

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, December 7, 2010

The Regular Meeting of the Gulfport City Council was held on Tuesday, December 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 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:

Aquamaniacs Ski Club: Don Forte presented Council with DVD's of the Centennial Celebration Water Ski Show.

Gulfport Chamber of Commerce: Lori Rosso, Gulfport Chamber of Commerce, presented the City with two donations: \$1,000 to Operation Santa and \$1,000 to the Senior Center Food Pantry.

Brian Lamb – PACE: Mr. Brian Lamb, CEO of District Management Services, presented a brief video on renewable energy, and went over the PACE Program; the benefits it can provide for the City of Gulfport and what it could have for an impact on not only the residential, but the commercial properties. After Council's questions were answered by Mr. Lamb, City Manager O'Reilly advised Council that the next step, if it was Council's direction, would be for the City Attorney to draft an ordinance related to this program. Council could then debate the ordinance and the parameters, then the second step would be to do a Request for Qualifications for a third party administrator if Council was to adopt the ordinance. Mayor Yakes felt the ordinance definitely needed to be discussed at a workshop. In response to a request by Councilmember Salmon, City Manager O'Reilly stated he would have the Administrative Services Director Dan Carpenter look into the program.

1. Public Session.

John Glitchman, 2900 45th Street S., commented on the presentation and asked if other solar companies would be making presentations. Mayor Yakes advised this was just a presentation on the PACE Program.

Margarete Tober, 1513 59th Street S., stated she was intrigued by the presentation, but asked that Council be careful with the message that is delivered. Ms. Tober was saddened that our high school was rated a "D" school and asked that the City do something to better support our schools.

Bob Newcomb, 921 Freemont Street S., applauded Council for their interest in energy efficiency, but felt the PACE Program was complicated and did not need to be rushed into.

2. City Manager Report.

City Manager O'Reilly reported:

- He and the City Attorney met with representatives of the derelict buildings on Essex Street. Ideally the City will be receiving a proposal to remediate this situation and if there is a response he would bring this back to Council on December 21.
- A tentative agreement has been reached with the Collective Bargaining Unit and he would like to hold an Executive Session with the Council prior to the December 21, Council Meeting.
- After receiving input from various Councilmembers, he prepared a list of four questions on auto debit, but would only like to ask one of the questions to measure the level of interest. After discussion by Council, City Manager O'Reilly stated he would handle sending out the survey.
- Previously adopted evaluation forms for the City Manager and City Clerk had been provided to Council for their consideration. Councilmember Salmon asked that the forms be on the same metric. Council discussed the review process and it was the consensus of Council to conduct the reviews in September.
- The Holiday Hoopla was an upcoming event and the WTSP Channel 10 Morning Show will be coming to Gulfport on December 15.

3. City Attorney Report. No Report

4. City Clerk Report.

City Clerk DeMuth asked that a meeting time be set for the December 21, Executive Session and Council scheduled 6:00 p.m.

5. Consent:

- a. Consider approval of the Council Meeting Minutes of October 19, 2010.
- b. 2010-81, A resolution of the City of Gulfport, Florida, appointing a member to serve on the Senior Citizens' Advisory Committee on Aging; providing for term of appointment; and providing for an effective date.
- c. 2010-82, A resolution of the City of Gulfport, Florida, appointing members to serve on the Historic Preservation Committee; providing for term of appointments; and providing for an effective date.

City Clerk DeMuth read the Consent Agenda, and stated the names of those individuals being nominated for the appointments.

Councilmember Salmon requested the minutes be pulled from the Consent Agenda.

Motion by Councilmember Salmon, second by Councilmember Henderson to approve the Consent Agenda items b and c.

UNANIMOUS APPROVAL BY ACCLAMATION

6. Ordinance:

- a. 2010-10, Second Reading and Public Hearing, 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; providing for an effective date.

The City Clerk read Ordinance No. 2010-10 by title only.

City Manager O'Reilly explained the Ordinance.

Mayor Yakes opened the Public Hearing.

Margarete Tober, 1513 59th Street S., stated she was glad to see the City doing this, and spoke on the City Manager bringing the auto debit issue before Council for their consideration.

Vice Mayor King called for a point of order; this was the public's time to speak on Ordinance No. 2010-10, it was not public session, and Ms. Tober was out of order. Mayor Yakes asked Ms. Tober to continue with her comments, and she asked that Council show the City Officials their respect by doing their reviews.

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

Mayor Yakes spoke on the importance of running the Council meetings in a respectful and businesslike manner.

Motion by Councilmember Salmon, second by Councilmember Henderson to adopt Ordinance No. 2010-10.

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

MOTION CARRIED.

- b. 2010-19, First Reading, an ordinance of the City of Gulfport, Florida, amending the Code of Ordinances, Charter 7, Buildings, Article 5, by establishing a Green Building Ordinance; Creating Section 7-32, Purpose; 7-33, Definitions; 7-34, Government Leadership; 7-35, Green Building Program; 7-36, Green Building Program Administration; 7-37, Green Building Standards; 7-38, Green Building Permitting Incentives; 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. 2010-19 by title only.

City Manager O'Reilly explained the Ordinance.

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 King, second by Councilmember Henderson to approve Ordinance No. 2010-19.

Councilmember Salmon said she thought this was great as a green building ordinance, but had brought to Council's attention and was working on bringing back to them landscaping and water quality issues relating to this. Councilmember Salmon said she hoped Council could keep these ordinances separate because there was not enough in this ordinance to cover those issues in terms of incentives; this ordinance was really about energy efficiency. She asked that the items related to landscaping be held out for a separate ordinance that would be very specific to those goals. City Attorney Salzman said there is nothing in the ordinance that would prohibit or interfere with a landscaping ordinance down the road.

Councilmember Henderson asked Councilmember Salmon if there was not going to be any interference with the language in this ordinance to what she is proposing down the road, did it matter if this ordinance remained as is. Councilmember Salomon stated as long as Council was not seeing this as the only thing the City is saying about landscaping because it is mentioned as one of the references.

Councilmember Hastings advised Council that he was not in agreement with Section 7-34 (a) requiring the City Council to budget an amount equal to one percent of the City's previous budget years general fund balance, and he addressed other sections of the Ordinance which dealt with unknown costs to the City.

Motion by Vice Mayor King, second by Councilmember Henderson to amend their motion to replace the language "shall budget" in Section 7-34 (a) with "may target".

Councilmember Salmon asked why Staff did not want to include expansion or remodeling under Section 7-36 (3). City Manager O'Reilly stated there was no problem striking that language.

Councilmember Hastings asked that the word "will" in Section 7-35 be amended to "may".

Mayor Yakes clarified with City Manager O'Reilly that this Ordinance was discussed at workshop.

Vice Mayor King stated she was willing to make the changes to her motion, however she suggested that PACE be brought back as an ordinance and a workshop not be held.

Councilmember Hastings stated he appreciated Vice Mayor King making the changes to the motion, and asked why Council could not see the ordinance wording during a workshop as opposed to seeing it for the first time during a Council meeting.

City Attorney Salzman stated he was going to speak to the City Manager about presenting a PACE Ordinance to Council in advance of the workshop.

Vice Mayor King and Councilmember Henderson had no objection to including in their motion for approval the word “may” in place of the words “shall or will” where appropriate and an amendment to remove “not including any expansion or remodeling” from Section 7-36 (3).

City Attorney Salzman restated the proposed changes to the Ordinance.

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

MOTION CARRIED.

c. 2010-20, First Reading, an ordinance of the City of Gulfport, Florida, amending Chapter 17, Streets, Sidewalks, Parks, and Parkways, by amending Article II, Parks, Sections 17-28, Animals, by adding the term “and wildlife” creating Subsection (c) prohibiting the mistreatment of wildlife; and creating Subsection (d) prohibiting abandonment; 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. 2010-20 by title only.

City Manager O’Reilly explained the Ordinance.

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 Salmon to approve Ordinance No. 2010-20.

Councilmember Salmon spoke on her concerns regarding cats, and clarified with the City Manager that this change does not address fishing, oystering or anything aquatic.

Motion by Councilmember Henderson, second by Councilmember Salmon to amend their motion to approve Ordinance No. 2010-20 by amending Section 17-28 (a) to include that cats shall be controlled and restrained by a leash.

Councilmember Hastings asked if the City defined “wildlife” as anything other than a domesticated cat or dog, and City Manager O’Reilly stated that was correct. Councilmember Hastings suggested that cats also be included to Section 17-28 (b).

City Attorney Salzman stated this issue was not addressed at workshop, and pointed out that Council only addressed the additional language to protect wildlife from being harmed.

Vice Mayor King suggested Council go back to the original intent of what they were doing; protecting wildlife in City parks.

Councilmember Henderson addressed his reasoning for bringing this amendment forward; it did not require an amendment to Section 17-28 (a) or (b), it created Section (c).

Councilmember Henderson moved to amend his motion back to the original motion to approve

Ordinance 2010-20.

Councilmember Hastings stated he disagreed with Councilmember Henderson because he asked the question of how the City defines wildlife which in Section (a) says that it is anything other than a domesticated cat or dog, and he thought Section (c) changes this.

Councilmember Salmon seconded the motion and stated she felt that cats can be a hazard to wildlife and perhaps this discussion was for another day

ROLL CALL:	COUNCILMEMBER SALMON	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HASTINGS	NO
	COUNCILMEMBER HENDERSON	YES
	MAYOR YAKES	YES

MOTION CARRIED: 4 to 1.

7. Resolution:

2010-83, A resolution of the City of Gulfport, Florida, authorizing the City Manager to purchase a 2011 automated side loading sanitation truck; and providing for an effective date.

The City Clerk read Resolution No. 2010-83 by title only.

City Manager O'Reilly invited Public Works Director Don Sopak to explain the Resolution. Public Works Director Sopak spoke on the truck purchase and in response to questions by Councilmember Salmon he addressed the use of biodiesel fuel by the City.

Mayor Yakes opened the public discussion.

Al Davis, 2790 45th Street S., spoke on the reality of the green concept as it applies to diesel fuels.

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

Motion by Councilmember Salmon, second by Councilmember Henderson to approve Resolution No. 2010-83.

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

MOTION CARRIED.

5. Consent:

a. Consider approval of the Council Meeting Minutes of October 19, 2010.

In response to a question by Councilmember Salmon on the discussion reflected in the minutes on the COPS Grant, City Attorney Salzman advised that the Resolution stands as the action of the Council, and the minutes reflect the discussion that occurred even if something was misstated; there is nothing about the minutes that would change the Council's action.

Motion by Councilmember Salmon, second by Councilmember Henderson to approve the October 19, 2010 minutes.

UNANIMOUS APPROVAL BY ACCLAMATION

8. Old Business. None.

9. New Business.

Councilmember Salmon nominated Joe Guenther for the Spirit of Gulfport Award in recognition of his restaurant opening to provide Thanksgiving Dinners for Gulfport Elementary School Families. There was no objections from Council.

Councilmember Hastings spoke on a letter he received on the Bank of America branch in Gulfport closing. He asked if the City should look into do business with another bank in Gulfport. City Manager O'Reilly advised that Staff is always looking at our banking services, and they can let Bank of America know it is our intention to start looking. He did advise Council that some banks do not take municipal funds due to the fact they have to be guaranteed at 125 percent.

Vice Mayor King nominated Judy Ryerson and Bob Worthington for the Spirit of Gulfport Award. There was no objections from Council. Council discussed what Ms. Ryerson and Mr. Worthington do for the community.

Councilmember Henderson spoke on conversations he has had with Dr. Adams, a Dean at Stetson University, regarding starting a program with the City to have an intern from Stetson every semester. In response to questions by Council on what the intern will do, City Attorney Salzman stated they would need to have a discussion with Stetson as to what the parameters would be, but he believed he would have them deal with all the aspects that the city attorney deals with. In addition to that, he thought there will be some general activities with the City Manager and the City Clerk. Councilmember Salmon pointed out that in other cities this person will do a lot of research which can be helpful to Councilmembers. City Attorney Salzman advised Council he is willing to take on this responsibility and to provide this opportunity to Stetson students. City Council was in support of the internship program with Stetson.

Mayor Yakes requested a consensus from Council to close a portion of Newton Avenue during the Newton Avenue Holiday Decoration Experience on December 18, from 6:30 p.m. to 9:00 p.m. There was no objections from Council.

10. Council Reports.

Councilmember Salmon reported on the upcoming Holiday Concert by the Community Band, provided the dates for her upcoming Town Hall Meeting, the Crime Awareness holiday potluck, and the full eclipse of a full moon and that she will be serving on the Board of the Sea Scouts.

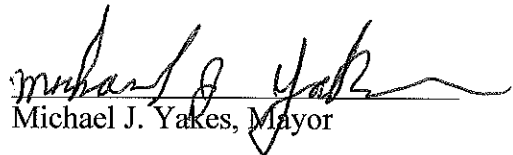
Vice Mayor King reported on the anniversary of Pearl Harbor and the Low Income Home Energy Assistance Program.

Councilmember Henderson provided the date for his upcoming Ward IV meeting.

11. Adjournment.

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

Date Approved: 2-1-11


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk