

City of Gulfport Florida
Regular City Council Meeting
Tuesday, November 2, 2010

The Regular Meeting of the Gulfport City Council was held on Tuesday, October 19, 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 Sam Henderson, 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 plaques to the 2010 Halloween Decorations Contest Winners: General Theme, Katie & Brian Derr; Commercial Theme, Yummy's; and Haunted House – In memory of "Lil" Jame.

Mayor Yakes presented the Spirit of Gulfport Award to Jeri Reed in recognition of her contributions to the 49th Street South Business Association.

Pinellas County Schools:

Lisa Grant, Director of Professional Development – Pinellas County Schools, spoke on the proposal before the School Board to make some changes at Gulfport Elementary School. The proposal right now is to move the Montessori Program currently at Gulfport to the current site of Lakeview Fundamental, and to create a school-wide fundamental school at Gulfport Elementary School. With that, current parents at Gulfport have the right of first refusal; the right and privilege of choosing to join the fundamental school. Those that choose not to join, Gulfport resident that are currently zoned for Gulfport, would be rezoned to have a new home school. The School Board received the first reading last week, and the second reading and vote is scheduled for December 7.

Suzanne Hester, Acting Principal – Gulfport Elementary, advised that the School Transition Team has renamed themselves as the Stakeholders Team. There is a team at Gulfport and there is a team at Lakeview. The Teams are well representative with teachers, support staff and parents, and they are the voice to represent our schools. They have held one meeting at Gulfport and the second meeting will be held at Lakeview.

Councilmember Salmon stated one of the things she is proposing is to write a letter in support of the changes for both the elementary school and the high school. She asked Ms. Grant if she could speak on why fundamental school is a desirable thing and also there was a discussion by the Board at a previous meeting that they might move the exceptional student education off the Gulfport campus.

Ms. Grant stated that none of the decisions on special education services have been made at this time. She felt one of the important things to know is the District is committed to making sure that when they make decisions they consider all of the students at Gulfport and make those decisions in their best interest. Ms. Grant said that the District is looking at adding additional fundamental seats because it is a program across the District parents are very interested in; it requires parent involvement and parents commit to being involved not only in attending meetings, but in the daily homework and lives of their children's schooling; and that has some real benefits and research says that.

City Councilmembers shared their positions regarding the proposed change and asked additional questions of Ms. Grant and Ms. Hester on the fundamental program.

Michael Vigue, Principal – Boca Ciega High School, stated he would request support to have a School within a School Fundamental Program at Boca Ciega High School. He stated this is different than a model situation. He explained the proposal on the table by Pinellas County Schools and how this program is envisioned to work at the school.

City Councilmembers shared their positions regarding the proposed change and asked additional questions of Mr. Vigue on the fundamental program.

City Manager O'Reilly explained that within the Council Packet is a letter for their consideration which was provided by Councilmember Salmon.

Councilmember Salmon stated the goal is to provide a better school curriculum that is actually going to help more of our children who live nearby be successful. One of the points she has made in the letter is that it makes sense to have the fundamental school serve the students who are living around it. The letter provides the School Board a sense that the City is behind the changes in terms that we understand it will help the City have schools associated with it that can do an even better job of educating our children. Councilmember Salmon advised she would like to have her colleagues agree to send this letter to the School Board.

Councilmembers discussed their positions regarding sending the letter to the School Board and there was not a consensus from Council to send the letter of support.

1. Public Session.

Judy Ryerson, President of the Gulfport Historical Society, thanked Council for the City's help with installing the sun clock in Veterans Park, the Birthday Bash, and the Centennial Celebration events.

Bob Worthington, provided DVD's on the reenactment of the signing of the Gulfport Charter to Council, and thanked the City, the City employees and the CERT volunteers for all their help during the Centennial events in October. Mr. Worthington spoke on the success of the Halloween Haunted House at the Recreation Center. Mayor Yakes thanked Mr. Worthington for his help.

John Freiberger, 4722 Tradewinds Drive S., spoke on partisanship being brought into Councilmembers campaigns.

Margarete Tober, 5013 59th Street S., said she had read that the parents at Gulfport Elementary are very supportive of this change and the head of the St. Petersburg NAACP has come out very strongly in support of this. She commended the Police Chief on entering into the world of social media to communicate better with our residents, and suggested the City's main webpage include a link, as is on Councilmember Henderson's webpage, to our elected representatives. Ms. Tober questioned why she has not received responses to her questions regarding why the City does not have the technology to fast forward or reverse the online videos and direct billing.

Al Davis, 2790 45th Street S., spoke on articles in the Gabber regarding Clam Bayou and a political advertisement and of his embarrassment of Councilmembers taking a position against education.

2. City Manager Report.

City Manager O'Reilly reported:

- The cost for the remainder of the school year for a part-time school crossing guard at Tangerine, as discussed, would be \$6,229.00. There was a consensus of Council to place this item on a future agenda for consideration. City Manager O'Reilly explained the hours that will be worked by the school crossing guard. Mayor Yakes spoke on the discipline problem and the limits of the school crossing guard.
- Reminded everyone of the city-wide yard sale and the Senior Center Foundation 5K Run.

3. City Attorney Report. No Report.

4. City Clerk Report. No Report.

5. Consent:

- Consider approval of the Council Meeting Minutes of September 21, 2010 and October 5, 2010.
- Resolution 2010-72: A resolution of the City of Gulfport, Florida, authorizing the City Manager to award an Architectural Design, Bid and Construction Management Contract to Renker-Eich-Parks Architects; and providing for an effective date.

The City Clerk read the Consent Agenda Items.

Motion by Councilmember Salmon, second by Councilmember Henderson to approve the Consent Agenda.

UNANIMOUSLY APPROVED BY ACCLAMATION

6. Ordinances:

- 2010-16, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 22, Zoning, by establishing Article XXIII, Development Agreements; Section 22-23.01, Authority and Requirements; Section 22-23.02, Development Agreement Procedures; Section 22-23.03, Public Hearings Requirements; Section 22-23.04, Development Agreement Content; providing for

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. 2010-16 by title only.

City Attorney Salzman explained the Ordinance.

Councilmember Salmon stated what she had heard as the reasons for doing this ordinance, and that she had never heard there needed to be a Development Agreement Ordinance until it was scheduled for first reading. She pointed out that if the City did not have a Development Agreement with Dollar General, they could still come to Council and ask for what they wanted, and suggested that creating this ordinance provides a different way of doing development. Councilmember Salmon stated that she voted against this last time and would probably vote against it tonight unless she heard something that changes her mind. She felt this ordinance is unnecessary.

City Attorney Salzman stated this Ordinance has nothing to do with the Dollar General delays. They had presented a plan, withdrew parts of it, made changes to it, and presented it again; the City still does not have a finalized plan. City Attorney Salzman explained that development agreements are done because they are a give and take contract between the parties that allows the City's to gain things that they would not have in other situations. He advised Council that if the Dollar General went a way, he would still recommend the Council make this part of the Code as it will give the City this opportunity in the future.

Mayor Yakes opened the Public Hearing.

John Freiburger, 4722 Tradewinds Drive S., spoke on a situation with a proposed development in the past on Gulfport Boulevard and in response to his questions on what can occur, City Attorney Salzman explained that the Development Agreement allows the City to control what is developed and occurs on a property, and what the parameters of that development will be.

Bob Newcomb, 921 Freemont Street S., stated he did not think this was good business and did not substitute for adequate zoning ordinances; it resembled zoning by exception.

Margarete Tober, 5013 59th Street S., asked for an explanation, which was provided by City Attorney Salzman, on the lapse in time from when the first authority was granted to negotiate the Development Agreement until now. Ms. Tober encouraged Council to speak to businesses in downtown Gulfport who had found difficulty in opening their businesses due to the process.

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. 2010-16.

Mayor Yakes clarified with City Attorney Salzman that Gulfport is one of the few communities within Pinellas County that does not have a Development Agreement Ordinance.

ROLL CALL:	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	NO

VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
MAYOR YAKES	YES

MOTION CARRIED: 4 to 1.

- b. 2010-17, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida amending Chapter 4, Alcoholic Beverages, of the Code of Ordinances of the City of Gulfport; amending Section 4-13, Prohibited Hours Designated, by providing for Prohibited Hours for the Sale, Dispensement or Serving of Alcoholic Beverages within the City of Gulfport; providing for severability provisions; 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. 2010-17 by title only.

City Manager O'Reilly explained the Ordinance.

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

Motion by Councilmember Henderson, second by Vice Mayor King to adopt Ordinance No. 2010-17.

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

MOTION CARRIED.

- c. 2010-18, First Reading: An ordinance of the City of Gulfport, Florida, enacting Chapter 19, Taxation, Establishing Section 19-11, Additional Homestead Exemption, Authority and Purpose; Section 19-12, Definitions; Section 19-13, Entitlement to Additional Homestead; Section 19-14 Annual Adjustment of Income; Section 19-15, Requirements for Claiming Additional Homestead Exemption; by providing for a \$25,000.00 Homestead Exemption to qualified Senior Citizens; providing terms and conditions of entitlement; and providing for an effective date.

City Clerk DeMuth read Ordinance No. 2010-18 by title only.

City Manager O'Reilly explained the Ordinance.

Mayor Yakes opened for public discussion.

Bob Newcomb, 921 Freemont Street S., spoke in favor of the Ordinance.

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

Motion by Councilmember Salmon, second by Councilmember Hastings to approve Ordinance No. 2010-18.

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

MOTION CARRIED.

7. Resolutions:

- a. 2010-73, A resolution of the City of Gulfport, Florida, authorizing the City Manager to amend the Fiscal Year 2010/2011 Budget to recognize the Department of Justice Community Oriented Policing Services Grant; providing for an additional police officer within the Public Safety – Police Department Operating Budget; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-73 by title only.

City Manager O'Reilly explained the Resolution.

In reference to a question by Councilmember Salmon, City Manager O'Reilly stated the first action Council took was to accept the grant. This Resolution appropriates the revenue and in the future, this will be a revenue item in the Police Departments budget.

Councilmember Henderson stated he had been contact by a resident who believed the three year obligation beyond the grant was actually one-year. City Manager O'Reilly stated he will check with the Police Chief, but the City did have an appropriations issue at the moment.

Mayor Yakes opened for public discussion.

Margarete Tober, 5013 59th Street S., stated she read one-year as well, and advised Council that she did support this, but questioned the Resolution language which did not state that future Council's must also approve this and the total \$180,000 is not being encumbered.

City Manager O'Reilly stated the \$180,000 will be amortized over three years and it includes the additional costs associated with the position. He advised that there has been Council action to accept the grant and this action appropriates the position for this fiscal year.

City Attorney Salzman stated Council's approval of this grant obligates the City for the terms and conditions of the grant.

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

Motion by Vice Mayor King, second by Councilmember Henderson to approve Resolution No. 2010-73.

In response to a question by Councilmember Salmon, City Manager O'Reilly stated the City will receive the funds annually.

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

MOTION CARRIED.

- b. 2010-74, A resolution of the City of Gulfport, Florida, authorizing the City Manager to use Contraband Forfeiture Trust Funds and Federal Asset Sharing Funds for the purchase of a hybrid vehicle; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-74 by title only.

City Manager O'Reilly explained the Resolution.

Police Chief Robert Vincent explained the cost difference between this car and the non-hybrid version of this car. He advised Council that his recommendation to do this was based on the positive impact this will have in making the statement that the City is trying to be environmentally responsible.

In response to a question by Vice Mayor King, Police Chief Vincent stated this vehicle will increase the number of cars in the fleet, which means the mileage per vehicle will go down as each vehicle will be driven less; therefore, the frequency of maintenance will decrease.

Mayor Yakes opened for public discussion.

Al Davis, 2790 45th Street S., stated it was good that the City wants to make an environmental statement by acquiring a hybrid vehicle, but expressed his concerns that there is no real accounting on the diesel powered trolley which appears to be underutilized.

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

Motion by Councilmember Henderson, second by Vice Mayor King to approve Resolution No. 2010-74.

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

MOTION CARRIED.

8. Old Business. None.

9. New Business.

Mayor Yakes asked for the status on the proposed Dollar General. City Attorney Salzman stated as far as he understands, the City is reviewing the latest proposal. There has been nothing given to him to start drafting a Development Agreement to bring forward to Council. Mayor Yakes expressed his concerns for the residents in that area.

10. Council Reports.

Councilmember Salmon complimented the staff on the Halloween event. She reported the Community Band will be playing at the Casino on November 11, and mentioned to Mr. Freiburger, who spoke about partisan and non-partisanship, that the only thing in our Charter is that candidates cannot have party affiliation on the ballot or on any of their election materials. She mentioned that candidates do sign a non-partisan loyalty oath, and it was affirmed by the City Attorney that this does not preclude political parties from being involved in local elections. Councilmember Salmon expressed to Council that she felt they needed to have a discussion on the nutrient criteria issue, and suggested they consider holding a forum and asking people like Tom Reese, an Environmental Attorney, and other environmental scientists to speak.

Vice Mayor King addressed comments made regarding her political campaigns, information she placed on her Facebook regarding Alex Sink, and an advertisement by Representative Rick Kriseman.

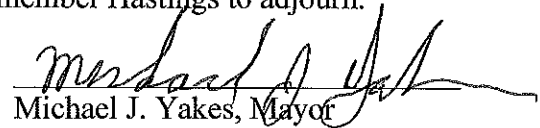
Councilmember Hasting reported he and Councilmember Salmon attended a luncheon at Boca Ciega High School and he encouraged people to participate in the upcoming Great American Teach-In.

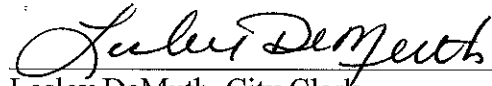
Mayor Yakes spoke on the expansion of our local schools.

11. Adjournment.

Motion by Councilmember Henderson, second by Councilmember Hastings to adjourn.

Date Approved: 12-21-10


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk