

**City Council Meeting  
Agenda Packet  
Tuesday, February 1, 2011  
7:00 pm**



**City of Gulfport Florida**  
**Regular City Council Meeting Agenda**  
**Tuesday, February 1, 2011**

City Hall – 2401 53<sup>rd</sup> Street South, Gulfport, FL 33707

7:00 p.m.

Call to Order

Invocation given by Councilmember David Hastings

Pledge of Allegiance

Roll Call:

1. Public Session.
2. City Manager Report.
3. City Attorney Report.
4. City Clerk Report.
5. Consent:
  - a. Consider approval of the Council Meeting Minutes of December 7, 2010 and the Workshop Meeting Minutes of January 4, 2011.
  - b. 2011-03: A resolution of the City of Gulfport, Florida, appointing members to serve on the Gulfport Teen Council; providing for terms of appointment; and providing for an effective date.
6. Ordinances:
  - a. 2011-01, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 2, Administration; creating Article VI, Section 2-45, entitled Voluntary Energy Efficiency and Renewable Energy Program, providing for Definitions; providing for Eligible Participants; providing for Application; providing for Agreement Terms; providing for Administration; providing for Funding; providing for Energy Audit; providing for Non-Ad Valorem Assessments; providing for Recordation; providing for Mortgages; providing for Notice to Purchasers; providing for Limitations; providing for the repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.
  - b. 2011-02, First Reading: An ordinance of the City of Gulfport, Florida, amending Chapter 7, Buildings, Article 1, Building Codes, Section 7-3, Fence Regulations Generally, amending Section 7-3(g)(1); providing for the repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.

7. Old Business.
8. New Business.
9. Council Reports.
10. Adjournment.

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 893-1000 or fax a written request to (727) 893-1008. Posted: January 28, 2011.

**Agenda Item No. 1  
Public Session**

**Agenda Item No. 2  
City Manager Report**

**Agenda Item No. 3  
City Attorney Report**

**Agenda Item No. 4  
City Clerk Report**

**Consent**  
**Agenda Item No. 5-a**  
**Minutes**

**City of Gulfport Florida**  
**Regular City Council Meeting Minutes**  
**Tuesday, December 7, 2010**

---

The Regular Meeting of the Gulfport City Council was held on Tuesday, December 7, 2010, in the City Hall, City Council Chambers, 2401 53<sup>rd</sup> Street South, Gulfport, Florida.

Michael J. Yakes, Mayor, called the meeting to order at 7:00 p.m. The invocation was given by Councilmember Sam Henderson, followed by the Pledge of Allegiance.

**Roll Call:**

Present were Councilmembers David Hastings, Jennifer Salmon and Samuel Henderson; Vice Mayor Michele King; Mayor Michael J. Yakes; City Manager James O'Reilly; City Attorney Andrew Salzman, and City Clerk Lesley DeMuth.

**Presentations:**

Aquamaniacs Ski Club: Don Forte presented Council with DVD's of the Centennial Celebration Water Ski Show.

Gulfport Chamber of Commerce: Lori Rosso, Gulfport Chamber of Commerce, presented the City with two donations: \$1,000 to Operation Santa and \$1,000 to the Senior Center Food Pantry.

Brian Lamb – PACE: Mr. Brian Lamb, CEO of District Management Services, presented a brief video on renewable energy, and went over the PACE Program; the benefits it can provide for the City of Gulfport and what it could have for an impact on not only the residential, but the commercial properties. After Council's questions were answered by Mr. Lamb, City Manager O'Reilly advised Council that the next step, if it was Council's direction, would be for the City Attorney to draft an ordinance related to this program. Council could then debate the ordinance and the parameters, then the second step would be to do a Request for Qualifications for a third party administrator if Council was to adopt the ordinance. Mayor Yakes felt the ordinance definitely needed to be discussed at a workshop. In response to a request by Councilmember Salmon, City Manager O'Reilly stated he would have the Administrative Services Director Dan Carpenter look into the program.

**1. Public Session.**

John Glitchman, 2900 45<sup>th</sup> Street S., commented on the presentation and asked if other solar companies would be making presentations. Mayor Yakes advised this was just a presentation on the PACE Program.

Margarete Tober, 1513 59<sup>th</sup> Street S., stated she was intrigued by the presentation, but asked that Council be careful with the message that is delivered. Ms. Tober was saddened that our high school was rated a "D" school and asked that the City do something to better support our schools.

Bob Newcomb, 921 Freemont Street S., applauded Council for their interest in energy efficiency, but felt the PACE Program was complicated and did not need to be rushed into.

## **2. City Manager Report.**

City Manager O'Reilly reported:

- He and the City Attorney met with representatives of the derelict buildings on Essex Street. Ideally the City will be receiving a proposal to remediate this situation and if there is a response he would bring this back to Council on December 21.
- A tentative agreement has been reached with the Collective Bargaining Unit and he would like to hold an Executive Session with the Council prior to the December 21, Council Meeting.
- After receiving input from various Councilmembers, he prepared a list of four questions on auto debit, but would only like to ask one of the questions to measure the level of interest. After discussion by Council, City Manager O'Reilly stated he would handle sending out the survey.
- Previously adopted evaluation forms for the City Manager and City Clerk had been provided to Council for their consideration. Councilmember Salmon asked that the forms be on the same metric. Council discussed the review process and it was the consensus of Council to conduct the reviews in September.
- The Holiday Hoopla was an upcoming event and the WTSP Channel 10 Morning Show will be coming to Gulfport on December 15.

## **3. City Attorney Report.** No Report

## **4. City Clerk Report.**

City Clerk DeMuth asked that a meeting time be set for the December 21, Executive Session and Council scheduled 6:00 p.m.

## **5. Consent:**

- a. Consider approval of the Council Meeting Minutes of October 19, 2010.
- b. 2010-81, A resolution of the City of Gulfport, Florida, appointing a member to serve on the Senior Citizens' Advisory Committee on Aging; providing for term of appointment; and providing for an effective date.
- c. 2010-82, A resolution of the City of Gulfport, Florida, appointing members to serve on the Historic Preservation Committee; providing for term of appointments; and providing for an effective date.

City Clerk DeMuth read the Consent Agenda, and stated the names of those individuals being nominated for the appointments.

Councilmember Salmon requested the minutes be pulled from the Consent Agenda.

Motion by Councilmember Salmon, second by Councilmember Henderson to approve the Consent Agenda items b and c.

## UNANIMOUS APPROVAL BY ACCLAMATION

**6. Ordinance:**

- a. 2010-10, Second Reading and Public Hearing, An ordinance of the City of Gulfport, Florida, rezoning portions of property located at 2014 52<sup>nd</sup> Street South, generally known as Gulfport Elementary School, from One and Two Family Residential (R-2) to Institutional (I), as further described herein and in Exhibit A; providing for repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; providing for an effective date.

The City Clerk read Ordinance No. 2010-10 by title only.

City Manager O'Reilly explained the Ordinance.

Mayor Yakes opened the Public Hearing.

Margarete Tober, 1513 59<sup>th</sup> Street S., stated she was glad to see the City doing this, and spoke on the City Manager bringing the auto debit issue before Council for their consideration.

Vice Mayor King called for a point of order; this was the public's time to speak on Ordinance No. 2010-10, it was not public session, and Ms. Tober was out of order. Mayor Yakes asked Ms. Tober to continue with her comments, and she asked that Council show the City Officials their respect by doing their reviews.

Neither hearing nor seeing anyone else who wished to speak, Mayor Yakes closed the Public Hearing.

Mayor Yakes spoke on the importance of running the Council meetings in a respectful and businesslike manner.

Motion by Councilmember Salmon, second by Councilmember Henderson to adopt Ordinance No. 2010-10.

ROLL CALL:	COUNCILMEMBER SALMON	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HASTINGS	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- b. 2010-19, First Reading, an ordinance of the City of Gulfport, Florida, amending the Code of Ordinances, Charter 7, Buildings, Article 5, by establishing a Green Building Ordinance; Creating Section 7-32, Purpose; 7-33, Definitions; 7-34, Government Leadership; 7-35, Green Building Program; 7-36, Green Building Program Administration; 7-37, Green Building Standards; 7-38, Green Building Permitting Incentives; providing for the repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.

The City Clerk read Ordinance No. 2010-19 by title only.

City Manager O'Reilly explained the Ordinance.

Mayor Yakes opened for public discussion. Neither hearing nor seeing anyone who wished to speak, Mayor Yakes closed the public discussion.

Motion by Vice Mayor King, second by Councilmember Henderson to approve Ordinance No. 2010-19.

Councilmember Salmon said she thought this was great as a green building ordinance, but had brought to Council's attention and was working on bringing back to them landscaping and water quality issues relating to this. Councilmember Salmon said she hoped Council could keep these ordinances separate because there was not enough in this ordinance to cover those issues in terms of incentives; this ordinance was really about energy efficiency. She asked that the items related to landscaping be held out for a separate ordinance that would be very specific to those goals. City Attorney Salzman said there is nothing in the ordinance that would prohibit or interfere with a landscaping ordinance down the road.

Councilmember Henderson asked Councilmember Salmon if there was not going to be any interference with the language in this ordinance to what she is proposing down the road, did it matter if this ordinance remained as is. Councilmember Salomon stated as long as Council was not seeing this as the only thing the City is saying about landscaping because it is mentioned as one of the references.

Councilmember Hastings advised Council that he was not in agreement with Section 7-34 (a) requiring the City Council to budget an amount equal to one percent of the City's previous budget years general fund balance, and he addressed other sections of the Ordinance which dealt with unknown costs to the City.

Motion by Vice Mayor King, second by Councilmember Henderson to amend their motion to replace the language "shall budget" in Section 7-34 (a) with "may target".

Councilmember Salmon asked why Staff did not want to include expansion or remodeling under Section 7-36 (3). City Manager O'Reilly stated there was no problem striking that language.

Councilmember Hastings asked that the word "will" in Section 7-35 be amended to "may".

Mayor Yakes clarified with City Manager O'Reilly that this Ordinance was discussed at workshop.

Vice Mayor King stated she was willing to make the changes to her motion, however she suggested that PACE be brought back as an ordinance and a workshop not be held.

Councilmember Hastings stated he appreciated Vice Mayor King making the changes to the motion, and asked why Council could not see the ordinance wording during a workshop as opposed to seeing it for the first time during a Council meeting.

City Attorney Salzman stated he was going to speak to the City Manager about presenting a PACE Ordinance to Council in advance of the workshop.

Vice Mayor King and Councilmember Henderson had no objection to including in their motion for approval the word “may” in place of the words “shall or will” where appropriate and an amendment to remove “not including any expansion or remodeling” from Section 7-36 (3).

City Attorney Salzman restated the proposed changes to the Ordinance.

ROLL CALL:	COUNCILMEMBER SALMON	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HASTINGS	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- c. 2010-20, First Reading, an ordinance of the City of Gulfport, Florida, amending Chapter 17, Streets, Sidewalks, Parks, and Parkways, by amending Article II, Parks, Sections 17-28, Animals, by adding the term “and wildlife” creating Subsection (c) prohibiting the mistreatment of wildlife; and creating Subsection (d) prohibiting abandonment; providing for the repeal of ordinances or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.

The City Clerk read Ordinance No. 2010-20 by title only.

City Manager O’Reilly explained the Ordinance.

Mayor Yakes opened for public discussion. Neither hearing nor seeing anyone who wished to speak, Mayor Yakes closed the public discussion.

Motion by Councilmember Henderson, second by Councilmember Salmon to approve Ordinance No. 2010-20.

Councilmember Salmon spoke on her concerns regarding cats, and clarified with the City Manager that this change does not address fishing, oystering or anything aquatic.

Motion by Councilmember Henderson, second by Councilmember Salmon to amend their motion to approve Ordinance No. 2010-20 by amending Section 17-28 (a) to include that cats shall be controlled and restrained by a leash.

Councilmember Hastings asked if the City defined “wildlife” as anything other than a domesticated cat or dog, and City Manager O’Reilly stated that was correct. Councilmember Hastings suggested that cats also be included to Section 17-28 (b).

City Attorney Salzman stated this issue was not addressed at workshop, and pointed out that Council only addressed the additional language to protect wildlife from being harmed.

Vice Mayor King suggested Council go back to the original intent of what they were doing; protecting wildlife in City parks.

Councilmember Henderson addressed his reasoning for bringing this amendment forward; it did not require an amendment to Section 17-28 (a) or (b), it created Section (c).

Councilmember Henderson moved to amend his motion back to the original motion to approve

Ordinance 2010-20.

Councilmember Hastings stated he disagreed with Councilmember Henderson because he asked the question of how the City defines wildlife which in Section (a) says that it is anything other than a domesticated cat or dog, and he thought Section (c) changes this.

Councilmember Salmon seconded the motion and stated she felt that cats can be a hazard to wildlife and perhaps this discussion was for another day

ROLL CALL:	COUNCILMEMBER SALMON	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HASTINGS	NO
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED: 4 to 1.

**7. Resolution:**

2010-83, A resolution of the City of Gulfport, Florida, authorizing the City Manager to purchase a 2011 automated side loading sanitation truck; and providing for an effective date.

The City Clerk read Resolution No. 2010-83 by title only.

City Manager O'Reilly invited Public Works Director Don Sopak to explain the Resolution. Public Works Director Sopak spoke on the truck purchase and in response to questions by Councilmember Salmon he addressed the use of biodiesel fuel by the City.

Mayor Yakes opened the public discussion.

Al Davis, 2790 45<sup>th</sup> Street S., spoke on the reality of the green concept as it applies to diesel fuels.

Neither hearing nor seeing anyone else who wished to speak, Mayor Yakes closed the public discussion.

Motion by Councilmember Salmon, second by Councilmember Henderson to approve Resolution No. 2010-83.

ROLL CALL:	COUNCILMEMBER SALMON	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HASTINGS	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

**5. Consent:**

a. Consider approval of the Council Meeting Minutes of October 19, 2010.

In response to a question by Councilmember Salmon on the discussion reflected in the minutes on the COPS Grant, City Attorney Salzman advised that the Resolution stands as the action of the Council, and the minutes reflect the discussion that occurred even if something was misstated; there is nothing about the minutes that would change the Council's action.

Motion by Councilmember Salmon, second by Councilmember Henderson to approve the October 19, 2010 minutes.

UNANIMOUS APPROVAL BY ACCLAMATION

**8. Old Business.** None.

**9. New Business.**

Councilmember Salmon nominated Joe Guenther for the Spirit of Gulfport Award in recognition of his restaurant opening to provide Thanksgiving Dinners for Gulfport Elementary School Families. There was no objections from Council.

Councilmember Hastings spoke on a letter he received on the Bank of America branch in Gulfport closing. He asked if the City should look into do business with another bank in Gulfport. City Manager O'Reilly advised that Staff is always looking at our banking services, and they can let Bank of America know it is our intention to start looking. He did advise Council that some banks do not take municipal funds due to the fact they have to be guaranteed at 125 percent.

Vice Mayor King nominated Judy Ryerson and Bob Worthington for the Spirit of Gulfport Award. There was no objections from Council. Council discussed what Ms. Ryerson and Mr. Worthington do for the community.

Councilmember Henderson spoke on conversations he has had with Dr. Adams, a Dean at Stetson University, regarding starting a program with the City to have an intern from Stetson every semester. In response to questions by Council on what the intern will do, City Attorney Salzman stated they would need to have a discussion with Stetson as to what the parameters would be, but he believed he would have them deal with all the aspects that the city attorney deals with. In addition to that, he thought there will be some general activities with the City Manager and the City Clerk. Councilmember Salmon pointed out that in other cities this person will do a lot of research which can be helpful to Councilmembers. City Attorney Salzman advised Council he is willing to take on this responsibility and to provide this opportunity to Stetson students. City Council was in support of the internship program with Stetson.

Mayor Yakes requested a consensus from Council to close a portion of Newton Avenue during the Newton Avenue Holiday Decoration Experience on December 18, from 6:30 p.m. to 9:00 p.m. There was no objections from Council.

**10. Council Reports.**

Councilmember Salmon reported on the upcoming Holiday Concert by the Community Band, provided the dates for her upcoming Town Hall Meeting, the Crime Awareness holiday potluck, and the full eclipse of a full moon and that she will be serving on the Board of the Sea Scouts.

Vice Mayor King reported on the anniversary of Pearl Harbor and the Low Income Home Energy Assistance Program.

Councilmember Henderson provided the date for his upcoming Ward IV meeting.

**11. Adjournment.**

Motion by Councilmember Salmon, second by Councilmember Hastings to adjourn.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Michael J. Yakes, Mayor

\_\_\_\_\_  
Lesley DeMuth, City Clerk

**City of Gulfport Florida**  
**City Council Workshop Minutes**  
**Tuesday, January 4, 2011**

---

A Workshop Meeting of the Gulfport City Council was held on Tuesday, January 4, 2011, in the City Hall, City Council Chambers, located at 2401 53<sup>rd</sup> Street South, Gulfport, Florida.

Mayor Michael J. Yakes called the Workshop to order at 5:00 p.m. All Councilmembers were present.

**1. Discussion of a draft PACE Ordinance.**

Mayor Yakes asked City Manager O'Reilly to provide an update regarding the ordinance, and said then council will hear from the city attorney.

City Manager O'Reilly provided a brief overview of his recommendations associated with the Property Assessed Clean Energy (PACE) program and as outlined in the ordinance drafted by the city attorney.

City Attorney Salzman explained his intention in developing the ordinance was to the extent possible, position the city where they had minimal liability. In essence the terms listed in the ordinance are those required by statute; however, what you can see in the provisions of the ordinance is to contract with a third party administrator who would run the program and it would be his intention that if council goes forward with the ordinance that the indemnification and issues of liability be handled through that contractual basis, adding; the city cannot insulate itself from liability based on the ordinance as stated because the statutes require the city's involvement. However he believes based on the criteria that the council determines and that would be established in the contract, the city would be able to deal with those issues at that time. Obviously if council has an administrator who does not wish to meet their requirements, then council would not enter into an agreement with that particular administrator. Because this is a relatively new area he said he was sure there is a lot of room for negotiation.

Mayor Yakes opened for council discussion.

- Councilmember Henderson expressed concern, not with establishing the district but more so with the process and liability associated with; selection of a third party administrator, contracting license requirements, how audit costs would be paid and wanted to ensure there would be no penalty for early payment.
- Councilmember Hastings primary concern was based on information that the Federal Housing Finance Agency (FHFA), the regulator of Fannie Mae and Freddie Mac, had recently issued that directed Fannie Mae and Freddie Mac not to underwrite any mortgages for properties with the PACE assessment, and it further directed the mortgage lenders to redline communities with PACE programs by tightening lending standards. Councilmember Hasting stated he was not in favor of acting on PACE legislation in the city until Congress passes the PACE Protection Act. He also spoke on concerns regarding

a third party administrator. He said regardless of whether they were to limit the PACE ordinance to commercial property and move forward with it, his main concern as he understood it, was just by a community having a PACE assessment program, they would be redlined, and that will affect everyone in the community.

- Councilmember Salmon suggested that she would like to see Gulfport only contractors utilized if they enacted a PACE program. She said another option would be to write it for commercial property, but added based on information she gathered; ninety percent of new mortgages are held by Fannie Mae and Freddie Mac and there were a lot of people who would not be able to take advantage of this until at least the PACE Protection Act was voted on. She wanted to be able to evaluate the third party administrator's track record to ensure they were qualified, and spoke on issues that could be determined through negotiations.
- Vice Mayor King said though the third party administrator has a list of approved contractors, it would still be the property owner's choice, and said any contractor who would like to be a part of that list would apply and be vetted. She agreed with both Councilmembers Hastings and Salmon regarding the third party administrator, but she did not feel specific issues belonged in the ordinance-only the agreement, and there was a difference between the two. The ordinance was to establish the district. All the other stipulations regarding how the third party administrator was chosen would be outlined in the contract or agreement. She said one of the reasons for doing this now was the advantage to the 49<sup>th</sup> Street District, as it is an opportunity for the city to provide a mechanism for property owners to upgrade their property and lower their energy costs. Vice Mayor King thought this program was initially designed for commercial property, and was in favor of moving forward with changing the ordinance to apply to only commercial property.
- Mayor Yakes spoke on the PACE program and discussions he has had about it with representatives from the Florida League of Cities, Council of Mayors and other entities, and agreed with Councilmember Henderson as far as establishing a district whereby the council sets in motion the potential to move forward, which was the first step. Mayor Yakes liked the idea of providing another possible opportunity to people which offered them the ability to consider another resource, whether they chose to go that way or not. He requested that the city attorney clarify the legal obligations of the city.

City Attorney Salzman explained the issues with regard to priority of liens and said that was what the federal government had to resolve. He discussed the importance of choosing a third party administrator, and the ramifications involved. City Attorney Salzman said obviously some concerns can be dealt with in the contract, such as requiring bonds, the provision for adequate financial information, etc. and other stipulations, so the city would have minimal obligations. He said the city council can be as stringent as possible regarding agreements or contracts and said that council is not obligated to do anything after passing the ordinance, in fact, if they do not want to go to the next step they do not have to.

During Council's review of the proposed ordinance, section by section, the following changes were recommended: the word "citizens" be changed to "property owners" in the fifth whereas on page one; the word "materials" be included in the first sentence of B-2 on page three, and the

words “qualified energy firm” under F on page seven be included in the definition of Administrator or the wording be changed to match the Administrator definition. City Attorney Salzman would research the Statute on the language in H-5 on page eight and I regarding costs. Due to Council not being able to finish reviewing the last two sections of the ordinance, it was the consensus of Council to discuss any issues related to these sections during first reading on January 18.

2. **Any other business.** None.

3. **Adjournment.**

Motion by Councilmember Henderson, second by Councilmember Hastings to adjourn.

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Michael J. Yakes, Mayor

\_\_\_\_\_  
Lesley DeMuth, City Clerk

**Consent**  
**Agenda Item No. 5-b**  
**Resolution 2011-03**



## GULFPORT CITY COUNCIL MEMORANDUM

**FROM:** Lesley DeMuth, City Clerk

**AGENDA ITEM:** 5-b

**DATE:** February 1, 2011

**RESOLUTION:** 2011-03

**SUBJECT:** Teen Council Appointments

### **BACKGROUND:**

The Gulfport Teen Council consists of ten members; seven regular members and three alternate members. Members of the Teen Council serve a one-year term concurrent with the school year. Teen Council Members need to be appointed for the 2010-2011 School Year to fill the vacant Alternate positions.

### **ANALYSIS:**

The City has received applications from Teens who are interested in serving on the Teen Council.

### **FINANCIAL IMPACT:**

None.

### **MOTION:**

Move to approve Resolution No. 2011-03.

RESOLUTION NO. 2011-03

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, APPOINTING MEMBERS TO SERVE ON THE GULFPORT TEEN COUNCIL; PROVIDING FOR TERMS OF APPOINTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, vacancies have occurred on the Gulfport Teen Council; and

WHEREAS, the City has received applications from interested Teens wishing to serve on the Teen Council and the City Council is desirous of making appoints to fill the vacancies existing on the Teen Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

**Section 1.** The City Council hereby appoints the following members to serve on the Gulfport Teen Council for a term expiring August 2011:

Michael Wos, Alternate  
Dylan Totilo, Alternate

**Section 2.** This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 1st day of February, 2011 by the Council of the City of Gulfport, Florida.

\_\_\_\_\_  
Michael J. Yakes, Mayor

ATTESTED:

\_\_\_\_\_  
Lesley DeMuth, City Clerk

**Agenda Item No. 6-a**  
**Ordinance No. 2011-01**



## GULFPORT CITY COUNCIL AGENDA MEMORANDUM

**FROM:** James E. O'Reilly, City Manager

**DATE:** February 1, 2011

**AGENDA ITEM:** 6-a

**ORDINANCE NO:** 2011-01

**SUBJECT:** 2<sup>nd</sup> Reading of PACE Ordinance

### **RECOMMENDATION:**

That City Council approves Ordinance 2011-01 on second (2<sup>nd</sup>) reading; amending Chapter 2 – Administration; Creating ARTICLE IV, Section 2-45, titled Voluntary Energy Efficiency and Renewable Energy Program. Staff recommends that the Ordinance reflect the programs applicability to only those commercial properties not deemed affected by the Federal Housing Finance Agency's position statement of July 6, 2010.

### **BACKGROUND:**

City Council requested that the City administration research and make recommendations relating to the City's utilization of the Property Assessed Clean Energy Program (PACE) program that was adopted by the Florida legislature on April 30, 2010. While the goal of the legislation is very desirable for our commercial community, questions and issues have arisen based upon the actions of the Federal Housing Finance Agency in relationship to the underwriting of Fannie Mae and Freddie Mac backed residential mortgages and the potential overall impact on the City of Gulfport as the enacting jurisdiction.

On January 4, 2011, City Council work shopped a proposed ordinance created by the City Attorney creating a PACE – Property Assessed Clean Energy program for the City of Gulfport. Following discussion City Council placed the item on their agenda for the January 18, 2011 City Council meeting for first (1<sup>st</sup>) reading. On January 18, 2011, City Council approved Ordinance 2011-01 on first (1<sup>st</sup>) reading.

### **ANALYSIS:**

Staff has researched that issue and finds that at this time the Federal Housing Finance Agency has directed Fannie Mae, Freddie Mac and Federal Home Loan Banks to address the PACE program's relationship with first liens.

The establishment of residential loan origination issues by the Federal Housing Finance Agency, in providing direction to Fannie Mae, Freddie Mac and Federal Home Loan Banks agencies, places considerable concern on the programs present applicability to residential borrowers. The State of California and other governing bodies wishing to participate in PACE programs across the country have brought suit to clarify this impact. City staff has made inquiries of and is awaiting response from Congressman Young's office and Senator Nelson's office, respectively, requesting clarification on this directive as it applies to the City of Gulfport.

Investigation of the programs applicability to commercial properties and the potential for impact to commercial lending has been provided by U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, that states the following - Federal Housing Finance Agency (FHFA) guidance does not impact commercial PACE.

Additionally, during discussion related to the first (1<sup>st</sup>) reading, City Council asked that language be included in the ordinance prior to second (2<sup>nd</sup>) reading, requiring at a minimum that the party, who is the successful responder to the third (3<sup>rd</sup>) party administrator process be required to provide proof of financial stability, a performance bond and appropriate licensing and qualifications. City Council also asked that within Ordinance 2011-01 references to "Property" as defined within the ordinance be preceded by the term "Commercial."

As discussed within the workshop setting, staff is of the position that the development of the commercial program provides potential for energy cost savings, encourages energy efficiency, renewable energy and wind resistance improvements, while benefitting the local construction industry. However, existing City staff is not equipped to take on the new/added responsibility of administering such a program. Additionally, current City staff does not have the experience or expertise in this new and developing field. Ideally the program, the underlying plan of finance and the most effective strategy for implementation will be developed for the City and directed by a third-party administrator. The program would be phased in and implemented via contractual agreement with a third-party administrator, as provided for within state statute. Areas of financial concern would be addressed within subsequent request for proposals and contract negotiations for the appropriate third party administrator, prior to implementation of any further action or ordinance related activities.

#### **FINANCIAL IMPACT:**

No known financial impact at this time.

#### **MOTION:**

A motion to approve/deny Ordinance No. 2011-01; amending Chapter 2 – Administration; Creating ARTICLE IV, Section 2-45, titled Voluntary Energy Efficiency and Renewable Energy Program, acknowledging that the programs applicability is only to those commercial properties not deemed affected by the Federal Housing Finance Agency's position statement of July 6, 2010, on second (2<sup>nd</sup>) reading would be appropriate.

**CITY OF GULFPORT, FLORIDA  
ORDINANCE NO. 2011-01**

**AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION; CREATING ARTICLE VI, SECTION 2-45, ENTITLED VOLUNTARY ENERGY EFFICIENCY AND RENEWABLE ENERGY PROGRAM, PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBLE PARTICIPANTS; PROVIDING FOR APPLICATION; PROVIDING FOR AGREEMENT TERMS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR FUNDING; PROVIDING FOR ENERGY AUDIT; PROVIDING FOR NON-AD VALOREM ASSESSMENTS; PROVIDING FOR RECORDATION; PROVIDING FOR MORTGAGES; PROVIDING FOR NOTICE TO PURCHASERS; PROVIDING FOR LIMITATIONS; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the State of Florida has declared it the public policy of the state to develop energy management programs aimed at promoting energy conservation; and

WHEREAS, the Florida Legislature 2010 enacted Section 163.08, Florida Statutes, which provides in part, the authorization of cities to establish voluntary energy efficiency and renewable energy programs for the purpose of providing and financing qualifying improvements; levy of non-ad valorem assessment fund to qualifying improvements; incur debt to provide financing for qualified improvements; and collect costs incurred from financing qualifying improvements through a non-ad valorem assessment, a municipal lien, or through any other lawful method; and

WHEREAS, when enacting Florida Statute 163.08, the Florida Legislature determined that there is a compelling state interest in enabling commercial property owners to voluntarily finance energy efficient and renewable energy programs with local government assistance; and

WHEREAS, the Council for the City of Gulfport finds that the installation of energy efficient improvements and renewable energy improvements by its commercial property owners on a voluntary basis as an important strategy to advance the public interest of energy conservation, renewable energy development, and greenhouse gas emissions reduction; and

WHEREAS, the City Council for the City of Gulfport desires to establish a voluntary energy efficiency and renewable energy program pursuant to Florida Statute 163.08 which will assist commercial property owners of Gulfport by providing options to fund energy efficient and

renewable energy improvement through federal or state grant funds, private loans from a financial institution, or other private or not-for-profit sources of funds; and

WHEREAS, the expected life of energy efficient or renewable energy projects may require a longer term payback period than offered by traditional equity financing necessitating an alternative financing option to install the improvements, including using non-ad valorem assessments levied on the commercial property as security for any loans as authorized by Florida Statute 163.08; and

WHEREAS, the City of Gulfport finds that there is a public purpose and it is in the best interest of the commercial property owners of Gulfport to provide for a voluntary energy efficiency and renewable energy program that will meet the local need to foster energy savings which will reduce harmful admissions into the environment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, FLORIDA AS FOLLOWS:**

**Section 1.** Chapter 2, Administration, of the City of Gulfport Code of Ordinances is hereby amended as follows:

Article VI, Section 2-45, Voluntary Energy Efficiency and Renewable Energy Program.

**A. Title.** This article shall be entitled “Voluntary Energy Efficiency and Renewable Energy Program.”

**B. Definitions.**

“Administrator” means any qualified, licensed, and bonded entity selected by the City through a competitive process to administer the Energy Savings Program.

“Agreement” means a written agreement between the City, Administrator and an Eligible Participant setting forth the terms and conditions of the Energy Savings Program.

“Contractor” means a contractor properly certified or registered pursuant to part I or part II of chapter 489, Florida Statutes.

“Eligible Participant” means any commercial property owner who voluntarily participates in its Energy Efficiency and Renewable Energy Program and satisfies the eligibility requirements set forth below.

“Energy Audit” shall mean an energy audit performed by qualified energy auditor or a certified building energy rater approved by the City pursuant to the Section H.

“Energy Savings Program” means the Voluntary Energy Efficiency and Renewable Energy Program authorized by this Article.

“Notice” means the notice that an Eligible Participant is required to provide to a purchaser of the commercial property prior to its sale.

“Commercial Property” means a property, commercial, located within the boundaries of the City which is being improved pursuant to the Energy Savings Program.

“Qualifying Improvement” includes any:

1. Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or a more efficient use of electricity, natural gas, propane or other forms of energy on the commercial property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modifications to increase the use of daylight; replacement of window(s); installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; and installation of efficient lighting equipment; and

2. Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources: hydrogen, solar, geothermal, bio-energy, and wind; provided, such energy conservation and efficiency improvement and renewable energy improvement shall be made, and affixed, to an existing commercial property and not to new construction and shall not include a household appliance such as a washing machine or refrigerator that is not permanently fixed to real commercial property.

C. **Eligible Participants.** In order to be an Eligible Participant, a commercial property owner or commercial property must meet the following criteria:

1. Be the legal owner of the commercial property and provide proof of ownership in the application for the Energy Savings Program.
2. Commercial property must be located within the City of Gulfport.
3. All commercial property taxes and any other assessments levied are paid and have not been delinquent for the preceding three (3) years or the commercial property owner's period of ownership, whichever is less.
4. Commercial property owner must be current on any mortgage.
5. Commercial property owner cannot be in bankruptcy nor can the commercial property be an asset in any bankruptcy proceeding.
6. Commercial property cannot have any federal income tax lien, judgment lien or similar involuntary lien, including construction liens, encumbering it.
7. No notices of default or other evidence of commercial property-based debt delinquency have been recorded during the preceding three (3) years or the commercial property owner's period of ownership, whichever is less.

D. **Application.** An Eligible Participant shall submit a complete application to the City or Administrator for approval. A complete application shall include the following information:

1. Proof of ownership and location of the commercial property.
2. Documentation showing the structure or building, subject of the application, is an existing structure or building on the date of the application.

3. A cost estimate for the installation of the Qualifying Improvements completed by a Contractor (including the name and license number of the Contractor). This estimate shall include all construction costs, equipment, permitting fees, recording fees for the assessment of liens, energy audit costs, and contingency fees. Estimated costs shall be reasonable for the scope of the proposed project and in relation to the commercial property value.

4. Written documentation indicating that the commercial property owner meets all of the criteria set forth in section C 3-7 above.

5. Statement that the Eligible Participant will agree to a non-ad valorem assessment being collected pursuant to Section 197.3632, Florida Statutes to secure any loans entered into by the Eligible Participant related to the Energy Savings Program.

6. Proof that notice was provided to any lender of the Eligible Participant's intent to enter into written agreement with the City or Administrator with respect to the Energy Savings Program and in the event of a loan, the maximum principal amount to be financed and the maximum annual assessment necessary to repay that amount.

**E. Agreement Terms.** The City and/or Administrator shall enter into a voluntary written agreement with each Eligible Participant. The written agreement shall provide, at a minimum, for the following.

1. All work requiring a license under any applicable law to make a qualifying improvement shall be performed by a Contractor.

2. The source and amount of funding to be provided to the Eligible Participant.

3. The maximum limit of the financing for the Energy Savings Program shall not exceed twenty (20) percent of the just value of the commercial property as determined by the City's appointed Property Appraiser on the latest available tax roll unless:

- the Energy Audit demonstrates that the annual energy savings from the Qualified Improvement equals or exceeds the annual repayment amount of the non-ad valorem assessment; or
- a higher financing amount is consented to by the mortgage holder on the commercial property.

4. Express voluntary consent by the Eligible Participant to accept the non-ad valorem assessment collection process pursuant to Section 197.3632, Florida Statutes.

5. The length of time for the Eligible Participant to repay the non-ad valorem assessment, provided, that it shall not exceed twenty (20) years.

6. The Eligible Participant shall be responsible for assuring the Qualifying Improvements are completed as reflected in the approved application documents. The Eligible Participant also consents to providing access to the commercial property to the City and/or Administrator to verify that the Qualifying Improvements have been completed as proposed in the application.

At the time of a transfer of commercial property ownership except a transfer resulting from foreclosure, the past due balances of any non-ad valorem assessment under this subsection shall be due for payment, but future payments shall continue as a lien on the commercial property. At or before the execution of a contract for the sale and purchase of any commercial property for which a non-ad valorem assessment for the Energy Savings

Program has been levied and has an unpaid balance due, the seller shall give the prospective purchaser a Notice.

7. The terms associated with participating in the Energy Savings Program shall be disclosed in the written Agreement, including risks related to the failure of the Eligible Participant to make payments and the risk of the issuance of a tax certificate and loss of the commercial property pursuant to Chapter 197, Florida Statutes.

8. The cost of an energy savings audit or the cost to complete an estimate of information on energy saving measures, estimated energy savings for each measure, estimated greenhouse gas reductions and estimated costs savings from the projects will be subject to reimbursement upon execution of the written agreement to accept the non-ad valorem assessment.

9. Description of the Qualifying Improvements, their cost, estimated completion date and estimated annual savings.

10. A copy of the Energy Audit shall be included as an Exhibit.

11. The Eligible Participant shall agree to apply any rebates provided by an entity other than the City, received for the Qualifying Improvements, towards the repayment of any non-ad valorem assessment.

12. The Eligible Participant shall provide all copies of final permits and inspections to the City and/or Administrator upon completion of the Qualifying Improvements.

**F. Administration.** The Energy Savings Program may be administered by the City Manager or his designee or by a qualified entity selected by the City through a competitive selection process. The Energy Savings Program shall be administered in accordance with this Article and any additional regulations and order adopted by the City Council from time to time.

**G. Funding.** The City may make available to the Energy Savings Program, federal or state grant funds, private loans from a financial institution, for profit sources, or not-for-profit sources of funds.

**H. Energy Audit.** At a minimum, an Energy Audit for the Energy Savings Program shall include the following information:

1. Recommendations for energy savings measures;
2. Estimated energy savings and a priority ranking for each measure;
3. Estimated renewable energy to be produced;
4. Estimated greenhouse gas reductions; and
5. Annual estimated cost savings resulting from the implementation of the

recommendations and use of funds made available by the City and/or Administrator.

**I. Non-Ad Valorem Assessments.** The City is authorized to impose non-ad valorem assessments on commercial property to secure the repayment of any loan by an Eligible Participant to pay for Qualified Improvement(s), along with costs incurred by the City. The non-ad valorem assessments shall be collected pursuant to §197.3632, Florida Statutes or any successor Section and, notwithstanding §197.3632(8)(a), shall not be subject to discount for early payment. The notice and adoption requirements of §197.3632(4), Florida Statutes are not applicable if the non-ad valorem assessments are collected pursuant to and in compliance with Section 163.08, Florida Statutes and this Article. The intent resolution, publication of notice, and mailed notices to the commercial property appraiser, tax collector, and Department of Revenue required by §197.3632(3)(a), Florida Statutes may be provided on or before August 15 in conjunction with any non-ad valorem assessment authorized by this Article, if the commercial property appraiser, tax collector, and local government agree.

Pursuant to Chapter 197, Florida Statutes, non-ad valorem assessments levied pursuant to this Article shall remain liens, coequal with the lien of all state, City, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid.

**J. Recordation.** The Agreement shall be recorded in the public records of the City within five (5) days after execution of the Agreement. The recorded Agreement shall provide constructive notice that the assessment to be levied on the commercial property constitutes a lien of equal dignity to City taxes and assessments from the date of recordation. Failure to record the Agreement within such five (5) day period shall not invalidate the terms of the Agreement. The costs of recordation shall be borne by the Eligible Participant.

**K. Mortgagees.** A provision in any agreement between a mortgagee or other lien holder and Eligible Participant, or otherwise now or hereafter binding upon the commercial property or the Eligible Participant, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into an Agreement as provided for in the Energy Savings Program regarding the collection of non-ad valorem assessments is not enforceable. This subsection does not limit the authority of the holder or loan servicer to increase the required monthly escrow by an amount necessary to annually pay the Qualifying improvement non-ad valorem special assessment.

**L. Notice to Purchaser.** At or before the execution of a contract for the sale and purchase of any commercial property for which a non-ad valorem assessment for the Energy Savings Program has been levied and has unpaid balance due, the seller shall give the prospective purchaser the following notice in writing:

“The commercial property being purchased is located within the jurisdiction of the City of Gulfport that has placed an assessment

on the commercial property pursuant to Section 163.08, Florida Statutes. The assessment is for a qualifying improvement to the property relating to energy efficiency, renewable energy, or wind resistance, and is not based on the value of the commercial property. You are encouraged to contact the City's appointed commercial property appraiser's office to learn more about this and other assessments that may be provided by law."

**M. Limitations.** A provision in any agreement between the City and a public or private power or energy provider or other utility provider is not enforceable if it limits or prohibits the City from exercising its authority under this Article. A provision in any agreement between a mortgagee or other lienholder and an Eligible Participant, or otherwise now or hereafter binding upon an Eligible Participant, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into an Agreement as provided in this Article is not enforceable.

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** This ordinance shall take effect immediately upon its passage and approval, consistent with all requirements of general law.

**Section 4.** The provisions of this ordinance shall become and be made a part of the City Code of Ordinances and the sections of this ordinance may be renumbered and codified to accomplish this end.

**Section 5.** If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

---

Michael J. Yakes, Mayor

FIRST READING : January 18, 2011

PUBLISHED : January 22, 2011

SECOND READING/  
PUBLIC HEARING : February 1, 2011

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this \_\_\_\_ day of \_\_\_\_\_, 2011.

---

Lesley DeMuth, City Clerk

**Agenda Item No. 6-b**  
**Ordinance No. 2011-02**



## GULFPORT CITY COUNCIL AGENDA MEMORANDUM

**FROM:** James E. O'Reilly, City Manager

**DATE:** February 1, 2011

**AGENDA ITEM:** 6-b

**ORDINANCE NO.:** 2011-02

**SUBJECT:** 1<sup>st</sup> reading of an amendment to the City of Gulfport's fence regulations, providing for the capability of an interior lot properly owner adjacent to a corner lot to construct a fence up to six (6) feet in height in the front of the interior lot's main structure along the boundary of the corner lot; while meeting all required setbacks and criteria for such fence placement as it refers to the rear boundary of the corner lot.

### **RECOMMENDATION:**

Staff recommends City Council approve the Ordinance on first reading; amending Chapter 7 - ARTICLE I. BUILDING CODES\*- Section. 7-3. Fence regulations generally, subsection (g) (1) - *Residential districts* (including all districts used or zoned for residential purposes); of the City of Gulfport Code of Ordinances.

### **BACKGROUND:**

In response to a request from Mayor Yakes, City Council directed City staff to bring forth language to address the issue of permitted fence height and location in respect to a shared property line between a corner lot and an adjacent interior lot within the City's fence ordinance.

Subsequently, staff provided information and materials at the January 18, 2011 City Council meeting to address the issue. Following a staff presentation, City Council directed staff to bring forth such an ordinance. The proposed ordinance amends Chapter 7 of the City's Code of Ordinances to reflect appropriate language. The amendment expands upon the ability of the adjacent interior lot property owner to install a fence on a shared property line with an adjacent corner lot. The adjacent interior lot property owner would be afforded the utilization of present fence regulations on the common boundary as they presently apply to the rear boundary of the corner lot.

### **ANALYSIS:**

The amendment presented would provide for the ability of the interior lot properly owner adjacent to a corner lot to construct a fence up to six (6) feet in height in the front of the interior lot's main structure along the common boundary of the corner lot.

Staff recommends that all presently required setbacks and criteria for such fence placement as they refer to the rear boundary of the adjacent corner lot remain in effect and be applicable to the now permitted fence on the adjacent interior lot.

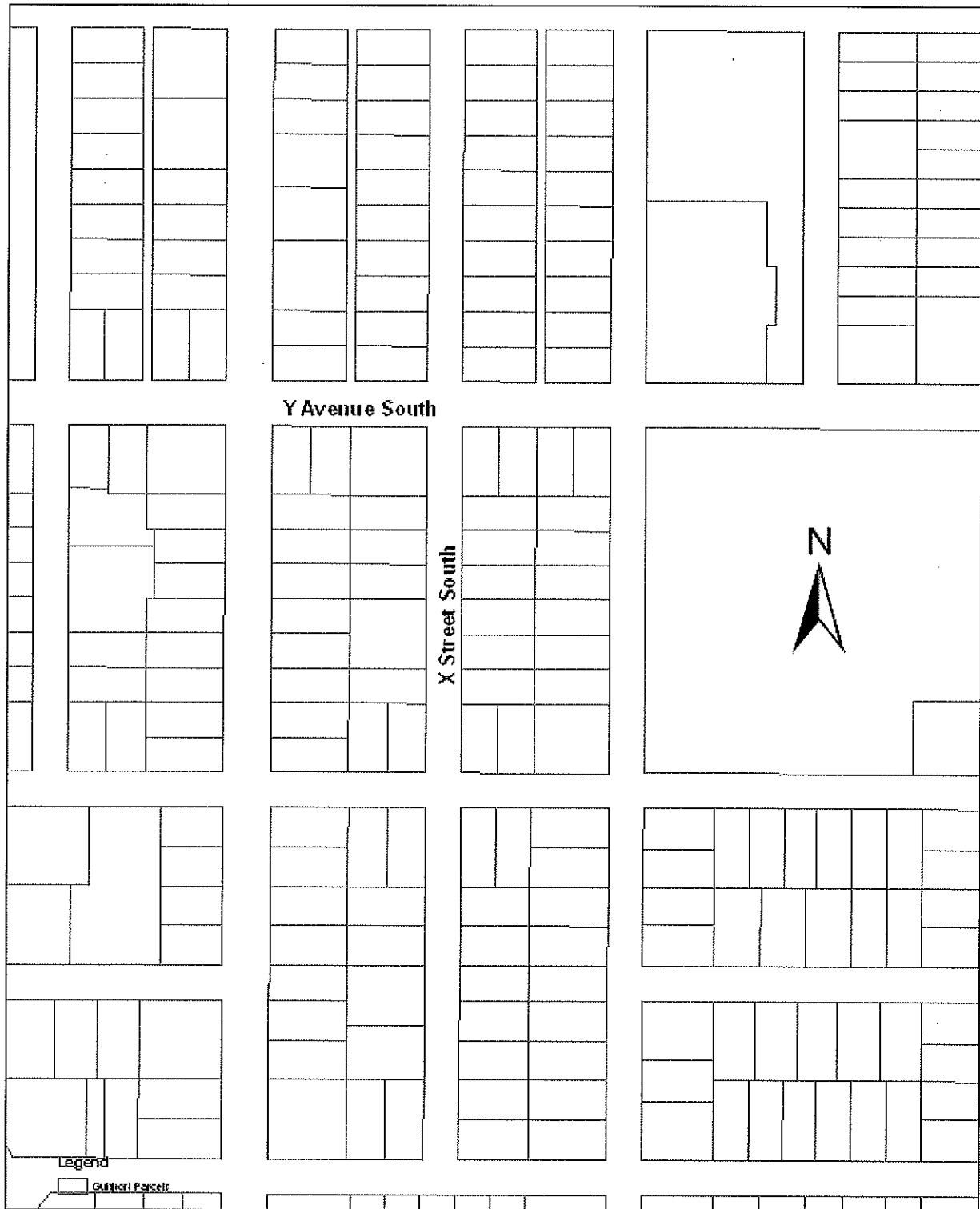
**FINANCIAL IMPACT:**

No financial impact at this time.

**MOTON:**

A motion to approve/deny Ordinance No. 2011-02; amending Chapter 7 - ARTICLE I. BUILDING CODES\*- Section. 7-3. Fence regulations generally, subsection (g) (1) - *Residential districts* (including all districts used or zoned for residential purposes); of the City of Gulfport Code of Ordinances on first reading.

# Corner Lot Orientation Examples



**CITY OF GULFPORT, FLORIDA  
ORDINANCE NO. 2011-02**

**AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 7, BUILDINGS, ARTICLE 1, BUILDING CODES, SECTION 7-3, FENCE REGULATIONS GENERALLY, AMENDING SECTION 7-3 (g)(1); PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council for the City of Gulfport has determined that residential corner lots require flexibility concerning fences; and

WHEREAS, the City Council for the City of Gulfport has determined that it is in the best interest to allow residents to have options when constructing corner lot fences.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, FLORIDA AS FOLLOWS:**

**Section 1.** Section 7-3(g)(1), Residential districts (including all districts used or zoned for residential purposes), shall be amended to read as follows:

Fences may be constructed up to six (6) feet in height along the boundary of a lot on that portion line behind the front setback line and behind the front of the main structure. Interior lots that are immediately adjacent to a corner lot may erect a six (6) foot high fence forward of the front setback line and the front of the main structure along the lot line which abuts the corner lot.

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** This ordinance shall take effect immediately upon its passage and approval, consistent with all requirements of general law.

**Section 4.** The provisions of this ordinance shall become and be made a part of the City Code of Ordinances and the sections of this ordinance may be renumbered and codified to accomplish this end.

**Section 5.** If any part of this ordinance is declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

\_\_\_\_\_  
Michael J. Yakes, Mayor

FIRST READING : February 1, 2011

PUBLISHED : \_\_\_\_\_

SECOND READING/  
PUBLIC HEARING : \_\_\_\_\_

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Lesley DeMuth, City Clerk

**Agenda Item No. 7**  
**Old Business**

**Agenda Item No. 8**  
**New Business**

**Agenda Item No. 9**  
**Council Reports**

**Agenda Item No. 10**  
**Adjournment**