

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, December 15, 2009

The Regular Meeting of the Gulfport City Council was held on Tuesday, December 15, 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 Vice Mayor Robert Worthington, followed by the Pledge of Allegiance.

Roll Call:

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

Mayor Yakes requested that Agenda Item six - Ordinance 2009-16 be tabled and scheduled for a Workshop.

Vice Mayor Worthington stated personally, he had done a lot of investigating and spent a lot of time on this and felt they should move on with it.

Councilmember King thought there was a lot of misinformation out in the City and people are getting the Ordinance confused with a contract that may occur later adding that a Workshop might be the best thing.

Councilmember Ryerson stated she agreed with the Workshop, and thought they need to sit down and discuss the pros and cons.

Councilmember Henderson voted for a Workshop.

Mayor Yakes stated Council had a consensus to Workshop the item.

1. Public Session.

Bob Newcomb, 921 Freemont Street S., said he had no problem with postponing the Workshop, except for the time of day it was held when there was no time or opportunity for public input, and asked Council to alter the rules to allow it.

Mike Gildakaus, 4917 Newton Avenue S., spoke on the different percentages of opacity; reports from the Environmental Protection Agency (EPA) and requested Council spend as much time in consideration for that issue as they have with other issues.

Dotty Bellefleur, 2652 44th Street S., thanked the Council for the hours they put in and their efforts.

Lee Stapella, 3025 York Street S., spoke on the methodology and apparent lobbying associated with the Ordinance saying it would seem that Council should look at the way other cities are acquiring and utilizing public benches.

Margarete Tober, 1513 59th Street S., spoke on “once a week” garbage pick-up for single member family households desiring to save money, stating the City of St. Petersburg offered such a program and inquired as to why Staff had not responded to her suggestion. She also requested the Workshop be held before the election.

Joe Gunther, 5405 Shore Blvd, representing Bo-Tiki, presented Mayor Yakes with a Casino Photo for his contributions toward “Angels Against Abuse”

Al Davis, 2790 45th Street S., spoke on dredging referring to concerns and actions raised in an email from Jennifer Salmon and a news article on Lake Maggorie related to clean-up efforts by Mayor Rick Baker.

David Steinke, 5933 Seabird Drive, said no one could dispute that Gulfport was a “green” city, citing examples around the City. He questioned allowing a commercial smoker to operate and pollute the air and said it goes against what Gulfport stood for.

John Frieberger, 4722 Tradewinds Drive S., asked what the status was regarding their search for Safety Director/Police Chief and would they be limiting it to the two, or were other folks applying for that job. He would like to know the status of the search for the full time City Attorney. Regarding the bus shelters, he expressed safety concerns with the sides closed in at bus shelters, and asked if the Council or City Manager would be the one to approve a contract for the benches.

Chris Wilder, 7050 Sunset Drive, Pasadena, spoke on the signage issue, and thought for such a charming and historic place as Gulfport; it would be a very negative thing to plaster signs and billboards on anything, especially City property.

Jerry O’Regan, 4811 Coronado Way S., spoke on the Bayou Restoration, and read from a letter dated May 30, 2008 from Kriseman’s assistant to Jennifer Salmon, stating that they were on the record as not in support of dredging Clam Bayou.

Cindy Davis, 2790 45th Street S., spoke against the advertising in the proposed Ordinance that was scheduled for a Workshop. She referred to Pinellas Park, and some of their advertising problems, stating they are First Amendment issues.

Nancy Kelly, 5630 Coronado Way S., stated she was strongly against mini billboards on benches in Gulfport, and if they were to allow the signage, they should allow all citizens to have as many signs anywhere on their property, e.g. garage sales signs as they wanted.

Ann Marie Anderson, 5632 29th Avenue S., described what “patina” was and likened it to the City of Gulfport; warm and mellow, textured with its bumpy streets and the surface of buildings in their unique design and colors, reflecting the uniqueness of the people in this community. She said, placing mini billboards would ruin the natural “patina” of the City.

Rob Case, 3009 57th Street, Past President of the Lions Club shared his observations regarding signage/benches; around the City there were approximately 50 bus stops and about half do not have benches, indicating they probably need more benches. He said the goal of the Lions Club was to gain more awareness and continue support for the community.

David Hastings, 5907 Pelican Bay Plaza S., spoke on the Planning & Zoning Board's consideration of Ordinance No. 2009-16, and explained five reasons why the Board recommended denial, and requested that Council consider them at the Workshop.

William Seawall, 6075 Shore Blvd S., said with respect to advertising on community benches; approval may create problems with over-sight of the content; once initiated free speech rights come into play, the item has many pitfalls that cannot be anticipated, and recommended they not start down that road.

After receiving all public comment, Mayor Yakes closed the Public Session.

2. City Manager Report.

City Manager O'Reilly provided a status update on the two in-house candidates for Police Chief stating at this time he had no intention of going outside the organization and would like to make a selection after the first of the year. City Manager O'Reilly said with regard to the status of the City Attorney; when the information is received back from Governance they would advertise at that time, and stated that Attorney Salzman's firm has served them very adequately and was very commendable.

Public Works Director Don Sopak provided Council with an overview of the environmental indoor air quality study and clean-up of offices located in the City Hall building. He explained they tested for thermal/biological conditions, ventilation, and carbon monoxide, carbon dioxide and humidity levels. All levels and conditions were within the standard range, except for the humidity levels which were too high. Director Sopak stated that humidity causes mold and during the visual and taped sampling throughout the building they found mold and high levels of visible presumptive fungal growth (pre-mold growth state). The positive growth areas were the Administrative Services Director's office, the IT Department office and the City Clerk's office, including their closet. Director Sopak said there was a high amplification of the fungal genus *Aspergillus Penicillium*. He explained they had the areas cleaned and re-tested, and said the only recommendations left to correct were to fix the humidity problem in the whole building.

Vice Mayor Worthington said he noticed in the areas which were cleaned that the vents had already turned black again from mold/ *Penicillium* and that even if they need to put in new air conditioning units that they need to make sure that they also look inside the walls and carpet (*for additional damage*).

Director Sopak explained that in all his years of being a contractor and constructing quite a few buildings, he has never seen a return air conditioning system such as this. There are no ducts for return air, just large empty open spaces.

3. City Attorney Report.

Interim City Attorney Salzman reported he believed he had received all of the files which were outstanding from the prior Interim City Attorney and has gone through most of them and had forwarded the updates on the status of them to the City Manager and the City Clerk so that they would have that information.

Vice Mayor Worthington stated that in the past they have had some of their renters at the Marina who have fallen behind or not kept up with their rent, and would like to eventually see a new contract for the Marina which addressed arrears etc.

Interim City Attorney Salzman said that would be no problem and he would take a look at the current contract and make some suggestions for an amendment.

Vice Mayor Worthington said they had a sunken sailboat south of the municipal pier which has been there for over two months, and there has been no action taken, and another which washed up on the beach and there has been no contact with the owner. He stated they need a method of handling those kinds of things.

4. Consider approval of the Council Meeting minutes of October 20, 2009.

Motion by Vice Mayor Worthington, second by Councilmember King to approve the Council Meeting Minutes of October 20, 2009.

UNANIMOUS APPROVAL BY ACCLAMMATION.

5. Consent Items: None

6. Ordinance:

2009-16, **Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, providing for amendment of Article XVII of Chapter 22 of the Code of Ordinances, pertaining to signs; providing for amendment of Section 22-17.04, pertaining to definitions of terms used therein; providing for the definitions of a bus bench sign and bus shelter sign; providing for the amendment of Section 22-17.11 thereof pertaining to special restrictions for specific 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.**

At the beginning of the meeting, the consensus of Council was to schedule this item for further discussion at a Workshop.

7. Resolutions:

2009-117, **A resolution of the City of Gulfport, Florida, approving a special event application from O'Maddy's/Our Savior Lutheran School; 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.**

The City Clerk read Resolution No. 2009-117 by title only.

City Manager O'Reilly explained the Resolution.

Councilmember Henderson requested that along with providing them with trash containers as mentioned in Section three, that we also provide them with recycling containers.

Applicants Joe Guenther, 5405 Shore Blvd S. and Draceana Kwiatkowski, 301 58th Street S., explained the fundraiser for the school is to raise money to help with expenses so the children can attend a trip to Washington.

Vice Mayor Worthington confirmed they were going to offer tickets to the general public, and also commented on the amplified music and said he personally thought it was a good cause for the community.

Councilmember Henderson wished them luck and said he hoped they raised all the money they needed.

Mayor Yakes opened for Public Discussion.

Margarete Tober, 1513 59th Street S., spoke on the event and Our Savior Lutheran Church and felt this would bring in people from outside of the community to see how wonderful our community was.

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

Motion by Vice Mayor Worthington, second by Councilmember Ryerson to approve Resolution No. 2009-117.

Councilmember King said she thought they needed to look at three things before they approve it: 1) They have never put alcohol on the street before; this would be a precedent, 2) They have never done a fund raiser by a private business using the streets, also setting a precedent and 3) They have never had a religious organization as a co-sponsor. She believed they should step back and give it more thought before they open the door to O'Maddy's having a fundraiser in the streets, which could also open the door to the English pub, other groups or Scientologists and would prefer the fundraising be done on private property.

Interim City Attorney Salzman said he thought if Council decided to open up this type of event then they certainly could not discriminate based upon religion. They would have to have some other legitimate reason to not approve someone in a similar situation. Attorney Salzman suggested some safeguards that they could incorporate, but reminded Council that the face of the applicant had to be neutral. He said regarding the streets; the City has sovereign immunity for their aspects, and from a liability standpoint we were probably protected and they would not be. With regard to alcohol, he said they should ensure there was an insurance policy either from the City or the individual covering those situations, and he said he would highly recommend that.

Vice Mayor Worthington said they had done other events in the City that they served alcohol in the streets or in public parks.

Councilmember Henderson said he understood they were charging admission to the tents and for the dinners, and that the Applicants were paying out of their pocket for the City services they would be using including an off-duty police officer to monitor the event.

Councilmember Ryerson recalled many years back when the City sold beer off a beer wagon and said it was not setting a precedent-it has already been set.

Mayor Yakes stated he had no issues with it and asked the Applicant to come forward to clarify some issues regarding insurance.

Mr. Guenther said he has three million dollars of liquor liability coverage and liability cover and he had no problem with naming the City as the second insured. An off-duty police officer would be posted at the tent entrance/exit to prevent any alcohol from being brought in or removed from the tent.

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

MOTION CARRIED 4-1.

8. Conduct a lot to determine name placement of qualified candidates on the March 9, 2010 General Municipal Election Ballot.

City Clerk DeMuth announced that yesterday qualifying ended for our City Election on March the 9th, Mayor Yakes was the unopposed Mayor candidate, Jennifer Salmon would be the unopposed Ward III Candidate. Five candidates qualified for the Ward I position which she would need to draw the Lot for the name placement on the ballot which was required by the Charter. City Clerk DeMuth explained that she would use a business card for each of the five candidates with their names on the back of each card to draw for name placement.

The cards were placed in a bucket and the Clerk drew a card one by one announcing the name and order:

1. David Steinke
2. Judy Ryerson
3. Rosalie Barbieri
4. Stanley Solomons
5. David Hastings

City Clerk DeMuth stated the names would be sent to the Supervisor of Elections, and hopefully they would have a ballot for everyone to see by the first meeting in January.

9. Old Business.

Vice Mayor Worthington mentioned the Mayor's suggestion for naming the small park next to the Fire Station after Chief Nathan White. He said he thought it was certainly appropriate and would like to see Council move forward on that suggestion asking for a consensus.

Mayor Yakes agreed, and so was the consensus of Council.

City Manager O'Reilly said that Staff would bring forth a Resolution as far as naming the park and setting a dedication date.

Vice Mayor Worthington reported that their Community Emergency Response Team (CERT) received a notice from Homeland Security, FEMA/State CERT that they had won a \$5,000

grant for their CERT Team. The grant would be administered through the Fire Department and will enable them to purchase needed tools and equipment.

In response to Councilmember King's question, City Manager O'Reilly said they had not contacted Tampa Bay Estuary, but he would be contacting them soon.

Councilmember Henderson reported that Mr. Petersburg from Gulfport Elementary is ready to hang the artwork, and confirmed with City Manager O'Reilly that he just needed to contact the City Manager to make arrangements.

10. New Business.

Vice Mayor Worthington said he thought they really had a bad building, and would like to see them look for funding for new building, with more space, including an EOC (Emergency Operations Center). He added that when the Workshop on "benches" comes up he would like the citizens to have an opportunity to speak.

Vice Mayor Worthington reminded Council that the seminar by the Clearwater/St. Petersburg Bar Associations, "Law for Public Officials" would be held on Friday, January 15, 2010 at SPC Clearwater campus and asked for a consensus that the City pays for any staff or board members who would like to attend.

The consensus of Council was that the City would pay \$75 per person tuition for staff and board members would like to attend the seminar.

Councilmember King reminded everyone about Operation Santa, and said they were in need of help.

Councilmember Ryerson recalled when the Police Department started Operation Santa and encouraged people to help and said the Senior Center is always looking for volunteers. She mentioned the Centennial activities which would be happening throughout 2010 as Gulfport celebrates its 100th Anniversary. Councilmember Ryerson encouraged everyone to vote in the March 9, 2010 Municipal Elections.

City Clerk DeMuth reminded everyone that the Town Hall Meeting discussion on Public Records Law is scheduled for Thursday, December 17th at 7:00 p.m. in the Catherine Hickman Theater.

Mayor Yakes stated that he would be meeting with the Administrative Director of the Suncoast League of Cities to prepare their legislative priorities and plan for the lobbying bus trip to Tallahassee.

11. Council Reports.

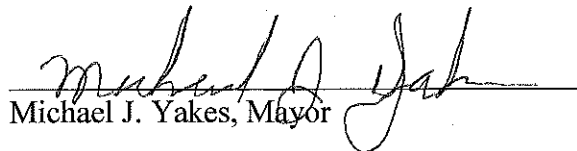
None.

12. Adjournment.

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

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: 4-6-10


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk