

City of Gulfport Florida
Regular City Council Meeting
Tuesday, September 7, 2010

The Regular Meeting of the Gulfport City Council was held on Tuesday, September 7, 2010, 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 David Hastings, followed by the Pledge of Allegiance.

Roll Call:

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

Presentations:

Mayor Yakes presented a Certificate of Completion to Councilmember Jennifer Salmon for her attendance at the 2010 Institute for Elected Municipal Officers.

Mayor Yakes presented Certificates of Appreciation to retiring employees Karen Aust for 30 Years of Service and Charles Landers, who was not present, for 20 Years of Service.

1. Public Session.

Bob Worthington and Lynne Brown invited Council to participate in a reenactment of the signing of the City's Articles of Incorporation on Tuesday, October 12th, at 7:00 p.m. in the Casino.

2. City Manager Report.

City Manager O'Reilly reported:

- A copy of the City's 2010 Floodplain Management Planning, Local Mitigation Strategy Annual Report was provided to Council;
- He requested permission to invite area dignitaries and/or elected officials to the City's Centennial Celebration of October 16. Council had no objections.
- Stetson University has requested permission to close 61st Street on October 2nd, from 6:00 a.m. to 3:00 p.m. during their Centennial Celebration. Council had no objections.
- The Suncoast League of Cities will hold the Amendment 4 Forum on September 30th, at 6:30 p.m. in the Casino. Councilmember Henderson asked that the explanatory sheet provided by the Florida League of Cities giving the pros and cons of all the amendment issues be made available at this meeting. Mayor Yakes spoke on the upcoming forum.
- A request has been received by the League of Women Voters and the Gulfport Democratic Club to hold a non-partisan Candidates Forum in the Casino on October 7th.
- He has requested the City Attorney hold an Executive Session with Council regarding collective bargaining negotiations. City Attorney Salzman stated the Executive Session

which is the only meeting you can have outside the Sunshine which allows you to freely discuss collective bargaining strategy with your collective bargaining team. An Executive Session was scheduled for Thursday, September 9th, at 6:30 p.m.

- The Green Coalition Resolution will be brought to Council on September 21st, but due to scheduling conflicts the discussion of the City's recycling program will have to be held at a later date. Council scheduled the discussion of the recycling program during the October 5th, Regular Council Meeting.
- The Recreation Center children have given the name "Precious" to the baby osprey at Osgood Point.

3. City Attorney Report.

City Attorney Salzman advised Council that the City Attorneys do not agree with the County Attorney as to the requirements under the extension of the bar hours for the county. He requested Council take formal action by adopting a resolution either accepting the hours up to 3:00 a.m. or restricting them to 2:00 a.m. City Attorney Salzman stated he will prepare a Resolution for the next meeting which could go either way. Councilmember Hastings requested the Chief of Police be present when this is brought up for discussion. Councilmember Salmon requested information be provided of what cities did not make a statement in favor of 3:00 a.m. change.

In response to a question by Mayor Yakes on the fence ordinance, City Attorney Salzman stated he has been working on making some changes to the ordinance. The issue of dilapidated fences has been dealt with as this is currently covered within the Codes. He has provided the City Manager with a memorandum on variances and how they can be applied. This does not prohibit anyone from coming in now and asking for a variance under any situation.

In response to a question by Councilmember Salmon, City Attorney Salzman explained the variance is really an appeal of an administrative decision as opposed to a strict variance. Although the technical aspects are basically the same, you have to go before the Board of Adjustment.

4. City Clerk Report.

City Clerk DeMuth reported the Economic Development Advisory Committee Meeting has been rescheduled to Monday, September 27th. The City Attorney's Office will conduct a joint meeting of the Economic Development Advisory Committee and Waterfront Redevelopment Advisory Board on Monday, September 27th, at 6:00 p.m. to discuss Sunshine Law and Public Records Law. The Boards regular meetings will follow at 7:00 p.m.

5. Consent- Resolutions:

- a. 2010-55, A resolution of the City of Gulfport, Florida, appointing members to serve on the Gulfport Teen Council: providing for terms of appointment; and providing for an effective date.
- b. 2010-56, A resolution of the City of Gulfport, Florida, appointing a resident member to the Employees Pension Board; providing for term of appointment; and providing for an effective date.

City Clerk DeMuth read the Consent Resolutions by title only, stating the names of those seeking appointment.

Motion by Vice Mayor King, second by Councilmember Henderson to approve the consent agenda.

UNANIMOUSLY APPROVED BY ACCLAMATION

6. Ordinances:

- a. 2010-09, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida providing for amendment of Article II of Chapter 22 of the Code of Ordinances amending the definition for Mixed Use and adding definitions for Temporary/Tourist Lodging Unit and Temporary/ Tourist Lodging; by adding a new Section 22-5.16 thereto; providing for a new 49th Street Redevelopment Master Overlay District to include a Commercial/Mixed Use Overlay District, a Tangerine Parkway Overlay District and a Live-Work Overlay District; providing for land development regulations for these overlay districts; providing for certification of consistency with the Comprehensive Plan and 49th Street Corridor Community Redevelopment Plan; 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. 2010-09 by title only.

City Manager O'Reilly stated no changes have been made to the Ordinance since the First Reading.

Mayor Yakes opened the Public Hearing.

James Vice, 5108 27th Avenue S., questioned whether the 49th Street Plan was originally planned to go all the way down 49th Street S., and asked that someone be contacted to take care of the mosquitoes in the area behind McDonalds.

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

Motion by Vice Mayor King, second by Councilmember Hastings to adopt Ordinance No. 2010-09.

Councilmember Salmon asked if the issue is about the 49th Street Overlay not going south of Gulfport Boulevard and continuing on 49th Street. She did not see any reason for Council to change what they are looking at now on second reading, but wanted to make sure she knew what Mr. Vice's issue was. Councilmember Henderson stated that James has talked to him before about this, and that was the issue he had.

Vice Mayor King stated she did not know if that was part of the original plan, but felt Council needed to pass this Ordinance.

City Manager O'Reilly advised that Staff can research this issue and bring back that

documentation to Council.

Mayor Yakes spoke on the plan, and said that it did stop at 24th Avenue S.

ROLL CALL:	COUNCILMEMBER HASTINGS	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- b. 2010-10, First Reading: An ordinance of the City of Gulfport, Florida, rezoning portions of property located at 2014 52nd Street South, generally known as Gulfport Elementary School, from One and Two Family Residential (R-2) to Institutional (I), as further described herein and in Exhibit A; providing for 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. 2010-10 by title only.

City Manager O'Reilly explained the Ordinance.

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

Motion by Vice Mayor King, second by Councilmember Hastings to adopt Ordinance No. 2010-10.

ROLL CALL:	COUNCILMEMBER HASTINGS	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- c. 2010-11, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida enacting Article III, Red Light Safety Act, establishing Section 20-43, Legislative Findings and Purpose; 20-44, Definitions; Section 20-45, Adherence to Red Light Traffic Control Signals; Section 20-46, Use of Traffic Infraction Detectors; Section 20-47, Introductory Period; Section 20-48, Penalties for Failure to Adhere to Red Light Traffic Control Signals; Section 20-49, Enforcement of Adherence to Red Light Control Signals using Traffic Infraction Detectors; Section 20-50, Notice of Violation; Section 20-51, Affidavit of Non-responsibility; Section 20-52, Signage; Section 20-53, Authority of City Manager to Promulgate Rules and Procedures to Implement this Ordinance; Section 20-54, Admissibility of Recorded Images in Enforcement Proceedings; Section 20-55, Severability; providing an effective date; and providing for repeal of ordinances in conflict herewith to the extent of such conflict.

City Clerk DeMuth read Ordinance No. 2010-11 by title only.

Councilmember Hastings questioned if he stopped his vehicle with his wheels over the white line would he still receive a ticket. Police Chief Vincent explained there are several layers of review built into this, and he would not get a ticket. He explained a lot of people think this is automated to the point that in a circumstance like this, it is automatically going to generate a citation and that is not entirely true. There are people involved in every step of the process, and it is still based on common sense.

In response to a statement by Councilmember Salmon that this not a video, but a series of images, Police Chief Vincent stated it is both. He explained when the pictures and Notice of Violation would be sent for them to check in the que.

Councilmember Salmon encouraged Police Chief Vincent to consider some type of validation period where there are two independent people looking at this and coming to the same conclusion. Police Chief Vincent stated he has decided to put in place a review by a supervisor for the cases that are rejected.

In response to a question by Councilmember Salmon, a representative from American Traffic Solutions (ATS) explained the software and how the system can be set-up for what the City determines to be its tolerances. He spoke on the training that is given to police officers and the systems onboard diagnostics.

Mayor Yakes spoke on the need for computerized traffic signalization.

City Manager O'Reilly mentioned the points of clarification that were made to the Ordinance by City Attorney Salzman.

Councilmember Henderson stated he wanted to make sure there would be notice that the City is doing this, and City Manager O'Reilly said the time period for implementation will come back to Council at a later date.

In response to a statement by Councilmember Salmon that at this point the City did not know which lights would have cameras and the contractors would be doing a study to decide where they will be most useful, City Manager O'Reilly indicated that was correct.

Mayor Yakes opened the Public Hearing.

Henry Goldsmith, 6313 Pasadena Point Boulevard, said the intent of Council is the safety issue, but cautioned the Council as he did not want to see this labeled by the American Automobile Association (AAA) as a fund raising issue. Mr. Goldsmith felt this should have been coordinated with St. Petersburg.

Bob Stote, 6210 Pasadena Point Boulevard, spoke on the run times of the yellow light and hoped the City could find out what the ideal timing is for both the yellow light and a delay in the green light to optimize the safety of this project.

Margarete Tober, 5013 59th Street S., spoke in supported of the program, and asked if there is an off-setting reduction or a free-up of staff that maybe reallocated to other areas because the City is putting in the red light cameras. City Manager O'Reilly stated no. The level of police service is

four officers and one supervisor at all times.

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

Motion by Councilmember Henderson, second by Councilmember Salmon to adopt Ordinance No. 2010-11.

City Manager O'Reilly stated the City of St. Petersburg had adopted an ordinance prior to the City of Gulfport adopting its ordinance. They have a much longer time frame due to the number of traffic lights and the traffic study they are doing.

Councilmember Salmon, in response to the speakers, recalled that Chief Vincent did tell us he had someone in mind who would be doing the review and it was going to be in addition to current job duties and he expected those review to go quickly. The money that gets back to the City, by the time it goes through all the hands it has to go through, is very little and she could not image this is how Gulfport is going to get known. Councilmember Salmon asked if the delay in yellow lights was built into the software and was part of the City setting its own thresholds. City Manager O'Reilly stated this was a separate issue and is controlled by Pinellas County Traffic Control.

In response to a question by Vice Mayor King regarding signage, City Manager O'Reilly stated there will be signage identifying that the intersection is red light camera controlled.

Vice Mayor King asked for a report in six months to a year on how this program is working.

Councilmember Salmon asked if the installation and implementation could be coordinated with our two sister cities, and City Manager O'Reilly stated no; he did not think the City wanted to tie itself to the City of St. Petersburg's calendar.

Mayor Yakes spoke on uniform traffic control laws.

ROLL CALL:	COUNCILMEMBER HASTINGS	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

7. Resolutions:

- a. 2010-57, A resolution of the City of Gulfport, Florida, approving special events during September 2010 and Fiscal Year 2010/2011; 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.

City Clerk DeMuth read Resolution No. 2010-57 by title only.

City Manager O'Reilly explained the resolution pointing out the City annually supports over 75

events and the costs related to them. He advised Council this is another item, as the year goes on and we move into the next fiscal year, we will have to talk about. The expansion of the City's private and public partnerships has grown and he did not foresee the City being in a position to continue to subsidize or support events and promotions at the level it is doing today.

Mayor Yakes opened the public discussion.

Lori Rosso, Gulfport Chamber of Commerce and Beach Merchants Association, said she appreciated all the City has done to co-sponsor events, but was disappointed to hear this discussion as they have striven, between the two organizations to make sure the City is no longer a primary sponsor of any event. She hoped to discuss this at another time and asked before Council starts making budget cuts when it comes to events, that they keep in mind this is economic development.

City Manager O'Reilly stated funding is in place for Fiscal Year 2010-2011 and the City will continue to work with our partners at the present funding levels.

Samone Frohme, La Cote Basque Wine House, spoke on Geckofest and thanked the City and Lori Rosso for everything they do.

Margarete Tober, 1513 59th Street S., said this is the third or fourth time she has heard that in the future we need to talk about this, but there is never any data. She asked what is it that is leading us to say that in the future we need to talk about this.

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

Motion by Vice Mayor King, second by Councilmember Hastings to approve Resolution No. 2010-57.

Vice Mayor King stated she would not want to see the City lose any of the events we have. However, a few years ago when Council discussed this it was agreed that each one of the Gulfport non-profits would get a free event in one of the facilities and then a discount would be given for future events held in our facilities. Vice Mayor King did not think this has been done, and asked that the use of each one of the City buildings be looked into.

Councilmember Henderson questioned Section N of the Resolution in regard to the parking restrictions north of the Catherine Hickman Theater. The way this Section reads it looks like Council is waiving parking for every event, and he thought this should be based on a Council decision. Vice Mayor King stated Council has argued this in the past and has never opened that green space.

City Manager O'Reilly stated the Section is in error and should be removed. This Section appears in the Resolution due to the antique car show that was allowed the use of the green space. This event has been moved to the Shore Boulevard Area.

In response to a question by Vice Mayor King on Bank of America's parking lot being closed-off during Geckofest, City Manager O'Reilly stated their parking lot was being resealed, but he will speak to them about next year.

Councilmember Hastings pointed out the April 23th Oral Cancer Screening is sponsored by the City, the Oral Cancer Foundation and Walgreens.

Vice Mayor King asked if in the future the City Manager can come back with information on what buildings get used, how many times they are used and what it cost to have the buildings open.

In response to a question by Councilmember Salmon if the total financial impact for the City is \$94,000, City Manager O'Reilly stated yes. Councilmember Salmon spoke on how proud she was of the City during Geckofest and during each festival.

Vice Mayor King stated Geckofest is a Merchants Association and a Chamber event and she would not want that to stop; she is not talking about street festivals. She felt if the City is going to charge one group to use a facility then they needed to charge the other groups and she is questioning if we are doing that.

Mayor Yakes spoke on co-sponsored events that occur outside the waterfront area that also should be looked at. He felt the City needs to look at all costs; it is good business, good representation and a good checks and balance.

City Manager O'Reilly advised he will bring back information to Council on this in four to six months and reiterated that the proposed budget does not change anything the City has done in the past and it maintains the level of service.

Vice Mayor King and Councilmember Hastings agreed to amend their motion on the floor to remove Section N from the Resolution.

ROLL CALL:	COUNCILMEMBER HASTINGS	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

b. 2010-58, A resolution of the City of Gulfport, Florida, authorizing the City Manager to enter into a one year agreement with the Pinellas County Board of County Commissioners for Advanced Life Support First Responder Services; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-58 by title only.

City Manager O'Reilly explained the Resolution.

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

Motion by Councilmember Henderson, second by Councilmember Hastings to approve Resolution No. 2010-58.

ROLL CALL:	COUNCILMEMBER HASTINGS	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	MAYOR YAKES	YES

MOTION CARRIED.

8. Old Business.

Mayor Yakes spoke on a meeting he and City Manager O'Reilly had with the Chair of the Board of County Commission and the County Administrator.

9. New Business.

Councilmember Hastings asked who sets the penalty and/or fines for animal cruelty. City Attorney Salzman stated these are criminal violations and depending on the particular violation, the court sets the penalty. In response to a question by Councilmember Hastings, if there is anything a city can do to make these penalties more expensive for someone who performs this activity within its city boundaries, City Attorney Salzman said he will look into this.

Vice Mayor King spoke on the upcoming Centennial Arts Celebration and the service at Gulfport Presbyterians Church for pet owners and their dogs.

10. Council Reports.

Councilmember Henderson reported on the Community Garden, his upcoming Ward IV meeting, his appointment to the Florida League of Cities Energy and Environmental Quality Committee, the September 25th Blues Fest, and that he will be attending the Suncoast League of Cities Meeting in Seminole.

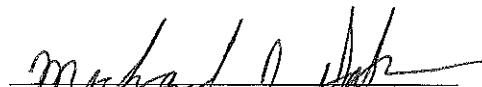
Councilmember Salmon spoke on the need for volunteers, donated items and funds to hire a kindergarten substitute at Gulfport Elementary School, her upcoming Ward III meeting, and the Gulfport Organic Landscaping Days Meetings.

Mayor Yakes advised Council he has stepped down as a member of the Board of Directors of the Florida League of Cities, but will remain on the Leagues Advocacy and FAST Committees, he spoke on the Florida League and Suncoast League being active within the legislative process this year, and his feeling that a Council action letter serves the Council better then a resolution.

11. Adjournment.

Motion by Councilmember Hastings, seconded by Councilmember Salmon to adjourn.

Date Approved: 10-19-10


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk