discussion noting the Second Budget Hearing, was scheduled for Wednesday, September 23, 2009, and again asked the Council if it was their preference to combine their regularly scheduled business meeting (September 22, 2009) with the Second Budget Hearing. Mayor Johnson asked for a motion. Councilor Hester so moved, second by Councilor Counts.

UNANIMOUS APPROVAL BY ACCLAMATION

City Manager Edmunds said that notice of the change in meeting dates would be posted.

Councilor Plantamura asked that the requirement for the budget approval from the public requires two public meetings which were going to occur on the same date as the Council Meetings. City Manager Edmunds said that was correct. Councilor Plantamura asked if they had originally scheduled a second budget meeting for Council and that was canceled because they had finished it all in one night, and how was that. City Manager Edmunds said they did not have one scheduled, typically as they did at that workshop, they would ask Council if they would like to come back for a second workshop and then await Council direction. Councilor Plantamura also asked what the format of the meeting would be, should people actually show up and would the people stand at the lectern. City Manager Edmunds said the Budget Public Hearings are very similar to their regular Public Hearings on ordinances, where the public is invited to come before Council at the podium to speak and voice any support, any concerns or suggestions they may have to Council before Council actually acts on the Budget. Councilor Plantamura asked that after the two public meetings, do they then approve it at the second meeting of the public meeting. City Manager Edmunds explained that typically the Council would act on the Second and Final Reading at that time. Councilor Plantamura stated that after the public meeting, at 6:00 p.m. they will have a 7:00 p.m. Council meeting and during that, it will be asked do they want to approve the fiscal year proposed 2010 Budget, and then that same night it is all approved and they are done with the budget. City Manager Edmunds said that is correct.

- City Manager Edmunds brought up meeting scheduling for the Charter Review recommendations, and suggested due to the volume of recommendations, they schedule a separate workshop to discuss the issues. In the past, an off Tuesday has been an acceptable meeting night for Council, and asked if there were any problems with having the workshop on the off Tuesday. Councilor Barnhorn said the first Tuesday of each month is good for him, the third (Tuesday) is not. City Manager Edmunds said he would speak with the Chair of the Charter Review Committee to make sure there was attendance from the Charter Review Committee Members, and a date would be sent out, adding they should move that process along.
- The next step in the Public Works/EOC project is to organize a groundbreaking, and certainly would want to have the Mayor and Council in attendance. They are looking at an afternoon groundbreaking, on Friday the 28th, so please check your calendars for attendance. It typically does not take long, but it is a great opportunity to start off the project on a very positive note. The contractor, and architects will be there, and the press will be notified. Councilor Plantamura asked if that were August 28th, and City Manager Edmunds clarified that it was August 28th.
- City Manager Edmunds said he has asked Councilor Waters and Councilor Plantamura to complete the NIMS 700a course, which the balance of the Council has completed; it takes about three hours with examination and certification to follow. It was very, very important that they have those certifications on file in the event of a catastrophic weather event and should FEMA reimbursement be sought, it would be an absolute requirement. City Manager Edmunds explained that staff has varying levels of certification from 700a to 400, but the 300 and 400 series are actually classroom exercises for multiple days and all of the staff was now fully certified.

15. OLD BUSINESS.

Councilor Hester commented on Ms. Linda Cole's remarks regarding the budget at last meeting, adding he did appreciate some of her comments. He said she had asked Council what they were going to do, as far as their salaries, saying that Councilor Plantamura pointed out that no one was here to get a paycheck. Councilor Hester said he did want to point out for the record, that he believed Council has had one, three percent increase in salaries in the last eight years, so it would appear as though they were not gouging the taxpayers with a check for \$190.00 every two weeks or so. Councilor Hester brought up the discussion regarding the email which Councilor Plantamura had asked the City Attorney to provide an opinion of. Councilor Hester said he did not want to comment about the email itself, but he did want to understand the protocol with regard to engaging the City Attorney. He said he certainly respects and understands that it probably is not the best way to have seven elected officials going to the City Attorney to ask for an opinion on matters that affect the City, or maybe it is. Councilor Hester said as he understood in reading the email response from the City Attorney, that prior to the Council being able to engage him-there needs to be a consensus of Council to do that. He said he was trying to understand where that was a part of their Charter, or where it is as part of protocol or procedure, that he could not pick up the phone and call the City Attorney and ask him for an opinion without having to have the consensus of the other members of Council.

City Attorney Elias said he did not think that was his comment in his memo, adding he indicated that he has always encouraged Council to call him, come to his office, ask him for an opinion, and ask him any questions that they may have. The distinction is when a Councilor asks for a formal, written legal opinion, and said he thought it was only fair to other Council that before the City Attorney incurs the time and expense to respond to one Councilor, if the other Council members were not in favor of that issue being researched-then he felt they created a conflict. City Attorney Elias said he was not suggesting that they are not permitted to call, or come by his office, and ask him anytime, any place any question, but there has to be a distinction between a formal opinion and an off the cuff informal opinion.

Councilor Hester in follow-up said, in trying to understand the proper protocol, the City Attorney reports to Council as someone whom Council should be able to ask for a formal opinion, whether it is an engagement or not perhaps Council should have the ability to do so. Councilor Hester raised the question with regard to Councilor Plantamura's request for a formal opinion and asked was there associated expenses beyond what they would pay the City Attorney as General Counsel for the City.

City Attorney Elias responded that there probably was not any additional expense as far as fees were concerned, there may have been additional copying charges, or out-of-pocket expenses, and if there were he certainly did not charge the City.

Council Hester stated he understood the need to have certain procedures in place, but he could literally think of situations in which he might ask the City Attorney for a legal opinion on something and not have the support from other members of Council who did not feel the same way and as a result the City Attorney would not be able to provide a legal opinion to his concern unless he had the majority of Council. Councilor Hester said he did not think that was good business.

Councilor Plantamura clarified, that she had never asked for a formal, written legal opinion, and she had asked for the four different monetary amounts which she saw as the potential City Manager's base salary, in which she had asked for clarification-never a legal opinion. Councilor Plantamura said the response from City Attorney Elias in the July 31st memorandum which indeed said he has always encouraged Council to contact him with questions; however, in the future he would not answer questions of individual Councilors, only questions coming from the Council as a whole. Councilor Plantamura said she thought because the City Charter says he is appointed as the legal advisor to the Council, and if questions are not answered especially from someone new, it makes it reasonably difficult for Councilors to gather information they would need to do their job. So part of this is a measure of the job rating for the City Manager tonight because the City Attorney works with him. Councilor Plantamura said what she is asking now is that City Attorney Elias provides this Council with the City of Seminole written policy which states that the City Attorney will only answer questions coming from the Council as a whole, because this would affect each of them if they specifically ask any questions and she did not want any inconsistencies. So if there is actually a written policy stating they would not be able to get legal information, only as a group-she would like a copy and was requesting that now.

Vice Mayor Matthews added that both conversations are very important, and something he sees is basically they have asked the City Attorney to give them an opinion of their budget, in the sense of numbers not coinciding, and he believed that if they had directed this type of question to their expert,

Finance Manager or City Manager and if they could not satisfy the answer then they should go to the City Attorney.

Councilor Plantamura said her specific questions came from the budget that they were looking at for FY 2010 and it listed the City Manager's salary as \$122,000, his contract listed salary at \$127,000, and she did email the City Manager and ask what his salary was, and he said he makes \$121,000. In the budgetary workshop meeting he said he made close to \$150,000 cash benefits, so she said she thought this was a rational question, adding the City Manager was out of town that week and she thought as a City Councilor she should be able to ask for clarification of those differing numbers.

Councilor Plantamura said they were going to need that number if they should give a raise, they would need a base number, and now she has four different numbers and thought this was a rational question to ask.

Councilor Hester in follow-up and again specific to the protocol issue which as example, he might ask the City Attorney for an opinion as to whether or not an expenditure they have is deemed for public purpose, which of course it has to be. That is a very grey area, in fact the City Attorney has opined on that previously, so for him to have a question he would have to have the support of three additional Council Members to ask the City Attorney to give him an opinion on that. Councilor Hester stated that is where he is coming from, and appreciates Councilor Plantamura's issue, but the issue of protocol and need for clarity of a process could be an issue down the road.

City Attorney Elias said he did not mean to get involved with semantics, but as Mrs. Plantamura read, he thought she indicated in his memo that he would not provide legal opinions in the future, but he did not say that if you read the memo. The memo said in the future, requests for a formal legal opinion should be based upon the consensus of Council and should not come from the Council as a whole. He reiterated that he did not say he wouldn't, that in the future, opinions "should". City Attorney Elias said if there is a disagreement, and everyone is in an agreement, then anyone of Council can call him and ask for an opinion and that is fine, he would be more than happy to render that opinion. He added this really can not be a big issue, because in the twenty six years he has been the City Attorney he could probably count on one hand the number of times that a Councilor has asked him for an opinion-or at least a legal opinion which he considers to be a formal legal opinion.

Councilor Plantamura apologized if she had misspoken, but what she thought she had said was that the City Attorney would not answer questions of individual Councilors, rather only questions coming from the Council as a whole. City Attorney Elias disagreed, and Councilor Plantamura said that is what her letter said, and asked then of City Attorney Elias if there were a written policy which states that the City Attorney will only answer Council questions coming from the Council as a whole.

City Attorney Elias said he had not researched that issue, but he would guess there is no such written policy. In previous Councils in years past, that has been the policy and it may have been changed over the course of years.

Councilor Plantamura stated that if no such policy exists then she feels comfortable in asking for any kind of an opinion, also if there has only been a handful in twenty six years she did not understand

why this would even be a problem if they were to come to him individually to have questions answered.

Vice Mayor Matthews said he has been on Council for a couple years and he has never been refused any question of the City Attorney. Regarding the salary of the City Manager, it has been clarified in the documents before them. The budget says \$122, 015, the salary presented by the City Manager is \$121,615, and the difference between those two is the longevity that an individual gets, whether it is the City Manager or the lowest person on the payroll that has time with the City. The weight of what the man makes is in the budget, and it is correct-we have seven years of good financial records. Vice Mayor Matthews said the other part of it is benefits, not salary; the \$150,000 may include benefits but it was no where near salary.

Councilor Plantamura directed attention to the copy of the Amendment to the Employment Agreement and said it very definitely was signed by the Attorney, Mayor Johnson and dated August 28, 2007. Reading from the Agreement, she said after a 4.5% raise the base salary of \$127,148.49 shall not be decreased during the term of the Agreement, adding that was established on that date after a 4.5% raise which was not the top of the pay scale at all, that was the base salary. Councilor Plantamura said the reason she was bringing this up was they were going to need this kind of number for future raises, and if his salary was actually \$121,000 as he has emailed her, that showed his salary went down and the Charter Review Board said his salary can never go down-so if it has actually gone down, when they review the Charter, they would see that they have already broken the Charter. Councilor Plantamura stated she really was not trying to throw stones at this, she had a rational idea of where she was going with it. Referring again to the Agreement, Councilor Plantamura explained that it very definitely said 28th of August 2007 the base salary changed to \$127,000 and in looking at a 2010 budget to say that was not a correct number was not good- to have to tell a citizen it could be \$121,000 he said, it was \$127,000 in a contract, and was \$122,000 in a proposed budget, adding that was not clear for her as a person, a steward of the taxpayer's money and they were going to need that information for future decisions on the Charter Review Board.

City Attorney Elias said he could only encourage her to read his memo, and the memo pointed out when read sequentially, the salary. City Attorney Elias reiterated what the memo said.

Mayor Johnson said that discussion was repetitive and they needed to summarize.

Councilor Hester said he was a little obsessive when it came to policies, procedures and consistencies in government, so the only thing he would ask would be they have a workshop to formalize a process. He wanted to feel free to call the City Attorney, as he has done in the past and be comfortable doing so.

Mayor Johnson asked City Attorney Elias if he was willing and able to answer any questions the City Councilors had should they contact him. City Attorney Elias said as he has stated over the years, that was an affirmative response.

16. NEW BUSINESS.

City Manager Edmunds said in his view, there has been more conversation than necessary on this issue, and his sense was that the majority of Council understood what the Manager's pay salary was. That was the question, what was the Manager's base salary. City Manager Edmunds said the entire Council received the information, \$121,000 whatever, and asked was there a need for additional clarity from the Council, specifically requesting Council direction.

Councilor Plantamura asked if his salary were perpetually \$121,000 and the Council gave raises that would go into a secondary account in lieu of income, he would never come to the maximum cap on the pay range, and it would always go into a secondary account and never be considered a raise, which did not seem kosher to her.

City Manager Edmunds stated that is a discussion and an argument for future Councils. Councilor Plantamura stated future workshop, Mayor Johnson repeated, future workshop.

Mayor Johnson stated they needed to put it to rest, because it comes up at just about every Council meeting and they discuss the same things over and over again, so they need to come to some kind of conclusion.

Councilor Counts recommended that a consensus be taken to see if Council even wants a workshop, as he believed that was what City Manager Edmunds meant when he asked for direction. Councilor Counts said to continue on, in his opinion equates to beating a dead horse. Councilor Counts recommended not to have a workshop, and said he thought the City Manager was asking Council did they want to get further clarification for the benefit of others that may want to understand his pay.

Mayor Johnson asked Council for a consensus. All were in favor of not having a workshop, except Councilor Plantamura.

Councilor Hester said that he personally thought, until the contract comes up again to be reviewed, he would only want to make sure they were not violating the contract on their end, and suspected the City Manager not to violate it on his end. Councilor Hester offered, as he has said publicly before and would say again, that was probably an issue for another Council in another time, unless they were in violation, or he was in violation, then it would need to be addressed. Councilor Hester said he understood the base salary, the benefits included, and frankly are part of the contract which a future Council at some point in 2013 or before, would likely be involved in, because it (contract) needed to be addressed not only for the taxpayers, but for the City Manager, adding it was antiquated in his opinion.

Councilor Plantamura asked, just for protocol in general for Councils, when a Council Member wants a workshop, were they using Robert's Rules to determine if a workshop would be scheduled. Mayor Johnson indicated they were in order. Councilor Plantamura stated, she was learning.

Vice Mayor Matthews said he failed to report an item previously under Council Reports and announced Help a Child organization was having a fund raiser at the St. Petersburg Coliseum on September 17th, and needed support.

Mayor Johnson reminded Council of the workshop following the meeting to discuss two items.

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