

**City of Gulfport Florida**  
**Regular City Council Meeting**  
**Tuesday, January 19, 2010**

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The Regular Meeting of the Gulfport City Council was held on Tuesday, January 19, 2010, in the City Hall, City Council Chambers, 2401 53<sup>rd</sup> 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, Michele King and Samuel Henderson; Vice Mayor Robert Worthington; Mayor Michael J. Yakes, City Manager James O'Reilly; City Clerk Lesley DeMuth and Attorney Caitlin Sirico representing Interim City Attorney Andrew Salzman.

**1. Public Session.**

Jessica Respondek, 1300 76<sup>th</sup> Avenue N., spoke on the Hands Across the Sand event which will be taking place at Florida Beaches on February 13 at 1:00 pm.

Dotty Bellefleur, 2652 44<sup>th</sup> Street S., spoke on the need to actively market the Trolley.

Jennifer Salmon spoke on her ideas for Council protocol: Council meetings should continue to have public input with the 3 minutes; workshops could be enhanced by taking the place of the face to face meetings with the City Manager; there should be a clear description of the differences between resolutions and ordinances; all advisory and board meetings should be held in Council Chambers so they could be videotaped and available online; everyone who attends Council meetings should treat each other with respect; the public should be allowed to produce graphic materials, but provided perhaps in advance; and everyone would benefit from having the information that is provided to Council.

Margarete Tober, 1513 59<sup>th</sup> Street S., asked to be on record of saying the issue with the benches was not about the Gulfport Lions Club it is a wonderful organization, and if there is a defined need for benches she is willing to help find a solution. She asked Council to consider some type of ordinance prohibiting the City from doing business with sitting legislators who can have an impact on Gulfport.

Tom Bradley, 5824 7<sup>th</sup> Avenue S., spoke on an episode that occurred with him yesterday in which he felt he was racially profiled by a Gulfport Police Officer.

Lee Stapella, 3025 York Street S., spoke on information she learned by talking today to the Attorney who presented a signage seminar during Friday's Law for Public Officials Seminar.

Al Davis, 2790 45<sup>th</sup> Street S., expressed his concern of when people could not come here and express genuine concerns without intimidation by a Councilmember, and spoke on an article in the January edition on the Pinellas Scene regarding the trolley.

2. **City Manager Report.** No Report
3. **City Attorney Report.** No Report
4. **Consider approval of the Council Meeting minutes of October 6, 2009 and November 30, 2009.**

Motion by Vice Mayor Worthington, second by Councilmember Ryerson to approve the October 6 and November 30, 2009.

UNANIMOUSLY APPROVED BY ACCLAMATION

5. **Consent Items:** None

6. **Ordinances:**

- a. 2010-01, First Reading: An ordinance amending the Comprehensive Plan of the City of Gulfport, Florida; providing for amendment of the Future Land Use Plan; providing for amendment of the Future Land Use Map; providing for a change in the designation of specific parcels of real property within the City as described in Exhibit "A" attached hereto and made a part hereof, generally located within the 49<sup>th</sup> Street Redevelopment Area, from Residential Low Medium (RLM), Residential Urban (RU), Commercial General (CG) and Commercial Limited (CL) to Community Redevelopment District (CRD); providing for a change in the designation of portions of property located at 2014 52<sup>nd</sup> Street South generally known as Gulfport Elementary School, also shown in Exhibit "B" attached hereto and made a part hereof, from Residential Urban (RU) to Institutional (I); providing for amendments to the Capital Improvement Element amending the Five Year Capital Improvement Plan and adoption of the School District's Five Year Work Program; 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. 2010-01 by title only.

City Manager O'Reilly explained the Ordinance.

Councilmembers spoke in support of the Ordinance.

Mayor Yakes stated he owns property at 4929 9<sup>th</sup> Avenue S. and asked if he should vote on the agenda item or abstain from voting. City Manager O'Reilly explained the Mayor's property is already commercial and there is no gain to his property; currently it has the most intense use. Attorney Sirico stated she would have to look further into whether this is deemed not to impact his property. Mayor Yakes stated he would vote on the agenda item, but if need be he would abstain at second reading.

Mayor Yakes opened for public discussion.

Jeri Reed, 5213 11<sup>th</sup> Avenue S. and President of the 49<sup>th</sup> Street South Business Association, spoke in support of the ordinance.

Bob Newcomb, 921 Freemont Street S., felt the record should reflect the opinion of the Planning and Zoning Board.

Jennifer Salmon, 1207 60<sup>th</sup> Street S., expressed her concern of mixed use on 20<sup>th</sup> and 19<sup>th</sup> Avenue due to the increase in parking and traffic, and wished the City would put their energy into code enforcement and beautifying 49<sup>th</sup> Street before starting to expand commercial activity westward into the residential areas.

Community Development Director Metcalf reviewed the existing land uses, the proposed land uses and explained the three overlay districts which will be coming forward after the land use amendment is made.

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

Motion by Councilmember Ryerson, second by Councilmember Henderson to approve Ordinance No. 2010-01.

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

#### MOTION CARRIED

b. 2010-02, First Reading: An ordinance of the City of Gulfport, Florida providing for amendment of Article II of Chapter 22 of the Code of Ordinances adding definitions for Creative Industries, Live-Work Use, and Mixed Use; providing for amendments to Article V of Chapter 22 Section 22-5.08 adding provisions for Mixed Use Development in the Mixed Use (MU) Area, creating a Waterfront Redevelopment Overlay District, and amending the sign section as it relates to the Waterfront Redevelopment Overlay District; 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. 2010-02 by title only.

City Manager O'Reilly explained the Ordinance.

Mayor Yakes opened for public discussion.

Margarete Tober, 1513 59<sup>th</sup> Street S., asked if she is correct in understanding the homes on the west side of 54<sup>th</sup> and the east side of 56<sup>th</sup> south of the library, are the homes that can have business, and questions what would be done to get businesses in there.

Community Development Director Metcalf reviewed the areas concerned in the proposed ordinance.

Jennifer Salmon, 1207 60<sup>th</sup> Street S., spoke on this ordinance not being just for creative

industries, and that 45 foot high buildings should not be permitted in the downtown area.

Community Development Director Metcalf stated the RLM overlay area does reference in height the same dimensional and height requirements as that in the the RLM Zoning District as it applies to single family residential and that is 30 feet or two story. The Mixed Use area does allow for 45 foot tall structures right now, and the City is not proposing any change. Community Development Director Metcalf suggested this is an issue the City needs to deal with separately along with some design guidelines which Staff will be bringing to Council in the near future.

Al Davis, 2790 45<sup>th</sup> Street S., shared Ms. Salmon's concern with the 45 foot level, and felt this did merit consideration regardless of the use of the structure.

Bob Newcomb, 921 Freemont Street S., pointed out the 30 feet and 45 feet begin at the FEMA line and given the nature of the area with the density and setback requirements it would be difficult to contemplate a building of that height. He felt however the City should not keep this on the books and should be more realistic in what they have for height limitations.

Mike McCue, 4920 29<sup>th</sup> Avenue S., spoke in favor of the overlay and stated residential is only 30 feet in height.

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

Motion by Councilmember Ryerson, second by Vice Mayor Worthington to approve Ordinance No. 2010-02.

Councilmember Ryerson read Section (c) Maximum Building Height.

Councilmember Henderson read Section (d) Special Criteria for Mixed Use Development (1) (b).

Councilmember King thought what might be confusing is the new area is an overlay that stays residential, but the uses will be allowed to be commercial to an extent. Anything on Beach or Shore Boulevards which is Mixed Use can have 45 feet which has always been allowed. Councilmember King thought Council needs to go back and look at this, but it was not for today.

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

MOTION CARRIED

## 7. Resolutions:

2010-03, A resolution of the City of Gulfport, Florida, authorizing the City Manager to submit an Elderly and Person with Disabilities Program Grant Application to the Florida Department of Transportation for a replacement GEMS vehicle; and providing for an effective date.

The City Clerk read Resolution No. 2010-03 by title only.

City Manager O'Reilly explained the Resolution.

Mayor Yakes opened for public discussion.

Margarete Tober, 1513 59<sup>th</sup> Street S., asked what the maximum amount was that the City could have requested through this grant and what data was accumulated and studied to determine the City only needs one replacement vehicle. City Manager O'Reilly stated in the past the City has requested up to \$60,000 and he explained the City's ridership needs in the GEMS Program.

Dotty Wolski, 2652 44<sup>th</sup> Street S., asked if this will replace the old car which volunteers use to drive people to doctors appointments, and City Manager O'Reilly stated yes, it would.

Al Davis, 2790 45<sup>th</sup> Street S., asked if within the City's fleet there is some capacity to help those who are mobility impaired. City Manager O'Reilly stated the City can meet the needs of an individual.

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

Motion by Councilmember Henderson, second by Vice Mayor Worthington to approve Resolution No. 2010-03.

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

MOTION CARRIED

#### **8. Old Business.**

Vice Mayor Worthington discussed his feeling that people who say Council has not been good stewards of the City money; do not do their research.

#### **9. New Business.**

Councilmember King mentioned on February 24 the Catherine Hickman Theater will be showing the Age of Stupid, and provided dates for Clam Bayou Cleanups.

Councilmember Ryerson mentioned January 22 is the Arbor Day Celebration in Veterans Park, Gulfport the Musical is sold out, and the last Saturday of February is the Historical Society Centennial Dance.

Councilmember Henderson provided a handout on the North Carolina Preservation Act. He asked for a consensus from Council to send a resolution to Tallahassee encouraging the State to phase out the use of coal obtained through mountain top removal mining. There was no objection from Council to consider a resolution.

Vice Mayor Worthington spoke on how Florida is going to have to comply with the EPA's standard on clean water this year.

Mayor Yakes reported he will be traveling with a delegation from the Florida League of Cities to Washington in February and asked if Council had any special thoughts or issues they would like to bring forward they could speak about them at the next meeting. He spoke on the upcoming Suncoast League of Cities bus trip to Tallahassee, and asked Attorney Sirico if a resolution is needed to support these issues. Attorney Sirico advised Council from what she is familiar with it does not call for a resolution.

**10. Council Reports.**

Vice Mayor Worthington reported he took part in an exercise though the Tampa Bay Regional Planning Council called Operation Project Phoenix.

Mayor Yakes thanked Vice Mayor Worthington for serving on the Tampa Bay Regional Planning Council and suggested to Council that they needed to look at his replacement.

Vice Mayor Worthington stated he had talked to Councilmember Henderson at one time about the position and he was interested in filling it and has signed him up as his alternate.

Councilmember Henderson stated he would be honored to take the position if this is something Council would like to discuss at a workshop, but he was happy to follow whatever the protocol is for this appointment.

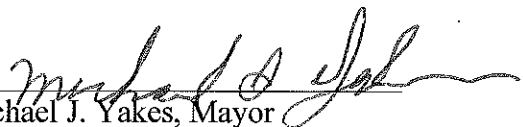
Councilmember King stated she did not think this was a decision for this Council, but rather one for the new Council, and she expressed an interest in serving.

Mayor Yakes felt it was great the City has two Councilmembers interested in taking on expanded responsibilities.

**11. Adjournment.**

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

Date Approved: 3-16-10

  
Michael J. Yakes, Mayor

  
Lesley DeMuth, City Clerk