



City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, April 6, 2010

The Regular Meeting of the Gulfport City Council was held on Tuesday, April 6, 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 provided by Councilmember 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:

Mayor Yakes presented a plaque to former Councilmember Judy Ryerson for years of service.

Fire Chief Marenkovic announced the promotion of Erick Fuchs to Fire Lieutenant.

Director Dan Carpenter introduced Mr. William Spinelli, CPA, MBA who presented the 2009 Comprehensive Annual Financial Report (CAFR).

Councilmember Salmon inquired as to how Enterprise Funds were transferred.

Mr. Spinelli explained that a lot of governments use the Blue Book which provides guidance as far as transfers and Payment in Lieu of Taxes (PILOT) are concerned. Because of the overhead associated with Enterprise Funds which is absorbed by the City, then the City has the right to charge back for that overhead, and stated it was allowable.

Mayor Yakes suggested that the City's Mission Statement be inserted into the document on page two.

1. Public Session.

Al Davis, 2790 45th Street S., commented on the City Council March 25th Workshop.

Margarete Tober, 1513 59th Street S., suggested citizen's comments associated with the budget process be acknowledged, and wanted the issue of the City Attorney resolved.

Shannon Irvin, 2221 York Street S., asked for assistance in dealing with the School Board regarding the bus stop which was moved to 22nd Ave and the request for a crossing guard.

Mayor Yakes asked City Manager O'Reilly to follow-up with the School Board and Ms. Irvin. The consensus of Council was to also send a letter objecting to arterial busing.

Pat Dunham, 2310 53rd Street S., spoke on the fund raising efforts by Gulfport Elementary and personally thanked Mayor Yakes for his support.

Art Jones, 5005 23rd Ave S., spoke in opposition to the Ordinance regarding the Dollar General.

Gerry O'Regan, 2800 45th Street S., thanked Jennifer Salmon for viewing the condition of the Bayou at low tide.

After receiving all public comment, Mayor Yakes closed the Public Session.

2. City Manager Report. City Manager O'Reilly announced:

- The large dog park will be closed temporarily for maintenance.
- He would be inviting Anthony Jones, Director of the Pinellas County Community Development Department to make a presentation at their April 20th Meeting.
- The July 4th Holiday will fall on a Sunday, and wanted to know how Council felt about holding the Independence Day festivities on Saturday, July 3rd.

The consensus of Council was to hold the Independence Day Festivities on Saturday, July 3, 2010.

3. City Attorney Report. No report.

Mayor Yakes asked the Interim City Attorney's opinion on Public Comment that is personally directed toward an individual.

Interim City Attorney Salzman said Public Comment was an interesting issue for government agencies. Some allow it on non-agenda items; some limit it to the beginning or end of the meeting. But the law only requires that you allow public input before you vote on any issue that would be considered, not necessarily Quasi-Judicial, but an ordinance or resolution, and the rest of the law requires that you meet the Sunshine requirements so that people have access to the meeting to see what they were doing. Interim City Attorney Salzman explained that most of the boards that he deals with allow Public Comment; yet there was a caveat that the boards do not allow any of the issues to be personalized, and the comments must be directed to the board as a whole. Interim City Attorney Salzman said that certainly the Council could say they do not want individuals addressed, but the public may address the Council as a whole.

In response to a question, Interim City Attorney Salzman clarified for Councilmember Salmon the difference between the public personalizing comments made to an individual Councilmember, and addressing a difference of opinion such as on a vote, when they should be addressing the Council as a whole.

4. Consider approval of the Council Meeting Minutes of December 1, 2009, December 15, 2009, February 2, 2010, and February 16, 2010.

Motion by Councilmember Henderson, second by Vice Mayor King to approve the Council Meeting Minutes of December 1, 2009, December 15, 2009, February 2, 2010, and February 16, 2010.

UNANIMOUS APPROVAL BY ACCLAMATION.

5. Consent Items: Resolutions

- a. **2010-14,** A resolution of the City of Gulfport, Florida, accepting permission to use the song "Gulfport My Home" for city related activities; and providing for an effective date.
- b. **2010-15,** A resolution of the City of Gulfport, Florida, pledging support for the Appalachian Mountain Preservation Act (AMPA), and requesting similar support from other Florida Municipalities, State of Florida Governing Bodies and State of Florida Representatives in the U.S. Senate and House of Representatives; providing for transmitting resolution to appropriate elected officials of the State of Florida; and providing for an effective date.
- c. **2010-16,** A resolution of the City of Gulfport, Florida, authorizing the co-sponsorship of the Gulfport Yacht Clubs 2010 GYC Diamond Regatta; providing for the temporary waiver of provisions of the city code of ordinances/city policies during said regatta; providing for responsibilities; and providing for an effective date.

City Clerk DeMuth read by title only; Resolution No's. 2010-14, 2010-15 and 2010-16.

Motion by Councilmember Henderson, and seconded by Vice Mayor King to approve the Resolution No.'s 2010-14, 2010-15 and 2010-16.

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

MOTION CARRIED.

6. Ordinances:

- a. **2010-05,** First Reading and Public Hearing: 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 legally described in Exhibit "A", Exhibit "B", and Exhibit "C", attached hereto and made a part hereof, and generally located at 2217 - 2219 51st Street South, 2221 - 2223 51st Street South, from Residential Low Medium (RLM) to Commercial Limited (CL), and 2225 51st Street South, and 5119 23rd Avenue South, from Residential Urban (RU) to Commercial Limited (CL); 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.

City Manager O'Reilly spoke on the issues associated with the property, and asked Council for the opportunity as provided for in the Florida Statutes to combine this project into one Land Development Agreement with the Applicant in order to address each specific item and weigh the balance of the impact of the neighborhood verses the things the developer may request.

Interim City Attorney Salzman explained that a Development Agreement allows Council to address all the issues regarding the development. He explained the advantage in this particular case was that there were a lot of residents with concerns, and based on those resident's concerns, Council would be able to see how they could begin to deal with those concerns. The intent (*with a Development Agreement*) is the ability to negotiate with the developer the least amount of impact as possible, which includes buffers, potential parks, retention ponds, issues as to reduce parking, and what was allowed so it doesn't have as much impact on the area and to have those terms negotiated and brought before the Council at a public meeting to have the input of the citizens upon the document that they could look at, and have the Council decide if it was something they wanted to do. If Council does not do this, then what would happen in this type of situation is it would become very piece meal.

Interim City Attorney Salzman stated the other part of a Development Agreement is that it protects the City in cases of future issues that arise; and also against future litigation based upon the Development Agreement, because there are issues that will have to be maintained based on the Agreement and can be enforced by the City without having to go through a long litigation.

Motion by Vice Mayor King, and seconded by Councilmember Henderson to continue to Table Ordinance No. 2010-05 and 2010-06 until a future date when Council could work out a Development Agreement.

In response to Councilmember Salmon's question as to how would additional ideas and comments be incorporated into the negotiation of an Agreement, Interim City Attorney Salzman said Council could forward those to Staff, and reminded her that they have already received numerous comments from the public, all of which would be taken into consideration. He added that the public's comments are invited, and they could forward comments to the City, because they would want the opportunity to address as many issues as possible.

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

MOTION CARRIED.

b. 2010-06, First Reading: An ordinance amending Chapter 22 of the Code of Ordinances of the City of Gulfport, Florida, by amending the City Zoning Map incorporated therein, by rezoning specific parcels of real property within the city as described in Exhibit "A", Exhibit "B", and Exhibit "C", attached hereto and incorporated herein, generally located at 2217 -2219 51st Street South, and 2221 – 2223 51st Street South, from Multiple Family Residential (R-3) to Commercial Retail (CL-2), and 2225 51st Street South, and 5119 23rd Avenue South, from One and Two Family Residential (R-2) to Commercial Retail (CL-2); 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.

Motion Carried above, which included Ordinance No. 2010-06.

7. Old Business.

Councilmember Salmon inquired about the timeframe for settling the Attorney issue. She also reminded everyone about the City-wide potluck picnic at the beach on April 17th with the focus on crime awareness.

City Manager O'Reilly responded they would have something for next workshop.

Councilmember Henderson thanked the Mayor for his past and current support of Gulfport Elementary.

Mayor Yakes summarized the events associated with Clam Bayou and announced that a preconstruction meeting was held today to discuss how they plan to mobilize and begin Phase III of this five million dollar twelve month long project. He suggested Staff, from time to time update Council on the activities associated with the project.

8. New Business.

Vice Mayor King announced; the Senior Center is having a 3-K Scenic Walk fundraiser on April 24th, people can sign up for Community Garden plots located on Preston Avenue at Banyan Scape, or the Long House, and on April 21st at the Industrial Arts Center "Landscape 911" by landscape architect Christopher Ross.

Councilmember Hastings updated Council on the free oral cancer screening event, and said that the date is May 8th from 10:00 a.m. - 2:00 p.m. at Walgreens.

Councilmember Henderson asked permission to hold the annual community block party on May 1st on his Street. The consensus of Council agreed to allow Councilmember Henderson's request.

Mayor Yakes reported he had attended a meeting regarding truancy issues and middle school children, and was among several Pinellas County Mayors invited to participate on a Truancy Board.

9. Council Reports.

Councilmember Salmon reminded everyone to return their census forms, and commented on Clam Bayou

Councilmember Henderson said as they begin budget discussions, he felt the satellite office on 49th Street for the Police Department needed to happen sooner than later, because of the latest news that the greatest number of crimes committed by use of guns is right on their 49th Street borders. He also announced clean-up efforts of Tangerine Pond and the Greenway will happen prior to the picnic on April 17th.

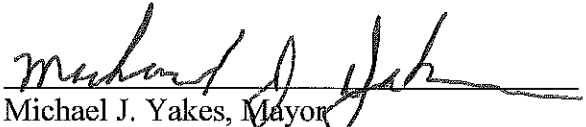
Mayor Yakes reminded everyone that the Kick-off for Relay for Life was Friday, April 9th at 6:00 p.m. at the Point.

10. Adjournment.

Motion by Vice Mayor King, and seconded by Councilmember Salmon to adjourn.

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: 6-15-2010


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk