



City of Gulfport Florida
Regular Council Meeting
August 21, 2007

City Hall

7:00 p.m.

Minutes

Mayor Michael J Yakes called the meeting to order.

The Invocation was given by Councilmember Michele King, followed by a Pledge of Allegiance to the Flag of the United States of America.

Mayor Yakes opened the meeting stating the agenda will be presented as printed and the public session will be at the end.

Roll Call. Present were Councilmember's, Mary Stull, Michele King, Robert E. "Bob" Worthington, Vice Mayor John E. "Ted" Phillips, Mayor Michael J. Yakes, City Manager Thomas E. Brobeil, City Attorney Timothy P. Driscoll and Acting City Clerk Donna M Spano.

Presentations.

Commander Craig Smith of the Boca Ciega Yacht Club presented a check for \$1000 to the City for repairs to the antique fire truck that is used for special occasions.

Mayor Yakes expressed thanked Boca Ciega Yacht Club for the donation.

Emmett Walsh updated the Council on the progress of the Ordinance Review Committee, and thanked the Council for not setting a termination date of the committee to enable them to complete the task. They are looking at erroneous or confusing language and trying to deal with more contemporary concerns. He stated that the Committee is currently reviewing Chapter 14 of the 25 Chapters in the Code. Already revised are Chapters 8 (civil defense), 10 (fire prevention), 10.5 (flood damage prevention) & 11 (garbage, trash, sewer, water), with the help and recommendations of staff. He also thanked Acting City Clerk Donna Spano for her help with background information, recording and amending the many drafts of the code. Members of the committee are Jo Arras, Christine Brown, Jim Greenwald, Michael O'Toole and Judy Ryerson.

Mayor Yakes thanked Mr. Walsh, along with the committee, for their staying power.

1. Update Reports

City Manager Brobeil is looking at options, at the request of council, from the county regarding outsourcing the Building Department, and is recommending a meeting entirely focused on this issue. After speaking with Rob Nagan from Pinellas County he suggests the most convenient date seems to be August 30, 2007 at 6:00. He will be receiving two packages from the County, one standard, which is using the inspector or the Plan Reviewer when needed, the other for the County to take over the entire Building Department.

Councilmember Worthington asked if it this would be a Regular Council Meeting or a Workshop and City Manager Brobeil stated that it would discussed at a Budget Workshop Meeting.

2. Consider approval of the minutes of the July 17, 2007 Regular City Council Meeting

Vice Mayor Philips moved to approve the July 17th Regular City Council Meeting Minutes and Councilmember King seconded the motion.

UNANIMOUSLY APPROVED BY ACCLAMATION

3. Resolutions:

- a..2007-91 A resolution of the City of Gulfport, Florida approving the Gulfport Merchants Association” Annual Gecko Fest special event on September 1, 2007 authorizing the temporary suspension of certain provisions of the Code of Ordinances; authorizing accommodations for this event in accordance with Section 17-30 of the Code of Ordinances; and providing for an effective date.

City Manager Brobeil stated the action was already approved on September 2006, however Gecko Fest has been expanded and needs approval from Council to close 31st Ave between Beach Blvd and 56th Street to allow sponsors a staging area, also to allow a 65-foot inflatable screen to be set up on the beach for movies. Staff recommends approval.

Mayor Yakes opened public discussion. Seeing no one wished to speak, closed the Public Discussion.

A motion was made by Councilmember King and seconded by Vice Mayor Phillips to approve Resolution No. 2007-91.

With no further comments Mayor Yakes asked for roll call.

VOTE:

COUNCILMEMBER STULL

YES

COUNCILMEMBER KING	YES
COUNCILMEMBER WORTHINGTON	YES
VICE MAYOR PHILLIPS	YES
MAYOR YAKES	YES

UNANIMOUSLY APPROVED

- b. 2007-92 A resolution of the City of Gulfport, Florida authorizing the City Manager to issue a task order under the existing J.T.V., Inc. contract for sanitary sewer system repairs in the amount of \$99,328.40; and providing for an effective date.

City Manager Brobeil stated these are sanitary sewer lines that could not be repaired. The lining will be replaced in the existing pipes by J.T.V. adding that this is in within the budget for Fiscal Year 2007. Staff recommends approval.

Mayor Yakes asked for questions.

Vice Mayor Phillips asked if these were cast in place pipes, how many feet of pipe and what the cost would be.

Public Works Director Sopak answered questions about the cost and that it involves about 2,000 feet of pipe.

Mayor Yakes opened the public discussion. Seeing no one wishing to speak closed the public session.

A motion was made by Vice Mayor Phillips and seconded by Councilmember King to approve Resolution 2007-92.

With no further comments Mayor Yakes asked for roll call.

VOTE:

COUNCILMEMBER STULL	YES
COUNCILMEMBER KING	YES
COUNCILMEMBER WORTHINGTON	YES
VICE MAYOR PHILLIPS	YES
MAYOR YAKES	YES

UNANIMOUSLY APPROVED

- c. 2007-93 A resolution for the City of Gulfport, Florida authorizing the City Manager to award the bid for the 49th Street Streetscaping Project Landscaping Materials

to the low bidder, Florida's Finest Landscaping Services, Inc. in the amount of \$68,257.00; and providing for an effective date.

City Manager Brobeil stated that with three change orders the bid is \$37,000 under budget. The largest change was granite curb found below grade in an excavated area that needs to be removed and stabilized. Staff recommends approval

Councilmember Worthington asked if the roadway was at some time narrowed with the discovery of the curb.

Public Works Director Sopak explained that when removing curbing near King Marine and the area south of there, where asphalt came to asphalt, more granite curbing was discovered below grade and needs to be removed. He negotiated with the contractor and the price will probably be half of the proposed amount. He is keeping a very close eye on what is being removed. He is looking to improve the whole road, because that stretch of road is the first thing you see when entering City, and plans to ask for money for the project within the next two meetings.

Councilmember Worthington asked if the granite could be recycled.

Public Works Director Sopak stated that it is currently stored behind his building on 49th Street and it is high quality granite so he is looking for ways of disposal.

Mayor Yakes opened the public discussion. Seeing no one wishing to speak, closed the public session.

A motion was made by Councilmember Stull seconded by Councilmember Worthington to adopt Resolution 2007-93.

With no further comments Mayor Yakes asked for roll call.

VOTE:

COUNCILMEMBER STULL	YES
COUNCILMEMBER KING	YES
COUNCILMEMBER WORTHINGTON	YES
VICE MAYOR PHILLIPS	YES
MAYOR YAKES	YES

UNANIMOUSLY APPROVED.

- d. 2007-94 A resolution of the City of Gulfport, Florida amending fees for Leisure Services Facilities in accordance with Chapter 25 of the Code of Ordinances; and providing for an effective date.

City Manager Brobeil explained they are proposing an overall 20% increase for charges at the Gulfport Casino, already anticipated in the proposed budget, raising the rate for non-residents to

be more competitive with comparables listed in the staff report. Resident rates will also be increased, which normally hasn't been the case. They will continue to get a 20% discount and Not-for-Profit organizations based in Gulfport will get a deep discount. The Casino and Theatre will need to be on a more paying basis adding that these numbers are already anticipated in the proposed budget. Staff recommends approval.

Councilmember King asked what percentage of use is by residents, and not-for-profit organizations.

Leisure Services Director O'Reilly stated the not-for-profit uses are mainly at the Theater by the Gulfport Community Players, and the resident uses are approximately 15%.

Councilmember Worthington found it to be very reasonable to rent.

Mayor Yakes opened the public discussion

Bob Newcomb of 921 Fremont Street South stated he can't object to raising rates to be more competitive with our facilities, however, he believes what he is seeing from the workshops is an attempt to raise revenue from non tax sources at extraordinary rates. If that is so, then he objects, if it is to be competitive he does not object. The State mandate was meant to cut taxes by 9%; and to roll back to 2006 because cities had extraordinary increases in costs and spending. He believes if you followed that logic it would mean it was a mandate to cut spending, not to increase revenues to justify the cut in the tax rate by other means, a tax is a tax, raising rates is a tax. He feels that if we don't concentrate on cutting costs and try to cover our expenses by raising fees we are subverting the process. We need to create real efficiency, real change, not phantom jobs, not unfilled positions, and real improvements to save taxpayer's money rather than increase.

Seeing no one else wished to speak, Mayor Yakes closed the public session.

A motion was made by Councilmember Worthington and seconded by Councilmember Philips to approve Resolution No. 2007-94

Vice Mayor Philips asked what the amount being subsidized to the Casino each month is.

City Manager Brobeil explained that they are trying to close the gap in monies. The 2006 audit shows a \$40,000 to \$50,000 loss range, which is subsidized from the Waterfront Redevelopment Fund. This is a separate fund, it's a special revenue fund that is only taxed to the extent that it loses money and we have to subsidize it from WRD fund. The City is trying to close the gap and it will not affect bookings while trying to reduce subsidy or eliminate it, which would be a positive effect on the WRD fund.

Vice Mayor Phillips stated he can see nothing wrong with raising the Casino rates to cover the cost, as it is a business.

Councilmember Worthington says this is a user fee rather than a tax; since people only pay if they are renting the building.

Mayor Yakes stated he looks at the word competitive and the Casino is a fair value for what it offers. He added that Councilmember King had recommended using the outside area for seating and table services that was most used when PSTA came through with the beach connection. Mayor Yakes does agree with the fact that a tax is a tax but sees this particular step as necessary to bring the facility into a fair price range adding that unfortunately we still will not be showing a profit with increase.

Vice Mayor Philips pointed out that last year the City cut its own taxes by 10% in an effort to help citizens, now we are paying twice because everything is based on the lower tax rate. He added that he is confident we will work it out.

Councilmember Worthington stated his Trim Notice, with the cuts, is going down \$20, with no cuts it will go up approximately \$5 and that spread out over a year it amounts to nothing, but not all citizens will pay the increase the City is proposing, only the users.

Councilmember King stated that most of the reduction on the Trim Notice came from City revenues, not from cuts in School Board or the County taxes reiterating that Mr. O'Reilly had stated 15% of bookings are residents and 85% are non-residents.

Mayor Yakes thanked Ms. King for that information and stated we need to work together and work with Tallahassee so see what we can encourage them to do.

With no further comments Mayor Yakes asked for a roll call.

VOTE:

COUNCILMEMBER STULL	YES
COUNCILMEMBER KING	YES
COUNCILMEMBER WORTHINGTON	YES
VICE MAYOR PHILLIPS	YES
MAYOR YAKES	YES

UNANIMOUSLY APPROVED.

- e. 2007-95 A resolution of the City of Gulfport, Florida amending the resident and non-resident boat slip rental rates at the Gulfport Municipal Marina in accordance with Chapter 25 of the Code of Ordinances: and providing for an effective date.

City Manager Brobeil explained that the proposal is to raise both resident and non-resident rates, which is exactly as presented in Budget workshop, 25% to residents and 19% to non-residents for an overall increase of 20%. For many years the non-resident rates were raised, with the resident rates staying the same, even with the increase for residents the discount is 30%, which amounts to 70% of non-resident rates. This will generate quite a bit of money and as is shown in the staff report survey conducted by the Harbor Master, our rates are the lowest in the County.

Looking at the bar chart and including the 20% increase Gulfport is still us in the 50% percentile, and staff feels that is an incredible bargain. Staff recommends approval.

Mayor Yakes opened the public discussion.

Dottie Wolsky of 2652 44th Street South stated she sat in a Council Meeting and understood that the Marina pays for itself and that we were looking into a mooring field and had the money in the enterprise fund to go ahead with it. She understands wanting to be competitive, she also understands we may be charging the lowest rates around, but where is the extra money going to go. Adding that she is not sure we should be in the moneymaking business, if that is the case it is irrelevant if we are charging the lowest rates.

Al Davis of 2790 45th Street South wants to point out this is not what was presented initially at the workshops. This is significantly different. The missing link that is that the initial briefing, which was actually a smaller rate increases than what you see now is predicated on the assumption based on the worst-case scenario being a 47% decrease by legislative act, which actually went to a much smaller rate of 9%. Then a feeding frenzy began on what the marina could produce. He feels that if we boost the prices, the philosophies, the demographics and the people who now enjoy that are going to be driven out of the market. He asked that Council consider this as a quality of life issue; with being competitive, we also have to look at the amenities. There is no comparison to the marinas noted on the bar chart; others have restaurants, libraries within walking distance, live aboard people, etc. They promote their marinas as a real quality asset; we on the other hand are limited with one being allowed only three day on board stays per month. He stated he does not object to a fee increase but think we are targeting one group of people who may have moderate means or a fixed income. He feels the danger is in the philosophy, are we here to expand government and make money like any other business or to promote the quality of life for citizens.

Bob Newcomb of 921 Fremont Street South stated his main point is that the City should spend more time cutting costs and become more efficient rather than finding ways to raise more money. It's sort of like gentrification, you will change the demographic, the working class, middle class and low middle class people; many populate that marina and will be forever shut out. If that's the intent, that's fine. He added that he noticed in the five-year projections that this would not be the only increase that is contemplated and we can go as high as we can until people will stop buying the product. He stated he doesn't think that is the business of a city, especially a city that is considered a gray collar city, not a white collar or blue-collar city. We are a people of middle means, and this the way it should stay. He stated he feels the City is becoming obsessed with raising funds from non-tax sources on the backs of people who can ill afford it. He stated the City must concentrate on efficiency and cuts, and make government work on what its got.

Greg Smith of 4039 8th Avenue North stated he has a wife and three children and has been agonizing over whether he will be able to have a boat in the water a year from now. He added that he is a family man, and they really enjoy boating as a family but I'm afraid I may fall in the category as the average citizens of Gulfport fall into, just regular hard working people trying to get by and have a little pleasure; but on the other side if you do a real in depth study and correlate marinas to the housing market you see everything shot up and look at what happened.

Some marinas priced themselves out of the market, an example would be the marina in Madiera Beach which last week had an ad in the Gabber for slip rentals.

Seeing no one else wished to speak, Mayor Yakes closed the public session.

A motion was made by Vice Mayor Phillips and seconded by Councilmember King to approve Resolution No. 20007-95.

Vice Mayor Phillips asked for the number of people on the waiting list for marina slips, how much has the price of gas gone up, and what the increase for a slip would be.

Leisure Services Director O'Reilly stated that they only keep a waiting list for residents and the total is 12, the price of gas is up 30% and the difference on the slip fee rent for a 30-foot slip is \$36. It went from \$144. to \$181. Mr. O'Reilly also stated the city had subsidized the fees for residents because we artificially held them down for many years. Attempting to make it more affordable for residents kept the fees below normal, that's where price is coming from now.

Councilmember Worthington stated that demographics keep changing, fishermen to pleasure boats to larger pleasure boats, it is always changing and fees will change accordingly. Adding that he feels that our rates are still very fair after speaking with people from the east coast.

Mayor Yakes agreed with Mr. Worthington on demographics and changes that we have had and with our endeavors of creating revenues by selling fuel. He stated we are servicing more boats entering from the water than boats in the marina. As for amenities there are the those marinas that have restaurants and other facilities, but he feels one of the insurances Gulfport has is the natural protection in the layout of the marina. In the interest of the pilot program, Council looked at the interest pay back from the marina funding at the budget hearing and he is still not clear how that is done but as we delve into the budget he would like Council to be more educated to help them make a decision.

With no further comments Mayor Yakes asked for a roll call.

VOTE:

COUNCILMEMBER STULL	YES
COUNCILMEMBER KING	YES
COUNCILMEMBER WORTHINGTON	YES
VICE MAYOR PHILLIPS	YES
MAYOR YAKES	YES

UNANIMOUSLY APPROVED

- f. 2007-96 A resolution of the City of Gulfport, Florida authorizing the City Manager to designate eight (8) 15-minute parking spaces along Beach Boulevard South, between 28th Avenue South and Essex Avenue South; and providing for an effective date.

City Manager Brobeil stated at the last meeting Council asked for a resolution establishing time limited parking on Beach Blvd. He explained that he wasn't sure what the exact direction was, the original plan was for two spaces on two blocks, then there was talk of treating it comprehensively and having two reserved spots on each block, so the resolution before Council has two limited time duration spaces on each of the four blocks involved. He added that he thought that was where the discussion was going, but if he had misunderstood the direction an alternate map exists showing two spaces in the two blocks also available. He explained that he drove along Beach Blvd to check businesses that would benefit from short-term uses and tried to optimize the location of the spaces so there are two spaces between 29th Avenue and 28th Avenue, 30th Avenue and 29th Avenue, and 31st Avenue and 30th Avenue, with most of the opportunities for stepping in and out of the businesses being on the west side of the street. He also suggested adding another short-term space next to the Beach Bazaar Post Office space. Once the Council agrees on the locations, he will proceed with the appropriate FDOT required language and signage.

Vice Mayor Phillips stated that while he agrees with the concept, he does not see how it will be enforced?

City Manager Brobeil stated that if a police officer sees the vehicle not moved in fifteen minutes a ticket would be issued.

Vice Mayor Phillips reiterated that he can see how that can create a problem with the enforcement and again, he is for the idea but is apprehensive regarding the enforcement.

City Manager Brobeil stated enforcement is always the problem with these types of situations. The cost of the ticket is established by the state and it is not a very high fine. Some patrons would see this as a cost of doing business. The officers would have to be watching the limited parking spots to enforce and be able to verify the vehicle parked there, second is that people will disregard the sign and pay the ticket.

A conversation ensued about the possibility of meters being installed, the problem with lines in the stores and running over the allotted time, the possibility that parking tickets could hurt the shops, also the fact that we will need co-operation from the storeowners in not taking ownership of spots in front of their business. It is the hope that shop owners and employees would leave the parking spots in front of their businesses for the patrons and park a distance away and walk to their shop. City Council sees this as a beginning to help the businesses and patience will be needed to get this going. If we all work together and look at other means we might come up with something that will work quite well.

City Manager Brobeil stated we discussed meters in the staff report last time and it is really a detriment in trying to enhance a re-development area.

Councilmember Stull has used the parking space in front of the Post Office many times and has never seen a problem with anyone abusing it.

Mayor Yakes placed importance on self-policing, explaining that signs are something that will be obeyed and honored by those who choose to respect them. The authority that falls under limited

time is merely to give the uniform traffic code a violation statute and the authority that is delegated by FDOT to make it an enforceable parking violation. He discussed the demographics and the fact that we have tried to solve this parking problem, which originates from the very good problem of success, by the adding of tables to businesses that once only served a few, but we will never solve the parking problem.

Mayor Yakes opened to public discussion.

Mr. Taso Papagerio of 2822 Beach Boulevard stated that he would hope the people will respect the fifteen minute parking places, he also stated that there are several owners who park in front of their business, and there are several businesses that have parking behind their buildings. He also thanked the Mayor and Councilmembers for their work and help with addressing the problem. If there were a workshop he would like to participate.

Mayor Yakes thanked Mr. Papagerio for the comments and stated that we are always trying.

A motion was made by Councilmember Worthington and seconded by Vice Mayor Phillips to approve Resolution No. 2007- 96.

With no further comments, Mayor Yakes asked for roll call

VOTE

COUNCILMEMBER STULL	YES
COUNCILMEMBER KING	YES
COUNCILMEMBER WORTHINGTON	YES
VICE MAYOR PHILLIPS	YES
MAYOR YAKES	YES

UNANIMOUSLY APPROVED

- 4. Consider the appeal of the Board of Adjustment's decision to deny Variance Application #V-07-13 for Joline Weeks requesting a variance to reduce the side yard setback from the required 6' to 8.25 inches for an existing carport which was constructed without a permit at 5522 17th Avenue South, legally described as Lot 2, Block 13, Pasadena Gardens Gulfview Section.**

Planner Mike Taylor explained that this actually started as a code enforcement violation. The carport encroaches into the side yard setback leaving only eight inches to the property line. Staff has concerns regarding this addition and the concrete pad it was placed on, with no permits being pulled. Staff felt there might be a better location for the addition, possibly in the rear yard as there is rear access. The Board of Adjustment voted on June 13, 2007 to deny the variance because of lack of a firewall, water run off from the roof, also due to the fact that the hardship was created by the applicant and an alternative location on back of property is possible.

Councilmember King questioned if the property line is where the fence exists.

Councilmember Worthington stated he would have concerns as a retired firefighter, it appears to be used as a garage with chemical storage. He also has a concern with the slope of the roof creating a trench in the neighbors yard and possibly hitting the windows when raining.

Councilmember King asked if the structure could be moved to the rear yard since it is very close to neighbor's yard.

Planner Mike Taylor stated that a gutter exists on the carport and that a carport could be located in the back yard.

Vice Mayor Philips asked whether it was illegally built and when was it built.

Joline Weeks of 5522 17th Avenue South has nine copies of a petition and a prepared speech. She told of problems starting with cracks in the bedroom wall in February 2002, then a five-foot sinkhole in the driveway in April 2006, a sewer back up in December 2006 and insurance claims denial. She felt the concrete on the side of property was the only stable place for a structure adding that the neighbors have no objection to the carport.

Discussion ensued between Ms. Weeks and Councilmembers. Concerns were expressed about possibly setting a precedent by allowing a structure so close to the property line to remain, questions about gutters, the lack of permits, water run-off creating a trench, and a possible fire hazard to the neighbors.

City Attorney Driscoll advised that the facts and evidence do not support a variance. The hardship described doesn't have anything to do with the property itself, the other problem is the encroachment; taking a six foot set back and reducing it to eight inches with no evidence that indicates the need for the structure so close to the property line. He advised that generally you don't concern yourself with precedents except when faced with similar circumstances in another case you have to treat individuals the same way so that becomes the issue. There is no record in this case to legally support a variance and it would be inappropriate to grant a variance in this particular case. Petitions from neighbors are irrelevant; it is not a question of popularity of the particular variance but if it is legally appropriate under the circumstances and if there is evidence to support it. This shows a lack of evidence.

Mayor Yakes stated he could see how this could happen, not intentionally violating or escaping from permits with the problems that Ms. Weeks had experienced. The space needed is the issue, if there is an opportunity to narrow the structure to meet setbacks as it is being used for storage and not for an automobile that would be something to consider. He added that safety is the issue here.

Planner Mike Taylor stated the property has eleven feet on that side and if the structure were taken back to five feet it would meet setbacks.

City Attorney Driscoll suggested a reduced variance, or to deny then let the applicant apply for a building permit to construct the carport within setbacks.

Mayor Yakes opened for public discussion.

One neighbor spoke and agreed that she has encroached into the setback, but that he has no problem with it. He hoped the City would allow the property owner to cut the structure down in size to meet setbacks.

Seeing no one else wished to speak Mayor Yakes closed the public session.

A motion was made by Councilmember Worthington and seconded by Councilmember Stull to uphold the Board of Adjustment's decision to deny Variance Application #V07-13.

With no further comments, Mayor Yakes asked for roll call

VOTE:

COUNCILMEMBER STULL	YES
COUNCILMEMBER KING	YES
COUNCILMEMBER WORTHINGTON	YES
VICE MAYOR PHILLIPS	YES
MAYOR YAKES	YES

UNANIMOUSLY APPROVED.

5. Discussion of the City Attorney and City Clerk positions.

Mayor Yakes stated he would like to consider a consolidation of the City Clerk and the City Attorney positions. He has spoken with other elected officials within the state and it is considered very workable, but Gulfport would be the first to have it happen. One point of interest that comes to mind is professional pride and professional responsibility. The qualification of City Clerk is not that of a paralegal, it's not required. City Attorneys deal with municipal law not just general practitioners. We have a lot that comes before us, code of ordinance review that is ongoing, notice of compliance, priority listing in Community Development, Board of Adjustments and Planning and Zoning board information, the information comes through and ends up on the desk of the City Clerk. It is generated through the Department heads and the City Clerk who write ordinances and then forward them to the City Attorney for legal consideration, then back to City Clerk to be placed on the agenda. There is a question about how a lawyer would handle doing what they deem the Clerk's job, somewhat not of the professional job responsibility they elect to do. No one has stepped forward and said it was a great idea and made that change, but he thinks it would work if administered and tried. The salary range also comes into question. With the cost of legal issues where we are and where we're going he feels we can improve ourselves with a full time attorney

City Attorney Driscoll prepared a report addressing the increase of legal services to full time. He compared mid range salaries from other cities, overhead items, benefits, taxes and services of a paralegal who would be needed. The estimated cost would be at \$240,000, for full time, versus \$75,000. that the City pays him. These figures do not include the cost of adding office space for two full time employees. He also explained that there would be outside counsel fees, which

would be necessary, and would run about \$250.00 to \$325.00 per hour. The city needs to consider the qualifications being that salaries increase significantly with the requirement of a municipal attorney, which is a specialized field. These two positions would also require the annual increase, versus the current structure, which is at the discretion of the City Council and no increases have occurred since 2003. He stated that as your Attorney for the last 17 years, I feel these are legal services you don't need.

Discussion ensued between the City Manager, Councilmembers, City Attorney and the Mayor regarding:

- The feasibility of having a full time City Attorney or a combined position of City Clerk/Attorney, which would be a unique position in the State of Florida, non existent at this point. Base salaries were discussed ranging from \$75,000-\$125,000.
- Questions followed as to whether a paralegal salary would be higher than a City Clerk.
- If the need exists for part time assistant to become full time, in order to handle the clerical duties.
- Would an attorney have a problem doing some of the work associated with a City Clerk?
- Would having a full time attorney close by, to answer questions; help with the things that have been on hold for two plus years.
 - For example, the list of land uses, ordinances, mixed uses;
 - The priority list waiting to get done;
 - People waiting to get things done, tax dollars waiting to make changes.
- When there is a need for additional outside council and the cost.
- Money that has been spent on a political strategist for the Pinellas County Charter Review; and on the entrance to the PUD.
- How much time does the City Attorney actually spend at City Hall and how much more is needed.
- Considering attorney salaries, and how much experience would be needed.
- A question of where is the money for these higher salaries going to come from; raising existing rates or a possible lay off of employees?
- The City Clerk currently has a finger on everything; would an attorney deal with all issues that walk in the office, she knows how to deal with media complaints; how to direct people with assorted requests and problems.
- The selection process of the City Clerk position was discussed as to whether it needed to be advertised? The Charter states that council can appoint the Clerk and it was decided by general consensus to put it on the next agenda, but still pursue the feasibility of a City Clerk/Attorney.

City Attorney Driscoll stated that he is not sitting on any ordinances waiting to be approved; it may be in the individual department, with e-mail things can be taken care of quickly. Ordinances need to be reviewed by the staff as we don't want an attorney to take over the city.

6. Public Session

Suzanne Williams of 5138 16th Avenue S stated it is very interesting about the City Attorney. She enjoys attending the council meetings and asked if there are any questions about the Fern Kalb property.

Acting City Clerk Spano stated that an ad was placed in the St Petersburg Times and it will be on the agenda for the next council meeting.

Alissa Cardamone 2641 48th Street South stated through her years of experience we certainly do not want an attorney creating policy in the city. She is coming from her summer home in New Jersey to address a problem with a water bill. Someone had illegally entered her property and left a hose running in her yard, she had the house closed being as though she was in New Jersey, when she received the first water bill for \$400. The city had put a door hanger to alert the homeowner of a possible problem, but being in New Jersey she had no idea of a problem. By the time she talked to the water department she had a second bill for \$500. She is asking the council to consider amending the resolution for forgiveness of a sewer charge to consider when something is outside the control of the homeowner. She contacted the police department to report the incident and the response was less than satisfactory, she was offered a log report. She is asking the council to consider forgiveness on her two-month utility bill that totals \$1000.

Mayor Yakes stated with respect to the combined issues he would like to offer an apology for any inconsideration or abuse she might have received. He also agreed that a notice would serve no purpose on a property closed and boarded. He suggested she work with her councilmember and call them for additional help if needed.

City Manager Brobeil stated that he would like to revisit the ordinance; there have been several different requests for forgiveness on the sewer rates. He can authorize payment plans for as long as six months. He would like to discuss updates to that particular ordinance at next meeting.

Seeing no one else wished to speak, Mayor Yakes closed the public discussion.

7. Any Other Business.

Councilmember Stull stated the crime watch meeting was wonderful and urged participation for the next month meeting which will discuss home invasions and home security.

Councilmember Worthington will organize a report about the week of meetings and information on grants.

Councilmember King spoke about the surplus trolley being offered by the PSTA to run between St Pete Beach and Gulfport with stops at Publix Supermarket and Palms of Pasadena Hospital. She also spoke about an incident at Clam Bayou where a spoonbill hanging in a tree after being caught with fishing line. She urged caution to fishermen. She thanked the Marina staff and the Police Department for their assistance.

Vice Mayor Phillips spoke about Area Aging Affairs budget cut of 4%, he doesn't expect Gulfport to be affected.

Mayor Yakes directed a question to Chief Willocks about a law in Gainesville regarding how much a convenience store window could be covered and whether it is still in effect?

Chief Willocks stated that the law has been relaxed; it has been superseded by statute. The coverage of window was one of the things relaxed. He stated late in 2006, with increased robberies in South County, Gulfport Police Department invited convenience storeowners to review the statute.

Mayor Yakes stated that as a customer that blockage of windows with advertisement poses a very uncomfortable circumstance in a store where no one can see what is going on inside. He feels it was the intention behind the law requiring leaving part of it opened so suspicious activity could be seen. The Chiefs' Association might want to bring the law back up in the interest of everyone's safety. Also the Florida League of Cities Conference had the largest attendance ever due to action of Legislature. Another issue is the amendment that we'll be facing in January, and whether people will understand what we are voting for and how it will affect them. Speaking to the Gulfport Water Watch people, he reported Senator Nelson spoke largely about the Florida Everglades and what that national sanctuary does for Florida adding that he has not forgotten about Clam Bayou and Mayor Yakes feels there is hope for funding. The Florida League of Cities Policy Committee voted and passed all work at the general session however, new issues and challenges will bring a lot of work in September. Mayor Yakes also announced that he was re-appointed to the Florida League of Cities Board of Directors, meaning it gives Gulfport more of an arena where we can achieve things.

8. Adjournment.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to adjourn.

UNANIMOUSLY APPROVED BY ACCLAMATION.

Date approved

Michael J. Yakes, Mayor

Donna M. Spano, Acting City Clerk