



City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, October 20, 2009

The Regular Meeting of the Gulfport City Council was held on Tuesday, October 20, 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 Judy Ryerson, 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.

Mayor Yakes presented a certificate from the Florida Records Management Association to Clerk Lesley DeMuth designating her as a Florida Certified Records Manager.

1. Public Session.

Mark Gildauskas, 4917 Newton Avenue S., spoke of his concerns with a barbeque smoker in his neighborhood, and asked Council to repeal the law allowing this use. Mayor Yakes asked Interim City Manager O'Reilly and Interim City Attorney Salzman to look into what rights the City has to reverse its decision.

Lee Stapella, 3025 York Street S., spoke on honest services fraud, and provided a reading file containing information on this subject to the City Clerk for Council's review.

Rosalie Barbieri, Town Shores, asked for an update on the Winn Dixie property and a proposed Save-A-Lot, and reported there is an area on 28th Avenue, east of 58th Street, which needs paving. Mayor Yakes stated the shopping center is a work in progress and is a private effort. He asked Interim City Manager O'Reilly to look into the paving request.

2. City Manager Report.

Interim City Manager O'Reilly advised Council he is in the process of drafting Request for Qualifications for a Contract Grant Writer and a Lobbyist, and he thanked City Staff for their efforts with the recent City events.

3. City Attorney Report.

Interim City Attorney Minkoff had no report.

Interim City Manager O'Reilly mentioned that Council is in receipt of a letter from Interim City Attorney Minkoff ending his practice with the City effective Friday, October 23. Interim City Manager O'Reilly recommended to Council, while Governance is going through the City Attorney search process, that the City use a local municipal attorney law firm. He identified three firms: Frazer, Hubbard, Brandt, Trask and Yacavone; Zimmet, Unice and Salzman;

Sumaker, Loop and Kendrick, who are agreeable to provide services to the City on an hourly rate ranging from \$150 to \$250 per hour on an as needed basis and advised his choice of firms would be Zimmer, Unice and Salzman. It was the consensus of Council to use the firm of Zimmer, Unice and Salzman, and in response to a question by Councilmember King, Interim City Manager O'Reilly stated their hourly rate will be \$150 per hour.

4. Ordinance:

2009-14, First Reading, An Ordinance of the City of Gulfport, Florida amending Chapter 6 of the Code of Ordinances of the City, pertaining to watercraft within the City; providing for amendment of Section 6-1 thereof, pertaining to definitions of terms; providing for amendment of Section 6-13.2 thereof, pertaining to living aboard vessel; providing for the repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.

The City Clerk read Ordinance No. 2009-14 by title only.

Interim City Manager O'Reilly explained the Ordinance.

In response to a question by Mayor Yakes, Interim City Manager O'Reilly explained to dock as a transient boater you have to notify the Harbormaster as you come in, you have to have a pre-assigned lease which is guaranteed with a credit card, and most transient vessel situations are prepay.

Mayor Yakes opened for Public Discussion.

Jim Greenwald, 4747 Tradewinds Drive, stated he felt it is a great idea to allow the transient boaters' time to stay here, but suggested the time be extended to 30 days.

Jennifer Salmon, 1207 60th Street S., stated she is delighted to support this ordinance and felt it is important to have a place for transients to dock their boats in a safe environment that is away from the public beach. In response to a question by Ms. Salmon if there is both a 72 hour and a one week provision, Interim City Manager O'Reilly stated there has to be, and explained the marina and off-shore limits.

Chrisan Herrod, 3011 51st Street S., spoke in support of the ordinance, but felt the period of time needed to be extended.

Lee Stapella, 3025 York Street S., spoke on the Great Loop Association, and suggested the City start advertising to this Association.

Neither hearing nor seeing anyone else wishing to speak, Mayor Yakes closed the Public Discussion

Motion by Councilmember King, second by Vice Mayor Worthington to approve Ordinance No. 2009-14 on First Reading.

Councilmember Henderson stated he was glad to hear people had positive things to say about the ordinance, but as far as extending the time he personally would like to start with the 14 days. If

the City gets the demand for an increase in time, he felt it could be brought back to the table and an extension could be considered.

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

MOTION CARRIED.

5. Resolutions:

- a. 2009-98, A Resolution of the City of Gulfport, Florida, establishing the date of the 2010 Municipal General Election; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2009-98 by title only, and advised the proposed date for the election is March 9, 2010.

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

Motion by Vice Mayor Worthington, second by Councilmember Henderson to approve Resolution No. 2009-98.

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

MOTION CARRIED.

- b. 2009-99, A Resolution of the City of Gulfport, Florida, authorizing the Interim City Manager to accept the proposal to provide Professional Engineering Services from Cardno/TBE Group for a FEMA Coastal Evaluation of the City in the amount of \$33,100; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2009-99 by title only.

Interim City Manager O'Reilly explained the Resolution, stating it will provide a professional engineering evaluation of the existing FEMA Coastal Model used to set the City's flood insurance rate and will create the data necessary to create a possible appeal.

Jim Schatz, 2014 Kipps Colony Drive S., felt the resolution is the beginning of a process that will save our citizens millions of dollars a year in flood insurance premiums that are based on inaccurate data and he strongly urged Council to vote in favor of the resolution.

Motion by Councilmember King, second by Councilmember Ryerson to approve Resolution No. 2009-99.

Councilmember Ryerson spoke on the need to have this reviewed.

Vice Mayor Worthington stated the Tampa Bay Regional Planning Council has been working on this same issue, but they work on it on a regional basis.

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

MOTION CARRIED.

- c. 2009-100, A Resolution of the City of Gulfport, Florida, authorizing the improvement of City green space at the corner of Tifton Drive South and Del Rio Way South; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2009-100 by title only.

Interim City Manager O'Reilly explained the Resolution.

Lee Stapella, 3025 York Street S., hoped there is a way the marina renters, transients or groups of those boaters who come into town have first use of the picnic tables, and asked that a doggie bag dispenser be added as an amenity. Ms. Stapella asked for some over-site by the City in the Marina/Clam Bayou road area on weekends as people are not using doggie bags.

Motion by Vice Mayor Worthington, second by Councilmember Ryerson to approve Resolution No. 2009-100.

Councilmember King asked if the company working in this area and who are staged in the park will be responsible for restoring the park. Interim City Manager O'Reilly stated the City is going to ask this company to do additional things on this site when they put the area back together.

Vice Mayor Worthington mentioned in the future the City may have to go to some type of biodegradable doggie bag as the State is looking to do away with plastic storage bags. Vice Mayor Worthington asked in the future, between now and the Gulfport Birthday, the park be named for the Gulfport Pioneers and Fisherman and suggested either Pioneer Park or Fisherman's Park. He felt it would be appropriate to ask the Historical Society for ideas.

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

MOTION CARRIED.

6. Any other business.

Councilmember Ryerson spoke on the success of the birthday bash, the calendar and book sale, the upcoming Relay for Life. She advised Council she received a call from a constituent on Premier Drive regarding street lights and asked if the City could look into adding lights in this area as a matter of public safety.

Councilmember Henderson spoke on the Tomlinson Pond cleanup and congratulated Interim City Attorney Minkoff on his new position and thanked him for his service to the City. Councilmember Henderson asked for a consensus from Council to allow the Crime Awareness Group to hold on block party on November 7, at the Tangerine Greenway. There was no objection from Council.

Vice Mayor Worthington advised Council the Tampa Bay Regional Planning Council is planning to host the National Planning Council Conference in 2012, and is asking for the City's support and a contribution of \$500.00. There was no objection from Council to placing this on the next agenda for consideration.

Vice Mayor Worthington asked Interim City Manager O'Reilly for an update on the mooring field. Interim City Manager O'Reilly stated the City is still in the permitting process. He did have a dialog with the Department of Environmental Protection today and there are issues that need to be cleared up, but they have had the City's permit application for approximately 700 plus days. Vice Mayor Worthington addressed his concerns with the boats currently moored within the City's corporate waters.

Councilmember King spoke on the Clam Bayou Clean-up, and asked when Council can expect to see the items from the last workshop on a City Council agenda. Interim City Manager O'Reilly advised that he has not had an opportunity to talk with the Interim City Attorney, but will prepare something to bring forward from the Council's discussion. Councilmember King stated she felt there needed to be a process to negotiate the City Manager's contract and suggested each Councilmember speak with the Attorney and the Attorney can negotiate a contract to bring back to Council. It was the consensus of Council to use this process.

Councilmember Henderson asked if Council felt there was a value in them discussing this as a collegial body as they are on a limited time with the attorney.

Councilmember Ryerson suggested waiting until a new attorney starts.

Mayor Yakes stated the City Manager has presented a contract and the Council can add to it or delete from it and make their remarks to the City Attorney.

Vice Mayor Worthington stated he felt if he was not comfortable with something he could negotiate directly with the City Manager on things he agrees or does not agree with, but they will have to come together to discuss this.

Interim City Manager O'Reilly advised Council he was comfortable working with Mr. Minkoff and would rather have dialog with him and he could solicit Council's comments. He felt they can work together on this Friday, and in response to a question by Mayor Yakes stated he would rather not use the City's labor attorney.

Interim City Attorney Minkoff advised Council he would take their direction, but could not negotiate terms without knowing what they have in mind. He agreed with the suggestion made

to meet with each Councilmember to start the process, but whether they can conclude it by the end of his service here, it is possible, but at least something could be put together to be presented back to the City Council.

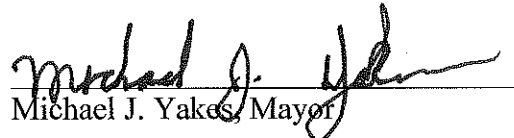
It was the consensus of Council to go through this process.

7. Adjournment.

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

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: 12-15-09


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk