

City of Gulfport Florida
Regular Council Meeting
May 1, 2007

City Hall

7:00 p.m.

Minutes

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

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

Roll Call. Present were Councilmembers, Mary Stull Robert E. "Bob" Worthington and Michele King, Vice Mayor John E. "Ted" Phillips, Mayor Michael J. Yakes, Acting City Manager Jim O'Reilly, City Attorney Timothy P. Driscoll and City Clerk Louise M. Spence. City Manager Thomas E. Brobeil asked to be excused.

Presentations:

A Proclamation was presented to Public Safety Director Curt Willocks for Police Memorial Week.

A Proclamation was presented to Fire Chief Gordon Yaudes for EMS Week.

Tangerine Greenway/49th Street Drainage Projects Update.

Public Works Director Don Sopak gave a PowerPoint presentation on the Tangerine Greenway/49th Street Drainage Projects update and gave the project cost figures. He explained the 49th Street Outfall Alum System and the 49th Street Project Costs and spoke about the pending grant of \$800,000 and the Pinellas County grant of \$250,000. We have had some City expenses of about \$128,000 to date and that leaves a remaining balance of \$685,000. He stated that SWFWMD has changed their policy on grant monies as they take the total amount, have you get as much monies from other agencies as you can, then what is left is split 50/50 with them. He stated that ultimately it would cost us \$242,500 and the construction would start sometime between the third and fourth quarter of 2008.

Public Works Director Sopak stated there is an item on the agenda for tonight and he will answer any questions that Council may have.

Vice Mayor Phillips said alum is used for reclaimed water and the main idea is to clean up the water going into the Bay. He said that we might think about making the Tangerine area into a wet pond rather than a dry pond and feels that we should look into this.

Public Works Director Sopak stated that he asked the engineer to take a look at that and he would come back with a response from the engineer who designed the system for us.

In response to Councilmember Worthington, Public Works Director Sopak stated that he had talked to the person from the Green Armada about the offer to do a temporary situation to put up a floating trap to keep some of the floatables coming out of the outfall at the end of 49th Street

and they had offered to do that. He is waiting for a returned call from St. Pete to let us know the booms so we could capture some of that.

1. Public Session.

Beverly Newcomb, 921 Freemont Street South, stated she hopes the City Manager is doing well.

Mr. Patrpieiou, 2822 Beach Boulevard South, asked about help for his business. He presented pictures for Council and spoke about putting signs for 10 – 15 minute parking for his business in front of his store for his customers. He also spoke about receiving a two-page threatening letter from the La Fatoga restaurant.

Acting City Manager O'Reilly stated that this was taken before the Transportation Advisory Committee and we are waiting for a report from them.

Mayor Yakes stated he has driven by there and he agrees that there is a problem.

Mike McKee, 5001 28th Avenue South, representing the Merchants Association, stated that all businesses have issues about parking. He commented on statements made at the April 19 meeting about no taxes coming from Gulfport merchants. He stated that the merchants fund the Art Walks, do the advertising, have hired an Art Walk Director and they also do the Gecko Fest. He wanted to make sure people know that there are taxes being paid from this area and the Merchants put on events and finance them.

Suzanne Olsen represented Fern Kalb and asked Council to revisit her variance request regarding the installation of sidewalks on her property on 16th Avenue South between 51st and 52nd Streets. She stated that when the permit was obtained from the Planning Department Ms. Kalb was not told that the sidewalk was necessary.

Acting City Manager O'Reilly did not speak on this matter at this time.

City Attorney Driscoll stated that this had been a quasi-judicial hearing and there is nothing Council can do on that particular case since it has already been decided.

Mayor Yakes stated that if we look at the circumstances, it is extremely difficult and he suggested we have a sidewalk bank.

Acting City Manager O'Reilly stated that staff needs a consensus from Council if we should develop something along these lines.

Councilmember Worthington stated that more than two properties are owned by the same person and if we keep adding sidewalks we should soon have them on the whole street. He stated that the road is narrow and it would keep kids off the street. He is not against establishing a sidewalk bank.

The consensus of Council is to look at a sidewalk bank.

Acting City Manager O'Reilly stated that if we have a consensus this will get back to Council in about two months.

Sam Browning spoke about a \$2000 water bill for 6670 Gulfport Boulevard and requested that it be reviewed as exception. He stated that when he realized there was a problem he had it fixed immediately.

Mayor Yakes asked that the City Manager follow up on this.

Don Rogers, representing Gulf Hunters Sailing Association, a Gulfport- based business, non-profit organization, which would like to use the Coast Guard building for meetings on education on boating safety and water usage.

Carolyn Needleman, 5940 30th Avenue South, stated she wishes the City Manager well. She spoke about the University of South Florida's use of the Coast Guard building. She stated that she will not be here when they come back. She stated that she has seen case after case where they did not keep their promises then nothing can be done about it. The issue of cost requires in-kind contribution from the City of Gulfport in order for them to get a grant. She urged Council to address this carefully. She also spoke about staff time being donated by the City and said that she had heard two weeks ago that the City is going to have to cut back staff.

Acting City Manager O'Reilly clarified that the Coast Guard is currently using the facility under an agreement with the City and it would not displace anyone to add USF. He stated that anyone who wished to use this building should speak to Coast Guard Auxiliary.

Vice Mayor Phillips stated he has not seen any "no trespassing" sign about that building.

Marty Needleman, 5940 30th Avenue South, spoke about people fishing at Clam Bayou and he called Pinellas County and they said there was no water quality checking. People are fishing and eating fish and he feels something needs to be done.

Acting City Manager O'Reilly stated that the City has tested water at the beach area and they are now taking action.

Public Works Director Sopak stated that we are researching background of water samples. He stated that the Health Department does not monitor our beach so we are looking for someone to do it.

Councilmember Worthington said that Hillsborough County is looking for volunteers and maybe we could look at and see if Pinellas county can get some.

Al Davis, 2790 45th Street South, spoke about the SWFWMD study that had no conclusion.

Fern Kalb, 1317 Pasadena Avenue South, stated that sidewalks were misrepresented at the last meeting. She said that there are not sidewalks on both sides of streets except in the commercial area.

Kurt Zuelsdoft, 6201 9th Avenue South, spoke about the Clam Bayou cleanup program he started about eight weeks ago and is now complete. He stated that 9600 pounds of debris was removed from the Bayou. He stated that he is moving into the next phase of his program which is education on how the ecosystem works and we can't let Clam Bayou go back into the condition it was eight weeks ago. He stated that he would like to ask Council to consider opening a conversation about an on-going maintenance program for Clam Bayou.

Bob Newcomb, 921 Freemont Street South, stated that he thinks the last speaker is an example of people we want to have involved in our community. He spoke about the Coast Guard building being a valuable asset to our community and he hopes that if we consider use of that building or alternatives for the financial difficulties we are to face in the next year. We have to find assets and revenues from places that we've never found before.

Seeing no one else who wished to speak, Mayor Yakes closed the Public Session at 8:08 p.m.

2. Update Reports.

Acting City Manager O'Reilly said he spoke to City Manager Brobeil and he's now home convalescing and hopes to be back in the office Friday.

3. Consider approval of the minutes of the March 20 and the April 17, 2007 Regular Council meetings.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to approve the minutes of the March 20 and the April 17, 2007 Regular Council meetings.

UNANIMOUSLY APPROVED BY ACCLAMATION.

4. Ordinance:

- a. 2007-04 An ordinance of the City of Gulfport, Florida, providing for amendment of Subsection (c) of Section 22-20.07 of the Code of Ordinances pertaining to undesirable tree species; providing for additional species; providing for amendment of Subsection (a) of Section 22-20.11 pertaining to prohibited trees; providing for reference to the undesirable list of trees; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.

City Clerk Spence read Ordinance No. 2007-04 by title only.

Acting City Manager O'Reilly explained the ordinance.

Mayor Yakes opened the Public Hearing.

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

A motion was made by Councilmember Worthington and seconded by Councilmember Stull to adopt Ordinance No. 2007-04 on First Reading.

VOTE:

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

UNANIMOUSLY APPROVED.

5. Resolutions:

- a. 2007-46 A resolution of the City of Gulfport, Florida, appointing members to the Board of Adjustment; providing for terms of appointment; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-46 by title only and explained the resolution. She stated that there are two positions open and one current member, Irene Cornelius, has agreed to serve another term, if reappointed. There is still one vacant position and we have an application from Courtland Yarborough. The alternate member, Stephen Rye, should also be considered for the vacant position. If the alternate member is appointed as a regular member, then Council should appoint a new alternate member to the Board.

Mayor Yakes opened the Public Discussion.

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

A motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to adopt Resolution No. 2007-46 to appoint Irene Cornelius and Courtland Yarborough as regular members on the Board of Adjustment for two year terms.

VOTE:

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

UNANIMOUSLY APPROVED.

- b. 2007-47 A resolution of the City of Gulfport, Florida, appointing members to the Planning and Zoning Board; providing for terms of appointment; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-47 by title only and explained the resolution. She stated that three positions are open and two of the members currently serving, Rudy Leopold and Jeri Reed, have agreed to serve another term, if reappointed. We also have an application from David Hastings and the alternate member, Carol D'Alessandro, should also be considered for the vacant position. If the alternate member is appointed as a regular member then Council should appoint a new alternate member to the Board.

Mayor Yakes opened the Public Discussion.

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

A motion was made by Councilmember King and seconded by Vice Mayor Phillips to adopt Resolution No. 2007-47 to appoint Rudy Leopold, Jeri Reed and David Hastings as regular members to the Planning and Zoning Board/Local Planning Agency for two year terms.

VOTE:

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

UNANIMOUSLY APPROVED.

c. 2007-48 A resolution of the City of Gulfport, Florida, appointing an alternate member to the Historic Preservation Committee; providing for term of appointment; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-48 by title only and explained the resolution.

Mayor Yakes opened the Public Discussion.

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

A motion was made by Vice Mayor Phillips and seconded by Councilmember Stull to adopt Resolution No. 2007-48 to appoint Christopher Ross as the alternate member to the Historic Preservation Committee for a two year term.

VOTE:

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

UNANIMOUSLY APPROVED.

d. 2007-49 A resolution of the City of Gulfport, Florida, appointing Councilmember Bob Worthington as the representative of the City to serve on the Tampa Bay Regional Planning Council; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-46 by title only.

Mayor Yakes opened the Public Discussion.

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

A motion was made by Vice Mayor Phillips and seconded by Councilmember King to adopt Resolution No. 2007-49 to appoint Councilmember Worthington as the representative of the City for Tampa Bay Regional Planning Council.

Vice Mayor Phillips stated he had been the representative for 15 years and is now the Vice President and he is glad to see Councilmember Worthington take this responsibility.

VOTE:

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

UNANIMOUSLY APPROVED.

e. 2007-50 A resolution of the City of Gulfport, Florida, supporting the Tampa Bay Regional Planning Council’s resolution requesting sufficient funding for the National Wildlife Refuge System; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-50 by title only.

Acting City Manager O’Reilly explained the resolution.

Mayor Yakes opened the Public Discussion.

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

A motion was made by Vice Mayor Phillips and seconded by Councilmember King to adopt Resolution No. 2007-50.

VOTE:

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

UNANIMOUSLY APPROVED.

- f. 2007-51 A resolution of the City of Gulfport, Florida, authorizing the City Manager to enter into a contract with the Southwest Florida Water Management District (SWFWMD) to provide financial assistance for the Gulfport Tangerine Avenue Stormwater Retrofit Project; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-51 by title only.

Mayor Yakes opened the Public Discussion.

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

A motion was made by Vice Mayor Phillips and seconded by Councilmember Stull to adopt Resolution No. 2007-51.

VOTE:

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

UNANIMOUSLY APPROVED.

- g. 2007-52 A resolution of the City of Gulfport, Florida, authorizing the City Manager to approve a Memorandum of Understanding between the City of Gulfport and the St. Petersburg Association of Firefighters to amend the current bargaining agreement to allow the City, if necessary, to start an exceptionally qualified, newly hired firefighter at a pay rate greater than Step 1, but not to exceed Step 4; and providing for an effective date.

City Clerk Spence read Resolution No. 2007-52 by title only.

Acting City Manager O'Reilly explained the resolution.

Mayor Yakes opened the Public Discussion.

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

A motion was made by Councilmember Worthington and seconded by Vice Mayor Phillips to adopt Resolution No. 2007-52.

Councilmember Worthington stated that this is very important because it gives an opportunity to hire experienced firefighters.

Councilmember King asked if is this for a specific firefighter.

Fire Chief Yaudes stated it is just changing the bargaining agreement.

VOTE:

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

UNANIMOUSLY APPROVED.

6. Any Other Business.

Vice Mayor Phillips spoke about a letter he received on May 8th regarding the emergency response system. He stated that the Fire Chief would be the one to handle this. He received another letter from SWFWMD discussing offshore springs to be tapped instead of drawing the filtered water out of Tampa Bay; tap some of the offshore springs that are almost clear water. He also discussed his response letter from Governor Crist regarding potential use of offshore springs as a source of public water supply. This source produces 1.5 billion gallons of water with a salt content of 2,500 compared to the ocean's 35,000. He will get in touch with them until something happens.

Vice Mayor Phillips stated that the area behind the 49th Street building should be allowed for the storage of boats, trucks and small RV's for Gulfport residents only. He stated that there should be a fence and parking should be at the person's own risk. The charge should be low and then the Marina might be able to open up storage to non-Gulfport boaters at a higher rate. He stated that businesses are going to have to handle their own problems since Gulfport is not going to be in the position to fund any events. There is more money in the Waterfront Development Fund. He believes that money would be used for waterfront ideas. He feels that it is time we started using it for the waterfront businesses.

Vice Mayor Phillips suggested that the City Attorney might be able to take over the formatting of ordinances and resolutions and then have clerk put them on the agenda. He felt this would lower the workload for the Clerk's Department and therefore the compensation of the City Clerk could be lowered and the part time assistant position could be eliminated.

Councilmember Stull spoke about the success of the Springfest and reminded everyone about the Crime Awareness meeting on the 2nd Monday of the month at the 49th Street Center.

Councilmember Worthington stated that a resident inquired about putting a four-way stop sign at the intersection of 59th Street and 13th Avenue. He gave a handout to each Councilmember regarding a proposed resolution brought to him by some citizens regarding protection of our waterways. We should establish more of a home rule to be in charge of this. He feels that the City is already doing a lot. He would like to see if council wants to do anything with it. He chooses not to act on this resolution. He discussed a letter from Green Armada – a non-profit organization that picks up trash and litter and tries to clean our waterways. However, they believe that space is available at the Coast Guard building. When

USF came here there was not space available at the Coast Guard. They were asking that a space be created. Green Armada would like to make that area their world headquarters. Green Armada stated to the media that they are going to acquire several hundred more boats for trash pick-ups. He thinks they would want a fenced area to park boats there. Before anyone comes into Gulfport, they need to talk to the Coast Guard people first, as they have a contract on the building.

Vice Mayor Phillips inquired as to if it is a not for profit, non-profit, or a profit-making organization.

Councilmember Worthington stated that this is a non-profit organization.

Leisure Services Director O'Reilly stated that this is a non-profit organization, but there are paid employees as part of the program.

Vice Mayor Phillips asked for clarification.

City Attorney Driscoll stated that in Florida, there is no such thing as a "non-profit" organization; they are all "not for profit" organizations. However, they are basically the same thing.

Mayor Yakes stated that we want to work with them; they provide great service.

Councilmember King spoke that she met with the merchants association and they have requests of the city. The first is that the City electrifies Beach Boulevard from 28th Avenue south to Shore Boulevard. They ask that the City take over the right of way from Beach Boulevard to 28th so that they could have the flowerbeds and the pavers down the Boulevard. They asked that the City work with them for holiday village build big displays and make Gulfport a destination for the holidays. She asked that we look into the possibility of hiring an advertising firm to promote downtown Gulfport. They are in the process of researching grants to see if that can happen. The WRAB Board agreed on first three and are waiting to see what happens with the fourth option. She congratulated the Chamber of Commerce because Springfest was a great success. She stated that she had been asked by Art Padula to ask the City for Holy Name Octoberfest Fest if the trucks can park behind the 49th Street building during the Octoberfest event. She also asked if we could use the tree bank funds to plant trees in front of the new development on 26th Avenue South, since all the trees are gone.

Mayor Yakes stated that he would like to consider having a town meeting once a month since it might reduce the time of the public session in Council meetings. He indicated that it does not have to be an evening meeting. He stated that this will be brought back to Council.

Mayor Yakes stated that he did have residents on Newton Street between 56th and 57th Street who have expressed an interest of the Transportation Committee or staff looking at the issue of kids at play with cars coming around the corner and not being seen. He has had the same concern on Upton Street between 26th and 27th Avenue. They want to have a "Kids at Play" sign placed on their property. This needs to be taken to the Transportation Advisory Committee and we need to address the safety issues in these areas.

7. Adjournment.

A motion was made by Vice Mayor Phillips and seconded by Councilmember Worthington to adjourn at 8:55 p.m.

UNANIMOUSLY APPROVED BY ACCLAMATION.

Date Approved

Michael J. Yakes, Mayor

Louise M. Spence, City Clerk