

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, September 1, 2009

The Regular Meeting of the Gulfport City Council was held on Tuesday, September 1, 2009, in the City Hall, City Council Chambers, 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 Michele King, followed by the Pledge of Allegiance.

Roll Call:

Present were Councilmembers Judy Ryerson, Samuel Henderson and Michele King; Vice Mayor Robert Worthington; Mayor Michael J. Yakes, Interim City Manager James O'Reilly; Interim City Attorney Thomas Minkoff and City Clerk Lesley DeMuth.

Presentation:

Charter Review Committee.

Christine Brown, Chairperson of the Charter Review Committee, reported the Committee had been given a deadline of September 1, and they finished their review two weeks prior to that date. Ms. Brown thanked Frank Verdino, Art Padula, Lynne Brown, Vice Chairperson Mark Epstein and Lesley DeMuth for their hard work and dedication. Ms. Brown provided a reviewed of Article I, The Corporation and the Committees recommendations, Art Padula discussed Article III, Legislative and the Committees recommendations, Frank Verdino discussed Article IV, Qualifications and Elections and the Committee recommendations and Lynne Brown, discussed Article V, Administrative and the Committees recommendations.

1. Public Session.

Shannon Irving, 2221 York Street South, thanked the Mayor, Interim City Manager and Interim City Attorney for coming to the bus stop at 22nd Avenue and 49th Street South. She also thanked the Police Department for assigning a policeman there, but requested a crossing guard until the issue is resolved. In response to a question by Vice Mayor Worthington, Interim City Manager O'Reilly explained the situation with the new arterial school bus stop in the City.

Sandy Bernard, 1126 Hull Street South, spoke on the immediate safety concerns until the situation is worked out.

Bob Newcomb, 921 Freemont Street South, stated he was shocked to learn that the Charter is not entirely free from change by ordinance, and asked what it will take to make our Charter safe from change by ordinance.

Kathryn Reynolds, 1852 53rd Street South, spoke on her frustration with the mosquito infestation problem and the non-response to her email of July 25.

Margarete Tober, 1513 59th Street South, commended Staff on the simplification of the budget document and their efforts towards savings. She spoke on the need for strategic planning for the

future and as a resident and taxpayer asked Council to increase the millage rate to 3.85 so the City will recognize the same property tax revenues as it did this past year. She felt not doing so will critically impact the 2010/2011 budget when property values are expected to decline further. Ms. Tober encouraged the police and fire unions to reconsider their COLA, the highly compensated employees, particularly the Directors, to volunteer some additional sacrifices this coming year, and the City Council to consider their own compensation. Ms. Tober requested Council encourage all residents and employees to attend the budget hearing meetings.

Lori Rosso, 5701 Shore Blvd, presented Councilmembers with a "Team Gulfport" shirt.

Lee Stapella, 3025 York Street South, thanked City Attorney Minkoff for the extensive amount of time he accorded her. Ms. Stapella spoke on the appointed officials, City Manager, City Attorney and City Clerk, being subject to the Ethics Chapter 112 and the Sunshine Chapter 286. She stated she has been advised, by someone at the First Amendment Foundation, because of these facts they too are subject to the audible meeting requirements under the Sunshine Law.

Al Davis, 2790 45th Street South, spoke on derogatory comments about his lawsuit made by Councilmember Henderson and Councilmember King and felt it is not right for Councilmembers to disparage their local constituents. He suggested the City Attorney, Councilmember King and Councilmember Henderson get together with his attorney and find out the facts.

Bobby Reynolds, 1852 53rd Street South, stated he did send an email to Mr. O'Reilly and to Council on the mosquito issue, and did receive a response from both. He discussed the drainage ditch and how the mosquito's are breeding there. Interim City Manager O'Reilly explained the drainage in the area is working correctly, and will share Pinellas County Mosquito Controls contact information with him.

2. City Managers Report.

Interim City Manager O'Reilly provided Council with the Flood Plain Management Planning Annual Report.

Interim City Manager O'Reilly advised Council he received a request from Stetson University College of Law to temporarily use three vacant properties they own for off-site parking in the R-1 Zoning District. City Council action is required to permit this.

In response to a question by Councilmember King, Interim City Manager O'Reilly stated the temporary use would be for three months. Councilmember King requested the actual street addresses of the properties.

Vice Mayor Worthington suggested the City talk to the citizens directly adjacent to the properties before approving any temporary action. Councilmember Ryerson agreed.

Councilmember Henderson also agreed with being proactive with the neighbors and asked what the egress to the properties would be and if they would have to go across city sidewalks. He expressed a concern of damage to property and questioned if Stetson would pay for any damages during this time.

Interim City Manager O'Reilly proposed that Stetson contact the adjacent property owners and provide the City with letters of no objection. City Council agreed to this proposal.

Interim City Attorney Minkoff stated Stetson has agreed to place signs on the properties for parking by faculty with permit only.

3. City Attorney Report.

Interim City Attorney Minkoff reported on his discussions with the Florida League of Cities Attorney, Mr. Morrison, on City Charters; his meeting with Mrs. Stapella and Vice Mayor Worthington on the subjects of conflicts by Councilmembers and whispering during Council Meetings; and a concern by Ms. Davis on text messaging during Council Meetings. Interim City Attorney Minkoff reviewed an informal letter by the Attorney General on text messaging and an advisory opinion on posting on websites such as Facebook.

4. Resolution:

- a. 2009-84, **A Resolution of the City of Gulfport, Florida, appointing a resident member to the Gulfport Firefighters' Pension Board; providing for term of appointment; and providing for an effective date.**

The City Clerk read Resolution 2009-84 by title only, and stated the name of the nominee is Christine Brown.

Mayor Yakes opened for Public Discussion.

Christine Brown, 2802 53rd Street South, explained the situation with the appointments to the Board.

Ms. Brown clarified that if the Council re-adopts the Charter after the Home Rules Act, then everything in the Charter will have to go to referendum. Interim City Attorney Minkoff stated that was correct.

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

Motion by Councilmember King, second by Vice Mayor Worthington to approve Resolution 2009-84.

ROLL CALL:	COUNCILMEMBER KING	YES
	VICE MAYOR WORTHINGTON	YES
	COUNCILMEMBER RYERSON	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- b. 2009-85, **A Resolution of the City of Gulfport, Florida, authorizing the Interim City Manager to execute a Change Order with R. E. Purcell Construction Company, Inc., for the 59th Street Roadway Improvements Project – Phase II; and providing for an effective date.**

The City Clerk read Resolution 2009-85 by title only.

Interim City Manager O'Reilly explained the Resolution.

Vice Mayor Worthington spoke on the low areas on the west side of 58th Street that hold water and asked what could be done. Don Sopak, Public Works Director, spoke on the under-drain which was installed in the main problem areas and of the future plans for the intersections at 30th and 31st Avenues.

In response to a question by Councilmember Henderson, Public Works Director Sopak stated the additional areas are being taking from the City's road repair list.

Mayor Yakes opened for Public Discussion. Neither hearing nor seeing anyone wishing to speak, the Public Discussion was closed.

Motion by Councilmember Henderson, second by Councilmember King to approve Resolution 2009-85.

ROLL CALL:	COUNCILMEMBER KING	YES
	VICE MAYOR WORTHINGTON	YES
	COUNCILMEMBER RYERSON	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- c. 2009-86, **A Resolution of the City of Gulfport, Florida, authorizing the Interim City Manager to amend the Budget for Fiscal Year 2008/2009 by increasing the general fund Budget Legal Services for the cost of legal counsel; providing for funding; and providing for an effective date.**

The City Clerk read Resolution 2009-86 by title only.

Interim City Manager O'Reilly explained the Resolution.

Mayor Yakes opened for Public Discussion.

Margarete Tober, 1513 59th Street South, asked for a breakdown of the \$59,000.46. Interim City Manager O'Reilly advised \$21,317 is the estimated expenditure to close out Pasadena Properties, \$6,000 is an estimated balance with the former City Attorney; \$27,000 is for the Interim City Attorney's three month agreement and there is a \$7,500 contingency; totaling \$62,317. Dan Carpenter, Administrative Services Director, stated of the original appropriation for legal fees of \$122,857, there is still \$3,271 remaining and netted against the total of \$62,317, that comes to the \$59,046.00

In response to questions by Ms. Tober, Interim City Manager O'Reilly stated the \$15,000 legal fees credit the City is receiving from Pasadena Properties will be applied to the General Fund and the expenses for Governance will be paid this year from the City Manager's Office budget.

Ms. Tober said nothing was ever brought up when they talked about settling this case that there was still \$21,000 due and wondered if the decision of Council would have been different with regard to the settlement. Interim City Manager O'Reilly stated the fees were incurred and the Council was aware of this.

In response to a question by Ms. Tober, Interim City Manager O'Reilly asked Administrative Services Director Carpenter to answer what percentage of a mill \$62,000 would be. Administrative Services Director Carpenter stated it would be about 7/100 of a mill.

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

Motion by Councilmember King, second by Councilmember Ryerson to approve Resolution 2009-86.

Vice Mayor Worthington stated he did not know the City had a balance with the attorney's and questioned why the City did not hear from them when the case was settled

ROLL CALL:	COUNCILMEMBER KING	YES
	VICE MAYOR WORTHINGTON	NO
	COUNCILMEMBER RYERSON	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED: 4 to 1.

d. 2009-87, A Resolution of the City of Gulfport, Florida, approving special events during September 2009 and Fiscal Year 2009/2010; authorizing various city services and accommodations in accordance with Section 17-30 of the Code of Ordinances regarding special events; and providing for an effective date.

The City Clerk read Resolution 2009-87 by title only.

Interim City Manager O'Reilly explained the Resolution.

Mayor Yakes opened for Public Discussion. Neither hearing nor seeing anyone wishing to speak, the Public Discussion was closed.

Motion by Councilmember King, second by Vice Mayor Worthington to approve Resolution 2009-87.

ROLL CALL:	COUNCILMEMBER KING	YES
	VICE MAYOR WORTHINGTON	YES
	COUNCILMEMBER RYERSON	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

e. 2009-88, A Resolution of the City of Gulfport, Florida, authorizing the suspension of portions of Sections 4-11 and 4-25 of the code of Ordinances of the City of

Gulfport by allowing the sale and consumption of beer and wine in a designated area during designated times for the Most Holy Name of Jesus Church Oktoberfest; providing for the suspension of Section 22-17.09 (d) of the Code of Ordinances to allow temporary signs on city property and/or rights-of-way; providing for authorization to hang temporary Oktoberfest banners and install temporary signs in accordance with Section 17-30 of the Code of Ordinances; providing for waiver of the festival license fee; providing for insurance requirements; and providing an effective date.

The City Clerk read Resolution 2009-88 by title only.

Interim City Manager O'Reilly explained the Resolution.

Mayor Yakes opened for Public Discussion. Neither hearing nor seeing anyone wishing to speak, the Public Discussion was closed.

Motion by Councilmember King, second by Councilmember Ryerson to approve Resolution 2009-88.

ROLL CALL:	COUNCILMEMBER KING	YES
	VICE MAYOR WORTHINGTON	YES
	COUNCILMEMBER RYERSON	YES
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

5. New Business.

Councilmember King provided the hotline telephone number for information on the H1N1 Flu, and reminded everyone of Gecko Fest and the Lion's Club Fish Fry.

Vice Mayor Worthington requested Council consider holding a workshop to discuss creating standard rules and protocol for the City Council and its Boards/Committees. He reviewed the mosquito situation and how this is under the County's control, and spoke on working with the Florida League of Cities to oppose near off-shore oil drilling.

Councilmember Ryerson commented on the sand build-up on the beach between the Casino and the Pier since the City has changed the stormwater drainage.

Councilmember Henderson reminded the citizens of the Blues Festival on September 26, the Senior Center's Crime Awareness Meeting the second Monday of the month, and suggested a summary review of Roberts Rules would be helpful.

Interim City Manager O'Reilly suggested the City Clerk and Interim City Attorney compile information from other cities on Rules of Procedure and present this at a future workshop for discussion. Mayor Yakes suggest this be done after the budget adoption.

Councilmember Henderson stated he would like to see a workshop on the Charter after they have had a chance for review and spoke in support of opposing the off-shore oil drilling.

Mayor Yakes addressed the off-shore oil drilling and encouraged citizens to get behind Senator Nelson.

6. Adjournment.

Motion by Vice Mayor Worthington, second by Councilmember Henderson to adjourn.

Date Approved: 10-6-09


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk