

**City Council Meeting
Agenda Packet
Thursday, January 26, 2012
3:30 pm**



City of Gulfport Florida
City Council Workshop
Thursday, January 26, 2012

Catherine Hickman Theater – 5501 27th Avenue South

3:30 p.m.

Agenda

Call to Order.

Public Session.

1. Discuss proposed ordinance regarding sandwich board signs.
2. Discuss proposed ordinance regarding site plan streamlining.
3. Discuss live aboards within the municipal marina.
4. Discuss open container/alcohol consumption at city special events within the Waterfront Redevelopment District.
5. Discuss allowing concession services on the municipal beach.
6. Discuss pavilion reservation policy.
7. Discuss establishing a public arts committee.
8. Discuss vacant board positions.
9. Review meetings calendar.
10. Any other business.
11. 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 24, 2012.

Agenda Item No. 1
Sandwich Board Signs



GULFPORT CITY COUNCIL WORKSHOP AGENDA MEMORANDUM

FROM: Frederick J. Metcalf, Community Development Director
DATE: January 26, 2012 **AGENDA ITEM:** 1
SUBJECT: Sandwich Board Signs.

BACKGROUND:

The City Council directed staff to draft an ordinance allowing for sandwich board signs throughout the city. The ordinance being proposed defines sandwich board signs and provides for regulation of these signs.

In an effort to expedite the process, the Planning and Zoning Board will review this draft at their February 1, 2012 meeting.

ANALYSIS:

The proposed ordinance provides language that allows for sandwich board signs. A definition has been added and the section prohibiting portable signs has been amended to exclude sandwich board signs. A new subsection has been added to section 22-17.11, *Special Restrictions of Specific Signs*. This new subsection "k" provides for regulation of sandwich board signs. They may be allowed on private property and on public right-of-way if no private property is available for their placement. They cannot impede pedestrian access, use of the public right-of-way or visibility to traffic. Signs can be 42 inches by 30 inches in size. This is a standard size for most sandwich board signs currently on the market. It should accommodate both the frame and advertising area.

FINANCIAL IMPACT:

There should be no financial impact associated with this amendment.

RECOMMENDATION:

Staff is looking for direction regarding this draft ordinance.

CITY OF GULFPORT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA AMENDING CHAPTER 22, ZONING, ARTICLE XVII, SIGNS AND ADVERTISING, OF THE CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF SECTION 22-17.04, DEFINITIONS, BY ESTABLISHING A DEFINITION FOR SANDWICH BOARD SIGN; PROVIDING FOR AMENDMENT OF SECTION 22-17.08, PROHIBITED SIGNS; PROVIDING FOR AMENDMENT OF SECTION 22-17.11, SPECIAL RESTRICTIONS FOR SPECIFIC SIGNS, PROVIDING FOR REGULATION OF SANDWICH BOARD SIGNS; 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 desires to provide for the placement of sandwich signs subject to certain restrictions; and

WHEREAS, the City Council has found this ordinance to be in the best interest, safety and welfare of the citizens of the CITY OF GULFPORT; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

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

Section 1. The Code of Ordinances of the City of Gulfport is hereby amended as follows:

Section 22-17.04, Definitions.

Sandwich Board Signs. A type of portable sign of A-Frame construction designed for placement in front of the place of business being advertised, Sandwich Board Signs are generally two (2) sided.

Section 2. Article XVII, Section 22-17.08(b)(4) of the Code of Ordinances, pertaining to prohibited signs, is hereby amended to read as follows:

(4) Portable signs, as defined in this article, except sandwich board signs as regulated elsewhere in this article, and signs made of flexible magnetic material

attached to, or signs painted on, the side or rear of vehicles, which are used in the normal day-to-day operations of the business for some business purpose other than advertising, or otherwise specifically allowed in this article;

Section 3. Article XVII, Section 22-17.11 of the Code of Ordinances, pertaining to special restrictions for specific signs, is hereby amended by establishing subsection (k) to read as follows:

Sec. 22-17.11. Special restrictions for specific signs.

(k) Sandwich board signs.

- (1) Sandwich board signs shall be freestanding and moveable.
- (2) A maximum of one (1) sandwich board sign per licensed business is allowed.
- (3) All sandwich board signs shall be located on private property adjacent to the business. Properties with no private property available to locate a sandwich board sign may place their sign within the public right-of-way. Signs within the public right-of-way and/or public sidewalks shall allow a minimum width for pedestrian access of no less than four (4) feet. No sandwich board sign shall be placed within three (3) feet of the nearest edge of any vehicular travel lane or parking area, or within any cross visibility triangle. Any such sign which intrudes upon pedestrian or vehicular movement or safety is prohibited and shall be removed immediately upon request of the city.
- (4) Sandwich board signs shall not exceed an overall height of forty-two (42) inches above ground level or an overall width of thirty (30) inches. Sandwich board signs may be single-or double-sided.
- (5) No sandwich board sign shall be illuminated.
- (6) The placement of sandwich board signs outside the business shall be limited to the hours of operation of the activity or business utilizing the sign.
- (7) No sandwich board sign subject to the provisions hereof shall interfere with utility poles, street trees, landscaping, streetlights, or other structures.
- (8) All sandwich board signs shall be subject to the public's use of the said public right-of-way. The city manager or his/her designee may require the immediate removal, on a temporary or permanent basis

and without compensation, of any sandwich board sign from the public right-of-way when such removal is determined to be reasonably necessary to protect the public health, safety or welfare or to permit other lawful and proper uses of such right-of-way.

8 All sandwich board signs which do not comply with the requirements of this article are prohibited, and shall be subject to immediate removal and disposal.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall take effect immediately upon its passage and adoption. The referendum shall take effect only upon the approval of a majority of the City electors voting at the referendum election voting on this issue.

Section 6. 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 : _____

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 _____, 2012.

Lesley DeMuth, City Clerk

Agenda Item No. 2
Site Plan Review Streamlining



GULFPORT CITY COUNCIL WORKSHOP AGENDA MEMORANDUM

FROM: Frederick J. Metcalf, Community Development Director
DATE: January 26, 2012 **AGENDA ITEM:** 2
SUBJECT: Site Plan Streamlining.

BACKGROUND:

The City Council directed staff to draft an ordinance that would help to streamline the site plan review process. The code currently requires most site plans to be reviewed by the Planning and Zoning Board and the City Council. This requires 2 public hearings, which require a significant notification process for each hearing. The current process takes a minimum of 3 months, depending on when an application is put into the queue. Notification requirements are responsible for approximately 2 months of the process.

In an effort to expedite the process, the Planning and Zoning Board will review this draft at their February 1, 2012 meeting.

ANALYSIS:

The bulk of site plan applications that are handled involve what is sometimes referred to as entitlement zoning issues. These are permitted uses that are allowed by right in the Comprehensive Plan and in the individual zoning districts within the Zoning Code.

While the proposed ordinance sets forth a number of amendments, most are housekeeping matters to amend any section that makes reference to the site plan review process that would be in conflict with the principal amendments proposed for section 7.08 of the Zoning Code. This section deals with exemptions from site plan review before the P&Z and City Council. This section does not preclude having to do a site plan; it only exempts certain site plans from the full review process.

The application must be; 1) a permitted use, 2) there must be no code violations, 3) the property must include only legal or legally established non-conforming structures, 4) there is not outside storage unless such storage is a permitted use, and 5) it is not for a new mobile home park. If an application meets these 5 criteria, it can be reviewed and approved by staff. Staff review would be based on the same criteria that are currently used by P&Z and the Council, as outlined in section 22-7.09 of the Zoning Code.

There has also been the addition of a one year site plan expiration date added.

All conditional uses or special exceptions will still be required to go through the full site plan review, as will any subdivision type reviews. Special permits for outdoor seating, display and entertainment will

also require Council approval. There will likely be amendments to the notification process forthcoming at a later date that will address time frame schedule issues associated with these types of reviews.

FINANCIAL IMPACT:

There should be positive financial impacts to potential applicants that can get approvals faster and more efficiently with the adoption of this amendment.

RECOMMENDATION:

Staff is looking for direction regarding this draft ordinance.

CITY OF GULFPORT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA PROVIDING FOR AMENDMENT OF ARTICLE V, SCHEDULE OF DISTRICT REGULATIONS, SECTIONS 22-5.03, 22-5.04, 22-5.05, 22-5.06, 22-5.09, 22-5.10, 22-5.11 AND 22-5.12 AMENDING THE SITE PLAN REVIEW PROCESS IN THE “R-1”, “R-2”, “R-3”, “R-4”, “CL-1”, “CL-2”, “CG” AND “T” ZONING DISTRICTS; PROVIDING FOR AMENDMENT OF ARTICLE V, SECTION 22-5.08 OF THE CODE OF ORDINANCES, AMENDING THE WATERFRONT REDEVELOPMENT DISTRICT SITE PLAN REVIEW PROCESS; PROVIDING FOR AMENDMENTS TO ARTICLE VII, SECTIONS 22-7.01, 22-7.02, 22-7.03, 22-7.08 AND 22-7.09 OF THE CODE OF ORDINANCES, AMENDING THE SITE PLAN REVIEW PROCESS; ESTABLISHING SECTION 22-7.10 OF ARTICLE VII OF THE CODE OF ORDINANCES, ADDING AN EXPIRATION DATE FOR SITE PLANS; PROVIDING FOR AMENDMENT OF ARTICLE XXII, SECTION 22-22.05 OF THE CODE OF ORDINANCES AMENDING THE SITE PLAN REVIEW PROCESS FOR TOWERS; 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 desires to allow for a more expedient site plan review process; and

WHEREAS, the City Council has determined this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

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

Section 1. Article V, Section 22-5.03(i) of the Code of Ordinances, pertaining to site plan review within the R-1, Single-Family Residential Zoning District, is hereby amended as follows:

Sec. 22-5.03. R-1 (single-family residential) zoning district.

(i) Site plan review. All conditional uses shall be subject to the provisions of article VII and article VIII of this chapter.

Section 2. Article V, Section 22-5.04(i) of the Code of Ordinances, pertaining to site plan review within the R-2, One/Two-Family Residential Zoning District, is hereby amended as follows:

Sec. 22-5.04. R-2 (one/two-family residential) zoning district.

- (i) Site plan review. All conditional uses shall be subject to the provisions of article VII and article VIII of this chapter.

Section 3. Article V, Section 22-5.05(i) of the Code of Ordinances, pertaining to site plan review within the R-3, Multiple-Family Residential Zoning District, is hereby amended as follows:

Sec. 22-5.05. R-3 (multiple-family residential) zoning district.

- (i) Site plan review. Multiple-family and all conditional uses shall be subject to the provisions of article VII and article VIII of this chapter.

Section 4. Article V, Section 22-5.06(i) of the Code of Ordinances, pertaining to site plan review within the R-4, High Rise Multiple-Family Residential Zoning District, is hereby amended as follows:

Sec. 22-5.06. R-4 (high rise multiple-family residential) zoning district.

- (i) Site plan review. Multiple-family and all conditional uses shall be subject to the provisions of article VII and article VIII of this chapter.

Section 5. Article V, Section 22-5.08 of the Code of Ordinances, pertaining to site plan review within the Waterfront Redevelopment District (WRD), is hereby amended as follows:

Section 22-5.08. WRD (waterfront Redevelopment District) zoning district

- (e) Site plan and conditional use review. Within the Waterfront Redevelopment District, any change in lot, building or structure shall be subject to site plan review ~~and approval by the community redevelopment agency.~~ Procedures and requirements for site plan review and approval shall be as set forth in Article VII of this chapter, ~~except that review and approval by the city council shall not be required. A public hearing shall be conducted by the community redevelopment agency as provided herein.~~ No site plan approval shall be required where the use of the subject property is single-family or duplex

dwelling, both prior to and after any requested change in lot or structure. Conditional use review shall be conducted by the planning and zoning board and the community redevelopment agency by public hearing as provided herein, and shall also be subject to the review and approval requirements provided in Article VIII and all other applicable provisions of this chapter.

Section 6. Article V, Section 22-5.09(i) of the Code of Ordinances, pertaining to site plan review within the CL-1, Commercial Limited Zoning District, is hereby amended as follows:

Sec. 22-5.09. CL-1 (commercial limited) zoning district.

(i) Site plan review. All permitted and conditional uses shall be subject to the provisions of article VII and article VIII of this chapter.

Section 7. Article V, Section 22-5.10(i) of the Code of Ordinances, pertaining to site plan review within the CL-2, Commercial Retail Zoning District, is hereby amended as follows:

Sec. 22-5.10. CL-2 (commercial retail) zoning district.

(i) Site plan review. All permitted and conditional uses shall be subject to the provisions of article VII and article VIII of this chapter.

Section 8. Article V, Section 22-5.11(i) of the Code of Ordinances, pertaining to site plan review within the CG, Commercial General Zoning District, is hereby amended as follows:

Sec. 22-5.11. CG (commercial general) zoning district.

(i) Site plan review. All permitted and conditional uses shall be subject to the provisions of article VII and article VIII of this chapter.

Section 9. Article V, Section 22-5.12(i) of the Code of Ordinances, pertaining to site plan review within the I, Institutional Zoning District, is hereby amended as follows:

Sec. 22-5.12. I (institutional) zoning district.

(i) Site plan review. All permitted and conditional uses shall be subject to the provisions of article VII and article VIII of this chapter.

Section 10. Article VII, Sections 22-7.01 and 22-7-02 of the Code of Ordinances, pertaining to the site plan review committee, are hereby amended as follows:

Sec. 22-7.01. - Site plan review committee established.

The site plan review committee is hereby established for the purpose of conducting detailed review of all land use proposals required to have specific site plan approval by this chapter. The committee shall consist of the ~~ehief~~chief community development director, building official, the public works director, ~~the fire chief, the police chief, and~~ the city manager or ~~his or her~~ their designees, and ~~other members as appointed by the City Manager.~~

Sec. 22-7.02. - General rules of procedure.

The following general rules of procedure shall govern the site plan review committee:

- (1) The committee shall hold a regular meeting at least once in each calendar month and at such other times as the committee may determine, provided that no regular meeting shall be required when the committee has no site plan proposal(s) to review.
- (2) Following its review of each site plan proposal, the committee shall submit its comments and recommendations thereon ~~to the planning and zoning board.~~
- (3) A record of all findings and recommendations of the committee, together with the applicable site plan document(s), shall be maintained within the office of the ~~ehief building official~~ Community Development Department.

Section 11. Article VII, a portion of Section 22-7.03 of the Code of Ordinances, pertaining to requirements for site plan submission, is hereby amended as follows:

Sec. 22-7.03. - Requirements for site plan submission.

An applicant seeking site plan approval shall pay a nonrefundable fee of as set forth in chapter 25 of the Code of Ordinances to defray the processing and review costs and shall submit the following items to the office of the ~~ehief building official~~ Community Development Department ~~at least seven (7) calendar days~~ prior to the meeting of the site plan review committee at which the site plan proposal is to be reviewed.

Section 12. Article VII, Sections 22-7.08 and 22-7-09 of the Code of Ordinances, pertaining to exemption from site plan review and requirements for approval, are hereby amended as follows:

Sec. 22-7.08. - Exemptions from site plan review.

(a) Notwithstanding other provisions of this code to the contrary, no site plan review by the planning and zoning board, community redevelopment agency and city council shall be required where the use is single-family or a duplex dwelling, or for properties that meet all of the following criteria at the time a request for a certificate of occupancy, occupational license, building permit or other similar request (hereinafter "application") pertaining thereto is filed with the city and the appropriate filing fee is paid:

- (1) The application provides for use of the property for a listed permitted use provided in Article V of this chapter and the city's adopted comprehensive land use plan;
- ~~(2) There are no exterior modifications to the structure or changes to the lot, proposed as part of the proposal, other than signage, modifications for the purposes of compliance with the Americans with Disabilities Act, or modifications to off-street parking in accordance with the provisions of paragraph (4) hereof;~~
- ~~(3) No alteration to the footprint of any building on the property is requested pursuant to the application;~~
- ~~(4) The property conforms to all off-street parking requirements, and the proposal does not require an increase in parking requirements by more than twenty (20) percent, as provided by the Code of Ordinances without consideration of any parking variance of any kind;~~
- (5) There are no code violations of any kind on the subject property;
- ~~(6) The property, and all structures thereon, conform to all city codes, or include only legally established nonconforming structures, or lots;~~
- ~~(7) The application does not provide for construction of a new building of any kind on the subject property;~~
- ~~(8) The proposed use of the property does not involve the mixing of uses per section 22-4.03 of this chapter, where substantially similar mixed uses have not been lawfully in existence on the property within the six-month period preceding the application; and~~

- (94) The application does not provide for the outside storage of merchandise or materials unless allowed as a permitted use provided in article V of this chapter and the city's adopted comprehensive land use plan.
- (5) The application is not for a new mobile home park.
- (b) The provisions of this section shall not provide an exemption from the site plan requirements set forth in this article, except as specifically provided herein.

Sec. 22-7.09. - Requirements for approval.

Review and approval of site plans ~~by the city council and planning and zoning board~~ shall be subject to the following criteria:

- (1) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency;
- (2) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties;
- (3) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development;
- (4) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties;
- (5) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties;
- (6) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties;
- (7) The site as proposed will be in conformity with all stated provisions and requirements of the City Code and the city's adopted comprehensive land use plan;
- (8) The proposed site will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movements, noise, fume generation, or type of physical activity;
- (9) Development and operation of the proposed site will be in full compliance with any additional stipulations, conditions and safeguards which the city council may

prescribe to protect the harmony of the area and to protect adjoining properties, including but not limited to a reasonable time limit within which the action for which special approval is requested shall be begun or completed, or both; and

- (10) Permit requirements for other government agencies having jurisdiction over the development shall be met.

Section 13. Article VII, Section 22-7.10, of the Code of Ordinances, establishing an expiration date for site plans, to read as follows:

Section 22-7.10. – Site Plan Expiration.

A site plan shall expire one (1) year from the date of approval.

Section 14. Article XXII, Section 22-22.05(b) of the code of ordinances pertaining to site plan review for towers, is hereby amended to read as follows:

Section 22-22.05. Towers.

- (b) All applications for tower permits shall be subject to the requirements of Article VII and Article VIII, of this chapter pertaining to site plan and conditional use review and approval.

Section 15. This Ordinance shall be published in accordance with the law.

Section 16. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 17. If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 18. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes
MAYOR

FIRST READING : _____
PUBLISHED : _____
SECOND READING/
PUBLIC HEARING : _____

DRAFT – 1/9/12

I, Leslie 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 _____, 2012.

Lesley DeMuth
City Clerk

Agenda Item No. 3
Live Aboards



CITY OF GULFPORT CITY COUNCIL WORKSHOP AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: January 26, 2012

AGENDA ITEM: 3

SUBJECT: **Live Aboard Discussion**

RECOMMENDATION: Staff requests City Council provide direction as to how City Council wishes to proceed with the development of a program that would provide individuals the ability to live aboard vessels within the City of Gulfport's Municipal Marina.

BACKGROUND:

City Council has requested that staff investigate and prepare information for consideration relating to creating a permissible live aboard environment within the City's Municipal Marina.

The City's Marina presently prohibits Live Aboard vessels based upon existing language pertaining to *Live aboards* within the City of Gulfport Code of Ordinances; Chapter 6 - BEACHES, BOATS, BOATING AND WATERFRONT STRUCTURES. ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

For the purpose of this chapter, the following terms and phrases shall mean:

(11) *Live aboard*: (Pursuant to F.S. § 327.02) any vessel used solely as a residence and not in navigation. Any vessel represented as a place of business, or professional or other commercial enterprises; or any vessel for which a declaration of domicile has been filed pursuant to F.S. § 222.17.

(Code 1952, Ch. 22; Ord. of 5-1-56, § 22.1; Ord. No. 2002-11, § 1, 9-3-02; Ord. No. 2005-21, §§ 1, 2, 12-6-05; Ord. No. 2009-14, § 1, 11-3-09)

Sec. 6-13.2. - Living aboard vessel prohibited; exceptions.

It shall be unlawful for any person to live aboard any houseboat or other vessel within the city. This prohibition shall not apply to persons:

(1) Authorized to live on board or under the city's lease with the Boca Ciega Yacht Club.
(2) Occupying such vessels on a temporary basis for a period not to exceed seventy-two (72) hours within any thirty-day period, if such vessel contains a Coast Guard approved, self-contained, sewage treatment or storage system.

(3) Authorized to live on board such vessels by the harbormaster on a temporary basis in the Gulfport Yacht Basin for a period not to exceed fourteen (14) days (three hundred thirty-six (336) hours) within any thirty-day period. Vessel/persons must first register with the harbormaster. All such transient lessees must sign an agreement acknowledging the responsibility for established fees, rules and operational requirements within the municipal marina. Vessels must contain a Coast Guard approved, self-contained, sewage treatment or storage system.

(Ord. No. 85-23, § 1, 1-7-86; Ord. No. 2009-14, § 2, 11-3-09)

ANALYSIS:

The ability for the City to provide live aboard accommodations at the Marina is a wide ranging change in present philosophy and the Marina's business plan.

City Council will need to consider the following:

- The extent of impact on present Marina operations that will be allowed:
 1. How many live aboard designated Live Aboard slips is the City prepared to allocate?
 2. Location within the Marina
 3. Acceptance Criteria (i.e. Owner occupied, etc.?)
 4. Rules and Regulations
 5. Level of staffing
 6. Commitment to fund and construct necessary facility to accommodate full-time residents of Marina.
 7. Positive effects vs. Negative impacts
- For analysis purposes – staff set forth the following minimum standards for discussion purposes:
 1. City to provide a maximum of 20 Live Aboard slips.
 2. Vessels must be a minimum of 40 feet in length.
- Discussion of minimum acceptance criteria for qualified tenant(s) wishing to live aboard:
 1. Owner occupied
 2. Two (2) person occupancy per vessel maximum
 3. Two (2) vehicle per vessel maximum
 4. Vessel must be seaworthy and must move underway every one hundred and eighty (180) days
 5. Insurance requirements as set forth by the City's Risk Management provider
 6. Vessels ten (10) years old or older may require current vessel survey
 7. Picture of vessel less than three (3) months old to accompany application
 8. Require valid USCG Auxiliary Inspection sticker
 9. Gray water tank for pump-out services
 10. Background check, Credit check and References

FINANCIAL IMPACT:

The financial impact is three (3) fold:

1. Increased revenue from increase in slip rental fees associated with live aboards
 2. Cost of facility improvements, staffing and increased maintenance costs
 3. Potential reduction in available PILOT transfer from Marina in the near term
1. Potential increased revenue from increase in slip rental fees or live aboard premium:
 - The additional live aboard fee would be \$150.00 for the twenty (20) designated slips or berths within the Marina; this would generate an additional \$3,000.00 per month in slip rental fees or \$36,000 in annual revenue.

- Based upon 100% occupancy rate of the twenty (20) slips, with:
 - Present basic slip rental rate of \$353.96 per month
 - Live aboard premium of \$150.00 per month

- 2. Cost of facility improvements, staffing and increased maintenance cost:
 - Additional support building for expanded restrooms, showers, laundry, lockers and day room. \$200,000
 - Installation of additional pump-out equipment. \$22,000
 - Additional Marina staff (facility will need to be staffed twenty (24) hours per day for security and service related issues). 1.5 Part-time employees. \$55,000
 - Employee costs would be recurring.
 - Twenty (20) aluminum ladders for vessel access. \$5,000
 - Procurement and installation of twenty (20) Mail boxes. \$1,200
 - Installation of CATV system. \$5,000Total Capital outlay costs of \$233,000.

- 3. Potential reduction in available PILOT transfer from Marina in the near term
 - Capital expenses would reduce transfer by \$233,000 in year one (1)
 - Increased Marina employee costs would reduce annual amount available for transfer or additional Marina projects by \$55,000

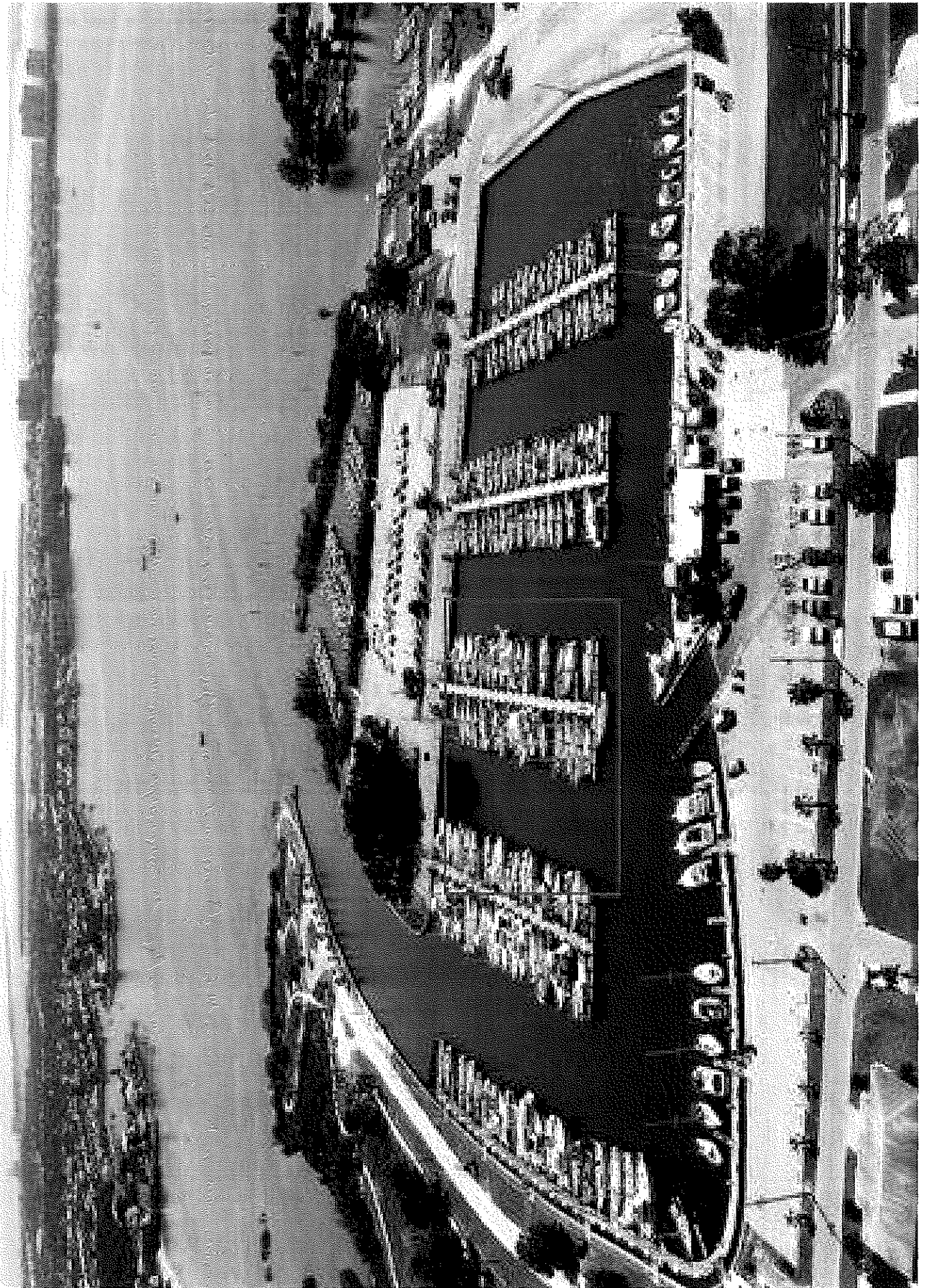
Discussion Points:

Positives:

1. Increase in Marina revenue potential
2. Affordable simple lifestyle
3. Potential customers for local businesses
4. Security of well-maintained Marina
5. Community involvement or sense of community

Negatives:

1. Increase in after-hours traffic
2. Impact on surrounding residential area
3. Permanent parking for up to an additional forty (40) vehicles
4. Increased facility maintenance and “wear and tear”
5. Necessary Capital investment
6. Increased Employee costs



Agenda Item No. 4
Open Container – City Events



**CITY OF GULFPORT
CITY COUNCIL WORKSHOP
AGENDA MEMORANDUM**

FROM: James E. O'Reilly, City Manager

DATE: January 26, 2012

AGENDA ITEM: 4

SUBJECT: Open Container/Alcohol Consumption at City Special Events within the Waterfront Redevelopment District.

RECOMMENDATION: Staff requests City Council provide direction as to how City Council wishes to entertain applications for the sale and consumption of alcohol at City sponsored Special Events and the prohibition of open containers of alcohol on Public areas within the Waterfront Redevelopment District.

BACKGROUND:

Councilmember Banno requested that City Council discuss the sale of alcohol and open containers at City sponsored Special Events within the Waterfront Redevelopment District. At present applications for the sale of alcohol on public property in conjunction with Special Events by a sponsoring organizations has been limited to specific areas of public property that could be cordoned off and managed, with alcohol being required to be kept within a designated area, with limited ingress and egress.

Public consumption of Alcohol and Special Events are governed by the following City of Gulfport Code of Ordinances Chapter 17 - STREETS, SIDEWALKS, PARKS AND PARKWAYS ARTICLE II. – PARKS and Chapter 4 - ALCOHOLIC BEVERAGES

Sec. 17-30. - Special events.

City council may, by resolution, authorize the temporary suspension of certain provisions of this Code and authorize city services and accommodations for special events.

(Ord. No. 2003-13, § 1, 5-20-03)

Sec. 4-25. - Consumption or possession of alcoholic beverages in open container prohibited in parks, streets, etc.

(a) It shall be unlawful for any person to consume or to have, hold, carry, or possess in any open or unsealed container any alcoholic beverage upon any public street, sidewalk, alley, right-of-way, park, beach, or any other exterior or outside area within the city other than an outdoor seating area where the sale or consumption of alcoholic beverages has been specifically approved by city council.

(b) As used herein, the term "alcoholic beverage" means any beverage containing any amount of alcohol or other intoxicating ingredient whatsoever, including beer and wine.

(c) Provided however that the city council, by resolution, may allow the consumption of beer and wine, and/or intoxicating liquors in designated areas and during designated times during certain public events sponsored by the city, or by civic, nonprofit or charitable organizations.

(Ord. No. 73-14, § 2, 8-21-73; Ord. No. 85-1, § 2, 2-5-85; Ord. No. 90-1, § 2, 3-6-90; Ord. No. 98-3, § 3, 3-3-98)

Editor's note— Section 4-25 is derived from Ord. No. 73-14, §§ 1, 2. Said ordinance did not expressly amend this Code.

⁽⁹⁾ **State Law reference**— Beverage law, Chs. 561 through 565, 567, 568, Fla. Stats.

ANALYSIS:

As provided for within the Ordinance, City Council has the authority to allow the consumption of alcohol in the designated area. Chief Vincent has reviewed the open container issue and finds no significant issues if the City Council was to create a so-called "wet zone" during specific Special Events. It is required that City Council approve each request that will allow alcohol within an area that is inclusive of Beach Boulevard and Shore Boulevard from 54th Street South to 56th Street South. City Council may elect not to continue this policy at anytime.

FINANCIAL IMPACT:

No financial impact at this time.



CITY OF GULFPORT MEMORANDUM

To: Jim O'Reilly, City Manager
From: Robert Vincent, Chief of Police
Date: 1/19/2012
Re: Wet Zone Considerations

In consideration of a proposal to amend existing restrictions on the sale and consumption of alcoholic beverages within the Waterfront Redevelopment District, I have conducted a review and analysis of pertinent areas, as indicated below.

Florida Law

Chapter 562, Florida Statutes, (in particular 562.452 and 562.453) regulates the service and consumption of alcoholic beverages in connection with facilities that are appropriately licensed by the Department of Business and Professional Regulation (DBPR). These statutes prohibit the sale and consumption of "intoxicating liquor," which is defined as a beverage with more than 4.007% alcohol by content, but it specifically excludes "malt beverages", which is also defined as "beer" or any brewed beverage containing malt.

The statute further requires any individual or business that sells or distributes alcoholic beverages to obtain an appropriate DBPR license.

Florida law does not restrict in any way (except for minimum age) the consumption of any alcoholic beverage on properties not required to have a DBPR license. In other words, the common "open container" law is only a local regulation.

Another component of the beverage law (FSS 561.422) makes an exception to the above rules. Bona fide, non-profit civic organizations may apply for temporary permits that will allow for the sale and consumption of alcoholic beverages (including beer, wine, and liquor) on premises. The premises may be a defined geographic area consisting partly or completely of public property. Such permits are valid for three days and may be issued up to three times per year. City officials must approve applications for permits before they are reviewed by DBPR.

Therefore, under existing state law, the following examples of conduct are illustrated:

1. A business with an appropriate DBPR license may sell beer in open containers for consumption off of the premises.
2. The sale of wine and liquor above 4.007% alcohol by volume for off-premises consumption is prohibited in any case.

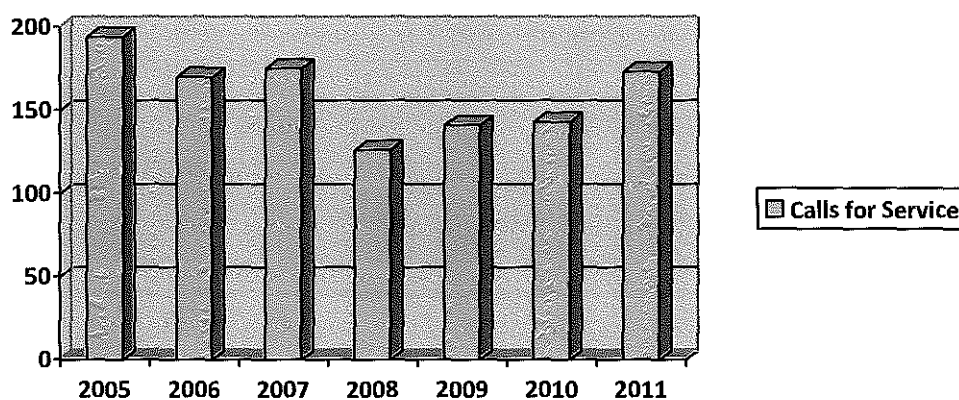
3. An individual consuming any of the above beverages on public property is not in violation of any state law. However, if an investigation revealed that said beverage was unlawfully sold, the vendor could be charged.
4. The Chamber of Commerce or Merchants Association, for example, could apply for temporary permits to sell beverages at limited special events.

If there are any questions or concerns about the liquor law, a representative of the Bureau of Alcoholic Beverages and Tobacco Division of Law Enforcement has offered to attend a council workshop to provide more specific information. If this is something you would like me to arrange, please let me know.

Safety Concerns

It would seem the simple analysis would be to review the trends regarding police calls for service that are related to alcohol consumption. Unfortunately, there is no way to that. There are very few offenses for which intoxication or influence of alcohol is a required element. Naturally, there are many others where it plays a role, but since it is not required for prosecution, it does not routinely get documented. Another consideration in looking at such statistics is the degree to which they are affected by proactive police tactics. For example, an increase in DUI arrests might simply mean that sergeants have told officers to increase enforcement; to assume it means that more people are driving drunk could be a mistake.

So the best we can do is look at the issues that most likely involve alcohol and where police were called to the scene rather than taking their own initiative. For these purposes, I have looked at all calls, other than those initiated by officers, labeled "trouble with individual," "fight," and "drunk person" within the areas where the amendments are being considered—police reporting grids F3, F4, G3, and G4. The results, as indicated in the chart below, show a fairly stable trend with a slight increase last year which is likely attributable to the amended sales hours (changed from 0200 to 0300 in 2010). I should note that these calls represent approximately 0.5% of all logs for police activity.



The conclusion from my perspective is that there appears to be no negative trend in alcohol-related activity or significant commitment of officers' time to such incidents. I would, therefore, not object to the amendment of certain sales and consumption restrictions within the retail shop and restaurant

portion of the waterfront redevelopment district (see map, next page), subject to the following suggestions:

1. Any beer or malt beverage sold for off-premises consumption should be in a container other than glass.
2. Curb-service should end one hour before service for on-premises consumption.
3. The wet-zone areas should be clearly labeled with appropriate signage so as to permit enforcement of regulations in other areas, and to establish the "premises" in the event temporary permits are issued.



Agenda Item No. 5
Concession Services – Municipal Beach



CITY OF GULFPORT CITY COUNCIL WORKSHOP AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: January 26, 2012

AGENDA ITEM: 5

SUBJECT: Beach Concessions – Request For Proposals

RECOMMENDATION: Staff requests City Council provide direction as to its desire to allow for staff to publish a "Request For Proposals" for a vendor to provide Concession Services such as Kayak/Canoe/Standup Paddle Rentals and related Concessions at Gulfport Beach and related City waterfront sites.

BACKGROUND:

Councilmember Banno requested that staff investigate and prepare information for consideration to allow for the rental of space on the City's beach by a concession or rental provider.

Previously, in 1993 the City of Gulfport entered into such an agreement.

The purpose of this Request for Proposals (RFP) would be to solicit competitive sealed proposals to provide Beach concession services for the City of Gulfport. The successful Respondent or Respondents will demonstrate the ability to provide a safe, consistent and reliable delivery system for the specified goods and services that will:

1. Maximize the public's use and enjoyment of the Beach;
2. Enhance the community's image of the Beach;
3. Encourage visitors to the beach;
4. Provide an accurate and verifiable system to account for all revenue collected at the location;
5. Adequately compensate the City for the public's interest in the Beach.

ANALYSIS:

City Council had directed staff to bring forward information related to providing a mechanism to manage activities associated with providing concessions and generating revenue at the City of Gulfport's Public Beach or other optional waterfront site or sites as proposed as an option by the respondent.

The successful vendor's proposal at a minimum would provide the following for evaluation:

- 1). The Vendor must show the ability to obtain detailed Insurance coverage's, related to **Marine Insurance**, Worker's Compensation, Employers' Liability Insurance, Comprehensive General Liability Insurance, Broad Form Property Damage coverage, Fire, Legal Liability, Comprehensive Automobile and Truck liability insurance.
- 2). Vendor must provide a "Business Plan" that outlines the Programs and Services offered to include:
 - a) Rental Equipment that will be provided by type, model, and number to be supplied, including photos.
 - b) Rates/Prices that will be charged for use of the Programs and Services provided by the Vendor.
 - c) A Marketing Plan and Associated Budget.
 - d) A listing of Staff persons that will be assigned to the site.
 - e) Projected Revenue with methodology
 - f) Emergency Response Plan
- 3). Provide documentation of experience in this type of endeavor. Provide a brief history of the company or firm, a client list for the past two (2) years, and information on the current size and capabilities. A Statement/List of existing or previous contracts to provide similar services with government entities that includes appropriate contact information.
- 4). Provide a minimum of four (4) References. Two (2) of those references would be business related and two (2) would be customer related.
- 5). Indicate what would be the amount of the proposed compensation to the City of Gulfport.

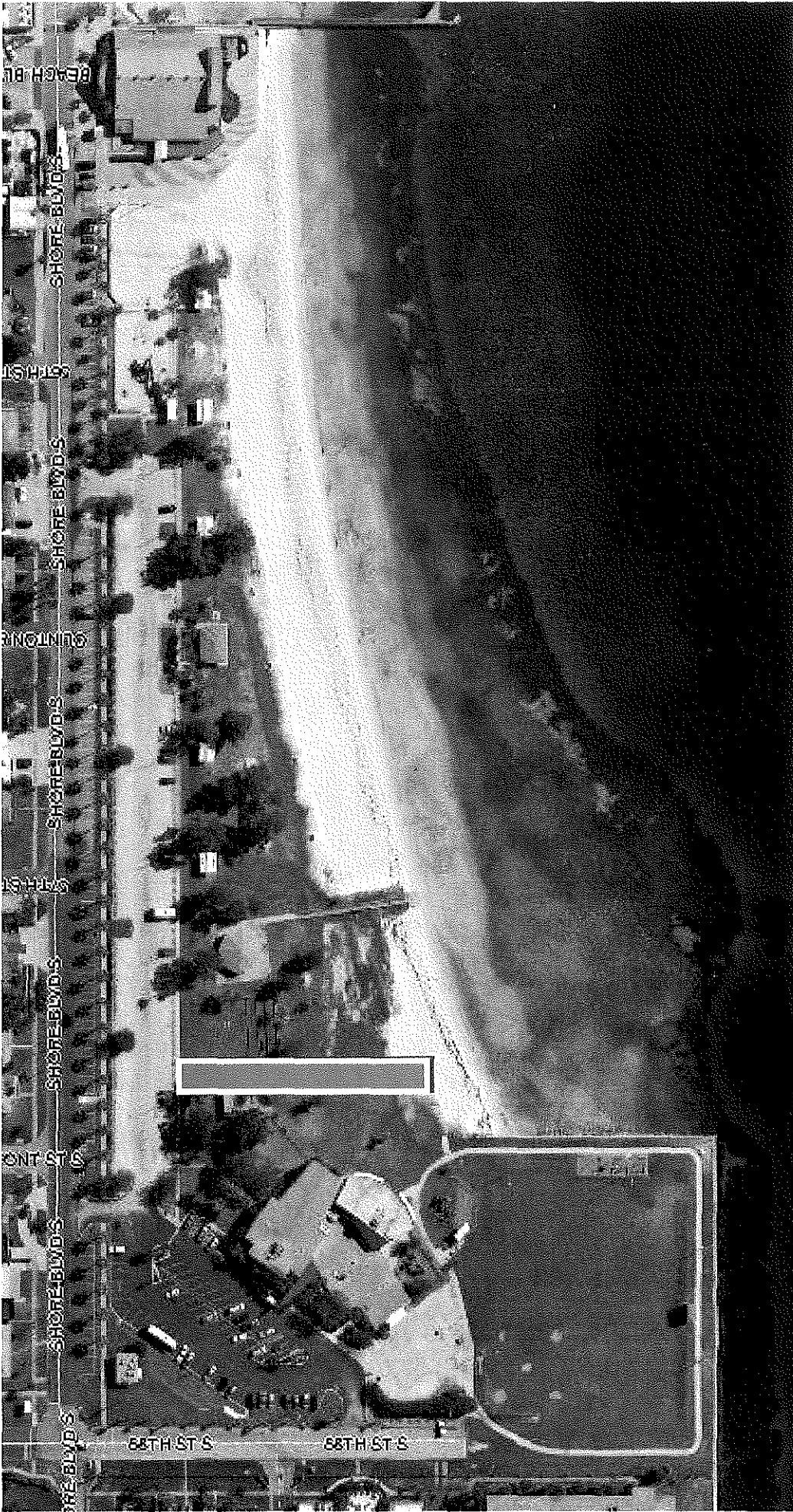
The kayak rentals, water activities and related rentals would be similar to what one may have seen or utilized at Ft. Desoto Park or Weedon Island Preserve.

City Council would not be under any obligation to award the bid upon response if it is felt the program is not in the best interest of the City. Initial site identified is at present kayak launch location located east of the City's Recreation Center. Respondents would have the option to request alternate site(s) for the City's consideration.

FINANCIAL IMPACT:

Projected revenue with methodology would be submitted by respondent. It is recommended that the City be compensated for onsite services conducted at Gulfport Public Beach on a monthly basis. The City could consider a proposal that includes a commission and/or fixed rent.

Based on the submittals, the City could provide the selected vendor the ability to provide the services at a specific location.



PREVIOUSLY APPROVED KAYAK LAUNCHING SITE

CITY OF GULFPORT
MUNICIPAL BEACH RENTAL AGREEMENT

THIS AGREEMENT, is hereby made between the City of Gulfport, Florida ("City") and the undersigned Lessee ("Lessee"), for the use of the City Municipal Beach, and upon the mutual covenants contained herein, the parties agree as follows:

1. During the term hereof, Lessee shall be permitted to conduct windsurfing classes in an area offshore from the City Municipal Beach, designated by the City. No watercraft of any kind shall be permitted in any designated swim area, and no watercraft shall be steered, sailed, propelled or operated within the water area of the Municipal Beach. Lessee shall place temporary buoys parallel to the existing seawall, at locations approved by the City, to create an access to the approved teaching area. No watercraft shall be sailed in the approved access area. Lessee shall be permitted to use five (5) parking spaces on City property, designated by the City. Lessee shall be permitted to place a temporary sign on the Municipal Beach, during the times and in the form, size and location approved by the City. This agreement shall be non-exclusive, and nothing contained herein shall limit the City's right to lease the same area leased hereunder to any other person or entity, whether in competition with Lessee or not.

2. On the 15th day of each month, Lessee shall pay the City twenty-five percent (25%) of all fees collected by Lessee in providing the classes permitted by this agreement, in addition to any other fees required, for the use of the Municipal Beach as provided herein. Lessee shall make all of Lessee's books and records of account, pertaining to classes conducted at the Municipal Beach, available to the City to verify the fees required hereunder, at any time requested by the City.

3. Lessee shall comply with all regulations, ordinances, or orders of the City, and its authorized representatives, while using the Municipal Beach. Lessee shall pay the City a security deposit of \$100.00, as security for Lessee's performance under the terms of this agreement. Lessee shall maintain the area designated for Lessee's use hereunder in a clean and sanitary condition at all times.

4. Lessee shall provide public liability insurance in the amount of \$1,000,000.00, with a maximum deductible of \$1,000, naming the City as additional insured. Lessee shall provide the City with a certificate of insurance, satisfactory to the City, showing the aforesaid insurance coverage, any time requested by the City. Lessee and Lessee's employees, agents, successors and assigns, for themselves and all persons participating in Lessee's classes, shall hold the City harmless and indemnify the City against any claim, loss, demand, damages, cause of action or liability, including attorneys fees incurred by the City as a result thereof, through all appellate proceedings, in any way arising out of or related to Lessee's use of City property as specified herein.

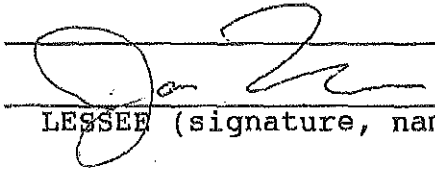
5. This agreement shall be terminated effective thirty (30) days from the date written notice of termination is given by either party. The City reserves the right to cancel this agreement immediately, if Lessee jeopardizes the health, safety or welfare of the general public in using the Municipal Beach.

6. The prevailing party in any action to enforce or interpret this agreement shall recover reasonable attorneys fees, incurred by said party through all appellate proceedings, against the other party hereto.

EXECUTED this 15th day of June, 1993.

CITY OF GULFPORT, FLORIDA

BY 
ROBERT E. LEE, City Manager


LESSEE (signature, name typed/printed)

ATTEST: 

Agenda Item No. 6
Pavilion Rental Policy



**CITY OF GULFPORT
CITY COUNCIL WORKSHOP
AGENDA MEMORANDUM**

FROM: James E. O'Reilly, City Manager

DATE: January 26, 2012

AGENDA ITEM: 6

SUBJECT: Pavilion Reservation Policy

RECOMMENDATION: Staff requests City Council provide direction as to how City Council wishes to proceed with necessary Code of Ordinance changes that would provide individuals the ability to reserve and rent City of Gulfport Public Beach pavilions.

BACKGROUND:

City Council has requested that staff investigate and prepare information for consideration to allow for the reservation and rental of the City's beach pavilions.

The City of Gulfport presently observes a "first come" policy for the use of beach and park pavilions based upon existing language within the City of Gulfport Code of Ordinances; Chapter 17 - STREETS, SIDEWALKS, PARKS AND PARKWAYS - ARTICLE II. PARKS

Sec. 17-26. - Park facilities.

(a) Use of all park facilities, including without limitation all shelters, tables or benches, shall generally be on a "first come" basis. The city manager, or his or her designee, may establish rules or regulations providing for the reservation of specific park facilities at specific dates and times.

(b) No fires of any kind, or cooking, shall be permitted in any park, except in areas specifically authorized by the city council.

(Ord. No. 96-3, § 0, 3-5-96)

ANALYSIS:

City Council has directed staff to bring forward information related to providing a mechanism to manage activities associated with the public beach pavilions located at the City of Gulfport's Public Beach and additionally the possibility that pavilion rentals or reservations could potentially generate revenue for the City.

The successful vendor's proposal at a minimum would provide the following for evaluation:

- 1). The Vendor must show the ability to obtain detailed Insurance coverage's, related to **Marine Insurance**, Worker's Compensation, Employers' Liability Insurance, Comprehensive General Liability Insurance, Broad Form Property Damage coverage, Fire, Legal Liability, Comprehensive Automobile and Truck liability insurance.
- 2). Vendor must provide a "Business Plan" that outlines the Programs and Services offered to include:
 - a) Rental Equipment that will be provided by type, model, and number to be supplied, including photos.
 - b) Rates/Prices that will be charged for use of the Programs and Services provided by the Vendor.
 - c) A Marketing Plan and Associated Budget.
 - d) A listing of Staff persons that will be assigned to the site.
 - e) Projected Revenue with methodology
 - f) Emergency Response Plan
- 3). Provide documentation of experience in this type of endeavor. Provide a brief history of the company or firm, a client list for the past two (2) years, and information on the current size and capabilities. A Statement/List of existing or previous contracts to provide similar services with government entities that includes appropriate contact information.
- 4). Provide a minimum of four (4) References. Two (2) of those references would be business related and two (2) would be customer related.
- 5). Indicate what would be the amount of the proposed compensation to the City of Gulfport.

The kayak rentals, water activities and related rentals would be similar to what one may have seen or utilized at Ft. Desoto Park or Weedon Island Preserve.

City Council would not be under any obligation to award the bid upon response if it is felt the program is not in the best interest of the City. Initial site identified is at present kayak launch location located east of the City's Recreation Center. Respondents would have the option to request alternate site(s) for the City's consideration.

FINANCIAL IMPACT:

Projected revenue with methodology would be submitted by respondent. It is recommended that the City be compensated for onsite services conducted at Gulfport Public Beach on a monthly basis. The City could consider a proposal that includes a commission and/or fixed rent.

Based on the submittals, the City could provide the selected vendor the ability to provide the services at a specific location.



CITY OF GULFPORT, FLORIDA

Memorandum

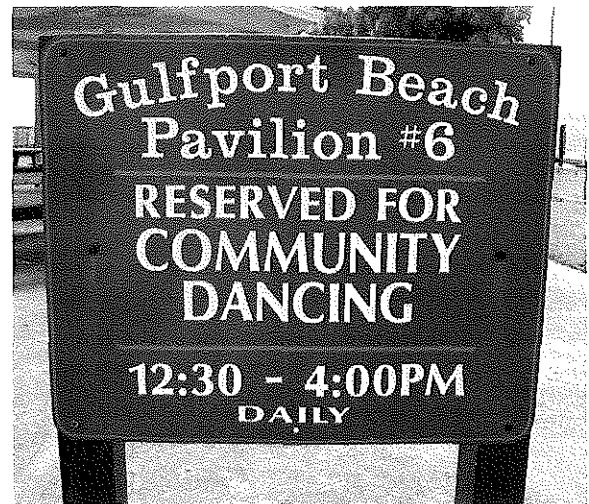
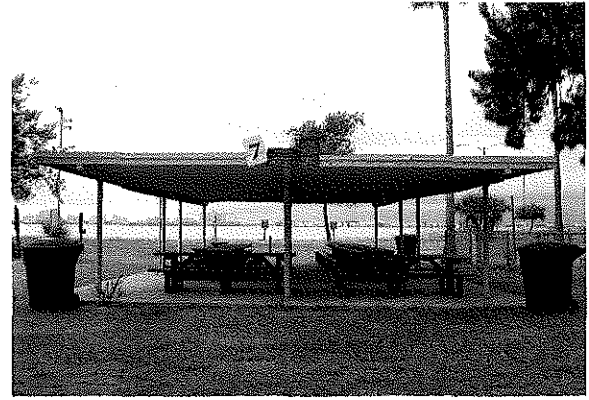
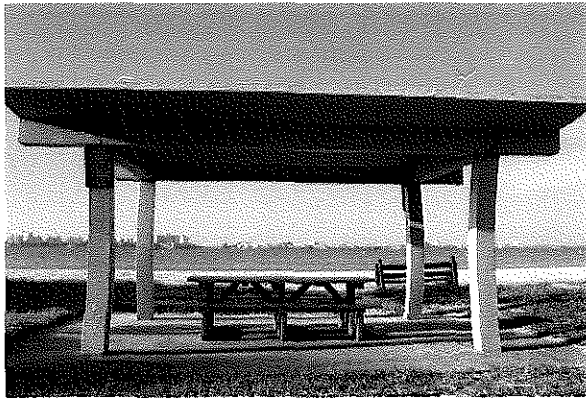
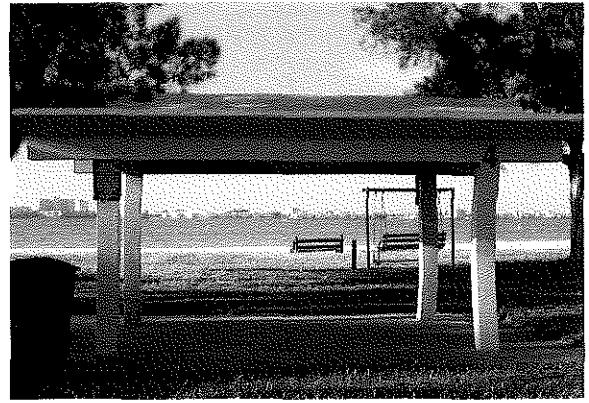
Date: September 30, 2011
TO: Jim O'Reilly, City Manager
THRU: Bob Williams, Parks and Recreation Superintendent
FROM: Marivel Gutierrez, Recreation Supervisor
RE: Pavilion Reservations

Pavilion Reservations will be requested through the Gulfport Recreation Division located at 5730 Shore Boulevard South between the hours of 9:00 a.m. – 6:00 p.m., Monday through Friday.

Pavilion Reservations will need to be done at least 15 days prior to rental date and paid in full at time of reservation. The costs for the pavilions are as follows: Pavilion #1 - #5, \$20 res/\$40 non-res flat rate for a four (4) hour period and Pavilion #6 & #7, \$40 res/\$80 non-res flat rate for a four (4) hour period.

Pavilion Reservations will be enforced by the Gulfport Recreation Division staff during operating hours and by the Gulfport Police Department during non-operating hours. The renter must also show proof of reservation to City staff or Police Department by either receipt or Pavilion Reservation Request form.

Pavilions will continue to be on a first-come, first-serve basis unless a paid reservation is made.



CITY OF GULFPORT LEISURE SERVICES DEPARTMENT

PAVILION RESERVATION REQUEST

Date _____

Date of Rental: _____ Day: _____ Time: _____

Address _____ City _____ Zip _____

Phone numbers: (daytime) _____ (home) _____ (other) _____

PAVILION TO BE RENTED:

PAVILION #1	PAVILION #2	PAVILION #3	PAVILION #4	PAVILION #5	PAVILION #6	PAVILION #7
-------------	-------------	-------------	-------------	-------------	-------------	-------------

Resident Rate

Non-Resident Rate

Pavilion #1 - #5 \$20 @ _____ hrs = \$ _____
Pavilion #6 & #7 \$40 @ _____ hrs = \$ _____
7% Tax = \$ _____

\$40 @ _____ hrs = \$ _____
\$80 @ _____ hrs = \$ _____
7% Tax = \$ _____

TOTAL DUE: \$ _____ **PAID ON:** _____ **RECEIPT #:** _____

COMMENTS _____

General Rental Rules and Guidelines

1. Pavilions must be reserved at least 15 business days prior to rental and paid in full at time of reservation.
2. Taxes applied at time of rental.
3. No refunds will be given unless rental is cancelled more than seven (7) days before reserved date.
4. Reservations taken Monday-Friday, 9 a.m. - 6 p.m. at the Gulfport Recreation Center.

General Pavilion Rules and Guidelines

1. No alcohol allowed.
2. No fires of any kind (including gas, charcoal, hibachi or tabletop grills).
3. No animals of any kind allowed.
4. No inflatables/moonwalks allowed.
5. All trash, decorations, etc. must be removed at the completion of rental time.
6. Picnic tables must remain at the pavilion and may not be moved.
7. The Leisure Services Department is not responsible for any items lost, stolen or left at the pavilion.

Signature of Lessee _____ Date _____

Signature of Recreation Supervisor _____ Date _____

Agenda Item No. 7
Public Arts Committee



**CITY OF GULFPORT
CITY COUNCIL WORKSHOP
AGENDA MEMORANDUM**

FROM: James E. O'Reilly, City Manager

DATE: January 26, 2012

AGENDA ITEM: 7

SUBJECT: Public Art Committee Discussion

RECOMMENDATION: Staff requests City Council provide direction as to how City Council wishes to proceed with utilizing the City's Public Art Committee.

BACKGROUND:

City Council has requested that they have the opportunity to discuss the role of the City's Public Art Committee.

In October 1998, City Council adopted resolution 98-88, approving a policy to establish procedures and guidelines to provide public art as a part of municipal construction projects.

ANALYSIS:

The fundamental premise of Resolution 98-88 was that the City of Gulfport would set aside an amount equal to one-half (1/2) percent of all municipal construction projects for public art to be included in the project, with the amount not to exceed \$10,000.

The resolution also provided that an ad-hoc committee would be appointed by City Council to recommend appropriate works of art for each project, with final decisions requiring City Council's approval.

FINANCIAL IMPACT:

The present administration has provided for appropriate art under Resolution 98-88 for the 49th Street Neighborhood Center and the development of the City's Dog Park.

RESOLUTION NO. 98-88

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, APPROVING A POLICY TO ESTABLISH PROCEDURES AND GUIDELINES TO PROVIDE PUBLIC ART AS A PART OF MUNICIPAL CONSTRUCTION PROJECTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City recently developed a policy to provide public art as a part of future municipal construction projects; and

WHEREAS, the policy provides for an amount equal to one-half percent of all municipal construction projects to be dedicated for public art to be included in that project in an amount not to exceed \$10,000.00; and

WHEREAS, an ad-hoc committee will be appointed by City Council to recommend appropriate works of art for each project; and

WHEREAS, the final decision as to selection, acquisition, allocation, display, placement and location of works or art shall be subject to final City Council approval.

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

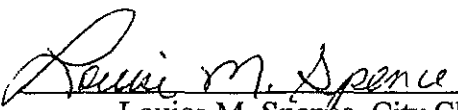
Section 1. The policy to establish procedures and guidelines to provide public art as a part of municipal construction projects is hereby adopted. (attached to resolution as Exhibit "A")

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

PASSED AND ADOPTED this 20th day of October, 1998 by the Council of the City of Gulfport, Florida.


Michael J. Yakes, Mayor

ATTESTED by the City Clerk on the date above written.


Louise M. Spence, City Clerk

CITY OF GULFPORT

ART IN PUBLIC FACILITIES

Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction Costs shall mean the actual construction cost of the municipal construction project calculated as of the date the contract is executed. It shall include but not be limited to architectural and engineering fees, site work, contingency allowances and subsequent additions to the construction contracts. It shall not include land acquisition costs or the costs of the work of art.

Fine art or work of art means a work of art which is freestanding or free hanging in that it is not a structural part of a building or of a structure, nor an architectural element on or in which the work of fine art is placed or affixed. Examples of fine art shall include, but not be limited to, paintings, sculptures, stained glass, statues, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, posters, monuments, fountains, arches, or other structures of a permanent character intended as ornamental, decorative or commemorative.

Municipal construction project means any project to be paid for wholly or in part by the city, regardless of the source of the monies to construct, remodel or renovate any public buildings, decorative or commemorative structures, parking facilities and parks, or any portion of any of the aforesaid, belonging to the city within its geographical boundaries as they now exist or shall exist in the future. It shall not include street, alley, sidewalk or sewer projects conceived and executed as project independent of any other projects which may qualify as a municipal construction project. It does not include any stormwater management projects or any portion of a water or storm sewer project that is built below ground level.

Intent

The intent of this article is to establish a policy for the city to expand public experience and exposure to culture through various art forms and to enhance the appearance of public facilities and improve the environment of the city on behalf of its citizens, by providing for the incorporation of visual art in the design and construction of public facilities within the city.

Appropriation of funds

All appropriations for municipal construction projects, as defined in this article, shall include an amount of not less than one half percent of the total construction cost of all municipal construction projects in excess of \$300,000, as bid and accepted by the city, but not to exceed the sum of \$10,000. Such amount shall be used for the selection, acquisition, installation, maintenance and insurance of works of art to be made part of a public facility, or placed and/or attached in, or adjacent to public facilities. If only a portion of the total project cost is legally eligible for works of art, that eligible portion becomes the base in making the above calculation.

Gulfport Public Arts Committee

There is hereby created and established a means to create an ah-hoc committee to assist the City Council in selecting a work of art for a municipal construction project.

A) Membership

The Committee shall be composed of seven (7) members to be selected on an ad-hoc basis for each municipal construction project as follows:

- 1) Five (5) of the Members shall be residents of the City and shall be appointed individually by each City Council member.
- 2) City staff member serving as project manager (non-voting)
- 3) Project architect or design professional (non-voting)

B) Operation

The Committee shall meet as needed and shall keep minute of its meetings. The Committee shall elect one member of the Committee as chair, another vice-chair, and a third, secretary.

C) Duties and Responsibilities

The Committee shall be responsible for selecting an appropriate work of art for each municipal construction project.

Approval by City Council

The Committee's decision as to the selection, acquisition, allocation, display, placement and location of works of art shall be subject to City Council approval.

Agenda Item No. 8
Board Vacancies



GULFPORT CITY COUNCIL WORKSHOP AGENDA MEMORANDUM

FROM: Lesley DeMuth, City Clerk

DATE: January 26, 2012

AGENDA ITEM: 8

SUBJECT: Board Vacancies

Vacancies have occurred on the Planning and Zoning Board and the General Employee Pension Board, as follows:

Planning and Zoning Board

Vacancy – Council Appointment
(unexpired term of Alternate Member Deb Taylor expiring April 2012)

General Employees Pension Board

Vacancy – Council Appointment
(unexpired term of Stanley Solomons expiring July 2013)

Attached for your consideration are recent applications from residents interested in serving on the Planning and Zoning Board. No applications were received from residents interesting in serving on the General Employees Pension Board.



CITY OF GULFPORT, FLORIDA
 2401 53rd STREET SOUTH
 GULFPORT, FL 33707

APPLICATION FOR SERVING ON CITY BOARDS & COMMITTEES

NAME: Kathy Manthey HOME PHONE: (727) 288-6010
 HOME ADDRESS: 4725 Trade Winds Dr. S Gulfport 33711
 BUSINESS: Realtor / Caldwell Realty BUSINESS PHONE: (727) 321-1212
 EMAIL ADDRESS: KSLBMAN@gmail.com

PLEASE CHECK THE BOARDS ON WHICH YOU ARE INTERESTED IN SERVING:

- BOARD OF ADJUSTMENT *
- PLANNING AND ZONING BOARD/LPA*
- FIREFIGHTERS' PENSION BOARD*
- POLICE PENSION BOARD*
- GENERAL EMPLOYEES' PENSION BOARD*
- SENIOR CITIZENS' ADVISORY COMMITTEE
- HISTORIC PRESERVATION COMMITTEE

* Financial Disclosure Forms are required upon appointment to these Boards/Committees.

Why do you think you are qualified to serve on this board? My concern for the future of Gulfport is: land use, recreational areas, natural habitats + conservation, transportation & homes/businesses.

Brief description of Education & Experience:
Lycoming College, Art Major 1975
Real Estate Agent MA, MD, FL
Wife, Mother, Gulfport Volunteer - Police Dept. Clean Ups

Do you now serve on any City Board, Committee or other Governmental Board or Committee? Yes
 No

If yes, please list:

Until such time that you are selected for the Board of your choice, may we submit your application as vacancies occur? Yes No

Are you a registered voter? Yes No

Are you a City resident? Yes No

Do you hold a public office? Yes No

Are you presently employed by the City of Gulfport? Yes No

Are you a current or former law enforcement officer, other employee* or the spouse or child of one who is exempt from public records disclosure under FS 119.07? Yes No

*Other covered jobs can be found listed under Florida Statute 119.07

SIGNATURE Robert E. Marney

DATE 12/16/11

APPLICATIONS WILL BE KEPT ON FILE ONE (1) YEAR FROM DATE OF SUBMISSION

Submit to:

City Clerk's Office
City of Gulfport
2401 53rd Street South
Gulfport, FL 33707
TEL: (727) 893-1012
FAX: (727) 893-1008



CITY OF GULFPORT, FLORIDA
2401 53rd STREET SOUTH
GULFPORT, FL 33707

APPLICATION FOR SERVING ON CITY BOARDS & COMMITTEES

NAME: PAUL G. DENGLER HOME PHONE: 813-352-5203

HOME ADDRESS: 3120 58TH STREET SOUTH, GULFPORT, FL. 33707

BUSINESS: BESSOLO DESIGN GROUP INC. BUSINESS PHONE: 727-894-4453

EMAIL ADDRESS: PGDENGLER@MSN.COM

PLEASE CHECK THE BOARDS ON WHICH YOU ARE INTERESTED IN SERVING:

- BOARD OF ADJUSTMENT *
- PLANNING AND ZONING BOARD/LPA*
- FIREFIGHTERS' PENSION BOARD*
- POLICE PENSION BOARD*
- GENERAL EMPLOYEES' PENSION BOARD*
- SENIOR CITIZENS' ADVISORY COMMITTEE
- HISTORIC PRESERVATION COMMITTEE

** Financial Disclosure Forms are required upon appointment to these Boards/Committees.*

Why do you think you are qualified to serve on this board? I HAVE BEEN IN THE ARCHITECTURAL INDUSTRY FOR 43 YEARS AND AM QUITE FAMILIAR WITH REQUIRED ZONING AND PLANNING ISSUES.

Brief description of Education & Experience:

3 1/2 YEARS COLLEGE - NY INSTITUTE OF TECHNOLOGY, NEW YORK
43 YEARS IN SEVERAL ARCHITECTURAL FIRMS AS SENIOR PROJECT
MANAGER OVERSEING ALL PROJECTS, LOCAL MUNICIPAL INTERACTION FOR
ALL PROJECTS (PLANNING & ZONING, BLDG DEPTS ETC.) FOR ALL PROJETS

Do you now serve on any City Board, Committee or other Governmental Board or Committee? Yes _____

No

If yes, please list:

Until such time that you are selected for the Board of your choice, may we submit your application as vacancies occur? Yes No

Are you a registered voter? Yes No

Are you a City resident? Yes No

Do you hold a public office? Yes No

Are you presently employed by the City of Gulfport? Yes No

Are you a current or former law enforcement officer, other employee* or the spouse or child of one who is exempt from public records disclosure under FS 119.07? Yes No

*Other covered jobs can be found listed under Florida Statute 119.07

SIGNATURE Pamela D. Dwyer

DATE 12/24/2011

APPLICATIONS WILL BE KEPT ON FILE ONE (1) YEAR FROM DATE OF SUBMISSION

Submit to:

City Clerk's Office
City of Gulfport
2401 53rd Street South
Gulfport, FL 33707
TEL: (727) 893-1012
FAX: (727) 893-1008



CITY OF GULFPORT, FLORIDA
 2401 53rd STREET SOUTH
 GULFPORT, FL 33707

APPLICATION FOR SERVING ON CITY BOARDS & COMMITTEES

NAME: WESLEY A. WHITTAKER HOME PHONE: 810-397-7466

HOME ADDRESS: 4811 CORONADO WAY S.

BUSINESS: _____ BUSINESS PHONE: _____

EMAIL ADDRESS: wesleywhittaker@gmail.com

PLEASE CHECK THE BOARDS ON WHICH YOU ARE INTERESTED IN SERVING:

- BOARD OF ADJUSTMENT *
- PLANNING AND ZONING BOARD/LPA*
- FIREFIGHTERS' PENSION BOARD*
- POLICE PENSION BOARD*
- GENERAL EMPLOYEES' PENSION BOARD*
- SENIOR CITIZENS' ADVISORY COMMITTEE
- HISTORIC PRESERVATION COMMITTEE

** Financial Disclosure Forms are required upon appointment to these Boards/Committees.*

Why do you think you are qualified to serve on this board? 24+ YEARS ELECTRICAL POWER & LIGHTING DESIGN AND CONSTRUCTION PROJECT MANAGER; FATHER AND UNCLIES WERE REALTORS, BUILDERS AND DEVELOPERS

Brief description of Education & Experience: *

- BA MANAGEMENT & ORGANIZATIONAL DEVELOPMENT
- DALE CARNEGIE MANAGEMENT TRAINING
- TOASTMASTERS INTERNATIONAL CC/CL
- NATIONAL ELECTRICAL CODE 2004

Do you now serve on any City Board, Committee or other Governmental Board or Committee? Yes _____
 No X

If yes, please list:

* BECAUSE ELECTRICAL POWER INTERFACES WITH ALL OTHER BUILDING SYSTEMS, I BECAME A DE FACTO AUTHORITY ON RESIDENTIAL, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL CODES AND REGULATIONS. I HAVE MADE NUMEROUS PRESENTATIONS TO PLANNING BOARDS AND ZONING COMMISSIONS IN SUPPORT OF ARCHITECTS AND DEVELOPERS. I UNDERSTAND THE BALANCE BETWEEN DEVELOPMENT & QUALITY OF LIFE.

Until such time that you are selected for the Board of your choice, may we submit your application as vacancies occur? Yes No

Are you a registered voter? Yes No

Are you a City resident? Yes No

Do you hold a public office? Yes No

Are you presently employed by the City of Gulfport? Yes No

Are you a current or former law enforcement officer, other employee* or the spouse or child of one who is exempt from public records disclosure under FS 119.07? Yes No

*Other covered jobs can be found listed under Florida Statute 119.07

SIGNATURE Walter A. Whitton

DATE 1/17/2012

APPLICATIONS WILL BE KEPT ON FILE ONE (1) YEAR FROM DATE OF SUBMISSION

Submit to:

City Clerk's Office
City of Gulfport
2401 53rd Street South
Gulfport, FL 33707
TEL: (727) 893-1012
FAX: (727) 893-1008

Agenda Item No. 9
February Meetings



CITY of GULFPORT, FLORIDA

MEETINGS

February 2012

- February 1, 2012** **Planning and Zoning Board/LPA**
6:30 p.m. - 49th Street Neighborhood
Center - 1617 49th Street S.
- February 7, 2012** **City Council - 7:00 p.m.**
Catherine Hickman Theater
5501 27th Avenue S.
- February 8, 2012** **Board of Adjustment - 6:30 p.m.**
49th Street Neighborhood Center
1617 49th Street S.
- February 15, 2012** **Historic Preservation Committee**
5:30 p.m. - Historical Society Museum
5301 28th Avenue S.
- February 21, 2012** **City Council - 7:00 p.m.**
Catherine Hickman Theater
5501 27th Avenue S.
- February 23, 2012** **City Council Workshop - 3:30 p.m.**
Catherine Hickman Theater
5501 27th Avenue S.

All meetings are open to the public. Meetings may occasionally be added, cancelled or rescheduled after this list is published.

Agenda Item No. 10
Other Business

Agenda Item No. 11
Adjournment