



City of Gulfport Florida
Regular Council Meeting
September 4, 2007

City Hall

7:00 p.m.

Minutes

Mayor Michael J. Yakes called the meeting to order.

The Invocation was given by Councilmember Robert E. "Bob" Worthington, followed by the Pledge of Allegiance to the Flag of the United States of America.

Roll Call: Present were Councilmembers, Michele King, Mary Stull, Robert E. "Bob" Worthington, Vice Mayor John E. "Ted" Phillips, and Mayor Michael J. Yakes.

City Staff: City Manager Thomas E. Brobeil (CM), City Attorney Timothy P. Driscoll (CA) and Acting City Clerk Donna M. Spano (ACC).

Mayor Yakes advised the agenda to follow will be presented as printed without exception, and explained that there is a public session available in which the public would be allowed to speak. During the review of each agenda item, there will be a portion of time allotted for public participation, and thank you in advance for your cooperation in limiting the time you speak for the three minutes allowed.

Presentations:

Presentation of Gulfport Fire Department Unit Citations to: Lt. Pete Huffman; Firefighter Paramedic Adam Poirrier; and Firefighter Paramedic Josh Tokotch. The Mayor advised this recognition is for their lifesaving action and teamwork in the attendance of a childbirth in which a newborn baby born, not breathing, and upon leaving the All Children's Hospital Emergence Department, the child was crying loudly. The unit citation read: In Lifesaving actions and teamwork, delivery of restoration for the newborn baby, July 16, 2007.

Presentation by the Teen Council, on the Florida League of Cities Conference: Kelcey McBay spoke in representation of the Teen Council to thank the City Council for allowing them to attend the FLC conference in Orlando, at which they learned about Homeland Security; Taxes, and things we need to know which is important about our Government and our Society.

Presentation by Pat Dunham regarding the Citywide Yard Sale was scheduled, but was cancelled due to lack of presence.

1. Update reports:

CM Brobeil advised as to what some of us have seen in the newspapers, the State is meeting to cut their budget due to anticipated shortfalls and revenues. In looking at the items presented, a lot of them seem to be items which will be sent back to the Counties as mandates. When Cities catch a cold, sometimes Counties get pneumonia.

CA Driscoll advised he is requesting, an Attorney/Client session regarding the Pasadena Properties case, prior to the next meeting on September 18th, 2007, at 6:30 p.m., previously cancelled because of non receipt of the court order; This would give us sufficient time to review it, and that way the Court Reporter, which is a procedure we have to go through, could be dismissed after that session.

2. Ordinances:

- a. 2007-06 FIRST READING. An ordinance of the City of Gulfport, Florida providing for an election date for the 2008 General Election; providing for the qualifying period for candidates; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date

Acting City Clerk Spano read Ordinance No. 2008-02 by title only.

Mayor Yakes advised it was suggested by our previous City Clerk after speaking with the Elections Office, and looking at the cost of our Municipal Election in March, that there would be a savings of just under \$10,000 if we share our election with the Election in January, 2008.

Acting City Clerk Spano advised nothing has actually changed; the House Bill was passed and signed into law effective January 1st. 2008 (most of it); and allows Council, by Ordinance, to hold their Municipal election in conjunction with the Presidential preference Primary which would be January 29, 2008. You discussed, back in June that you would like to do that. One point of consideration would be if, Gulfport is the only City that has elected to move their election.

CA Driscoll advised when discussed with the City Clerk, the Statute gives you the opportunity to make this a permanent change to the Charter, which takes place every four years and we opted to present it to you in the format of just changing it for just this election year, and you could revisit the issue in three years if you are so inclined. The way the Election Statutes are changed, by then, it may be repealed or replaced and felt you should give yourself the opportunity to revisit the issue, rather than have a rolling change that comes up every four years.

Mayor Yakes opened the Public Discussion, upon hearing or seeing no one who wished to speak, closed the Public Discussion.

A motion was made by Councilmember Worthington and seconded by Councilmember Stull to approve Ordinance No. 2007-06.

Mayor Yakes asked for comments from the Council.

Councilmember Worthington advised he thinks it is great that the City is saving \$10,000; and he would like to limit outdoor campaign advertising signs through January 1, 2008, in order to get through the Christmas season without the campaign signs in the yards.

Acting City Clerk Spano advised Gulfport Ordinance does provide signs may be placed 60 days prior to the election to be removed within 7 days thereafter, which allows them to put signs out about the first part of December.

Mayor Yakes advised he likes Councilman Worthington's suggestion immensely; is surprised we are the only City which has elected to change that date; behind that change, is voter turnout, and not to have it confusing along with the different municipal election date and this is something we have never done. I like the research done by the City Attorney of being able to change that.

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

VOTE:

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

UNANIMOUSLY APPROVED

3. Resolutions:

- a. 2007-99 A resolution of the City of Gulfport, Florida providing for approval of a settlement agreement in the case of Korhan A. Mutlu v. City of Gulfport, Florida; providing for payment by the City in the amount of \$14,500.00 from contingency funds; and providing for an effective date..

Acting City Clerk Spano read Ordinance No. 2007-99 by title only.

CM Brobeil advised the CA will report on this.

CA Driscoll advised the Council has the written memorandum I prepared outlining the settlement that you have before you. This was the result of a mediation attended by the City Manager, Myself, Jennifer Valdes of Human Recourses, the outside council handling the case for PRM, and a representative from PRM. After a rather lengthy mediation which lasted about a half of a day, we came to this resolutions; basically the funds you will be paying here, are funds the City already received from this particular party. It is an unusual case, in that, initially we sought to foreclose on some code enforcement liens and the property owner paid those liens off, and turned around and sued the City to get that money back. By doing that, the League stepped

in and defended this case, but did so, under a reservation as to having any liability. When we weight all of the circumstances, we felt this was the best way to minimize the City's risk to a very small cost as to what could happen if the liens were found by the court to be invalid.

Mayor Yakes opened the Public Discussion, upon hearing or seeing no one who wished to speak; closed the Public Session, and asked for comments from the Council.

Mayor Yakes asked for a motion.

A motion was made by Vice-Mayor Phillips and seconded by Councilmember King to approve Ordinance No. 2007-99.

Vice Mayor Phillips advised oddly enough, a situation like this came up this morning with the Area Agency for the Aged. There is a situation with a lawsuit pending, and I asked what the cost was to be for the legal material in comparison to the cost of the actual suit involved. We ended it letting it go through, because the legalities would have probably outrun the case itself.

Councilmember Worthington advised he thought it was a good idea too. This is an action from 1999 and I think there was a learning experience here and hopefully we have learned from it.

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

VOTE:

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

UNANIMOUSLY APPROVED

- b. 2007-100 A resolution of the City of Gulfport, Florida providing for amendment of the City's Water / Sewer Administrative Adjustment Policy; providing for adjustments to certain sewer charges; providing for extension of the timeframe for payment plans; and providing for an effective date.

Acting City Clerk Spano read Resolution No. 2007-100 by title only.

CM Brobeil advised I am requesting authority to be able to deal with two different types of cases where there may have been a use or leak of water, the owner was not cognizant of the leak, and where the owner may not be able to pay the entire bill at one time. 1. In a paragraph under section 1, has to do with a case heard at our last meeting, where the owner was out of town, documented, no neglect in maintenance, (in this case our people found that) someone had left the hose bib on, it appears that it may have been a law enforcement matter; and as soon as the home

owner was aware of an able to take care of the problem, they did. What we are asking is in situations like this, where it is narrowly defined, that we are able to dismiss the sewer charges only. 2. This is a little different, the currently policy is establishing payment plans for those who have very high water bills is limited to six months. I have run into a case where a person has an extremely high bill, involving a person living under very limited circumstances. The option under the current policy is to turn the water off, which is something I don't think anyone would want to do, and that allows me more flexibility in establishing a reasonable payment plan. Staff is in a position to recommend that both of these policies be added to our current policy.

Mayor Yakes advised that this is a quick response to and a direction we gave regarding something which came before us recently,

Councilmember Worthington asked if the City is charged for the sewer costs either by the County or by the City of St. Petersburg.

CM Brobeil advised the sewer flows are metered before they go to the sewage treatment plant, which includes anything that goes into the pipes; what is metered, we pay for it. In a situation like this, it is documentable that the water went into the ground, not into the pipes and we are not charged for it. Under these narrow circumstances, I am recommending that we forget it.

Vice Mayor Phillips advised I have known of cases where people have been put into an unbelievable difficult situation because we couldn't adjust anything, and this gives an opening to equalize.

CM Brobeil advised this is a defined circumstance and it will not help most people that get a spike due to maintenance issues, or where people do not realize how much water they are using. I guess we get one or two every year that is a case like this.

Mayor Yakes advised you do not have to fight City Hall and do have an opportunity to come in and present a fair and obvious case, where adjustments can be made.

Mayor Yakes opened the Public Discussion and upon hearing or seeing no one who wished to speak, closed the Public Session.

A motion was made by Vice Mayor Phillips seconded by Councilmember Stull to approve Resolution No. 2007-100.

Councilmember King advised this resolution may be too narrow a parameter, where the homeowner actually must be out of town in order for this to apply, and feels we are still going to get problems. She is willing to wait and see what those problems are and then see if we can address them as they come up.

Vice Mayor Phillips advised this as a first step, and if necessary, could be adjusted.

CA Driscoll advised this does not require the property owner be out of town, just absent from the property, when it is happening, and they did not have an opportunity to stop the flow.

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

VOTE:

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

UNANIMOUSLY APPROVED

- c. 2007-101 A resolution of the City of Gulfport, Florida renewing the interlocal agreement with the Pinellas Planning Council for planning services from October 1, 2007 through September 30, 2010; and providing for an effective date.

Acting City Clerk Spano read Resolution No. 2007-101 by title only.

City Manager Brobeil advised this is a renewal of a three year agreement with Pinellas Planning Council and typically they offer consulting services to City governments at a lower cost than from a private firm and they have staff available. For the last three years, they have had no staff available, primarily because they were involved in all types of land use cases. Since the bottoming out of the real estate market, they have time and if we are ever in the need of such services, they would be available to provide them, under the terms of this agreement. We would not have to pay anything for this, unless we actually request and use the services. Staff recommends approval.

Vice-Mayor Phillips asked this is like a backup system, if we need it.

Councilmember Worthington advised:

Is this a situation where we could bring one of these people on board to assist us with some of the priority issues we have that have been backed up for a long time.

CM Brobeil advised consultants are frequently used to provide some dedicated assistance to solve certain problems. As you know, we typically have around 30 items on our priority list for planning and zoning type issues. There are two ways to address this: add or maintain in house planning staff, which is usually at a lower unit cost. Another way is to use a consultant. PPC, or a private firm, could come in and give a scope of the services to conduct a particular project, for a specific amount of money and time frame. We could avoid delays, because our own in house staff is fighting fires and working on things which are considered more urgent. You could use consultants, including the PPC, to undertake projects like that.

Councilmember Worthington responded it would be a wonderful option, especially with some of the issues we have had. Mixed use needs to get moving because a lot of people have been waiting on these things. That would be at a lesser cost than an outside consulting firm.

CM Brobeil advised if you look at the billing rates, they are significantly higher than staff, but if you look at the billing rates of a Planning or Engineering firm, they are significantly more. The major advantage is if you select and use them properly, you may get someone who has done a similar project before, won't have a learning curve, and get it done for fewer hours, so the cost is not out of line.

Vice Mayor Phillips advised the items spoken of is under the financial impact: We will negotiate a scope of services and associated costs for individual projects as they may occur and we would really maintain control.

Mayor Yakes advised if you utilize the service of the PPC, you are the guiding body and will work with what you have, and come up with the answers. At one time, didn't the County want to remove the PPC?

CM Brobeil advised the County wanted to get rid of the PPC because they thought it was redundant of the County Planning Department, and saw themselves as superior to City Planning Departments. The role of the PPC is to coordinate all planning activities within the County, for the Municipal and County and Special District. The City people don't want to get rid of the PPC, because there is balance of representation. There are more members on the PPC Council than County members, and there was fear that the PPC was more superior than the County, where approvals were concerned, and this counterbalanced the County's power. If the PPC was done away with, we would be at the mercy of the County's Planning Department is something you don't want to do, unless you want the County controlling all your Planning and Zoning.

Mayor Yakes advised the City has rallied and lobbied hard, and we were successful in maintaining, and they are still there, and work for us.

Mayor Yakes opened the Public Discussion, and upon hearing or seeing no one who wished to speak, closed the Public Session.

A motion was made by Vice-Mayor Phillips and seconded by Councilmember Worthington to approve Resolution No. 2007-101.

Councilmember King advised if the City hired a Principal Planner who gets \$65.00 per hour for 40 hours; it would cost the City \$135,000 per year. If we hired the PPC, I want to make sure it would be cost effective. The PPC only gets paid for what they do; but I would also encourage us to look at other Consulting firms, for specific projects and compare them, pricewise. We need to make sure what we use these people for is kept in line; otherwise it could blow the entire budget.

CM Brobeil advised if you have a demanding project, the most critical success factor is the capability and experience factor of the principal investigator, which may not be available with the PPC, and you may need to go private. Part of the fee paid is for a learning curve which could be avoided if the credentials are available. If there comes a time for the Council to want to consider this option, it will require you make a decision to get several proposals, including the PPC; or one from the PPC alone and the price may be the dictating factor.

Vice Mayor Phillips advised it is clarified in paragraph 2, whereas this agreement does not obligate the City to use the PPC for planning services, unless we elect to do so. In order to use them, we must have this agreement.

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

VOTE:

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

UNANIMOUSLY APPROVED

- d. 2007-102 A resolution of the City of Gulfport, Florida authorizing the City Manager to enter into an interlocal agreement with the Pinellas County Emergency Medical Services Authority, beginning October 1, 2007 and ending September 30, 2012, authorizing Gulfport Fire Department to provide Advanced Life Support First Responder Services; and providing for an effective date.

Acting City Clerk Spano read Resolution No. 2007-102 by title only.

CM Brobeil advised a new ~~40~~ 5 year contract is before you for Emergency Medical ALS first responder services provided by the City of Gulfport to the EMS port. This contract has been negotiated by the Pinellas County Fire Chiefs Association, and I believe is in the City's best interest to sign this contract. It provides for a 2.5 % increase this year for signing the contract and a minimum increase of 3% or the municipal price index up to a maximum of 5 ½% and never less than 3%. This assures the City of its money for the next 5 years. This particular contract pays for about half of our entire Fire Department, and without these funds, we would find it very difficult to operate. It is for our ALS first responder services, and the vast majority of our calls, are medical. Staff recommends approval.

Vice Mayor Phillips reiterated this was a 5 year contract.

Mayor Yakes advised he is a member of the EMS Board and really concerned about the budget cuts which might occur as far as the first responder units. We were represented through the Mayors Council to make sure we received our fair share and reimbursement in all that we do, and recognizing our first responder services is tremendous and our outreach is large.

Mayor Yakes opened the Public Discussion and hearing or seeing no one who wished to speak, closed the Public Session.

A motion was made by Councilmember Worthington and seconded by Vice Mayor Phillips to approve Resolution No. 2007-102.

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

VOTE:

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

UNANIMOUSLY APPROVED

- e. 2007-103 A resolution of the City of Gulfport, Florida authorizing the City Manager to enter into an interlocal agreement with Pinellas County for the extension of the Infrastructure Sales Surtax, for the period beginning February 1, 2010 and ending February 1, 2020; and providing for an effective date.

Acting City Clerk Spano read Resolution No. 2007-103 by title only.

CM Brobeil advised for approval is the 10 year contract with Penny for Pinellas for the division of the for the period of February 1, 2010 and ending February 1, 2020and is substantially the same as the prior 10 year agreement where proceeds are split between the Cities based upon population in the County, with a certain amount earmarked for criminal justice related facilities. The major difference is 1.4% additional is taken out of the City in County project proceeds to support criminal justice related facilities, which I briefed the Council on when we were going through these negotiations. They don't have enough space at the County Jail. The second most often mentioned item concerning police service is so and so was arrested and the next morning they are back doing the same things. Part of that is they make bail, or there is not enough room, and they let certain cases out. Most of the City Managers in the County agreed that providing a little extra to increase the number of jail beds was a good idea and a good application of the funds. Other than that, the distribution is the same and we can expect the same level of funding that we had in the past for our Capital Projects. Staff recommends approval.

Vice Mayor Phillips commented is this distribution based upon population? If 2 or 3 of the other Cities experience a surge in population, will our allocation of money go down?

CM Brobeil advised the information comes from Bureau of Economic Statistics and I believe the answer would be yes, but I would have to investigate.

CA Driscoll advised the agreement provides for a defined percentage, whatever population figures they use to come up with these figures, is set for the period, and there is nothing in this agreement that gives them the opportunity to adjust it, only if it agreed to. The only adjustment is if other Cities don't join the agreement, their share would get spread out pro-rata among all the

participants. I don't see any provisions in here for them to make any adjustments. What they do is to commit to the percentages as they exist right now. The terms of the agreement are clear; you are going to get this percentage, this is how we are going to divide it. The only way to alter it is if someone opts out, then there is a pro-rata distribution which means it can only go up. The only other way to change it is through an amendment, which would be agreed to by all participants.

CM Brobeil advised after reading the terms of the agreement, growth in another area would not cause us to get a decline in this particular agreement.

Mayor Yakes opened the Public Discussion and hearing or seeing no one who wished to speak, closed the Public Session.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Stull to approve Resolution No. 2007-103.

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

VOTE:

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

UNANIMOUSLY APPROVED

- f. 2007-104 A resolution of the City of Gulfport, Florida authorizing the City Manager to execute an amendment to the Local Option Fuel Tax interlocal agreement to provide for a change in the expiration; and providing for an effective date.

Acting City Clerk Spano read Resolution No. 2007-104 by title only.

City Manager Brobeil advised Mr. Mayor and members of the Council, you have approved this agreement once before. After the County got everyone's signature and sent it up to the Department of Revenue, the DOR directed the County to change the end of the contract period to be December 31, 2017 (instead of the August 31, 2017 date), to reflect the end of the calendar year. Rather than to fight with the DOR, they are asking us to agree to extend it to the end of the calendar year. Staff recommends approval.

Mayor Yakes opened the Public Discussion, upon hearing of seeing no one who wished to speak, closed the Public Session.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Stull, to approve Resolution No. 2007-104

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

VOTE:

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

UNANIMOUSLY APPROVED

- g. 2007-105 A resolution of the City of Gulfport, Florida authorizing the City Manager to award an engineering services contract to the TBE Group, Inc. for the 49th Street Outfall Improvements for preliminary design services in the amount of \$84,840.00; and providing for an effective date.

Acting City Clerk Spano read Resolution No. 2007-105 by title only.

CM Brobeil advised this is a contract for preliminary engineering services for our 49th Street water quality cleanup program. Mr. Sopak is here to give you a summary as to what is involved in the scope of services for this preliminary design contract.

Mr. Sopak advised you approved Phase II, which included the preliminary design, and this is basically spending a little bit of the money that we are going to have to do to pull the project off. The total engineering costs for the job are estimated to be around \$170,000. This particular \$85,000 asked for tonight includes \$22,000 for a topographical survey of the entire area from 27th Ave, down to the Marina. This is required to figure the gradient for the pipe and the locations and other information we need. A sub-consultant (PBS&J), will receive \$29,000, and are very experienced in Allum System Designs and are the only people doing it in this area and TBE decided to bring them on board as consultants to assure a smooth process. Their role is to do water sampling, sampling the type of flock to be used, and coming up with the numbers, so we can design the pond and the system so it will work. This is only going to give us a 30% completion of project design and that's about how far we went on the Tangerine Ave project, before we received all the grants. I spoke with Swiftmud, about bringing us a grant next month for this project and am still waiting to hear from FEDS about the number to complete the project.

Vice Mayor Phillips asked about the depth of the pond and if there has been conversation regarding this regarding stopping it from overflowing, or making it deeper to pull some salt into it, to eliminate the situation at Tomlinson Lake where it is covered with lily pads. I believe if we

get this in place, it is quite possible Gulfport will have the highest percentage of cleaned up stormwater of any City on the Gulf, which is quite an honor for a little City like ours.

Mr. Sopak advised you won't see a lot of lily pads in an allum pond.

Councilmember King advised she thought there had been discussion about this going down 26th Avenue instead of 27th Avenue, which is a brick street. In that event, will there be a problem with that.

Mr. Sopak advised 27th Avenue has always been the road they picked because the pipe at 27th and 49th Street 6' in diameter and that is the size we need to hook the 30" into. Originally we were going to go down 29th Avenue because we wanted to get a better drain and make sure we capture that first 10% and get it down to the pond. Being 27th is a brick street; it will be restored and should pose no problem.

Councilmember Worthington advised when in Orlando, he spoke with Swiftmud also, begging for more money and they are very proud of this project and will do whatever is needed to help get it completed.

Mr. Sopak advised from all the people he has been speaking with, they deemed this as an award winning project.

Vice Mayor Phillips stated it will match Wood Ibis Park which took first place nationally.

Mayor Yakes advised Rand Baldwin takes a tremendous amount of pride in what he is involved in, and has a special consideration for Gulfport. He is retiring and has stated that this is something he will take back as one of his accomplishments. So we are looking good!

Mayor Yakes opened the Public Discussion, upon hearing of seeing no one who wished to speak, closed the Public Session.

A motion was made by Vice Mayor Phillips and was seconded by Councilmember Worthington to approve Resolution No. 2007-105.

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

VOTE:

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

UNANIMOUSLY APPROVED

- h. 2007-106 A resolution of the City of Gulfport, Florida authorizing the City Manager to enter into a Cooperative Purchase Agreement for disaster recovery services with Omni Pinnacle, LLC, D & J Enterprises, ~~Bameo~~ Bamaco, Inc and DRC Emergency Services, LLC to provide disaster recovery services to the City; and providing for an effective date.

Acting City Clerk Spano read Resolution No. 2007-106 by title only.

CM Brobeil advised FEMA required that all of the governmental units obtain competitively bid contracts for disaster recovery debris removal and disposal. The last time Gulfport did this, we picked a contractor who had rates which were far below what the National firms were paying, but it wasn't bid in the manner FEMA wanted, but paid us anyway. What we are required to do now, is to go through the process; in which we could write our own specifications and bid out; we can go under the County contract; but what we decided to do instead was to piggy-back on the City of Largo contracts. There are many reasons we did this and I would like to have Mr. Sopak explain the process that we went through to get these contracts and the scope of services are.

Mr. Sopak advised if we get into a category 3 to 5 hurricane, we will actually need some help. A category three hurricane would produce a 10 foot high pile of debris, for our populated town would produce 7 ½ acres; a cat 5 would produce 24 acres of debris, just the pile, not the processing area. We decided to go along with the City of Largo, who picked 4 contractors; did a RFP, got 4 contractors on board, who will be readily available within in 8 hours, (to have a body here) and within 12 hours, be in full force. Largo went through the process; got quite a few applications; reviewed the fluctuation in pricing. FEMA rates are pretty much in line with what they are quoting. You never get fully reimbursed for a disaster, only for a section, a certain hour period of time you pick for yourself, disasters always cost money. They looked at the companies, their backgrounds, references, pricing sheets and then came up with the 4 they picked. One company is in Florida and that is why they were selected and would be available to do something in a cat 3 hurricane; two others are from Louisiana who are very experienced demolition debris removal contractors. We analyzed the situation; and when we have a disaster, at that point, can engage the proper contractor for the particular job. If it is too bid, we can get two contractors. This affords us a lot of flexibility, and keeps us from being tied into the PC contractor and they want all the other municipalities to piggyback on that one. Being we are at the bottom end of the County, probably won't see those people for a while. We would rather have our independence, taking care of our own town. Looking through their contract process and services provided, staff recommends this. This does not include the monitoring process and plan on bringing back a debris monitoring contract with three firms we can choose from. There is a correction to one of the names listed. The correct name should be is Bamaco instead of Bamco.

Councilmember Worthington advised the companies have been around for a long time and are very reputable; are aware of the FEMA requirements; won't cost the City anything, until we are ready to use them; and are just putting these people on standby.

Councilmember Stuff advised this is the way we should be doing things.

Vice Mayor Phillips advised everything is set up in 10 hour increments, i.e. pay @ \$42.00 per hour equaling \$420.00. Does this included all the different vehicles, and if they have to work overtime, a 24 hour effort, how is that going to be handled?

Mr. Sopak advised if they work a 24 hour day, the daily or hourly rate still applies. FEMA doesn't count overtime in a contract. The individual breakdowns are all based upon the FEMA payback schedule.

Mayor Yakes advised Mr. Sopak has done a tremendous job and the capabilities of these companies are really what we are looking for and part of their shutdown time if to assure the maintenance of the equipment to assure it will be ready for the next day. Your choice eliminates the small sub-contractor with a pickup truck and a dump trailer. All that we hope for is when it comes time for the check; FEMA has the money to write it.

Mayor Yakes opened the Public Discussion.

Sam Henderson of 5301 18th Avenue questioned: Would the City retain the ability, in the event we use those services, to prescribe the truck routes in and out of the City; and during the separation and breaking up of the debris, will the contractors be required to use wet methods in order not to create this cloud of dust which may contain asbestos from older homes.

Mayor Yakes advised there is a push route where they push to a certain location for pickup and removal, if the conditions exist.

Mr. Sopak advised there are 7 pre-approved sites from the DEP established in the City of Gulfport and it will depend on the disaster and what happens to what route we will be able to take. Each contractor, in the scope of services requires air quality, soil, and water quality monitoring, of the site which is done hourly, daily and weekly, and they are the people ultimately responsible by this contract, for any of that to occur. There will be a lot of heavy equipment running around town, especially is you can find a road to go down. There will be established routes leaving town, but they will be the main roads that are clear and the first ones pushed would be Gulfport Boulevard, 49th St. and 58th St. After that, we work into the smaller roads and then the secondary roads. Generally, once they pickup in a neighborhood, they run through the neighborhood three times: 1st push is to clear the road; 2nd is to pick up at the curb, i.e. white goods; hazardous things, construction material, separated by the resident; and finally role through town will be to do restoration work to anything they damaged. As much as possible, we will eliminate traffic in residential neighborhoods.

Mayor Yakes advised the positive thought is hoping this is a service we never see, NEVER!

Councilmember Worthington advised using the wet method on keeping the dust down will be determined by our existing water supply at the time. We may not have a viable water supply.

Mr. Sopak advised if we need to, and we are building an air curtain, that is going to be making the most pollution, it is not going to be the C & D pile. The contractors have all the methods in place to take care of that and they have onsite monitors that rove the town, monitor their people to assure they are safe environmentally, and to make sure we are safe.

Mayor Yakes advised they also have tankers on site.

Vice Mayor Phillips advised the contractors list a series of detectors for toxic and combustible gases, hazmat materials, and apparently they come in with every bit of equipment they need to find anything dangerous to take care of it.

Mr. Sopak advised they have taken the liberty of testing the sites for ground water quality to establish a level for comparison and what they would have to bring it back to, once they are done working a site.

Hearing or seeing no one who wished to speak, Mayor Yakes closed the Public Discussion.

A motion was made by Vice Mayor Phillips and was seconded by Councilmember Worthington to approve Resolution No. 2007-106.

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

VOTE:

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

UNANIMOUSLY APPROVED

- i. 2007-107 A resolution of the City of Gulfport, Florida appointing Donna M. Spano as the City Clerk; providing for the compensation of the City Clerk; and providing for an effective date.

Acting City Clerk Spano read Resolution No. 2007-107 by title only.

Mayor Yakes advised at the last meeting, Council had two issues we were discussing and asked for a consensus of Council to bring this item forward of appointing Donna as the City Clerk rather than the Temporary City Clerk and that is the item before us.

Mayor Yakes opened the Public Discussion.

Mike Arris of 2502 56th South advised amongst the many duties the City Clerk sometimes is the initial or only contact a person will have with the City and the impression that person may get of the City comes from how the City Clerk handles whatever the questions are. I would like to commend the City on the excellent choice you are making.

Lynne Browne of 6344 9th Avenue South remarked:

She is a 30 year resident; 5 year business owner, 4 year Council Member, 1 year as Vice Mayor, Member of every civic committee going and Chairman of most of them, and volunteer. The point is I have had a lot of contact with this City Government over a lot of years, in a lot of capacities, and in almost every one of those capacities my contact person has been Donna. If I have had a question, Donna has come up with the answer, one way or another, if I had a problem, Donna has solved it. I commend you on not wasting your time and our money by going through some protracted search for a City Clerk because there are a lot of people out there that would make great City Clerks, but there is only one person who would make a great Gulfport City Clerk, and that's Donna.

Hearing or seeing no one who wished to speak, Mayor Yakes closed the Public Discussion.

CA Driscoll advised the resolution contains a blank for the Council to fill in for compensation.

Discussion ensued between Councilmember King and Vice Mayor Phillips regarding the entry level salary rate being \$51,506.00.

A motion was made by Vice Mayor Phillips, to approve Resolution No. 2007-107 with the starting base rate of \$51,506 and with the provision this be re-examined in 6 months for any change in that compensation, which was seconded by Councilmember King.

Councilmember Worthington advised I would like to see a further stipulation added to this, as stated in the employee manual; anyone getting a promotion would get a 6 month probationary period, in section 6, item 6.3.

Vice Mayor Phillips advised Donna has served for quite a while now, almost in a probationary capacity. I really don't see a need for a probationary period. We hire and dismiss at the pleasure of the Council and there is no need to include a probationary period. We don't need one. We could say tomorrow, Donna, it's been nice knowing you, Good Bye. So I don't think we have to put in a probationary period.

Mayor Yakes, CA Driscoll, and Councilmembers King, Stull and Worthington discussed policy regarding charter employee's parameters.

CA Driscoll was told there is a policy in the personnel manual, referenced by Councilmember Worthington, and as this is a charter employee, you can establish any parameters you wish, but are not bound by that policy. Charter employees serve at the will of the Council, and whether on probation or not, can be dismissed at any time, for any reason. The only purpose a probationary period would serve is in the way it relates to the collecting of unemployment compensation. Under Florida law, if a person is dismissed during a probationary period, they are not entitled to unemployment compensation. This position is considered an "at will" employee, and can be dismissed at any time for any reason.

Councilmember Stull stated she has a concern concerning the Charter; that one of the Clerk's Office responsibilities is it needs to be open during regular business hours for the general public

to be able to have access to government records and with only one person in the office, if that person is gone for a period of the day, the City would not be able to follow the Charter.

Mayor Yakes advised in allowing Donna to be the City Clerk is curative in allowing her ability to appoint a Deputy City Clerk, which is her responsibility according to the Charter.

Councilmember Worthington advised he has spoken with the City Manager regarding time accountability and was shown a time schedule, and time sheet he signs, in order to keep track of his time. On this schedule, He gives explanations relating to the time he is here and the time he is out, either for medical and personal time, and away from the office. All the other staff members are required to fill out and maintain these daily charts, and advised this may be beneficial for use in the Clerk's Office, also.

Ms. Spano advised she currently does the same thing in filling out time sheets and schedules, only hers include information relating to things she also does for Council members.

Vice Mayor Phillips advised I am one of those who have complained about the City Clerk's Office being closed. I thought it was a very poor precedent for a City to have the main contact between the City and the Citizens to be closed. If Donna can hire an assistant, as it states in the Charter and that can be precluded, for example, during lunch, etc.

Mayor Yakes advised what he has found during this temporary service as an interim Clerk, is that efficiency means a lot. Knowing exactly where the records are, and how to initiate those records and how to plan the travel is significantly importing. I believe that the part-time person of the 20 hours a week is no longer needed. We are streaming lining and moving forward; the six months probationary period is that to come back and look at the salary range and reevaluate the salary level and look at the range and the entry level of \$51,506. There is a lot more done than at these public meetings we attend, which the Clerk is involved in. There are those issues you don't see, that are conducted at home or on the Saturdays or the other times, being implemented and Donna has done that. I was actually looking at 3% over this entry level, and I felt at looking at her knowledge, skill and ability, she is beyond that of an entry level, and because of serving on the post and on the job, however, seeing this Council is going for six months, I'm fine with that. I would look at a review and make that recommendation. We do have a first and a second.

Councilmember Worthington asked if the entry level salary mentioned is an increase over the current salary of Deputy City Clerk, and the response was yes, it would be.

Councilmember Stull asked if as a department head the Clerk receives a salary with overtime, and Ms. Spano advised salary only, no overtime.

Mayor Yakes advised the Clerk is not in the category of Department Head, by the entitlement of vehicle allowance and other classifications; the Clerk's Office is the legislative liaison which handles and conducts the meeting, makes the appointments, keeps the Council up with the legislative issues, whether Federal, State or County, and with other elected officials throughout the State of Florida.

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

VOTE:

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

UNANIMOUSLY APPROVED

4. **Possible Rehearing:** Consider Variance Application #V06-49 for Fern Kalb to waive sidewalk requirements for new construction for the homes recently constructed at 5138, 5150 and 5154 16th Avenue South.

CA Driscoll advised this is an unusual item and in the 17 years I have been here, we have never entertained one of these. This has been advertised so that you can conduct a full hearing on this case, if the three members of the Council who voted on the motion to deny the original variance, are in favor of re-hearing it. I recommend first, to entertain whether or not you intend to rehear it. You are under no obligation to rehear it, whether advertised or not; it does require the three members (Councilmembers Stull, Worthington and King) who voted in the majority to approve that rehearing; and by approval, you are not agreeing that you will grant the variance once the rehearing is conducted; you are just approving the opportunity for the applicant to present their evidence again and have a new hearing. I recommend, procedurally, to let the applicant come forward, make their case for why they should get a rehearing first, then make a decision upon what you hear at that hearing, as to whether or not to grant the rehearing, and if you do grant the rehearing, go ahead and conduct it and if you don't, the matter is closed. Just by way of background, this is a sidewalk variance pertaining to three properties which were denied. I recommend you wait and have staff do its report, if you do decide to re-conduct the hearing and if you do agree there is a rehearing, it will be open to the public for comments, from the applicant and then any majority vote of the council will control the outcome of the issue at that point. If you do agree that there should be a rehearing.

Councilmember King asked if this is happening now and if it can be resolved tonight and CA Driscoll advised, yes.

Mayor Yakes asked the applicant to come forward and present their position.

Fern Kalb of 1375 Pasadena Avenue South #704, South Pasadena, FL 33711, owner of 16th Avenue South properties, advised a very dangerous corner and if you put a sidewalk there, it would be dangerous for pedestrians and vehicles as well. It would ruin several beautiful trees; there are no other sidewalks on that side of the street, however the other side does have a sidewalk all the way down. I do not feel it is needed to have a sidewalk on both sides and for pedestrian and motor vehicle safety, I feel this could be a very tragic and dangerous corner, with sidewalks.

Councilmember Worthington asked: if Ms. Kalb owned any other properties on that block; contiguous with these three properties, to be build upon or already built on. If no sidewalks are to be built on your side of the street, would you consider contributing to a sidewalk fund for the purpose of sidewalk construction and repair of existing sidewalks across the street, with the cost to be determined by how much it would cost to put in a sidewalk in front of your properties.

Ms. Kalb advised she has other built on properties on the street, one of which sold in 2004, and one built last year, and other two properties haven't sold, but have been kept up with. When I sold the property in 2004, no one ever spoke of sidewalks. When I built the other two, I didn't know I was going to have to put in sidewalks. If my builder knew about sidewalks, he never told me anything. Sidewalks costs were never figured in to my building contract. This was spoken of, but at the time of building, there was no sidewalk fund in existence to donate to.

Councilmember King advised she remembers that conversation, and thinks it is interesting Ms. Kalb built one and sold it without a sidewalk, and now there is a problem with a Certificate of Occupancy because there are no sidewalks. I think this should be resolved tonight, and move on. In the amount of time spent on this, we could have built a sidewalk.

Councilmember Stull advised her concern is there is a house adjacent to these properties which has a sidewalk and it would merely be continuing that particular sidewalk along that side of the street.

Ms. Kalb advised there is a cracked, partial, not in compliance with today's standards, sidewalk in front of one property, of the four properties, and which doesn't adhere to the required width and due to the tree root constraints, the road would not be able to support two vehicles under these circumstances.

Mayor Yakes reviewed the Ordinance and advised is in place to make a pedestrian friendly walkway system and is intended to make necessary repairs in order to have ADA curbs built, to fix damaged parts in between, and if there was a small location without a sidewalk, one should be installed. It is not necessary to have sidewalks on both sides of a street and if a sidewalk is in front of a parcel and is non-functional, it could be removed.

Councilmember Stull asked if Mr. Metcalf could give information regarding this issue.

Mr. Metcalf advised they asked the Public Works department to look at the location in question, because it was an issue because there are a lot of trees and utilities on the site and there are three surveys as part of the Kalb packet which show where there is sufficient room to put a sidewalk if it was chosen by the City to do so. He reviewed the property locations and lot numbers and advised in November, staff advised the owners' representative, sidewalks were supposed to be installed. The North side of 16th Avenue does have a contiguous sidewalk as does the West side of 52nd Street. There is a sidewalk network in that area.

Councilmember King asked the location of the property which has been sold and Ms. Kalb advised it is number #5150. Because of the parcel containing the broken partial noncompliant sidewalk, if additional sidewalks were installed, it would not be a contiguous sidewalk. I like the idea of a sidewalk fund, because I know of areas in the City where sidewalks are wanted by the

residents, especially in Ward 3 and it would be a good thing to get this going, and maybe we can put in some of those sidewalks.

CA Driscoll advised there is an Ordinance which has been written by the Planning Department, which I reviewed, made changes to and approved, and should be coming up on an agenda soon.

Councilmember Stull asked if there is an exception made for one individual, doesn't this open the flood gates for everyone to claim they don't have enough room for a sidewalk, I don't want one.

CA Driscoll advised the City Council has authority and can currently wave the requirements not, and is looked at each case as being unique, and making that finding you are not bound to do the same thing in the future. The Ordinance change which will be coming before you gives you an opportunity to exact a fee in lieu of the sidewalk.

Vice Mayor Phillips advised there are hundreds of houses in Gulfport without sidewalks. Here we have a house sold 1 ½ years ago without a sidewalk in front of it, now you have to put a sidewalk. This doesn't feel right. If the entire street were to have a sidewalk that would be one thing, but to require sidewalks in front of three properties, with a broken sidewalk in the middle, and then no sidewalks elsewhere, it will look silly, and I can't buy it.

CA Driscoll advised the requirement has always been there, it is just a question of enforcing the requirement. That party is still responsible for construction of a sidewalk. Where ever there is redevelopment of a site or new construction then a sidewalk is required. No public comment is required.

Mayor Yakes and Councilmember Stull asked for clarification: We can go ahead and vote to reopen this for discussion, but it doesn't mean we are automatically going along with granting the variance.

CA Driscoll advised the initial vote and motion to be made would be to rehear the variance case, which has to be approved by Councilmembers Stull, King, and Worthington, and if approved, you have obligated yourselves to rehear it. If you want to rehear the case, there will have to be a motion made.

Councilmember King made a motion to rehear the case which was seconded by Vice Mayor Phillips.

VOTE:

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

UNANIMOUSLY APPROVED TO REHEAR

CA Driscoll advised at this point it is appropriate to get a staff report and conduct a hearing as you would normally. For the applicant purposes, you can incorporate the evidence already received at the rehearing into the case, and the applicants may present any additional evidence they wish to present. This rehearing may occur tonight, unless you need more time for review.

Vice Mayor Phillips suggested this rehearing does not mean approval, but takes away the disapproval.

Mayor Yakes advised it is up to the Council; you are all familiar with the issue and the area, Staff has a report and Fred is ready, are you ready to make a decision tonight or do you need more information from the applicant.

Councilmember Worthington questioned if the sidewalk should have been built, they were not, the person has multiple dwellings and she just walked past our rules and regulations, part of the sidewalk fund would be used to repair the broken sidewalk in the middle. I will go along with it to just make it go away but think there are too many good ol' boy projects done here, we are letting things slide because it was done that way a while ago. We can't keep doing that, and somehow have to be doing things properly, and in a way we will make out town better.

Councilmember Stull advised Vice Mayor Phillips comments about having hundreds of houses without sidewalks, and according to what Mr. Metcalf advised this sidewalk issue is related to redevelopment or new construction.

Discussion ensued between Mayor Yakes, CA Driscoll, Councilmembers King, Vice Mayor Phillips, as to whether the hearing should go forward tonight, and the re-discussion of the sidewalk issues.

Mayor Yakes asked Mr. Metcalf to make the presentation for the City.

Mr. Metcalf referred the Council to the Memorandum and support documentation presented at the 11/7/06 meeting. Nothing has changed since then. 5138, 5150, 5154 16th Avenue South, Two of which the applicant partitioned for and one of which the City added, for construction of new homes, Section 17 City Code of Ordinances requires that an owner of any property within must construct a continuous sidewalk within each public way adjacent to the property and provide for the City Council to consider a waiver of variance to that requirement, and that is why we are here. Staff looked at the feasibility of making a sidewalk in this area, and supplied the 3 surveys showing where the Public Works Department would build a sidewalk if they were charged to do so. There is a sidewalk present on the North Side of 16th Avenue, as well as a sidewalk network present on the West side of 52nd Street.

Mayor Yakes asked if there was a section of the Ordinance referring to the City Manager looking at a sidewalk which may have complications of installations because of environmental (tree) proximity to a road system.

Mr. Metcalf advised there is a provision under Section 17, which does allow the CM or designee to waive the location of the placement of a sidewalk but not waive installation, allowing working around obstacles present.

CM Brobeil advised a Certificate of Occupancy was issued in error without the existence of a sidewalk; was the builder or owner notified to install a sidewalk prior to the title changing hands.

Mr. Metcalf advised they were, verbally, and advised also their other properties Certificates of Occupancy may be in a holding situation due to the lack of sidewalks, also. We have spoken with the applicant on many different items, but they have not yet requested any variances regarding sidewalks on their additional properties.

Councilmember Worthington asked Mr. Metcalf for information about other properties owned and being developed by Ms. Kalb relating to the installation of sidewalks at the other properties, and wanted to make it known that Mr. Kalb is not just a homeowner, but a developer.

Vice Mayor Phillips asked if there is a contractor involved, and should this contractor have taken this into account in the first place.

Councilmember King asked if there were separate rules for developers and residential property owners, and the rule doesn't change because you are a developer or because you are building your own house.

Mr. Metcalf advised he doesn't know what contractual arrangements there are between the property owner and their contractor so I can't answer that questions.

Mayor Yakes advised that the degree of difficulty for installing a sidewalk is there, and I won't dispute what you can or cannot build, but I will say from experience, installing sidewalks in many locations, at this location, not Preston, not York Street but of 16th and 52nd, particularly at that designated area where the tree definitely constitutes as a construction problem. With the Canopy of the mature trees and the proximity of the safety of the pedestrian it narrows and constitutes more of a hazard. However, I would have a question of how we do things to eliminate a problem, and that is verbal agreements are somewhat fine, but when you come into something that comes in the way of a Certificate of Occupancy, I believe we need more than a verbal notification because that is significantly important. There has to be a final signature of agreement on that footprint, on that "as built" or "to build" plan. I don't particularly like deliberating and having to come back any more than anyone else. When looking at what was presented, to my eyes, it was very confusing, and still is. If we did business better, we wouldn't have that of the verbal notification: or did I hear what I thought you said, or did you say what I thought I heard.

Councilmember Worthington asked if all three will require a sidewalk or can the Council select to have a sidewalk located at only one of the properties.

CA Driscoll advised the Council can determine any one of the three as capable of receiving the variance or all three.

Mayor Yakes asked if there were any more questions of Mr. Metcalf, and seeing or hearing none, asked the applicant to present her case.

Mr. Kalb advised she is not a developer and does not own any property on Preston. My only property is on 16th Avenue, and when I bought it, it was a slum area with people living in tents, cardboard boxes, and there was an old house on it with a broken sidewalk and it is still there. I developed the corner. The one next to the corner, upon selling, we went to get a Certificate of Occupancy (CO), there was not a question about a sidewalk. This lady sold it, she got a CO and there were not any questions regarding a sidewalk at all. I question how we can make these people pay for a sidewalk now, after receiving a CO without question. Next is the old house with the broken sidewalk. Nothing has been done. The next one I sold #5150, which is next to the old house #5138 and those are the only two I am requesting a variance for. I own no other properties, I am not a developer. I bought this property and wanted to build houses on it and I did. They are beautiful and I keep them mowed and picked up and I will continue to do that and want it to be a pride to Gulfport.

Councilmember Stull discussed information packet which contained paperwork with an incorrect address of 5150 Preston Avenue South, and asked why you would object to having sidewalks, and the explanation was it would be a hazard to pedestrians, and the sidewalks would only have a portion within two blocks.

City Clerk Spano explained a variance was heard by the BOA in June and the information received of confirmation from our City Attorney is that you cannot make a condition on one property and apply it to another property.

Mayor Yakes opened the Public Discussion.

Bob Phillips of 2559 36th Avenue North advised the Council is trying to follow the law and do the right thing at the same time and you can only do so much. The sidewalk problem is ongoing because there forever because there are old neighborhoods with large trees which may be redeveloped and require sidewalks at that time. In the whole scale of what life is about, this is not a big issue, but they belong to the people and you try to do all you can for the citizens.

Hearing or seeing no one else wishing to speak, closed the Public Discussion.

Mayor Yakes advised the applicant has made her statement, we have heard comments from public, and staff statements have been made; now is the time for a motion.

CA Driscoll advised the Council would be moving to waive the sidewalk requirements for these three properties or deny the request.

Councilmember King made a motion to waive the sidewalk requirement for these three properties which was seconded by Vice Mayor Phillips.

VOTE:

COUNCILMEMBER KING	YES
COUNCILMEMBER STULL	NO
COUNCILMEMBER WORTHINGTON	NO
VICE-MAYOR PHILLIPS	YES

MAYOR YAKES

YES

MOTION CARRIED 3-2 TO APPROVE

Mayor Yakes commented that Mr. Metcalf has done a great job in making his presentation, and always does a good job, but would like to look at future procedures regarding verbal instructions or notification and should be written.

5. Provide specific direction regarding the City Attorney position.

CM Brobeil advised there was a lot of discussion about a permanent vs. a contractual City Attorney and I believe direction was given to advertise for a permanent City Attorney; however that direction would be inadequate to drive any process the City Council would want to consider. Normally a City Manager does not have a prominent role in selecting a City Attorney. In advertising the position, you would need to have a position description, salary range, and the budget item would have to be in place prior to doing this, and would developed by a process laid out by the City Council. You may need a committee with the possibility of having a professor from Stetson, a member of the legal community from the City, a member of the Council, which could govern the process. There is an ethical consideration: are we advertising for a position which really exists. The Council needs to make a commitment and if you found a person who meets the qualifications required, you need to have a position to offer this person. At the present time, I don't find that this exists. I am asking the City Council sets up a mechanism, if it your desire to go forward with this

Councilmember Worthington would like to see a committee created of a single Councilperson, and suggested Ms. Stull, because of her contacts with Stetson Law School, second person could be a person, with the proper credentials at the school. The third person could possibly be a practicing attorney in our area. Our Charter calls out what the duties of the Attorney are, in brief, and I would like to see us advertise for a part time attorney. Mr. Driscoll certainly would be considered in this, but I think we need to move on with this, because we have been talking about this for the four years I have been on City Council. One of the reasons I recommend a part time Attorney, and CA Driscoll has already pointed out, is from time to time, the City still would still have to hire an additional attorney to deal with employee and job related issues and law suit issues.

Councilmember Stull would like to qualify if we are talking a full or part time City Attorney, because of efficiency of combining positions; if we are going to hire a Deputy City Clerk, can we financially afford a full time Attorney, or do we want to remain with a part time position.

Councilmember King advised what we are looking for is a full attorney, and we wouldn't have to worry if we keep it in the salary range we spoke about last time which fits into the existing budget; looking for someone to bring in-house, which would including the possibility of Mr. Driscoll applying. If we are actually looking to replace his actual job, we would have to go through the process of firing Mr. Driscoll to do this, but I don't think this was the intent. As far as advertising for the position, I would ask the City Clerk to do this. Who would advertise this position? The response from the City Clerk and City Manager was the Human Resources Department.

Mayor Yakes advised: The FLC has an employment section and advertise many positions. There was a job announcement for the City of Fernandina Beach with a description listed; which explains the need for a City Attorney, which is very precise. Also, the City of Brooksville has a job description of what they need. There was not a salary range listed for Brooksville, but Fernandina Beach listed their salary range from \$95-120,000 with a population pretty much the same, but with a tourist population increase to 25,000. I was thinking of the enhancement of having a full time attorney, and have no problem with CA Driscoll, but I still believe that there should be a consolidation of legal services and City Clerk's office, and we would be the first. We are not overrun in court in litigation, and feel that if we have the legal expertise, 40 hours a week, full time under the roof, these hand walk issues would be headed off before they become a problem. We could look at PPC and bring them in at \$65.00 per hour, but I am suggesting and understand that Attorneys don't write the policies, but they could help move the policy. Eventually they go over there and will be looked at as we looked at this sidewalk ordinance. I am not suggesting he is not doing what the retainer says, but if we advertise for this position we may not have a Tim Driscoll applying for this job. What this City can use as the advisory component for where we are. I have a lot of admiration for Tim., but I am telling you we can come in more cost effectively. We are challenged with saving dollars and I will go along with the majority, like the democracy, and that's the way government works.

Councilmember Stull commented she likes Mr. Worthington's suggestion because none of us are qualified to determine the qualifications of an attorney. If we present the samples you have given, have a committee with representation of the legal community who can read, dissect, and tell us how to adapt those requirements to our unique community, and I feel we would get something we could advertise for. I don't think we could sit down, review the Charter and this is what we have to do.

Councilmembers King advised we should determine tonight to advertise within a certain salary range, see what we get for applicants, and then a committee should be established.

Mayor Yakes, the Council and City Manager discussed: What the description should be to be advertised, customized to our community; reviewed the verbiage of the Brooksville ad and compared job descriptions and requirements with Fernandina Beach and the Charter requirements of Gulfport. Council would select from committee applications to establish a 3 member Committee, (consisting of two attorneys and Councilmember Stull). The applications would go to the City Clerk first, and then selected Attorney Search Committee having the expertise to review the job descriptions and Charter during the interview process. The Council needs to agree to move ahead and that the need exists to establish this committee utilizing the criteria given by the CM; if the Council is ready to make a decision as to the position funding within the budget.

Councilmember Stull advised she would be very willing to serve to represent the Council on this committee and has already heard from several local attorneys, and people from Stetson willing to serve on this committee.

Mayor Yakes asked for a verbal vote on the establishment of an Attorney Search Committee and the process in order to do so.

UNANIMOUSLY APPROVED BY ACCLAMATION

6. Public Session.

Mayor Yakes opened the meeting for Public Session.

Al Davis of 5790 45th St. South questioned if there was an opportunity for public participation on the last subject. As a taxpayer, I am concerned of the status of the move towards hiring an attorney as a replacement of the Clerk, and tonight you have resolved the Clerk issue. Fernandina Beach has a large marina and mooring field. We might also enjoy the benefits of money that came from there, and I see also boosting fees in that area. We are looking at an attorney and seem we are committed to the process, which could be as much as \$240,000 down to \$90,000. Now we have essentially begun the process, and as a taxpayer, I am curious to know are we going to realize a savings out of this. Even if we hire a first rate attorney, in addition to the City Clerk, we are still going to need those specialized services. I would like the committee to come back and show us where we are going to be getting a taxpayer savings out of this.

City Clerk Spano advised that, generally on a discussion item, we do not entertain comments from the public, unless it is actually a public hearing relating to a property matter.

Pat Dunham of 2310 53rd Street South, and a Gulfport business owner, advised she spoke with Jim O'Reilly a couple of weeks ago regarding the clarification of the City's role in the City Wide Yard Sale program. I started this a few years ago as an opportunity to showcase Gulfport to Pinellas County and I know thousands of people will converge on an area where a lot of homes are having yard sales, and they would get to see the charm of our City, businesses, restaurants; there are people that don't know Gulfport exists, and this would be a good way to bring people in the area. We have had challenges and the City actually ended up taking it over. One of the challenges was the police giving tickets, it was at the very first Yard Sale, there were lots of tickets given out, and people were mad. The last Yard Sale in March, I asked when the next one was going to be; I was told March 10th which was only 10 days from when the sale was going to be; the entire City was unaware there was going to be one, because of no advertising. No one had time to prepare; ads were put out costing the City \$1200, some people came to the yard sales and there were only several, and people were mad again. If we are going to continue to have these yard sales, we have to make the public aware; this is a great opportunity for them to attend some great yard sales. As a private citizen, I can run ads for a couple of hundred dollars, as opposed to \$1200. I have contacted the local papers, including Paradise News, who said they would be glad to accept articles about how to run a yard sale, someone who can write an article on how to de-clutter your home, which will generate interest to come to our yard sales. I contacted a printer who would create flyers to include the addresses of the participating yard sales, with their ad on the back, so we get this for free. The only cost would be a few hundred dollars to promote this project and the Council would have to figure a way reimburse this, as opposed to spending \$1200. I would like to be given the opportunity to head up this yard sale, this time and make it what it should have been to begin with, to attract people to our City, to help everyone in the City unload some junk. I would like to take this venture off of the back of the City and report to you and get permission from you, if it is something you would need to know about ahead of time.

Discussion ensued between the Councilmembers, CM Brobeil, and Mr. O'Reilly regarding the waiving of permit application fees for yard signs, sign regulations, City advertising costs, Banners, flyers with addressed, participation of non-profit agencies, problems vs. no problems, private volunteers, policing issues, etc.

Mayor Yakes advised Ms. Dunham has been involved in the Yard Sale effort for some time and has a tremendous contribution of experience; and feels the City and Ms. Dunham should combine their efforts.

Ms. Dunham advised the police should consider and understand this is a special occasion twice a year and could make provisions and cover the signs with black bags to allow parking. All of the beaches Cities do this and the police cooperate. Whoever is in charge should be more aware of the advertising timeframes in order for the community to become involved and allow the citizens enough time to make arrangements in advance to come to Gulfport yard sales. The next yard Sale is already scheduled to be held November 10th leaving very little time for advertising.

General Consensus: Coordination between Gulfport citizens and City staff is recommended; to have at least one organizational meeting to discuss how to improve the advertising and costs, and utility of this particular event; provide maps with yard sale addresses referenced, posters and flyers without becoming a nuisance, possibly changing the date in order to notify the public and residents, and have the City maintaining control.

Hearing or seeing no one else wishing to speak, closed the Public Discussion.

7. Any Other Business.

Councilmember King spoke about the Scout Hall bid; 100th birthday of City of Gulfport; and that 15,000 people attended Gecko Fest.

Councilmember Stull spoke of skateboard fees only for the Skate Park; and the Crime Watch Meeting on Monday evening, on Home Security.

CM Brobeil advised the fee is a permit and becomes a contractual relationship, and if problems, we can tell them to get out.

Councilmember Worthington advised the Little League Headquarters, located in Gulfport, presented an official little league baseball to the City of Gulfport, by the Southern Regional Little League Headquarters. They commended the citizens of Gulfport for showing compassion and willingness to help with so many volunteers and have put forth a tremendous effort providing a welcoming dinner for them. The Regional team from Georgia, won here, and went on to win the World Championship of Little League Baseball. A West Virginia family's car broke down and required extensive work. Reeds Automotive fixed it and service organizations and people in Gulfport helped to pay for the bill. The Marina has derelict boats slated for demolition and have citizens who volunteered to strip those boats of anything salvageable and saleable items for scrap or through a yard sale and would like to donate any proceeds to an employee fund for a Christmas Party or a summer Picnic, but there needs to be a special fund established by Council.

The boats have been cleared to be salvaged, and that work will be done, and will net about \$3-400 and would be a good start for one of the above.

CA Driscoll advised this would be a consensus vote and be brought back for formal action.

Mayor Yakes advised he had raising money for the employees' appreciation dinner on his list and thanked Mr. Worthington for what he has already done.

The Mayor asked for a verbal consensus which was:

UNANIMOUSLY APPROVED BY ACCLAMATION

Councilmember Worthington advised Bright House Cable Company is going to move all government access channels to Hi-Def channels on December 11, 2007 which will cause cable bills to rise, if residents want to continue with these channels, and advised it appeared in the Saturday, September 1, 2007, in section A.

CM Brobeil advised that with this, Bright House will only be allowing limited repetition on the channels. This is going to be a fight after the fact.

CA Driscoll advised there are new requirements that were just approved by the legislature regarding how much repeat programming you can do and you can lose your government access channel if you don't provide enough new programming.

Councilmember Worthington advised all the TV's in City Hall and all the City access TV's at the library, etc. will require new access boxes on them. The Neighborhood Times of last Wednesday is quoting several Mayors.

Vice Mayor Phillips advised he received calls from people using GEMS, and in order to keep this service they would pay more if it was maintained. I would like to recognize Mayor Yakes for all the time he has donated for the advancement of the youth of Gulfport, and also outside of the City and the Recreation Center should be renamed to the Michael J. Yakes Recreation Center, and asked for a general consensus of the Council. Councilmember Worthington seconded the recognition proposal which was UNANIMOUSLY APPROVED by the remaining members.

Mayor Yakes advised what the kids in Gulfport had growing up was a pavilion at the beach, as the population grew things changed. There are a lot of challenges out there now, and the age to change an at risk child's thinking around, is early adolescence, as they age, it becomes more ineffective to have them become more main-stream. It certainly would be a wonderful legacy for me it this happened. His upcoming schedule includes: going to Bonita Springs in September representing the FLC; Changes in legislation involving telecommunications bills, etc, will be in January in Tallahassee; Policy meetings will be in Orlando.

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, City Clerk