

**City of Gulfport Florida**  
**Regular City Council Meeting Minutes**  
**Tuesday, April 20, 2010**

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The Regular Meeting of the Gulfport City Council was held on Tuesday, April 20, 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 Jennifer Salmon 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; Interim City Attorney Andrew Salzman, and City Clerk Lesley DeMuth.

**Presentations:**

Craig Petersburg, Gulfport Elementary School, introduced the students whose artwork has been displayed in the Council Chambers.

Anthony Jones, Director - Pinellas County Community Development, provided an overview of Housing Programs offered through Pinellas County. He reviewed projects within the City that Pinellas County has provided assistance with and answered questions from Council; specifically questions by Vice Mayor King on NSP I and NSP II Funds. Mayor Yakes suggested Mr. Jones and Vice Mayor King meet with the City Manager and Community Development Director to discuss NSP I and NSP II Funds further.

**1. Public Session.**

Lee Stapella, 3020 York Street South, asked Interim City Attorney Salzman to discuss the scope of delegation of authority, requested the garage sales resolution be removed from the Consent Agenda, and spoke on and provided copies of the definitions from Black's Law Dictionary on temporary and special exception.

Kurt Zuelsdorf, 6201 9<sup>th</sup> Avenue S., spoke on the restoration of Clam Bayou.

Shannon Irvin, 2221 York Street S., thanked Council for addressing the issue of arterial busing, and spoke on our education system.

Carol D'Alessandro, 5900 Shore Blvd. S., expressed her concerns of the decrease in duck and bird population in Wood Ibis Park, and asked if this could be correlated to the use of the new fountain.

Margarete Tober, 1513 59<sup>th</sup> Street S., shared her thoughts regarding an article in the Gabber.

Gerry O'Regan, 2800 45<sup>th</sup> Street S., spoke on a public hearing regarding the proposed Water Quality Standards for the State of Florida Lakes and Flowing Waters, and provided information from that meeting to Council.

## **2. City Manager Report.**

City Manager O'Reilly reported:

- The City has received emails and calls regarding the July 4 festivities being held on July 3, and asked Council if they would like to reconsider staff's recommendation. It was the consensus of Council to hold the festivities on July 4.
- He and Mayor Yakes met with Pinellas County School Board Staff which facilitated the bus stop for the elementary school children being moved to 51<sup>st</sup> Street and 20<sup>th</sup> Avenue. Mayor Yakes acknowledged the response the City had from the Pinellas County School Board.
- The City will recognize Earth Day on April 22 and information on plastic bags is posted on the City's website.
- The Senior Citizens Advisory Committee on Aging has requested permission to solicit for benches to be placed in front of the new Save-A-Lot. There was no objection from Council.
- The Florida League of Cities is offering a training class for advisory board members in St. Pete Beach, and asked for Council authorization to provide funding for any board member who would like to attend. There was no objection from Council.
- The Florida League of Cities has requested the City place an advertisement in the Conference Program. It was the consensus of Council to place an ad in the program that reflects the character of Gulfport.
- In preparation for the budget he has invited Ken Small, Florida League of Cities, to the June 24 Workshop to speak on methods to improve and potentially create new revenue sources for the City.

Councilmember Salmon asked that the location sites for trolley tokens be placed on the City's and PSTA's websites.

## **3. City Attorney Report.**

Interim City Attorney Salzman reported on the proposed development agreement and in response to a question raised during Public Session of a Councilmember meeting with a presenter from another agency on issues for informational purposes to benefit that person, there is no violation of the Sunshine Law. If Council were to authorize any individual Councilmember to act on behalf of the Council as a whole, that meeting would be required to be noticed and minutes taken.

In response to Councilmember Salmon on a concern brought up during Public Session regarding free speech, Interim City Attorney Salzman explained that under the law they look at the reasonable person standard; what is acceptable decorum or demeanor. He advised what they have done for other clients has been to implement the issue of not attacking one individual person, but requiring comments be directed to the Council as a whole which still allows the opportunity for free speech. Interim City Attorney Salzman reminded Council the three minute time period for open forum is at Council's discretion and is not required under the law. The law

talks about making sure the public has the opportunity to speak before you vote on items that affect the City.

Councilmember Salmon thought Council should error on the side of free speech and have tough skins. Interim City Attorney Salzman pointed out that just because you are an elected official you do not subject yourself to defamatory comments, and that he would be the first one to recommend to Council that they just ask someone to please try to rephrase their comments and not shut them down necessarily, but to try to work with people as they are coming up and speaking.

#### **4. Consent Items: Resolutions**

- a. 2010-17, A resolution of the City of Gulfport, Florida approving the temporary suspension of specific sections of Section 13-25 of the Code of Ordinances pertaining to Garage Sales; and providing for an effective date.

Motion by Councilmember Hastings, second by Councilmember Salmon to remove Resolution No. 2010-17 from the Consent Agenda. UNANIMOUS APPROVAL BY ACCLAMATION.

- b. 2010-18, A resolution of the City of Gulfport, Florida, authorizing the use of Federal Equitable Sharing Funds for the purchase of Law Enforcement, Level III, Tactical Body Armor; and providing for an effective date.
- c. 2010-19, A resolution of the City of Gulfport, Florida, authorizing the use of Federal Equitable Sharing Funds for the purchase of Traffic Data Collection Equipment; and providing for an effective date.
- d. 2010-20, 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.
- e. 2010-21, A resolution of the City of Gulfport, Florida, appointing a member to the Police Pension Board; providing for term of appointment; and providing for an effective date.
- f. 2010-22, A resolution of the City of Gulfport, Florida, appointing Vice Mayor Michele King as the City Council's representative on the Tampa Bay Regional Planning Council; and providing for an effective date.
- g. 2010-23, A resolution of the City of Gulfport, Florida, appointing Councilmember Sam Henderson as the City Council's Alternate Member on the Suncoast League of Cities Board; and providing for an effective date.

City Clerk DeMuth read the Consent Agenda Resolutions by title only, and stated the names of those being recommended for appointments to the Boards and/or Committees.

Motion by Councilmember Salmon, second by Councilmember Henderson to approve Resolution No.'s 2010-18 – 2010-23.

ROLL CALL: COUNCILMEMBER SALMON

YES

VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
COUNCILMEMBER HENDERSON	YES
MAYOR YAKES	YES

MOTION CARRIED.

### **5. Resolutions:**

- a. 2010-24, A resolution of the City of Gulfport, Florida, appointing members to serve on the Planning and Zoning Board/Local Planning Agency; providing for terms of appointment; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-24 by title only and stated the names of those being recommended for appointment. City Council will need to appoint the alternate member.

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 appoint Deb Taylor as the alternate member.

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

MOTION CARRIED.

- b. 2010-25, A resolution of the City of Gulfport, Florida, appointing members to serve on the Board of Adjustment; providing for terms of appointment; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-25 by title only and stated the names of those being recommended for appointment. City Council will need to appoint the alternate member.

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 Salmon to approve Resolution No. 2010-25 with the names as stated, and the appointment of Stephen Rye as the alternate member.

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

MOTION CARRIED.

c. 2010-26, 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 Resolution No. 2010-26 by title only, and stated the appointment is a City Council appointment.

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 appointment Stanley Solomons.

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

MOTION CARRIED.

d. 2010-27, A resolution of the City of Gulfport, Florida, authorizing the City Manager to enter into a Contract with Pyrotecnico of Florida, L.L.C for the City's Annual 4<sup>th</sup> of July Fireworks Display in the amount of \$25,300.00; providing for the necessary closures and safety requirements as determined by the Fire and Police Departments; providing for a Fireworks Permit; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-27 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 Vice Mayor King, second by Councilmember Hastings to approve Resolution No. 2010-27.

In response to a question by Councilmember Salmon, City Manager O'Reilly stated there has been a donation of \$7,000 - \$10,000 in the past, but staff does not anticipate the donation until it happens.

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

MOTION CARRIED.

e. 2010-28, A resolution of the City of Gulfport, Florida, authorizing the City Manager to enter into a Five Year Lease Agreement with the Gulfport Yacht Club; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-28 by title only.

Mayor Yakes opened for public discussion.

Stefan Kaschkadayev, Commodore – Gulfport Yacht Club, thanked Council and City Staff for their help in making the Yacht Clubs Regatta’s a success.

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 2010-28.

In response to Councilmember Salmon on the \$1,875.00 cost per slip, City Manager O’Reilly stated this is a fair value.

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

MOTION CARRIED.

f. 2010-17, A resolution of the City of Gulfport, Florida approving the temporary suspension of specific sections of Section 13-25 of the Code of Ordinances pertaining to Garage Sales; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-17 by title only.

Mayor Yakes opened for public discussion.

Lee Stapella, 3025 York Street S., referenced the definitions from Black’s Law Dictionary on special exception and temporary and expressed her concerns with the expansion of garage sales.

Bob Newcomb, 921 Freemont Street S., spoke on what he had observed during a first Saturday sale, and stated he likes the City having control.

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

Motion by Councilmember Henderson, second by Councilmember Salmon to approve Resolution No. 2010-17.

City Manager O’Reilly explained the City’s current garage sale policy.

In response to Councilmember Salmon, Interim City Attorney Salzman stated Resolutions should be of a temporary nature, they should not be of any permanence. City Manager O'Reilly pointed out the proposed Resolution does have a sunset date.

Vice Mayor King mentioned that after doing this for a year it has proved successful and she did not feel it was being abused; she felt it was a help to people within the City.

Councilmember Hastings stated his opinion is that six yard sales for everyone within the City is more than adequate.

Councilmember Henderson advised that if the City had issues up to this point he would not have considered extending this. The City just did this for one year, there were no issues with it and people have asked that it be extended.

City Manager O'Reilly clarified that on the first Saturday of every month residents are allowed to have a yard sale with no permit, they are allowed to have four yard sales per year with a no fee permit, and they can participate in the two City sponsored yard sales held during the year.

Interim City Attorney Salzman reminded Council this is a resolution and if for some reason Council felt it was being violated they could bring the resolution back and make changes at any time.

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

MOTION FAILED.

**6. Old Business.**

Councilmember Salmon asked that the materials Mr. Jones spoke of during his presentation be available at the foreclosure seminar. Councilmember Salmon brought up that she would like to know when things discussed under New Business will be scheduled on the agenda. City Manager O'Reilly stated he would provide something to Council that will show when these items will be scheduled for Council action.

Vice Mayor King mentioned there was a terrific turnout for the crime watch picnic, and commented on the arterial busing article that appeared in the St. Petersburg Times.

Councilmember Hastings announced he participated in the Relay for Life and spoke on the upcoming free oral cancer screening.

Councilmember Henderson reported mosquito control will be going out to the Tangerine Greenway, and asked Council to discuss the City Attorney's position at Thursday's Workshop. He also requested that once Council finds stability in the City Attorney's position, that they address the Charter Review issues.

City Manager O'Reilly stated there will be an item on Thursday's Workshop to discuss the City Attorney's position.

## **7. New Business.**

Councilmember Salmon asked as Council goes through the budget process that they try to schedule the extra meetings around times when most of the Councilmembers can be represented; she will miss the first meeting in August. Councilmember Salmon passed out an analysis she did based on details the City Manager gave her on the PSTA Report on bus ridership for the buses that go through Gulfport and an analysis she had done on where the potential needs might be. She felt the City can legitimately ask PSTA to provide 10 more benches and to take 10 benches we currently have and put them on ADA slabs at no cost to the City.

Vice Mayor King asked Council to consider Margo Scannell for the Spirit of Gulfport Award. There was a consensus of Council to present her with the award. Vice Mayor King spoke on an email received from the Library Director concerning library funding cuts, and it was the consensus of Council to have Mayor Yakes send a letter to our Congressman and Senator opposing this. Vice Mayor King reported on upcoming activities within the City: Strut Your Stuff 3-K Walk, Facing Foreclosure Seminar, Dining Out for Aids, and the Community Garden.

Councilmember Hastings asked Council to reconsider starting the Workshop Meetings at 2:00 p.m.

Councilmember Henderson stated he has a hard time being here at 2:00 p.m., but if Council would like to look at specific days he is more than happy to be flexible and over the summer it should not be a problem.

Councilmember Salmon thought some of the concern was also so the public could be here and waiting till the end of the work day helps to have a little more participation from the public.

Mayor Yakes pointed out it was not the intent of the 2:00 p.m. meeting time to block the public. It was the opportunity for Councilmembers to bring up their issues and have the availability of staff and their resources. There was a consensus of Council to discuss Workshop times at Thursday's meeting.

Councilmember Hastings offered as an answer to the missing ducks and other small animals is the coyote population within Gulfport and reported he will be participating on a panel discussion at Moffitt.

Councilmember Henderson spoke on the need for an ATM in the down town area and it was the consensus of Council to have the City Manager look into a location. Councilmember Henderson spoke on the Community Garden, thanked the Police Department for assisting him with a possum, reported on the clean-up at the Tangerine Pond and Greenway, and thanked Governor Crist for vetoing Senate Bill 6.

Mayor Yakes asked Council to consider Elizabeth Brown Worthington for the Spirit of Gulfport Award. There was a consensus of Council to present her with the award.

## **8. Council Reports.**

Councilmember Salmon asked if by Council voting down the garage sale expansion tonight meant we have no way to allow the current system to continue since the one year is over. City Manager O'Reilly stated that was correct. Councilmember Salmon stated her intention was not to get rid of the garage sale, but not to allow it to expand so dramatically. City Manager O'Reilly stated staff would have to bring back a resolution specific to that. There was a consensus from Council to reinstate the resolution, as it stood last year, without the expansion. Councilmember Hastings disagreed.

Councilmember Salmon reported she has received calls and emails from residents since she took office on issues that mattered to them and each one she has followed up on by talking to Jim O'Reilly or Lesley DeMuth. Solutions have been carried out through staff, and the staff has been great in how they have responded to these issues.

Councilmember Hastings advised Council he does work on Saturday and events scheduled on that day are hard for him to attend.

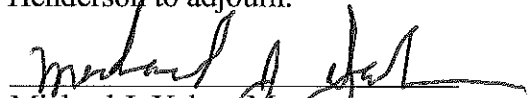
Councilmember Henderson provided his comments on how he stood on the Clam Bayou issue.

Mayor Yakes reported on Stetson University's Support our Troops event, and asked for assistance, possibly from CERT, to help the crossing guards during the last day of school. Mayor Yakes stated he felt Council has resolution overload and that a hand delivered position letter has more meaning at another level of government than a resolution.

**9. Adjournment.**

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

Date Approved: 6-15-2010

  
Michael J. Yakes, Mayor

  
Lesley DeMuth, City Clerk