

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, December 21, 2010

The Regular Meeting of the Gulfport City Council was held on Tuesday, December 21, 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.

Presentation:

Holiday Decorations Contest Winners: Mayor Yakes announced the winners of the decorating contest: Neighbors of Newton Avenue, General Theme; and Yummy's Casual Café, Commercial Theme. Award certificates were presented.

1. Public Session.

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

2. City Manager Report.

City Manager O'Reilly reported:

- A request has been received from the City of St. Petersburg for financial help in support of Pinellas Safe Harbor. Based upon the recommendation of the City Manager, there was a consensus from Council to donate \$1,000.
- In accordance with Resolution 2007-112 authorizing volunteers to salvage materials off derelict vessels in the marina, Bob and Lou Worthington have offered to resume this process. The proceeds from any materials resold will be donated to support an employee picnic.

3. City Attorney Report.

City Attorney Salzman reported pursuant to City Council's direction at the last meeting he drafted the PACE Ordinance which has been provided to them for their review along with the comments on the ordinance from Dan Carpenter. City Attorney Salzman stated he used the Dade County Ordinance, but there are some significant changes that needed to be made. He felt the City should streamline the Ordinance so it involves more of a third party administrator and less involvement of the City in some areas. He requested Council's permission to make these changes and bring it back to them for action. He felt the way the Ordinance is written, after

discussing it with the City Manager and Dan Carpenter, will obligate the City in areas that you do not necessarily want to be involved in.

Mayor Yakes asked City Attorney Salzman if he could prepare the changes to the Ordinance by the January 4 meeting, and he stated he thought he could.

Councilmember Salmon advised Council that she provided her notes on the Ordinance to the City Attorney.

Mayor Yakes stated he has talked to businesses within the 49th Street Area and they are anxious to find out what they qualify for and what is available to them through PACE.

Councilmember Hastings asked if the Ordinance would be coming back to Council in a workshop or back to Council on January 4, for a First Reading.

Mayor Yakes stated he felt bringing it forth on First Reading would be fine and did not see the workshop as an advantage.

Councilmember Salmon stated this is a very complex item and thought it would benefit from a workshop.

Councilmember Hastings stated he agreed with Councilmember Salmon, and Council discussed dates to hold a workshop on the Ordinance.

Vice Mayor King expressed her concerns of Council not wanting to take a hard-vote, and that it will take eight months to a year to get this program up and running.

Per a suggestion by Councilmember Henderson, there was a consensus of Council to hold a workshop to discuss the Ordinance prior to the Council Meeting on January 4, at 5:00 p.m. First Reading of the Ordinance would be held January 18.

4. City Clerk Report.

City Clerk DeMuth reported December 13 was the deadline for qualifying to run for the Office of Councilmember Ward II and Councilmember Ward IV. Councilmember Sam Henderson ran unopposed for the Ward IV seat and two candidates qualified for to run for Councilmember Ward II; Barbara Banno and Avrio Taylor.

5. Consent:

Consider approval of the Council Meeting Minutes of November 2, 2010 and November 16, 2010.

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

UNANIMOUS APPROVAL BY ACCLAMATION.

6. Ordinances:

- a. 2010-15, First Reading: An ordinance of the City of Gulfport, Florida, amending Chapter 15, Pensions, Article V, Police Officers' Trust Fund, Division 1, Generally; amending Section 15-51, Definitions; amending Section 15-53, Board of Trustees; amending Section 15-54, Finances and Fund Management; amending Section 15-56, Benefit Amounts and Eligibility; amending Section 15-58, Disability; amending Section 15-68, Repeal or Termination of System; amending Section 15-69, Domestic Relations Orders, Retiree Directed Payments, Exemption from Execution, Non-assignability; amending section 15-75, Prior Police Service; providing for severability of provisions; repealing all ordinances in conflict herewith; and providing an effective date. (Tabled: 9-21-10)

The City Clerk read Ordinance No. 2010-15 by title only.

City Manager O'Reilly explained the Ordinance, and in response to Councilmember Salmon he spoke on how the multiplier is applied.

Mayor Yakes opened the public discussion.

Bob Worthington, 5725 13th Avenue S., spoke on State mandates placed on firefighters and police officers, and the reduction of their benefits.

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 Ordinance No. 2010-15.

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

MOTION CARRIED.

- b. 2010-19, Second Reading and Public Hearing: 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 and in response to Councilmember Salmon stated the one-percent, as provided for in Section 7-34(A), is set as a minimum.

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

Motion by Vice Mayor King, second by Councilmember Salmon to adopt Ordinance No. 2010-19.

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

MOTION CARRIED.

- c. 2010-20, Second Reading and Public Hearing: 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.

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. 2010-20.

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

MOTION CARRIED.

- d. 2010-21, First Reading, An ordinance of the City of Gulfport, Florida, amending Chapter 6, Beaches, Boats, Boating and Waterfront Structures, by amending Article I, Section 6-1, Definitions, by resetting the position of the beginning point of the beach as described in Subsection (3); 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. 2010-21 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 approve Ordinance No. 2010-21.

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

MOTION CARRIED.

7. Resolution:

2010-84, A resolution of the City of Gulfport, Florida, approving a membership reapportionment plan for the Pinellas County Metropolitan Planning Organization and providing for an effective date.

The City Clerk read Resolution No. 2010-84 by title only.

City Manager O'Reilly explained the Resolution, and congratulated Councilmember Henderson on his appointment to the Pinellas Planning Council.

Councilmember Henderson asked City Attorney Salzman if he was eligible to vote as he was aware he has received the Pinellas Planning Council appointment. City Attorney Salzman advised there is no conflict.

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 Salmon to approve Resolution No. 2010-84.

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

MOTION CARRIED.

8. Conduct a lot to determine name placement of qualified candidates on the March 8, 2011 General Municipal Election Ballot.

City Clerk DeMuth conducted a lot for name placement on the ballot, as required by the City Charter, for those candidates running for Councilmember Ward II. Names were drawn in the following order: 1) Avrio Taylor, 2) Barbara Banno.

9. Old Business.

Vice Mayor King spoke on the grant awarded to the City for replanting on the mounds at Clam Bayou.

Mayor Yakes asked that an ordinance amendment prepared by City Attorney Salzman regarding fences on corner lots be brought forward. There was a consensus from Council to schedule this item for a meeting.

10. New Business.

Councilmember Salmon spoke on a meeting she had last week with staff and representatives from the Southwest Florida Water Management District (SWFWMD) to update her on the two projects that are on the Gulfport side of Clam Bayou. She suggested Council think about having SWFWMD talk to them as a group in the future, that at some point the City look at a policy for parking lot sealants, and that during the next budget year she would like Council to talk about the 49th Street outfall; a project which SWFWMD still wants to work with the City on.

Vice Mayor King asked that Council consider incorporating the property on Beach Boulevard between 23 and 26 Avenues as part of Clymer Park. There was a consensus of Council to make the change.

Councilmember Hastings asked the City Manager to bring back cost estimates to put a metal detector in City Hall. There was no objection from Council.

Councilmember Henderson stated he looked forward to Council discussing the Dark Sky's resolution and/or ordinance in the future. He wished everyone Happy Holidays and a Happy New Year.

11. Council Reports.

Councilmember Salmon reported on the Area I Crime Watch Meeting, the Santa Speedo Run, a trip she took to Sacred Lands Park, the Backyard Bird Count, and expressed her appreciation to the City for the Holiday Cards in the Park, the response in a request for an alley to be leveled and the support of the Community Band. She extended good wishes to everyone for a Merry Christmas and a Happy New Year.

Vice Mayor King reported that austerity is Webster's word of the year, and she wished everyone prosperity in the New Year.

Councilmember Hastings wished everyone Happy Holidays.

Councilmember Henderson spoke on his appointment to the Pinellas Planning Council.

Mayor Yakes spoke on his attendance at the City's Reassurance Luncheon and the Channel 10 broadcast in Gulfport.


City Manager O'Reilly advised Council he would be out of the office next week and wished everyone Happy Holidays.

12. Adjournment.

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

Date Approved: 1-18-11


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk