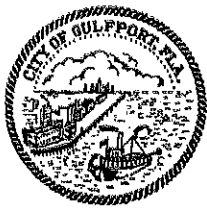


**City Council Meeting
Agenda Packet
Tuesday, February 7, 2012
7:00 pm**



City of Gulfport Florida
Regular City Council Meeting
Tuesday, February 7, 2012

Catherine Hickman Theater, 5501 27th Avenue South, Gulfport 33707

7:00 p.m.

AGENDA

Call to Order

Invocation given by Vice Mayor 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 6, 2011.
 - b. Resolution 2012-08: A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into a Disaster Recovery and Debris Management Removal Services Contract with DRC Emergency Services, LLC; and providing for an effective date.
6. Ordinances:
 - a. 2012-01, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 11, Garbage, Trash, Sewers and Water, Article I, Garbage, Section 11-15, Location of Containers; providing for concealment; 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. 2012-02, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 12, Health and Sanitation, Article I, Nuisances, Section 12-2, Specific Nuisances; establishing Subsection (u) Exterior Storage; 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.

- c. 2012-03, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida providing for amendment of Paragraph (9) of Subsection (b) of Section 11-21 of the Code of Ordinances, pertaining to solid waste service charges; providing for bulk container rates; 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.
- d. 2012-05, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 11, Garbage, Trash, Sewers and Water, Article I, Garbage, Section 11-23, amending fees and special pick-up by limiting the period of accumulation; 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.
- e. 2012-07, First Reading: 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.

7. Resolutions:

- 2012-09, A resolution of the City of Gulfport, Florida, approving a special event application from O'Maddy's/Gulfport Teen Council; providing for the temporary waiver of provisions of the City Code of Ordinances/City Policies during said special event; providing for responsibilities; and providing for an effective date.

8. Old Business.

9. New Business.

10. Council Reports.

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: February 3, 2012

**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 6, 2011

The regular Meeting of the Gulfport City Council was held on Tuesday, December 6, 2011 in the City Hall, City Council Chambers, located at 2401 - 53rd Street South, Gulfport, Florida.

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

Roll Call:

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

Presentation:

Mayor Yakes presented a certificate to Councilmember Barbara Banno from the Florida League of Cities for her attendance at the Institute for Elected Municipal Officials.

A presentation involving statistics and enforcement of the Red Light Cameras was given by Gulfport Police Chief Robert Vincent which included answering questions from councilmembers.

1. Public Session.

Doug Hudson, 5525 Gulfport Boulevard S., spoke about the Gulfport Neighbors clean-ups and thanked volunteers. He also requested staff reach out to the City of St. Petersburg to clean up a known crime area where a Gulfport citizen was killed.

Stan Kreuter, 6085 Gulfport Boulevard S., had questions regarding the red light cameras and City Manager O'Reilly advised citizens to make an appointment with staff to discuss this issue.

Gina Burke, 5659 Shore Boulevard S., commented about the drug trafficking on 47th Street South.

Charles Lee, 2960 59th Street S., said he was in favor of electric charging stations being installed in Gulfport to which City Manager O'Reilly advised that a contract with Progress Energy will be brought before the council in January regarding installing a charging station.

Al Davis, 2790 45th Street S., spoke about being misquoted and articles which appear in the local tabloid and encouraged citizens to come to meetings and receive information first-hand.

Patricia Millward, 1518 Gray Street S., commented on traffic light issues.

Lee Stapella, 3025 York Street S., spoke about honoring City Employees at council meetings.

Nancy Kelly, 5632 29th Avenue S. and 4825 Coronado Way S., requested City officials to contact St. Petersburg officials in order to increase police patrols on 49th Street.

Janice Evelyn, 5830 17th Avenue S., expressed support of a ban on R.V.'s being parked next to houses.

Ann Marie Anderson, 5632 29th Avenue S. and Coronado Way S., said she has seen people smoking on the sidewalk since the smoking ban on the beach has gone into effect.

Mayor Yakes asked Police Chief Vincent to come forward and respond to safety concerns that had been raised and he explained how red light violations are determined and also how the camera works. Chief Vincent also shared with the public information on the investigation of the death that occurred on 47th Street S.

In response to a question, City Manager O'Reilly said the bathrooms at the beach are on a timed lock to facilitate groups using the beach pavilions and basketball courts.

2. City Manager Report. City Manager O'Reilly reported:

- The City has received a request to remove the 15 minute parking sign in front of a new business on Beach Boulevard, and he asked for guidance from council. There was a consensus of council to remove the sign.
- The PACE Contract is being reviewed by the City Attorney and Requests for Proposals for a Special Master and beach concessions are being prepared.
- He would like to propose the original trolley schedule be re-instated beginning in January 2012 for the downtown area; the first Friday, third Saturday and special events. Council agreed to this proposal by consensus.
- New cigarette receptacles for designated smoking areas are being ordered.

3. City Attorney Report. No Report.

4. City Clerk Report. No Report.

5. Consent:

- a. Consider approval of the Council Meeting minutes of October 18 and November 1, 2011, and the Council Workshop Meeting minutes of September 22, October 27, and November 15, 2011.
- b. Resolution No. 2011-68: A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into a contract with the Pinellas County Supervisor of Elections to conduct the March 2012 Municipal General Election; and providing for an effective date.

- c. Resolution No. 2011-69: A resolution of the City of Gulfport, Florida, authorizing the city manager to continue the five year agreement with Clark Sales Display, Inc. to provide holiday decoration services; and providing for an effective date.
- d. Resolution No. 2011-70: A resolution of the City of Gulfport, Florida, authorizing the city manager to purchase police records conversion services from ACISS Systems, Inc.; and providing for an effective date.

City Clerk DeMuth read the consent agenda.

Motion by Vice Mayor Hastings, second by Councilmember Salmon to approve the consent agenda.

UNANIMOUS APPROVAL BY ACCLAMATION

6. Ordinances:

- a. 2011-28, First Reading: An ordinance of the City of Gulfport, Florida, amending Chapter 14, Offenses, Section 14-30, Hawking, Peddlers, Solicitors, etc., entering private premises - restricted; amending section to address distribution of pamphlets, flyers, etc.; 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.

City Clerk DeMuth read Ordinance No. 2011-28 by title only.

City Manager O'Reilly explained the Ordinance.

Mayor Yakes opened for public discussion.

Lee Stapella, 3025 York Street S., asked if the Ordinance included hanging items on garden gates to which City Attorney Salzman said the intent of the ordinance is not to allow anyone to leave anything on your property for the sale of goods or services that you are not willing or have not invited to do so. City Attorney Salzman said he would be happy to look at the language of the Ordinance to clarify her concern.

Stan Kreuter, 6085 Gulfport Boulevard S., asked if the Ordinance could specify no soliciting at all, to which City Attorney Salzman explained that religious material, campaign literature and businesses that are utilized by the citizen are exempt from the Ordinance.

Patricia Millward, 1518 Gray Street S., said she is in favor of hanging flyers on houses to advertise services and thought people should be good neighbors by throwing away any accumulation of flyers.

Doug Hudson, 5525 Gulfport Blvd S., spoke he is favor of the Ordinance.

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

Motion by Councilmember Banno, second by Councilmember Henderson to approve Resolution No. 2011-28.

In response to questions by Councilmember Salmon, City Attorney Salzman spoke on the criminal and/or civil matter regarding posted “no solicitation” signs on private property, that he felt the ordinance language does cover the garden gate issue, and in regard to certain telephone books; people who are agreeing to have a certain telephone service at their home are allowing people to bring those books to them.

Councilmember Banno spoke in favor of the ordinance.

Vice Mayor Hastings spoke on having written permission to leave materials and he felt limited liability corporations should be included.

Councilmember Henderson spoke on the reasons for bringing the ordinance forward: to stop the accumulation of materials on property and requiring a point of contact to leave materials.

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|------------|-------------------------|-----|
| ROLL CALL: | COUNCILMEMBER SALMON | YES |
| | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | YES |
| | COUNCILMEMBER HENDERSON | YES |
| | MAYOR YAKES | YES |

MOTION CARRIED.

b. 2011-29, First Reading: An ordinance of the City of Gulfport, Florida, amending Chapter 11, Garbage, Trash, Sewers and Water, Article I, Garbage, Section 11-4, Litter; providing for enforcement, remedies and penalties; 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.

City Clerk DeMuth read Ordinance No. 2011-29 by title only.

City Manager O'Reilly explained the Ordinance.

Mayor Yakes opened for public discussion.

Patricia Millward, 1518 Gray Street S, said she did not understand what the Ordinance was about, and City Attorney Salzman replied the Ordinance increases the fine for littering.

Ann Marie Anderson, 5632 29th Avenue S., asked about the number and location of “no littering” signs in Gulfport to which City Manager O'Reilly replied there are signs posted within the city.

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

Motion by Councilmember Henderson, second by Vice Mayor Hastings, to approve Ordinance No. 2011-29.

Councilmember Salmon said she is against increasing the fine and supported educating the public about littering instead.

Vice Mayor Hastings asked for clarity between Paragraphs A and B of the Ordinance, advised he would like to have cigarette butts included in the language, and asked if the littering violations would go before the special magistrate. City Attorney Salzman said he could combine Paragraphs A and B, and the way the ordinance is written is for these cases to go before a judge as a notice to appear on a local ordinance violation, but the city could allow these cases to go before the magistrate.

Councilmember Henderson said he was not opposed to combining Paragraphs A and B, he was in favor of ticketing people for littering, and although he did not feel it was necessary; he was not opposed to adding cigarette butts.

In response to a question by Mayor Yakes, there was a consensus of council to add cigarette butts to the ordinance. City Attorney Salzman clarified that he would also combine Paragraphs A and B.

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| ROLL CALL: | COUNCILMEMBER SALMON | NO |
| | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | YES |
| | COUNCILMEMBER HENDERSON | YES |
| | MAYOR YAKES | YES |

MOTION CARRIED 4 to 1.

7. Resolutions:

- a. 2011-71, A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into an agreement with the City of Tampa for police mutual aid; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2011-71 by title only.

City Manager O'Reilly explained the Resolution.

Mayor Yakes opened for public discussion.

Stan Kreuter, 6085 Gulfport Boulevard S., asked what mutual aid included to which City Manager O'Reilly advised this involved the Police Department.

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

Motion by Councilmember Henderson, second by Councilmember Salmon to approve Resolution No. 2011-71.

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| ROLL CALL: | COUNCILMEMBER SALMON | YES |
| | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | YES |
| | COUNCILMEMBER HENDERSON | YES |
| | MAYOR YAKES | YES |

MOTION CARRIED.

b. 2011-72, A resolution of the City of Gulfport, Florida, approving the recommendation of the Planning and Zoning Board/Local Planning Agency to approve application #S11-02; a site plan for the conversion of a residence to a retail commercial use at 5325 Gulfport Boulevard South; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2011-72 by title only.

City Manager O'Reilly advised Mike Taylor, Principal Planner, would provide a short presentation. Principal Planner Taylor explained the request stating the applicant has purchased the subject property and proposes to convert the existing single family residence into a commercial retail use. Principal Planner Taylor spoke on staff's recommendations to move the water meter and backflow preventer. He and Community Development Director Fred Metcalf addressed questions from Council on the location of a tree in relation to the handicapped parking space and the amount of time the owner has been working toward approval of their request by council. Principal Planner Taylor advised the Planning and Zoning Board has recommended approval.

Mayor Yakes opened for public discussion.

Bob Newcomb, 921 Fremont Street S., Executive Director of the Gulfport Chamber of Commerce, advised the Chamber is in favor of this project and gave his thoughts that changes should be made to the site plan approval process.

Lee Stapella, 3025 York Street S., commented on aesthetics guidelines.

Doug Hudson, 5525 Gulfport Boulevard S., said he is pleased about the new business and wondered why the process to open a business is so lengthy.

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

Motion by Councilmember Henderson, second by Vice Mayor Hastings to approve Resolution No. 2011-72.

Vice Mayor Hastings said he is pleased to have a commercial entity on the proposed property and spoke about the city's process to open a business.

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| ROLL CALL: | COUNCILMEMBER SALMON | YES |
| | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | YES |
| | COUNCILMEMBER HENDERSON | YES |
| | MAYOR YAKES | YES |

MOTION CARRIED.

8. Provide direction regarding proposed code enforcement ordinances.

City Manager O'Reilly asked council for direction on how they would like staff to bring back the proposed code enforcement/nuisance ordinances for their consideration.

Councilmember Salmon said, in general, she was ready to bring the Ordinances back to council and addressed the proposed garbage can regulations and providing for an exception on vessels/vehicles for people who currently own them. Councilmember Banno and Vice Mayor Hastings both said they were ready to move forward with the Ordinances. Councilmember Henderson suggested bringing the Ordinances back two at a time in order to allow citizens to comment at meetings and council was in agreement.

9. Old Business.

Councilmember Salmon spoke on sending a letter to our legislative delegation supporting the Senate and House Bills related to the 21st Century CCC and WPA. City Manager O'Reilly said a letter could be drafted for the Mayors signature just as the letter being sent in opposition to the proposed fertilizer bill.

Mayor Yakes spoke on his dissatisfaction with Pinellas County Governments response to the letter sent regarding Gulfport Boulevard. He also advised council he would like to encourage the restriping of the center line on 49th Street. Councilmember Henderson said he is planning to attend the county's meeting after the first of the year to speak regarding Gulfport Boulevard improvements and advised he has spoken to three county commissioners in person on this issue and will continue to follow-up.

10. New Business.

Councilmember Salmon complimented Mayor Yakes on the way he conducted the Town Hall Meeting and suggested having regular Town Hall Meetings; the next being held at the beginning of the budget process. Mayor Yakes said he supported holding the Town Hall Meetings, as did the rest of the council.

Councilmember Henderson asked that the council meeting scheduled on December 20th be cancelled. There was a consensus of council to cancel the meeting.

City Clerk DeMuth and City Manager O'Reilly advised that the January council meetings may have to be held off site due to the air conditioning work that will be occurring in City Hall.

Mayor Yakes said he would like to send a letter to the Pinellas Suncoast Transit Authority through the city's representative, Mayor Kathleen Peters, requesting a connection from Gulfport to Central Avenue to allow for a connection to the beaches. There was no objection from council to sending a letter.

11. Council Reports.

Councilmember Salmon reported on early voting for the March election, she thanked the organizers and volunteers of the Green Saturday event, the upcoming Community Band performance, the Speedo Run, the Area 1 Crime Awareness potluck and the holiday boat parade. Councilmember Salmon encouraged citizens to donate to the Police Department toy drive and Clothes for Kids program.

Vice Mayor Hastings reported he attended the annual meeting of the Tobacco Free Coalition of Pinellas County and that the city received a Certificate of Achievement for their commitment to provide a smoke free environment and he attended the Green Saturday event.

Councilmember Banno thanked City Staff for their help with the Merchant's Association Social.

Councilmember Henderson reported there are very inspiring holiday decorations on Newton Avenue and invited citizens to visit the area.

Mayor Yakes reported on his attendance at the Florida League of Cities Conference, his feeling that the new state districting lines needed to be reviewed and commented on the possibility of Gulfport providing fire service to the unincorporated areas bordering the city.

12. Adjournment.

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

Date Approved: _____

Michael J. Yakes, Mayor

Lesley DeMuth, City Clerk

Consent
Agenda Item No. 5-b
Resolution No. 2012-08



GULFPORT CITY COUNCIL

AGENDA MEMORANDUM

FROM: Don Sopak, Public Works Director

AGENDA ITEM: 5-b

DATE: February 7, 2012

RESOLUTION NO: 2012-08

SUBJECT: Disaster Recovery and Debris Management / Removal Services contract

RECOMMENDATION: Staff is requesting City Council authorize the City Manager to enter into a three year contract with DRC Emergency Services, LLC for Disaster Recovery and Debris Management / Removal Services.

BACKGROUND:

Natural disasters such as severe storms, hurricanes, floods, or tornadoes, and man-made disasters such as hazardous or toxic waste spills, often generate a situation where clean up and recovery activities are beyond the capabilities of existing City of Gulfport staff and mutual aid assistance. Hurricanes and tornadoes can generate thousands of tons of debris and severely impact the City's ability to provide normal public services. To ensure that the residents of the City of Gulfport have their quality of life restored as quickly as possible, staff recommends the City of Gulfport award a debris management agreement for the collection, sorting, temporary storage, trucking, and ultimate disposal of disaster generated debris.

ANALYSIS:

The City of Gulfport's current contract for Disaster Recovery and Debris Management / Removal Services has expired. The City of Gulfport had entered into a Cooperative Purchase Agreement for these services, under the same terms and conditions as the agreement between DRC Emergency Services, LLC and the City of Largo in 2007 and then again in 2010.

City of Largo issued a new RFP #11-P-351 for Disaster Recovery and Debris Management / Removal Services and awarded the three year contract to DRC Emergency Services, LLC on September 7, 2011.

DRC Emergency Services, LLC is nationally recognized disaster recovery firm having a history of providing these services for communities throughout the United States and worldwide. This requested action by the City Council will approve an agreement for a three-year period, which will provide services to the City of Gulfport to September 7, 2014.

The contracts executed for this work would be non-exclusive in nature, a time and material type of project meaning there is no financial obligation if no work is requested, and when such request is made, payment is based upon the unit costs provided by the contractor in the proposal

document and referenced in the contract documents. Conditions would dictate how the contract would be activated and what work, materials or products they would provide.

An example of the more important terms and conditions of the agreement are as follows:

1. The contractor shall provide disaster recovery services for the City of Gulfport in accordance with the Disaster Recovery Services proposal submitted.
2. The contractor will assist the City of Gulfport in the preparation of Federal Emergency Management Agency (FEMA) and State reports for any potential reimbursement from Federal or State government.
3. The contractor will work closely with the Florida Department of Emergency Management, Florida Department of Transportation, FEMA, and any other applicable State and Federal agencies to ensure that debris collection documentation appropriately addresses concerns for reimbursement agencies.
4. Upon notification to the contractor by the City of Gulfport that services are required pursuant to this agreement, the contractor shall be on-site within six hours ready to receive a directive to mobilize forces.
5. Upon beginning the labor and equipment vehicle check-in process, the City of Gulfport agrees to issue a purchase order in an amount equal to the estimated cost of completion of services by the contractor as mutually agreed upon by the City Manager and contractor.
6. The first contractor's units shall be available for local deployment within eight hours of notification by the City of Gulfport, and the contractor agrees to complete services pursuant to this agreement.
7. The rate schedule for labor and equipment contained in each proposal would be adopted by reference upon approval of the contracts.

FINANCIAL IMPACT:

The total cost of disaster recovery activities cannot be determined in advance. Costs would be incurred in the event the City Manager, after reviewing the recommendations from the City of Gulfport disaster management staff, formally requested the firm to provide disaster recovery services. The City of Gulfport would then be responsible to pay the costs incurred in response to the disaster. This would normally not occur until there has been a disaster declaration by both State and Federal governments. Reimbursement by Federal and State agencies to the City of Gulfport would then be requested utilizing the records and information prepared by the contractors and reviewed by City of Gulfport staff.

MOTION:

I move to approve/deny this resolution, which authorizes the City Manager to enter into a three year contract with DRC Emergency Services, LLC for Disaster Recovery and Debris Management / Removal Services.

RESOLUTION NO. 2012-08

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A DISASTER RECOVERY AND DEBRIS MANAGEMENT REMOVAL SERVICES CONTRACT WITH DRC EMERGENCY SERVICES, LLC; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city's current contract for disaster recovery and debris removal services has expired; and

WHEREAS, the City of Largo has approved a three year contract with DRC Emergency Services, LLC issued under RFP #11-P-351; and

WHEREAS, the City of Gulfport is desirous of entering into a Cooperative Purchase Agreement for these services, under the same terms and conditions as the agreement between DRC Emergency Services, LLC and the City of Largo.

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

Section 1. The City Council hereby authorizes the city manager to enter into a Disaster Recovery and Debris Management Removal Services Contract with DRC Emergency Services, LLC for a period of three years.

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

PASSED AND ADOPTED this 7th day of February, 2012 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

Agenda Item No. 6-a
Ordinance No. 2012-01



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: February 7, 2012

AGENDA ITEM: 6-a

ORDINANCE NO: 2012 - 01

SUBJECT: Location of residential garbage and trash containers.

RECOMMENDATION: Staff requests City Council consider and approve Ordinance 2012-01 amending Chapter 11 Section 11-15 "Location of Containers" of the City of Gulfport Code of Ordinances on 2nd reading, an ordinance that would limit the visibility of residential garbage and trash containers in the City of Gulfport.

BACKGROUND:

City Council approved Ordinance 2012-01 on first reading on January 3rd, 2012.

ANALYSIS:

A common thread within the various code enforcement issues being brought forward for discussion and consideration or actual legislative action, is that many concerns identified are not ordinance violations – but nuisance or quality of life issues, where no regulatory authority presently exists.

Ordinance 2012-01 amends Chapter 11 Section 11-15 of the City of Code of Ordinances to provide that all containers must be removed from curbside of the property on the day of collection and placed in the side or rear yard and behind the front of the primary structure.

Presently, Chapter 11 Section 11-15 of the City's Ordinance only requires that all containers must be removed from the curbside or City Right of Way (ROW) of the property on the day of collection and does not require being taken out of the front yard area. Under the present Ordinance trash containers can be left anywhere in the yard.

Ideally, this change would increase the aesthetic appearance and curb appeal of the property.

In short, the property owner would be required to remove trash containers from their front yard in a timely manner after they have been serviced.

FINANCIAL IMPACT:

No financial impact at this time.

MOTION:

Move to approve/deny Ordinance 2012-01 amending Chapter 11 Section 11-15 "Location of Containers" of the City of Gulfport Code of Ordinances on second (2nd) reading.

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. 2012-01**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 11, GARBAGE, TRASH, SEWERS AND WATER, ARTICLE I, GARBAGE, SECTION 11-15, LOCATION OF CONTAINERS; PROVIDING FOR CONCEALMENT; 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 of the City of Gulfport desires to limit the visibility of garbage and trash containers in the City of Gulfport.

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

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

Section 11-15. Location of containers

Garbage and trash containers shall be placed where easily accessible to the city's solid waste collector. Such containers shall not be kept upon neighboring property not owned or leased by the person by whom the garbage and trash was accumulated, whether such neighboring property be vacant or improved. Garbage and trash containers shall be placed ~~in~~ at the edge of the property adjacent to the alley for all properties adjacent to an alley. If alley pickup is impractical, containers shall be placed at curbside on the day the garbage and trash is to be collected. In no case shall the containers or garbage be placed on the street before 5:00 p.m. of the day preceding collection. All containers must be removed from curbside of the property on the day of collection and placed in the side or rear yard and behind the front of the primary structure.

Section 2. This Ordinance shall be published in accordance with the law.

Section 3. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. 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 5. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : January 3, 2012

PUBLISHED : January 25, 2012

SECOND READING/
PUBLIC HEARING : February 7, 2012

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. 6-b
Ordinance No. 2012-02



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: February 7, 2012

AGENDA ITEM: 6-b

ORDINANCE NO: 2012 - 02

SUBJECT: Exterior storage.

RECOMMENDATION: Staff requests City Council consider and approve Ordinance 2012-02 amending Chapter 12 Article I, Nuisances, Section 12-2 "Specific Nuisances" of the City of Gulfport Code of Ordinances on 2nd reading, an ordinance that would regulate outdoor storage in the City of Gulfport.

BACKGROUND:

City Council approved Ordinance 2012-02 on first reading on January 3rd 2012.

ANALYSIS:

A common thread within the various code enforcement issues being brought forward for discussion and consideration or actual legislative action, is that many concerns identified are not ordinance violations – but nuisance or quality of life issues, where no regulatory authority presently exists.

Presently, Chapter 12 Section 12-2 of the City's Ordinances does not prohibit the placement of indoor furniture in ones yard. Under the present Ordinance the materials identified can be left anywhere on the property.

Ideally, this change would increase the aesthetic appearance and curb appeal of the property.

In short, the property owner would be prohibited from placing items such as couches or indoor furniture in their yard for use as lawn furniture. The ordinance would also prohibit the storage or accumulation of auto parts and building materials outside of the home.

FINANCIAL IMPACT:

No financial impact at this time.

MOTION:

Move to approve/deny Ordinance 2012-02 amending Chapter 12 Article I, Nuisances, Section 12-2 "Specific Nuisances" of the City of Gulfport Code of Ordinances, creating subsection (u) on second (2nd) reading.

**CITY OF GULFPORT, FLORIDA
ORDINANCE NO. 2012-02**

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 12, HEALTH AND SANITATION, ARTICLE I, NUISANCES, SECTION 12-2, SPECIFIC NUISANCES; ESTABLISHING SUBSECTION (U) EXTERIOR STORAGE; 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 of the City of Gulfport has determined that in order to effectuate code enforcement within the City of Gulfport, specific nuisances need to be clarified.

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

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

Section 12-2. Specific nuisances

(u) Furnishings not designed for use outdoors, such as interior furniture, may not be stored outdoors. Construction materials, unless such materials are related to an active building permit related to the property at which the materials are located, shall not be stored outdoors on a residentially zoned property.

Section 2: This Ordinance shall be published in accordance with the law.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. 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 5. 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 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 : January 3, 2012
PUBLISHED : January 25, 2012
SECOND READING/
PUBLIC HEARING : February 7, 2012

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. 6-c
Ordinance No. 2012-03



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: February 7, 2012

AGENDA ITEM: 6-c

ORDINANCE NO: 2012 - 03

SUBJECT: Sanitation Ordinance revision.

RECOMMENDATION: Staff requests City Council consider and approve Ordinance 2012-03 amending Chapter 11 Garbage, Trash, Sewers and Water, Article 1, Garbage, Section 11-21, Service Charges of the City of Gulfport Code of Ordinances on 2nd reading, an ordinance that would establish a charge for an additional automated container(s).

BACKGROUND:

City Council approved Ordinance 2012-03 on first reading on January 17th 2012.

As part of the ongoing effort of City staff to review the City of Gulfport's Code of Ordinances, staff discovered an issue related to the City's Sanitation Ordinance dating back to September 2008. In reviewing Chapter 11, Garbage, Trash, Sewers and Water, it was found that appropriate legislative action was not taken or language omitted in regards to the automated pick-up process and the related cost for an additional automated container.

ANALYSIS:

In September 2008, the necessary language or text amendment necessary to create a sanitation service charge for an additional automated container was never completed or adopted. The accompanying ordinance amendment is presented for City Council's consideration. Ordinance 2012-03 amends Chapter 11 Garbage, Trash, Sewers and Water, Article 1, Garbage, Section 11-21, Service Charges to provide a cost for additional automated containers.

Where mechanical loading is required the City provides one (1) or two (2) forty (40)-gallon containers or one 90-gallon or container at no cost to the occupant. This Ordinance provides that an additional 40 or 90-gallon containers can be requested for an additional \$9.20 per month, with a six (6)-month minimum.

FINANCIAL IMPACT:

No financial impact at this time, as there is only three (3) customers utilizing this service. The only additional revenue would come from added dwelling units requesting an additional forty (40) or ninety (90)-gallon bulk container.

MOTION:

Move to approve/deny Ordinance 2012-03 amending Chapter 11 Section 11-21, Service Charges of the City of Gulfport Code of Ordinances on second (2nd) reading.

ORDINANCE NO. 2012-03

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA PROVIDING FOR AMENDMENT OF PARAGRAPH (9) OF SUBSECTION (b) OF SECTION 11-21 OF THE CODE OF ORDINANCES, PERTAINING TO SOLID WASTE SERVICE CHARGES; PROVIDING FOR BULK CONTAINER RATES; 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 wishes to provide rates for bulk containers for solid waste; and

WHEREAS, the City Council has found 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, THE COUNCIL OF THE CITY OF GULFPORT HEREBY ORDAINS:

Section 1. Paragraph (9) of Subsection (b) of Section 11-21 of the Code of Ordinances, pertaining to solid waste service charges, is hereby amended as follows:

(9) For a single residential dwelling unit the monthly charge shall be eighteen dollars and thirty-nine cents (\$18.39). Where bulk containers for mechanical loading are required for a single residential dwelling unit, the city will provide one or two 40 gallon containers or one 90 gallon container at the monthly charge of eighteen dollars and thirty nine cents (\$18.39). Additional 40 or 90 gallon containers may be made available for an additional nine dollars and twenty cents (\$9.20) per month each, with a six-month minimum.

Section 2. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed to the extent of any conflict with this Ordinance.

Section 3. 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 4. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : January 17, 2012

PUBLISHED : January 25, 2012

SECOND READING/
PUBLIC HEARING : February 7, 2012

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. 6-d
Ordinance No. 2012-05



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: February 7, 2012

AGENDA ITEM: 6-d

ORDINANCE NO: 2012 - 05

SUBJECT: Period of Trash Accumulation.

RECOMMENDATION: Staff requests City Council consider and approve Ordinance 2012-05 amending Chapter 11 Garbage, Trash, Sewers and Water, Article 1, Garbage, Section 11-23, Special Pick-Up of the City of Gulfport Code of Ordinances on 2nd reading, an ordinance that would reduce the length of time presently provided for the accumulation of trash that cannot be placed in approved containers or their equivalent for normal trash for pick-up.

BACKGROUND:

City Council approved Ordinance 2012-05 on first reading on January 17th 2012.

ANALYSIS:

A common thread within the various code enforcement issues being brought forward for discussion and consideration or actual legislative action, is that many concerns identified are not ordinance violations – but nuisance or quality of life issues, where no regulatory authority presently exists.

Ordinance 2012-05 amends Chapter 11 Garbage, Trash, Sewers and Water, Article 1, Garbage, Section 11-23, Special Pick-Up to reduce the time period that trash may accumulate from one (1) week to seventy-two (72) hours or three (3) days.

Presently, Chapter 11 Section 11-23 of the City's Code of Ordinances provides that trash not in containers can accumulate for a period of one (1) week, before the City can pick it up with or without notifying the homeowner or the homeowner needs to order a special pick-up.

In short, the property owner would be required to remove trash or order a special pick-up in an appropriate manner concurrent to regular sanitation service.

Ideally this change would increase the aesthetic appearance and curb appeal of the property by fostering the timely removal of accumulated trash.

FINANCIAL IMPACT:

Financial impact unknown at this time. The ordinance may increase the number of special pick-ups called in by residents.

MOTION:

Move to approve/deny Ordinance 2012-05 amending Chapter 11 Section 11-23, Special Pick-Up of the City of Gulfport Code of Ordinances on second (2nd) reading.

CITY OF GULFPORT

ORDINANCE NO. 2012 - 05

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 11, GARBAGE, TRASH, SEWERS AND WATER, ARTICLE I, GARBAGE, SECTION 11-23, AMENDING FEES AND SPECIAL PICK-UP BY LIMITING THE PERIOD OF ACCUMULATION; 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 of the City of Gulfport desires to eliminate the accumulation of trash and debris subject to special pick-up within the city limits of the City of Gulfport.

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

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

Section 11-23. Special pick-up

- (a) Any accumulation of trash that cannot be placed in three (3) thirty-two-gallon containers twice a week, or equivalent, in accordance with this article, shall be picked up by the city, with or without notification by the owner or occupant of each living unit. An additional fee shall be charged according to the size of the load, which shall be billed as an additional charge on the utility bill. A single pick-up item shall be eleven dollars and twenty-five cents (\$11.25) and a white goods pick-up shall be twenty-two dollars and fifty cents (\$22.50). All white goods doors shall be removed before being set out for collection. Other larger loads, including yard waste exceeding six (6) feet by three (3) feet by three (3) feet (two (2) cubic yards) shall be based on the size and type of equipment required to load and haul the trash. ~~No trash shall be allowed to accumulate for a period of longer than one (1) week.~~ Vehicle tires shall be eleven dollars and twenty-five cents (\$11.25) per tire; car batteries shall be five dollars and sixty-two cents (\$5.62) per battery. Twenty pound bottled gas cylinders shall be eleven dollars and twenty-five cents (\$11.25) and shall not be picked up unless they are empty. Televisions and home computer components shall be sixteen dollars and eighty-seven cents (\$16.87) per item. No trash shall be allowed to accumulate for a period of longer than seventy-two (72) hours.

Section 2. This Ordinance shall be published in accordance with the law.

Section 3. All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. 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 5. This Ordinance shall become effective immediately upon final passage.

Michael J. Yakes, Mayor

FIRST READING : January 17, 2012

PUBLISHED : January 25, 2012

SECOND READING/
PUBLIC HEARING : February 7, 2012

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. 6-e
Ordinance No. 2012-07



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: Frederick J. Metcalf, Community Development Director

DATE: February 7, 2012

AGENDA ITEM: 6-e

ORDINANCE NO: 2012-07

SUBJECT: Sandwich Board Signs.

RECOMMENDATION: Staff recommends approval of the ordinance providing for 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.

The Planning and Zoning Board reviewed the draft ordinance on February 1, 2012 and unanimously recommended its approval.

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.

MOTION:

A motion to approve/deny this ordinance allowing for sandwich board signs as regulated would be appropriate.

CITY OF GULFPORT

ORDINANCE NO. 2012-07

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. Article XVII, Section 22-17.04 of the Code of Ordinances of the City of Gulfport, Florida, pertaining to definitions is hereby amended to provide for a definition of Sandwich Board Signs 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 of the City of Gulfport, Florida, 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 of the City of Gulfport, Florida, 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.
- (9) 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 : February 7, 2012

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. 7
Resolution No. 2012-09



GULFPORT CITY COUNCIL AGENDA MEMORANDUM

FROM: James E. O'Reilly, City Manager

DATE: February 7, 2012

AGENDA ITEM: 7

RESOLUTION NO: 2012-09

SUBJECT: O'Maddy's/Gulfport Teen Council - Special Event application

RECOMMENDATION: Staff recommends that City Council approve the application/request of O'Maddy's/Gulfport Teen Council for a Special Event within the City of Gulfport's Downtown Waterfront District with agreed upon stipulations and requirements. The proposed event is scheduled for Saturday, March 17, 2012, between the hours of 8:00 AM and 11:00 PM, with requested road closures beginning at 8:00 AM. Applicant's request includes the associated waivers to the applicable Code of Ordinances and the providing of specific services needed to facilitate the Special Event (road closures). The applying resident/business is requesting permission to hold a community related fund raiser on Shore Boulevard, between 54th Street South/Essex Avenue South and Beach Boulevard. The free event is open to the public, with the exception of a fenced under tent area in front of O'Maddy's (5405 Shore Boulevard) that requires ticket purchase. Additionally, the applicant requests City Council's approval and permission to serve beer and wine on City property during the event in a controlled area.

BACKGROUND:

In an effort to raise money for the applicants cause the Gulfport Teen Council and to promote and invite residents and visitors to the City of Gulfport's Downtown Waterfront District the business/property owner of O'Maddy's is proposing to host an event consisting of entertainment and associated fund raising activities, on Saturday, March 17, 2012 on that segment of Shore Boulevard/ 54th Street South in front of and next to his property. The applicant would like the ability to serve beer, wine and food in a regulated public area to help increase fund raising efforts. Cooking will take place within applicants restaurant.

Ordinance No. 2003-13 allows for the City Council to suspend various sections of the Code of Ordinances by resolution to accommodate special events; Section 17-30 of the Code of Ordinances, accords the City Manager the authority to allow for providing accommodations and services for Special Events/Activities and for those participating in such events.

The applicant requests the required waiver of the following City Ordinances/Policies pertaining to:

- 1). Sale of and possession/consumption of Alcohol on Public Property.
- 2). Sale of Goods on Public Property.
- 3). Outdoor food sales.
- 4). Public amplified music.
- 5). Presentation of Banner on Shore Boulevard.
- 6). Temporary structures on City property. (Stage, tents and fencing)
- 7). Allowing for the placement of temporary signs on city property/right of way, to include the temporary suspension of Section 22-17.09 (d) of the Code of Ordinances; as long as the allowed temporary signs do not obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.

The applicant will be responsible for the sale and serving of alcohol, food sales, event management, event set up and sponsorship consisting of the development of the sale of tickets, sponsors, soliciting vendors, securing and scheduling entertainment, and the advertisement of the event.

Applicant would be required to manage and be responsible for all security and sanitation and associated costs incurred with the event.

It is also recommended that the Applicant provide proof of insurance, naming the City as a co-insured for the day and area of the event.

Applicant requests the following assistance:

- 1). Additional trash containers
- 2). Providing of City employees to setup/close/ open - restricted areas and roadways.
- 3). City to provide traffic barricades.

ANALYSIS:

Previously the City has hosted many events and numerous efforts of the business community to further promote activities in the City of Gulfport, the events have been positively received.

FINANCIAL IMPACT:

City staffing costs of \$80.00; this would be limited to two (2) Leisure Services employees for pre and post - event traffic management.

Police officer(s) as deemed necessary by the Police Chief, Cost to be paid by applicant.

MOTION:

Move to approve/deny a Resolution to approve the request of the applicant, O'Maddy's/Gulfport Teen Council, including the associated temporary suspension of the applicable Ordinances/Policies of the City of Gulfport, providing for services as provided for within Section 17- 30 of the Code of Ordinances of the City of Gulfport; providing for the sale of and possession/consumption of alcohol on public property for March 17th, 2012; requiring applicant to pay costs for appropriate Police presence as determined by the Police Chief; requiring applicant to provide proof of insurance naming the City of Gulfport as co-insured for the event.

RESOLUTION NO. 2012-09

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, APPROVING A SPECIAL EVENT APPLICATION FROM O'MADDY'S/GULFPORT TEEN COUNCIL; PROVIDING FOR THE TEMPORARY WAIVER OF PROVISIONS OF THE CITY CODE OF ORDINANCES/CITY POLICIES DURING SAID SPECIAL EVENT; PROVIDING FOR RESPONSIBILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application has been received from O'Maddy's/Gulfport Teen Council for a Special Event within the City of Gulfport's Downtown Waterfront District; and

WHEREAS, the business/property owner of O'Maddy's is proposing to host the event consisting of entertainment and associated fund raising activities, on Saturday, March 17, 2012 on Shore Boulevard, between 54th Street South/Essex Avenue South and Beach Boulevard South; and

WHEREAS, the applicant would like the ability to serve beer, wine and food in a regulated public area to help increase fund raising efforts; and

WHEREAS, Ordinance No. 2003-13 allows for the City Council to suspend various sections of the Code of Ordinances by resolution to accommodate special events; Section 17-30 of the Code of Ordinances, accords the City Manager the authority to allow for providing accommodations and services for Special Events/Activities and for those participating in such events.

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

Section 1. The City Council hereby authorizes the request of O'Maddy's/Gulfport Teen Council to hold a Special Event on Saturday, March 17, 2012 on Shore Boulevard South, between 54th Street South/Essex Avenue South and Beach Boulevard South from 8:00 AM to 11:00 PM. with road closures beginning at 8:00 AM.

Section 2. The City Council hereby waives the following City Ordinances/Policies during this special event;

- 1). Sale of and possession/consumption of Alcohol on Public Property.
- 2). Sale of Goods on Public Property.
- 3). Outdoor food sales.
- 4). Public amplified music.
- 5). Presentation of Banner on Shore Boulevard.
- 6). Temporary structures on City property. (stage, tents and fencing)
- 7). Allowing for the placement of temporary signs on city property/right of way, to include the temporary suspension of Section 22-17.09 (d) of the Code of Ordinances; as long as the allowed temporary signs do not obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.

Section 3. The City Council hereby authorizes the applicants request for the following assistance from the City:

- 1). Additional trash containers
- 2). City employees to setup/close/open restricted areas and roadways
- 3). Traffic barricades.

Section 4. The applicant will be responsible for the sale and serving of alcohol, food sales, event management, event set up and sponsorship consisting of the development of the sale of tickets, sponsors, soliciting vendors, securing and scheduling entertainment, and the advertisement of the event.

Section 5. The applicant will be required to manage and be responsible for all security and sanitation and associated costs incurred with the event.

Section 6. The applicant shall provide proof of insurance, naming the City as a co-insured for the day and area of the event.

Section 7. This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 7th day of February, 2012 by the Council of the City of Gulfport, Florida.

Michael J. Yakes, Mayor

ATTEST:

Lesley DeMuth, City Clerk

**Agenda Item No. 8
Old Business**

**Agenda Item No. 9
New Business**

**Agenda Item No. 10
Council Reports**

**Agenda Item No. 11
Adjournment**