



City of Gulfport Florida
Regular City Council Meeting
Tuesday, January 6, 2009

City Hall

7:00 p.m.

Minutes

Mayor Michael J. Yakes announced the Regular City Council Meeting for Tuesday, January 6, 2009, for the City of Gulfport is officially called to order.

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

Roll Call: Present were Vice-Mayor King, Councilmembers Robert E. "Bob" Worthington, Judy Ryerson, Mary Stull and Mayor Michael J. Yakes.

City Staff: Acting City Manager Jim O'Reilly, City Attorney Timothy P. Driscoll, Acting City Clerk Elaine Barclay.

1. Presentation – Holiday Decoration Award Winners

- a. General Theme – Mark Dulabaum**
- b. Commercial Theme – Town Shores Master Association**

Mayor Yakes presented the awards to Mr. Dulabaum and the Town Shores Master Association's representative.

2. Approval of Minutes.

Consider approval of the Minutes for July 5, 2007; August 9, 2007; August 14, 2007; August 23, 2007; August 30, 2007; September 25, 2007; November 6, 2007; January 7, 2008; January 15, 2008; March 18, 2008; April 1, 2008; November 18, 2008; December 2, 2008; December 11, 2008; as presented.

A motion to approve the minutes was made by Councilmember Worthington and seconded by Councilmember Ryerson.

Vice-Mayor King said the Clerk's office should be commended for the work accomplished and Councilmember Ryerson agreed.

UNANIMOUSLY APPROVED

3. Update Reports.

a. City Manager

Mr. O'Reilly announced the Pension Board discussion is scheduled for 3:00 pm on January 15 with the affirmative consensus of Council.

Mr. O'Reilly advised he wanted to schedule the Utilities Rate Public Information discussion for 7:00 pm on Thursday January 22 in Council Chambers for the convenience of it being televised.

Councilmember Worthington said he might be unable to attend this meeting due to scheduling conflicts.

Mr. O'Reilly said they would be placing on the January 20 agenda the consideration to select a firm to pursue a candidate for the City Manager position, and to aid in this decision, criteria from different companies will be placed in Council's mailboxes for their review. He said if they would like the representative of these firms to attend the meeting they may request this.

Vice-Mayor King said they should review what they have before they decide if they need a representative from the firms.

Mr. O'Reilly said staff is preparing an ordinance in accordance with Tampa Bay Estuary attempting to reduce the nitrogen level in Boca Ciega Bay and will be presenting it at the next Council meeting.

Mayor Yakes said he is not in a hurry to select a city manager, however he will look at the information.

Vice-Mayor King said if this is the case, why not push this out to a later date.

Councilmember Worthington said he had no problem in waiting.

The consensus of Council was to wait until another time to look at the City Manager issue, so this will not be included in the January 20, 2009 Council Meeting.

b. City Clerk

Ms Barclay advised Council that from June 5, 2007 to December 31, 2008 there had been 64 sets of minutes not done, now 52 sets have been keyed, 39 of those submitted, 13 are in the process of being verified and 12 are being processed.

Ms. Barclay suggested a PC be made available for public records request access view only at the 49 Street location, with a form for public records printed requests available.

Ms. Barclay advised Council she has provided a letter for past due review she was due in November and ask Council to review this tonight.

Councilmember Worthington said it has been fabulous getting the minutes done.

Councilmember Worthington said the amount of salary being requested was too much, since Ms. Barclay was a relatively new employee.

Councilmember Worthington said he has received complaints from residents regarding the difficulty in receiving public records from the City Clerk's office and he has experienced this himself.

Councilmember Worthington said because of this he could not recommend the amount of compensation being requested.

Councilmember Stull mentioned she has received complaints regarding the Clerk's office and thought a study should be done on the compensation based on experience and education.

Councilmember Ryerson said she needed more information before she could make a decision.

Vice-Mayor King said the Deputy Clerk's compensation should be tied to the Clerk's compensation and since they are hiring a new Clerk at a new rate, they should pay the Deputy Clerk about 70% of what the Clerk receives and since there will be a new City Clerk, there is a very realistic possibility there will be a new Deputy Clerk too.

Vice-Mayor King said since the Deputy Clerk's raise was due in November and the other City employees received their raise then, she was unable to understand why the Deputy Clerk had not received hers.

Councilmembers Ryerson and Worthington said currently the Deputy Clerk is making the salary of the previous City Clerk.

Vice-Mayor King said Council had to determine the pay scale for the Deputy City Clerk position.

Mayor Yakes said they are the ones to make the decision and should place this on the agenda, however this should be done after the contract with the new City Clerk is in place, so they have a basis to work from.

Mayor Yakes said Ms. Barclay should be given a performance review, however tonight was not the night to discuss this as more review by Council was warranted. He said the evaluation is delinquent and remains delinquent.

Councilmember Worthington said Ms. Barclay's evaluation was to have been performed by the City Manager who left prior to her review. Councilmember Worthington advised the City Council does not do performance reviews on the Deputy City Clerk and Human Resources determines the salary.

Attorney Driscoll advised according to the City Charter, the Council sets the pay scale and evaluates only the City Clerk. It is the City Clerk, who is responsible for evaluating and setting the pay rate for the Deputy City Clerk. Mr. Driscoll advised in this situation Ms.

Barclay is the City Clerk and Council can evaluate her and determine any pay increase, however once a City Clerk is retained this will no longer be Council's job.

Mayor Yakes said since Council appointed Ms. Barclay Interim City Clerk, they should provide a performance evaluation for the time she has been in the position.

Vice-Mayor King said the placing of the computer on 49 Street is a positive move and they should go forward on it.

Councilmember Worthington disagreed with this as public records are the responsibility of the Clerk's office and if they were at the other location they citizens wouldn't receive the assistance they might need. Councilmember Worthington said he thought this would isolate the citizens as it places them in an isolated office in basically an isolated building. He said even seeing the citizens locked out of the City Clerk's office today, was upsetting.

Councilmember Stull said she could see if being there for easier access, however since no one there would be in charge of the computer how would assistance be provided.

Councilmember Ryerson said the bad part of this is everything in the computer is not necessarily perfect and need to be redacted. She said she is not thrilled with the idea as the personal contact is needed, especially if looking up personnel files as some of these files are not available for public access.

Mr. Driscoll advised this could be done from a legal standpoint.

Mayor Yakes said he recognized what they have needs improvement and the need for change is there and whether implemented or not, it is the thought of working for improvement and change that shows the good intention.

Ms. Barclay advised Councilmember Ryerson that currently there is a computer in the Clerk's office to view email records and public access and there are no viewable personnel records and under no circumstances is she recommending these be accessible.

Ms. Barclay said it needs work as her predecessor did not set it up correctly and they are having to redact information at this time. Ms. Barclay said this could be set up so general information would be accessible and the workflow in the office would not be disrupted by having office personnel vacated from their desks so the public can use the staff's computers as is currently happening.

Mayor Yakes thanked Ms. Barclay as they will be reviewing her suggestion.

Councilmember Worthington said Ms. Barclay did have a good point, and mentioned maybe the library would be a better location and they should look at this more thoroughly.

4. Consent Agenda (None)

5. Ordinance (None)

6. Resolutions

- a. **2009-01** A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF A LOT TO DETERMINE THE ARRANGEMENT OF CANDIDATE NAMES ON THE BALLOT FOR THE MARCH 10, 2009 MUNICIPAL ELECTION AND ALL SUBSEQUENT MUNICIPAL ELECTIONS; PROVIDING FOR THE CONDUCT OF SAID LOT FOR THE MARCH 10, 2009 MUNICIPAL ELECTION TO BE HELD DURING THE JANUARY 6, 2009 REGULAR CITY COUNCIL MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Barclay read Resolution 2009-01 by title only.

Ms. Barclay advised Ms Elisa Metkoff with the League of Women Voters would draw the lot.

Mayor Yakes opened for Public discussion on Ordinance 2009-01 and upon seeing nor hearing anyone wishing to speak, Mayor Yakes closed the Public discussion.

A motion to move on Resolution 2009-01 was made by Councilmember Worthington and seconded by Councilmember Ryerson.

VOTE:

MS. RYERSON	YES
MS. STULL	YES
MR. WORTHINGTON	YES
MS. KING	YES
MR. YAKES	YES

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Ms Medkoff drew the names as follows

Ward 2	Chrisan Herrod Michele King Jim Greenwald
Ward 4	Samuel Henderson Courtland Yarborough Mary Stull Pam Prell

Ms. Medkoff said the League of Women Voters would be happy to moderate any kind of candidate debut or forum the City of Gulfport might want to have. She advised the League of Women Voters was a non-partisan organization open to men and women.

- b. 2009-02** A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, APPROVING THE BALLOT LANGUAGE FOR THE MARCH 10, 2009 GENERAL MUNICIPAL ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Barclay read Resolution 2009-02 by title only.

Mayor Yakes opened for Public discussion on Ordinance 2009-02 and upon seeing nor hearing anyone wishing to speak, Mayor Yakes closed the Public discussion.

A motion to move on Resolution 2009-02 was made by Councilmember Ryerson and seconded by Councilmember Worthington.

VOTE:

MS. RYERSON	YES
MS. STULL	YES
MR. WORTHINGTON	YES
MS. KING	YES
MR. YAKES	YES

UNANIMOUSLY APPROVED

- c. 2009-03** A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, RECOGNIZING THE "BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Barclay read Resolution 2009-03 by title only.

Mayor Yakes said this was originally discussed as a civics lesson at the Town Meeting held at that theater.

Mayor Yakes opened for Public discussion on Ordinance 2009-03 and upon seeing nor hearing anyone wishing to speak, Mayor Yakes closed the Public discussion.

A motion to move on Resolution 2009-03 was made by Councilmember Ryerson and seconded by Vice-Mayor King.

Councilmember Ryerson said the schools aren't teaching civics and if this would be beneficial to the community and asked if there weren't some retired teachers who would be willing to volunteer to conduct these classes.

Councilmember Worthington said recently conducted a Girl Scout Troop tour through City Hall for a Citizenship class, so this process has begun.

Councilmember Stull said she provided information to the gentleman who had brought this up, and is providing information as she receives it for grants and other materials available for these types of programs.

Mayor Yakes said Gulfport is one of the few cities with a very active Teen Council and we need to allow the local schools more opportunity to participate in Council "role acting".

Mr. O'Reilly advised the City was the recipient of a possible \$30,000 grant from American Leaders and it would be used in the library.

Vice-Mayor King said the resolution was spearheaded by past Governor Bob Graham and she was proud to be on this committee.

MS. RYERSON	YES
MS. STULL	YES
MR. WORTHINGTON	YES
MS. KING	YES
MR. YAKES	YES

UNANIMOUSLY APPROVED

- d. 2009-04** A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A CONTRACT WITH THE FLORIDA DEPARTMENT OF ELDERLYAFFAIRS FOR THE SENIOR CENTER FIXED CAPITAL OUTLAY PROJECT AND APPROVE THE \$56,250 IN MATCHING FUNDS REQUIRED FOR THE GRANT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Barclay read Resolution 2009-04 by title only.

Mr. O'Reilly is the legislative aspect of this project, the following resolution will be the financial aspect. This is a grant application submitted by Sue Frank, Dan Carpenter, Don Sopak and other Leisure Services members. Any questions regarding the actual project can be answered by Mr. Sopak and they are very happy to be accepting the State dollars.

Mayor Yakes opened for Public discussion on Ordinance 2009-04 and upon seeing nor hearing anyone wishing to speak, Mayor Yakes closed the Public discussion.

A motion to move on Resolution 2009-04 was made by Councilmember Worthington and seconded by Councilmember Stull.

Councilmember Worthington asked if the State was actually going to provide the funds especially due to the budget shortfall.

Mr. O'Reilly said yes that they were signing a contract, which they City Attorney worked on the correcting of some of the language, which was amiss.

Councilmember Worthington said the placement of a generator at the Senior Center was great as it was something which was long overdue. He wanted to know if the generator was going to be situated so it wouldn't be susceptible to flooding.

Mr. Sopak advised the generator will be a trailer mounted, which could be towed to another building if needed.

Vice-Mayor King said she thought they had discussed changing out the lighting with some of these funds and didn't see any indication of this here.

Mr. Sopak said the lighting proposal is being researched as to what the Federal Government recommends and they intend on purchasing and installing the lights themselves at a savings of about two-thirds. He said they also didn't want to risk losing the grant by confusing the initial request. Mr. Sopak said the lighting is currently listed in his budget under maintenance and repair.

Vice-Mayor King asked if all the buildings were going to be done.

Mr. Sopak replied this was not the case, they were just going ahead with the initial buildings, which were the Senior Center, City Manager, the City Manager's Assistant, and the Clerk's offices, and the break room. They were trying them here and would wait on feedback as to determine the feasibility of installing these lights in the other city buildings.

Mr. Sopak said they are currently replacing all the exterior flood lights and incandescent lights with energy efficiency bulbs.

Vice-Mayor King said when the grant was originally discussed it was to be used to replace the lights in the Senior Center and the City Manager's office and this was to have been done before the start of 2009. She said this year's budget allocated the replacement of the rest of the lighting as this was to be offset by Florida Progress payback. She said the longer we wait the less money there would be in budget as we would have to pay it to Florida Progress.

Mr. Sopak said there were other components to changing the lighting, it wasn't just light bulbs. He offered to show a cost savings analysis he has prepared. He said they would have most of the buildings converted by the end of this fiscal year.

Vice-Mayor King expressed concern regarding this because if it was done at the beginning of the year it would save money, however by waiting until the end of the year it will cost money.

Mr. Sopak said he can't use the grant money until it is received.

Vice-Mayor King said installing the lights in the Senior Center was not that big of a deal but with the 25% increase in electric charges it needs to be done to all the buildings as soon as possible.

Mr. O'Reilly said he and Mr. Sopak would see how soon they could complete this project and would report back to Council.

Mayor Yakes said Vice-Mayor King's point was well taken.

Mr. O'Reilly said there is an anticipated April increase and to have the lighting in place prior to that is the goal.

Vice-Mayor King said this grant was the last thing Vice-Mayor Phillips initiated prior to his leaving the city.

Councilmember Worthington said he understood there was an even more energy efficient lighting coming out in the near future.

Mr. Sopak said yes it was an entire fixture, LED fluorescent light and ballast and they were seriously looking at this.

Vice-Mayor King said yes, but this would be more expensive and since this wasn't available at this time, it would not be cost effective to wait, as they would see savings immediately with the bulb changes.

Councilmember Worthington said he was not suggesting they wait, he was just mentioning this would be available in the future.

Mayor Yakes said he appreciated the recognition given Mr. Ted Phillips regarding the grant as this was his passion.

VOTE:

MS. RYERSON	YES
MS. STULL	YES
MR. WORTHINGTON	YES
MS. KING	YES
MR. YAKES	YES

UNANIMOUSLY APPROVED

- e. 2009-05** A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE INTERIM CITY MANAGER TO ALLOW A BUDGET RESOLUTION INCREASING THE BUDGET IN THE CAPITAL PROJECTS FUND TO PROVIDE FUNDING FOR THE SENIOR CENTER FIXED CAPITAL OUTLAY PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Barclay read Resolution 2009-05 by title only.

Mr. O'Reilly said when this grant application was submitted in 2000 it was an unbudgeted item and the appropriations will be coming from the Undesignated Reserves in the Fund Balance and he believed this to be a good investment.

Mayor Yakes opened for Public discussion on Ordinance 2009-05 and upon seeing nor hearing anyone wishing to speak, Mayor Yakes closed the Public discussion.

A motion to move on Resolution 2009-05 was made by Councilmember Ryerson and seconded by Councilmember Stull.

MS. RYERSON	YES
MS. STULL	YES
MR. WORTHINGTON	YES
MS. KING	YES
MR. YAKES	YES

UNANIMOUSLY APPROVED

- f. 2009-06** A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE HUMAN RESOURCES OFFICER MAKE THE APPROPRIATE REVISION TO THE FAMILY MEDICAL LEAVE ACT (PERSONNEL MANUAL, SECTION 11.03); AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Barclay read Resolution 2009-06 by title only.

Mr. O'Reilly said this would put them in compliance with Federal Statue and provides clarification for family of armed forces members. He said Human Resource Director Jennifer Valdes was in attendance to answer questions.

Mayor Yakes opened for Public discussion on Ordinance 2009-06 and upon seeing nor hearing anyone wishing to speak, Mayor Yakes closed the Public discussion.

A motion to move on Resolution 2009-06 was made by Vice-Mayor King and seconded by Councilmember Ryerson.

Councilmember Worthington thanked Jennifer Valdes for keeping up with this.

Councilmember Ryerson said this was a very complicated and any clarification is good.

VOTE:

MS. RYERSON	YES
MS. STULL	YES
MR. WORTHINGTON	YES
MS. KING	YES
MR. YAKES	YES

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7. Public Session.

Mayor Yakes opened the Public Session.

Rosemarie Black, 5925 Shore Blvd S Apt 106, President of Town Shore Master Association, said residents of Town Shores parked at Veteran's Park to eat dinner at a downtown restaurant and received parking tickets. She asked Council to reconsider the parking signage, as it specifies dusk not a time and should be changed to no parking after 9:00 pm.

Vice-Mayor King said this should be changed to a specific time.

Councilmember Worthington said the signs should be eliminated entirely.

Councilmember Ryerson said she thought the original reason was to keep people from parking there overnight and said she agreed the signs should be eliminated.

Councilmember Stull agreed with the elimination of the signs.

Vice-Mayor King said she would agree with the signs being eliminated but she wasn't sure if they would be able to do this.

Mr. O'Reilly advised Council passed Resolution 97-56 which specifically designated parking be allowed 30 minutes prior to sunrise and 30 minutes after sunset. He said this was done to appease neighbors' concerns.

Mr. O'Reilly recommended Council consider changing the Resolution to differentiate between the park closing a half hour after sunset and the parking lot.

Jim Greenwald, 4747 Tradewinds Dr, candidate for City Council, said there is a stop sign needing to be moved unfortunately he was unable to provide the location. He said they should reconsider the time of the Public Session, as some of the participants don't want to sit through the Council meeting to make their issues. He also said the St. Pete Trolley (St. Pete Beach trolley) has had only 1977 passengers in the 980 trips made during the past five weeks and has generated only \$1246 of income or approximately \$1.27 a trip. Mr. Greenwald said the City should show fiscal responsibility and reexamine the issue as his calculations do not show the trolley to be cost effective.

Jennifer Conroy 5102 9 Ave S, said she had hoped she wouldn't be taking any more of the Council's time pertaining to her chickens, however she believes the Council will has been thwarted by the process as originally this was passed by all Council members only to be defeated by two. Ms Conroy said she only remembers two people speaking against the chickens and there have only been pro chicken letters in the Gabber. She said this movement and is not limited to Gulfport. She urges the Council to reconsider the vote and presented a map of Pinellas County, which shows chickens are allowed in more of the county than not allowed. Ms. Conroy said because of this, the issue should be brought up again.

Mayor Yakes asked if there was an interest of the Councilmembers to make a motion to bring this back. Mayor Yakes asked Mr. Driscoll if there was a problem bringing this back.

Mr. Driscoll said if there was a majority of Council wishing to revisit this issue, they could

certainly do so, as this was not subject to the same conditions as a quasi judicial issue as it was a legislative issue. Mr. Driscoll said it was at the pleasure of the Council to bring it up now or 10 years from now.

Councilmember Worthington expressed concerned regarding where this would stop, as would people want to bring home a small goat as it would provide milk for the family. He said there are all kinds of movements in this country and emphasized "Where does it stop".

Councilmember Worthington said he made the motion to vote against it and he stands by his vote.

Councilmember Stull asked if they brought this motion backed and voted in favor of it, what would happen if six months down the road, they change their minds and make the motion to reverse this decision.

Mayor Yakes said he didn't have the answer to that, but at the end of this day he wanted to know if there was a consensus to bring this back or let it stand as is, because there are other issues needing addressing. He said this is an important issue.

Councilmember Ryerson said the more she thought about it the more she disliked the idea. She said when they were talking about 4 chickens a family it was one thing, but when it increased to 10-12 chickens it became too much, and she has no interest in bringing this back.

Councilmember Stull said her concern was this issue could be revisited time and time again.

Mayor Yakes said this could happen anyway.

Mr. Driscoll advised any ordinance could be repealed anytime, and if you are making something legal, which is currently illegal and then reversing this could be somewhat problematic but Council has the authority to do that.

Mayor Yakes asked Councilmember Stull what her decision was.

Councilmember Stull asked if there wasn't someone else to speak on it.

Vice-Mayor King said Council has never spoke about not having chickens, and when they voted the 4 members of Council voted unanimously to allow people to have 10 chickens and when all 5 members of Council were in attendance, they did not vote against having chickens. It was only when two members of Council, who had voted for the chickens weren't present, was this motion defeated.

Vice-Mayor King reminded Council no one on Council ever said there should be no chickens.

Vice-Mayor King said she thinks the vote was unfair to the whole Council.

Vice-Mayor King said she has received at least 20 emails in support of the chickens and she even received a video from Atlanta, showing chickens and promoting the benefit of going "green".

Vice-Mayor King said she would not bring the motion back if there were three no votes on Council, as she was not going to hit her head against the wall.

Councilmember Worthington said he had been informed the ordinance was not going to be presented the night it was voted on due to two members of Council being absent. He said he had no problem with this and he was surprised by the fact that it did appear. He said he would have voted the same way. Councilmember Worthington said granted it is a "green" movement, but so is having goats or cows. Councilmember Worthington said he had chickens when he was younger and was speaking from experience, when he said you can't control them.

Councilmember Worthington reiterated if the vote had been postponed to another meeting he would have had no problem with that, however he still would have voted against the ordinance, but since it came up at the meeting at which only 3 members were in attendance and thus a quorum this is democracy.

Mayor Yakes asked Mr. Driscoll if only 2 members could bring this motion back.

Mr. Driscoll said since the ordinance was voted on, it would need to have the consensus of Council to be brought back.

Councilmember Stull said she would bring back the motion.

A motion to bring back the chicken ordinance was brought forward.

VOTE

MR. WORTHINGTON	NO
MS. STULL	YES
MS. KING	YES
MS. RYERSON	NO
MR. YAKES	YES

By a majority vote of 3 to 2, the ordinance to allow the possession of chickens will be brought back.

Madeline Guitterez , 1637 24 Ave N, St Petersburg, said she is allowed to have chickens. She commended the Vice-Mayor on the "green" aspect of the chickens. She said there had been a representative from Bartlett Park Community Garden wanting to address the "green" issue, but unfortunately had to leave. She said she raises show chickens and there are 47 breeds which are strictly bred to be pets. To Councilmember Worthington's concern about when does it stop, she said it stops when you want it to stop. Ms. Guitterez said a Pinellas County 4H leader was going to attend to mention the benefits of raising chickens but had a

family emergency. She said therefore there is a lot there for Council to think about and come back to this issue later.

Mayor Yakes said the "home rule" factor is involved here.

Pam Prell, 5230 8 Ave S, said she did not know the chickens were even there until she went to the house to acquire a signature and they are practically in her back yard. She said maybe 10 chickens are too much and this should be considered. She said there are more than likely other creatures being kept that we don't even know about because no one has complained. She said she supported the Trolley, and since there is no grocery store in this town, she has seen people debarking the Trolley with their groceries, including the elderly.

Ms. Prell asked about the contest to name Ward 4 and wanted to know if Disston was the name. She was advised by Councilmember Stull and Vice-Mayor King it was Tangerine. Ms. Prell asked if signs showing this would be put in place.

Carl Litis ? 2831 56 St, said he was the author of one of the letters to the Gabber, and it was based more on civics than chickens. He said the ordinance is not about goats, it is about chickens. He reminded Council that government was here to serve the people.

Sam Henderson 5301 18 Ave S, said as much as he likes the Trolley he agrees with Mr. Greenwald, regarding the cost of it. However, he said he would like to see Wards 3 and 4 incorporated in the Trolley's route before they abandon it.

Carolyn Heffer 6065 7 Ave S, said she is back and the strips were installed on 7 Avenue S, however they aren't working and was a waste of time and money, as the speeders are still speeding and now they are even passing the cars which are slowing down. She wanted to know if another study could be done. She is looking to Council to do something to stop the speeders on 7 Avenue S.

Mr. O'Reilly said it is also St. Petersburg issue and the city of Gulfport does not use speed humps and ask that Gulfport be indemnified.

Vice-Mayor King asked if a sidewalk could be placed on the St. Petersburg side.

Ms Heffer said she would find this acceptable, however the easement was only 4 feet.

Mr. O'Reilly said this could be part of the problem and he would speak to the City of St. Petersburg about installing a sidewalk.

Ms. Heffer asked if Gulfport wouldn't install a speed hump, why can't Gulfport install a sidewalk on their side of the street.

Mr. O'Reilly said he would speak to the City of St. Petersburg regarding the installation of a sidewalk on their side of the street.

Councilmember Worthington asked if a portable radar system could be installed to determine the time of day and the speeds and place police there to try to curtail this.

Mr. O'Reilly said a traffic study could be done.

Councilmember Worthington said to install a sidewalk all along 7 Avenue S would be cost prohibitive at this time.

Vice-Mayor King said there are grants available for sidewalks and since St. Petersburg has a grant writing department maybe they could pursue this.

Al Davis 2790 45 St S, said he is responding to an article in the St. Pete Times, regarding Clam Bayou benefits. He said there have been a lot of talk and campaign promises regarding Clam Bayou. He wanted to recognize the majority votes of City Council and proceeded to read an article describing Clam Bayou from a member of the Department of Environmental Protection written in March 2008.

Mr. Davis said he would be willing to address in great detail, to anyone at any time, this issue. He said he was living next to a toxic waste dump. He said accountability in the next election is important and he was glad to see Jim Greenwald's name on the ballot.

Lee Stappella 3025 York St S, said she was confused by the role of the City Attorney, when he was recently asked to assume the City Clerk's job and take the minutes at a previous Council meeting. She wanted to know if it was the City Attorney's staff who was going to type and submit these minutes at their rate or does his job description include this. She said public minutes and documents are governed by mandatory State Record Rules. She said she contacted the Interim City Clerk to request a copy of her salary/performance review and was informed Ms. Barclay didn't know where her copy might be as she had prepared the request at home, to which Ms. Stappella said she reminded the Clerk the record was to be kept at City Hall and she would be out of compliance with State rules if it was unavailable to her. Ms. Stappella said Ms. Barclay is without broad knowledge of Chapters 112, 119 and 286, therefore she functions only as a clerk typist not a municipal clerk. She said it was she who supplied Councilmember Stull with the required abstinence forms for the Essex Commission. Councilmember Worthington and she spent 45 minutes on October 10 in Ms. Barclay's office explaining these mandatory forms to her and then she went to Stetson to assist Councilmember Stull in completing the forms. Ms. Stappella said since the Deputy City Clerk must at times act in the City Clerk's stead, she should have the same statutory knowledge as the City Clerk, and this should all be considered when reviewing Ms. Barclay's request for a raise. Ms. Stappella said Ms. Barclay's transience has led her to seek legal counsel and she is asking for a grievance hearing prior to any court action under the Chapter 119 statutes.

Mr. Driscoll said he would answer any questions but had nothing to add.

Mr. Driscoll said his acting as the City Clerk was nothing sinister and the minutes are not being prepared by his staff and he will not be billing the City for the meeting.

Carol Dellasandro, 2636 Upton St S, said she hoped Councilmember Stull felt better and expressed her sympathies to Vice-Mayor King on her loss. Ms Dellasandro said this past Friday, they went to First Night and it was fabulous. She said the amount of people in attendance was amazing. She suggested maybe Councilmembers could attend, wearing name

badges, so people at this event would be able to approach and discuss items, maybe even have a booth for comments. Ms. Dellasandro thanked Mary for reopening the chicken issue as it is time for the chickens to come home and roost.

Bob Newcomb, 921 Fremont St S, said he the last Artwalk was fabulous. He suggested signage be placed on the Trolley, so the people in St. Pete Beach are aware of the good times happening in Gulfport. He also wants to move the Public Session to the front of the Council meeting, so those who were unable to stay for the entire evening could still partake.

Upon seeing nor hearing anyone wishing to speak, Mayor Yakes closed the Public discussion.

8. Any Other Business.

Councilmember Worthington said he had a constituent speak with him regarding replacing the sod in the dogpark with playground type mulch. He said this would lower water usage and maintenance. He recommended the police and city staff be on the watch for people wasting water during this critical water shortage period. He suggested the violator's address be written down and first a letter be sent before fines are levied.

Councilmember Worthington said he was not for the Trolley in the beginning, however people need to get used to it and they should be given a chance.

Councilmember Worthington thanked the Park Department in the improvements they made at Scout Hall.

Councilmember Worthington said on January 23, in Clearwater, there was going to be a class on the Sunshine Law. It will be 4 hours in the morning and he asked Council for consensus that the City would pay for any/ all board members who wanted to attend.

Councilmember Worthington endorsed the fertilizer ordinance.

Councilmember Worthington mentioned the Arbor Day Celebration January 15 from 1-2 pm.

Councilmember Worthington hoped everyone had pleasant holidays and wished all the best for the new year.

Councilmember Stull asked for extra time since she wasn't at the last meeting.

Councilmember Stull said Little League registration is presently taking place.

Councilmember Stull announced the Monday night Crime Watch meeting at the Senior Center, which will be on domestic violence.

Councilmember Stull Friday January 16 is the movie on the beach and mentioned Arbor Day.

Councilmember Stull mentioned the Wilson Quarterly and this book regarding Paris, and the similarities between construction issues there and here.

Councilmember Stull said when she first started serving on City Council the majority of meetings were at night, but lately she has been seeing more daytime meetings which are very difficult for someone who is employed to attend. She wanted to make sure the candidates are aware they will be expected to attend these meetings. She also stated she was asked by a constituent if it would be possible to have new ordinances banning/controlling smoking in the community.

Mr. Driscoll said this was regulated by state law and he would have to look into this and asked where they would like to ban smokers from.

Councilmember Stull said all the person wanted was for the city to have more control over where smoking could take place.

Mr. Driscoll said there aren't very many places where one can smoke under state law right now.

Mr. O'Reilly said this was not about cigarette smoking but barbecue/smoker smoke.

Mr. Driscoll said if this was regarding Smokin Joes, it was too late, as since Council already approved this establishment, they couldn't change it now and even if they develop a zoning ordinance pertaining to this, it will not affect established business as they are grandfathered in.

Councilmember Ryerson said it was great about the fertilizer ordinance coming from State level.

Councilmember Ryerson said the work on 58 Street south of 28 is road over sand and she is glad to see the work has started.

Councilmember Ryerson said it was great to see the turn out for the last Friday night.

Vice-Mayor King said the majority of the vendors are repeat, and they have increased to the extent that vendors are located closer to 28 than before.

Vice-Mayor King mentioned the new "green" Saturday afternoon walk.

Vice-Mayor King said they have already discussed the parking in Veteran's Park issue and the chicken issue.

Vice-Mayor King said she didn't think the installation of mulch in the dogpark would be beneficial as it would make it more difficult to pick up dog waste and the water being used in the dogparks is reclaimed water.

Vice-Mayor King said the Trolley ran for about two months without any signs and it has only been active one month with any signage. The Trolley is paid for with a PSTA grant and TIF money none of which is tax money. She said the Gulfport Free Trolley might be able to

coordinate with the Trolley, but the Trolley needs to maintain a regular hourly schedule. She said they need to remember it is the Gulfport Merchant's tax money not the City's which is paying for the trolley.

Mayor Yakes said moving the Public Session to the back of the Council meeting was his move, and it was not done out of contempt but the fact the Public Session was longer than the Council meeting. He reminded the Public Session was to bring forth items not on the Agenda and said he had no problems bringing this back to the front and will ask for a consensus from Council. He said one of the reasons it was moved to the back was to accommodate those who had resolutions before Council.

The consensus of Council was to bring it back to the front of the meeting, provided it stays manageable.

Mayor Yakes mentioned the expansion of Gulfport Montessori School by 5 classrooms and the increase in activity which will occur due to increased enrollment.

Mayor Yakes said workshops are productive and there are occasions where they need to be held during staff business hours to ensure the presence of the employees.

Councilmember Worthington asked if a consensus was needed for board members to attend the Sunshine Law Seminar and Mr. O'Reilly said all they had to do was contact his office. Councilmember Worthington asked Ms. Barclay to notify all board members about this class.

Councilmember Worthington said the Chamber of Commerce contacted him regarding their request to name the 64 Street park after RW Coldwell.

Mayor Yakes said Councilmember Stull was confused regarding a city ban on smoking/barbecue and smoked fish/mullet is a historical part of Gulfport and he could not support any ban of this.

Councilmember Worthington said some of the residential smokers are long time families with commercial sized smokers in their backyards. He said he could not support the ban either.

9. Adjournment.

A motion to adjourn was made by Councilmember Worthington and seconded by Councilmember Ryerson.

VOTE:

MS. RYERSON	YES
MS. STULL	YES
MR. WORTHINGTON	YES
MS. KING	YES
MR. YAKES	YES

UNANIMOUSLY APPROVED BY ACCLAMATION

2-3-09
Date approved

Michael J. Yakes
Michael J. Yakes, Mayor

Lesley DeMuth
M. Elaine Barclay, Interim City Clerk
Lesley DeMuth