

**City of Gulfport Florida**  
**Regular Council Meeting**  
**April 17, 2007**

City Hall

7:00 p.m.

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**Minutes**

The meeting was called to order by Mayor Michael J. Yakes.

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

Roll Call: Present were Councilmembers Mary Stull, Robert E. "Bob" Worthington and Michele King, Vice Mayor John E. "Ted" Phillips, Mayor Michael J. Yakes, City Manager Thomas E. Brobeil, City Attorney Timothy P. Driscoll and City Clerk Louise M. Spence.

**1. Public Session.**

Nancy Fuller, 2809 46<sup>th</sup> St. South, spoke about the \$25,000 homestead exemption and the additional \$25,000 exemption for people over 65 years of age who make less than \$20,000 per year and asked why we don't do it.

City Manager Brobeil explained it was not adopted because we need money to operate on. There are bills in legislature and he would not advise City Council to add any additional exemptions until we find out what the State is going to do. The extra exemptions benefit some and others have to pay up the difference. He stated this will be on the agenda for discussion later.

Mr. Pappariou spoke about his businesses being broken into six times. He stated that last Saturday night he got a call from his alarm company. He called the police and the dispatcher put him on hold for 5 minutes, and the police did not get there until 26 minutes after the first call to them. He also spoke about other businesses taking up parking spaces and he asked about putting a sign in front of his store for three parking spaces.

City Manager Brobeil stated he will see what we can do to help with parking. He also said that the Police Chief will investigate the delay in response.

Chris Madula, owner of Aquabella's restaurant, requested a temporary permit for outdoor entertainment. He stated that they were closed down last week and they have to pay bands when they are canceled out. He stated they have been operating like this since last year when they first opened. He also stated that they have applied for a permit and have to wait until next month.

City Attorney Driscoll stated that Councilmember Worthington had told him about this before the meeting. He stated that no temporary permit can be granted but we can have a consent agreement by the City to allow the music to continue until the permit is granted or denied.

City Manager Brobeil suggested that Community Development Director Metcalf draft a resolution for this.

City Manager Brobeil stated that Council needs to be aware that consent agreements are something that he does not support.

It was the consensus of Council for the consent agreement.

Al Davis, 2790 45<sup>th</sup> Street South, thanked the City Marina Staff and Fire Department for the response to the problem with the boat at the Marina. He also thanked Mayor Yakes for the excellent presentation the Agency on Bay Management did when the topic was Clam Bayou. He felt that everyone should go down and look at Clam Bayou and see the debris.

Seeing no one else who wished to speak, the Public Session was closed

## **2. Update Reports.**

City Manager Brobeil stated that the Public Works Director met with Pinellas County regarding the 52<sup>nd</sup> Street and Gulfport Boulevard intersection improvement. They said that \$150,000 is all they can give us for this project. He suggested that members of City Council approach County Commissioners to ask for additional funds.

City Manager Brobeil asked to be excused from the Special Council Meeting on Thursday, April 19 due to medical reasons.

He also spoke about the soft hiring freeze and that we have not replaced employees who left their jobs. He asked to make this a formal practice and to not fill positions that become vacant if the work can be performed by other employees. He stated that the reason is that we probably will be facing revenue shortfall and would hate to recruit people and then they may be discharged months later.

The consensus of Council to agree with this request.

Councilmember King asked about an incident at Town Shores where land was dug up where the Sierra Club planted something.

City Manager Brobeil asked Leisure Services Director O'Reilly to give a report.

Leisure Services Director O'Reilly explained that equipment was brought there by Pinellas County. The Sierra Club had made an agreement with Pinellas County and he met with the county Friday morning and explained about the Sierra Club. The County will replant as soon as the restoration is finished.

## **3. Consider approval of the minutes of the February 26, 2007 Special Council Meeting.**

**A motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to approve the minutes of the February 26, 2007 Special Council Meeting.**

UNANIMOUSLY APPROVED BY ACCLAMATION.

## **4. Ordinances:**

None.

**5. Resolutions:**

- a. 2007-40 A resolution of the City of Gulfport, Florida, appointing a member to the Firefighters' Pension Board; providing for term of appointment; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-40 by title only and explained that the member currently serving, Mark Epstein, agreed to serve another term which will expire April 30, 2009, if reappointed.

Mayor Yakes opened the Public Discussion.

Seeing no one who wished to speak, Mayor Yakes closed the Public discussion.

**A motion was made by Councilmember Worthington and seconded by Vice Mayor Phillips to approve Resolution No. 2007-40 to reappoint Mark Epstein to the Firefighters' Pension Board for a two-year term to expire April 30, 2009.**

VOTE:

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

UNANIMOUSLY APPROVED.

- b. 2007-41 A resolution of the City of Gulfport, Florida, appointing a member to the Senior Advisory Committee on Aging; providing for term of appointment; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-41 by title only and stated that the applicant was Florence R. King.

Mayor Yakes opened the Public Discussion.

Seeing no one who wished to speak, Mayor Yakes closed the Public discussion.

**A motion was made by Councilmember King and seconded by Vice Mayor Phillips to approve Resolution No. 2007-41 to appoint Florence R. King.**

VOTE:

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

UNANIMOUSLY APPROVED.

c. 2007-42 A resolution of the City of Gulfport, Florida, establishing the City's preferred course of action for restoring Upper Clam Bayou; authorizing the National Oceanic and Atmospheric Administration (NOAA) to represent the city on environmental issues and to pursue further grant applications for the restoration of Upper Clam Bayou and providing for an effective date.

City Clerk Spence read Resolution No. 2007-42 by title only.

Mayor Yakes stated that the representative from NOAA offered assistance at the meeting and if this resolution passes it will be sent to other municipalities and officers.

Mayor Yakes opened the Public Discussion.

Al Davis, 2790 45<sup>th</sup> Street South, expressed concerns that if NOAA takes leave local government will be bypassed. He hopes by not passing buck to NOAA the public will have voice on this and will not have to yield to what they decide.

Cindy Davis, 2790 45<sup>th</sup> Street South, asked if entire resolution can be read so they can understand what it covers

The entire resolution was read by City Clerk Spence.

Marty Needleman, 5940 20<sup>th</sup> Avenue South, stated he was not unhappy about NOAA support but would like to have them present their plans to Council at an open meeting so that the public can ask questions.

Mayor Yakes stated that we can do that.

Seeing no one who wished to speak, Mayor Yakes closed the Public discussion.

**A motion was made by Councilmember Worthington and seconded by Councilmember Stull to approve Resolution No. 2007-42.**

Vice Mayor Phillips spoke about SWIM that originated Clam Bayou and in 1992 he spoke to them in Ft. Lauderdale. Three months later a SWIM representative was here stating what a wonderful natural part of nature this could be. He asked why they should not become involved again and felt they might have an influence on NOAA.

Mayor Yakes stated NOAA might have influence on them. We have to have someone that is going to come up with this plan.

Councilmember King asked for a recap of the meeting with NOAA.

Mayor Yakes stated that when everyone made their position and spoke at the conclusion of that meeting NOAA said that they would like to bring their resources to work with this and work to obtain grants. He stated that they were directed by Senator Nelson to be there and

Senator Nelson's Assistant, Shara Anderson, said that she will continue to work with us on this project.

VOTE:

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

UNANIMOUSLY APPROVED.

d. 2007-43 A resolution of the City of Gulfport, Florida, approving the Site Plan for 4924 17<sup>th</sup> Avenue South; for demolishing an existing office and constructing a new office, parts storage area and sales counter area generally located at 4924 17th Avenue South, in the City of Gulfport, Florida Commercial General (CG) Zoning Area, and more particularly described in Section 1; providing criteria for such approval; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-43 by title only.

Principal Planner Angela Hurley gave a presentation and the conditions of approval.

The applicant was present to answer any questions.

Mayor Yakes opened the Public Discussion.

Seeing no one who wished to speak, Mayor Yakes closed the Public discussion.

**A motion was made by Vice Mayor Phillips and seconded by Councilmember King to approve Resolution No. 2007-43.**

VOTE:

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

UNANIMOUSLY APPROVED.

**6. Discussion of Budget Policies to be used in developing the Fiscal Year Budget for 2007/08.**

City Manager Brobeil asked for guidance on how to prepare the 2007/08 budget. He spoke about priorities for services that we may have to sacrifice and asked whether to continue, decrease or increase services. He stated that budgetary policy is not going to be made by the

City Council but by the State. He stated that, basically, staff needs to start on budget process and he felt they should make suggestion to submit normal budget worksheets to continue services at the current level. He said that by the time Council receives the proposed budget we may know what the Legislature is demanding. He can then discuss cuts with the departments and then produce a proposed budget status quo with sheets to identify cuts and sacrifices of City services.

City Manager Brobeil stated that if we cut the budget we will have to cut services. He stated he will try and put organization to this situation and will be looking for direction.

Vice Mayor Phillips stated that he felt that when we do cutting the first things should not involve people. He felt that thinking about spending \$90,000 on Scout Hall is an example. We have done more than we should have. We cut ad valorem tax last year and now we're going to get another cut.

Councilmember King agreed but stated that funds for Scout Hall are from grant money. There are places we need to look at. She said that we should have something from the Legislature about what is going on and then we can have discussion. She stated that the Rubio plan is devastating and she doesn't think it will pass.

Councilmember Worthington agreed and felt that we need to continue to bring new ideas on financing and user fees such as the Marina and Recreation Center. He felt his is going to be a no-win situation for our City Manager.

Councilmember Stull agreed that we need to go forward.

City Manager Brobeil said that the first property tax affects half of budget and the other half is Enterprise Funds. He named the departments affected and said that major capital infrastructure is not affected since Penny for Pinellas funds that. He stated that the amount of money property-owners will save may be over-represented.

Mayor Yakes asked for a consensus of Council to look into research of combining the position of the City Clerk and the City Attorney and hiring a City Attorney on a full time basis to be responsible for all City Attorney duties and manage the new City Attorney/City Clerk's Office. He stated that the Deputy Clerk position would serve as a secretary to the Council and a recording secretary for the City Clerk function. He said Stetson University law students could perform routine records and management and clerical duties. We would outsource the production of minutes for meetings other than the City Council or quasi-judicial Boards, and offer to share these services on a cost-sharing basis with other cities if they are interested.

He said that the City Attorney/City Clerk would be responsible for all City Attorney responsibilities identified as business that we have. We have our ordinances, court representatives, resolutions, site plan review, all of this business that we have that is dealt with that comes before us is reviewed by the eyes of the City Attorney. We have interpretation of law and legal standards that are made by someone in the building department

Mayor Yakes stated that the intent is not to eliminate nor remove any position, it is to improve the day-to-day business that we are doing and we will proceed if there is a consensus of Council.

Councilmember Stull stated that Stetson Law students are not allowed to practice law.

Mayor Yakes said they would be doing clerical typing of minutes.

The consensus of Council was to research this information.

Mayor Yakes stated that he would like to get information together before October.

Vice Mayor Phillips stated that one point that should be carefully examined is that after a year when that graduate has learned all the ropes, he/she may leave quickly and make a lot more money.

Mayor Yakes stated that he did not know what attorney we were going to have but we have to look at the plan.

## **7. Any Other Business.**

Councilmember Stull asked for a round of applause for the Leisure Services Department because the Gulfport Library is the recipient of a special grant from the American Library Association and the National Endowment for Humanities to fund a special project for the library. She spoke about the local block party last Saturday in Ward 4 which was very good. She stated that the basketball court at the junior high school is now open and children don't have to go across 22<sup>nd</sup> Avenue. She stated she would like to have any names for Ward 4 and there will be a committee at the end of the week to announce the new name.

Councilmember Worthington thanked the City Maintenance Department for putting new benches on the pier. He spoke about Springfest coming up next weekend, the clean-up of Clam Bayou and the Green Armada, a non-profit organization which assists with clean-up, which had offered to come in at identified sites where we have drainage going into the bay. They will come in and catch floatable debris. He also said that the nesting platform at Clam Bayou seems to have problem as it tips over and he would like someone to take care of it.

Councilmember King stated that we should check and make sure that touching the nests would not cause the birds not to nest there due to the human scent. She stated that she spoke with the USF people last week and they would like to come to a meeting to speak to Council to explain their project and she suggested a May 15<sup>th</sup> meeting date.

Mayor Yakes stated it would be fine with him and there was a consensus of Council.

Vice Mayor Phillips stated that 15 years ago he was on Tampa Bay Regional Planning Council when it was combined with the Area Agency on Aging. Later on it was split and he was on both. He is now Vice President for the Area Agency and wants to compliment Councilmember Worthington for taking over the position on the TBRPC. He suggested that Council might need to formally appoint Councilmember Worthington at the May 15 meeting.

The consensus of Council was to put this on the May 15 meeting agenda.

Mayor Yakes spoke about the Pro-Dad's event at pier and that everyone had a great time and the Expression of Artistic Minds held the Monday.

He spoke about being on the Emergency Medical Services Board as a representative of the Mayors Council. He stated that the time has been changed from the 3:00 p.m. on Wednesday and this may work better.

**8. Adjournment.**

**A motion was made by Councilmember Worthington and seconded by Vice Mayor Phillips to adjourn at 8:50 p.m.**

UNANIMOUSLY APPROVED BY ACCLAMATION

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Date Approved

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Michael J. Yakes, Mayor

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Louise M. Spence, City Clerk