



**City of Gulfport Florida**  
**Regular City Council Meeting Minutes**  
**Tuesday, May 18, 2010**

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The Regular Meeting of the Gulfport City Council was held on Tuesday, May 18, 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 Hastings, 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 the Spirit of Gulfport Award to Elizabeth Worthington for her many contributions to the City of Gulfport.

Matt Daugherty of SML, Inc. provided Council with an update on the Records Management Plan.

**1. Public Session.**

Dotty Bellefleur, 2652 – 44<sup>th</sup> Street S., spoke on county funding and Home Rule.

Margarete Tober, 1513 59<sup>th</sup> Street S., asked what the next steps would be in the Overlay District and 49<sup>th</sup> Street initiatives and requested Council consider including different types of recreational vehicles (R.V.), e.g. boats, when discussing the R.V. Ordinance.

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

**2. City Manager Report.** None.

**3. City Attorney Report.** City Attorney Salzman reported:

- He and the City Clerk met to finalize the Policies and Procedures and it will be scheduled for discussion at the next Council Workshop and hopefully will be adopted.
- The City does have a Policy and Procedure in place which addresses potential complaints against Charter Officers, and invited the City Council to contact him should they have any questions.

**4. Consent Items: Resolution.**

**2010-33, 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.**

City Clerk DeMuth read by title only Resolution No. 2010-33, and stated that Gerry O'Regan was recommended for the appointment.

Motion by Councilmember Salmon, and seconded by Councilmember Henderson to approve Resolution No. 2010-33 on the Consent Agenda.

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

MOTION CARRIED.

**5. Ordinance:**

**2010-07, First Reading: An ordinance of the City of Gulfport, Florida, providing for the vacation of a paved right-of-way (7<sup>th</sup> Avenue South) from 58<sup>th</sup> Street South to 55<sup>th</sup> Street South/Pinellas Trail; providing for findings of compliance; and providing for the vacation of drainage/utility/maintenance/easements as legally described in Exhibit "A", attached hereto and made a part hereof, providing for severability; providing for the repeal of ordinances, or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.**

City Clerk DeMuth read Ordinance No. 2010-07 by title only.

City Manager O'Reilly explained the Ordinance.

Mayor Yakes opened the Public Hearing.

Receiving no public comments, Mayor Yakes closed the Public Hearing.

Motion by Vice Mayor King, and seconded by Councilmember Henderson to adopt Ordinance No. 2010-07 on First Reading.

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

MOTION CARRIED.

**6. Resolutions:**

- a. 2010-34, A resolution of the City of Gulfport, Florida, supporting the Tampa Bay Regional Planning Council’s efforts for Project Get Ready Tampa Bay to promote the region as electric vehicle plug-in ready and to assist in preparing for the use of plug-in electric vehicles.**

City Clerk DeMuth read Resolution No. 2010-34 by title only.

City Manager O’Reilly explained the Resolution and deferred to the Vice Mayor for additional comments.

Vice Mayor King said this was a very “forward” project for our region. She was very pleased that the Tampa Bay Regional Planning Council (TBRPC) has introduced this together with the Rocky Mountain Institute, and the fact that Gulfport will be included as part of one of the groups around the Country starting this project.

Mayor Yakes opened for Public Discussion.

Receiving no requests from the public, Mayor Yakes closed the Public Discussion.

Motion by Councilmember Hastings, and seconded by Vice Mayor King to adopt Resolution No. 2010-34.

Councilmember Salmon questioned the expectations of the Rocky Mountain Group, regarding the number of electric cars in relation to the different cities responsibility.

Vice Mayor King clarified that each of the twenty cities were not responsible for any number of cars; they were concerned that when the vehicles do get on the road, that there was a way to keep them running.

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

MOTION CARRIED.

- b. 2010-35, A resolution of the City of Gulfport, Florida, authorizing the Mayor to sign the Final Nitrogen Management Consortium approved Tampa Bay Nitrogen Management Consortium Declaration; and providing for an effective date.**

City Clerk DeMuth read Resolution No. 2010-35 by title only.

City Manager O’Reilly explained the Resolution.

Dr. Bob Brown from Cardno Tampa Bay Engineering provided an update on the Nitrogen Consortium.

Vice Mayor King asked if the oil spill in the Gulf was going to contribute to the nitrogen effect.

Dr. Brown said that oil has nitrogen in it, and even more so it reduces the oxygen in the water which kills the fish and other wildlife. The reason nitrogen is a problem is that algae grows in the water and blocks the sunlight to the sea grass. Oil in the Bay will increase the nitrogen, which is food for the algae and would reduce the sunlight that reaches the sea grass, resulting in the loss of sea grass.

Councilmember Henderson asked how many monitoring points they had in relation to Gulfport, Boca Ciega Bay and Clam Bayou, and did he feel that they had a baseline now if they did end up with oil contamination in the Bay with regard to sea grass recovery.

Dr. Brown said there were multiple sites which were put in and moved around along with periodic baseline sampling. One thing they managed to do was to ensure that Boca Ciega Bay was included along with Terra Ceia Bay on the Southside and a portion of the river in the study. He confirmed that currently they have one of the best baselines in the Country as far as the studies that have gone out in Tampa Bay, and they had extensive mono data which is updated daily.

Councilmember Salmon expressed concerns regarding Gulfport's financial contribution in reducing nitrogen in the Tampa Bay Region, and the use of the numeric criteria.

In response to Councilmember Salmon's concerns, Dr. Brown stated from the Estuary Program they had received \$20,000 which was used to apply for grants that essentially paid for a big piece of the Tangerine Greenway, so it was not only the citizens of Gulfport paying for that, they have paid less than half the cost to the Stormwater Improvements; which have come from funding outside of Gulfport. Regarding the \$100,000 and concern over hiring Dr. Brown's Firm, Dr. Brown said that this was a new issue and it is an estimate based on what they were doing as a Consortium for the whole Bay-what they would have to do for Boca Ciega Bay, and it could be more or it could be less. He said they would probably hire a different Firm; one that specialized in water quality out in Boca Ciega Bay and said one of the issues with the Reasonable Assurance Document is that it doesn't accomplish any removal of nitrogen. Dr. Brown said it has been proven that our Bay is much cleaner than it was in the 80's and has been coming back since then, and every five years they will receive another allocation, in which everyone's will go down.

Councilmember Hastings said that it appears that Councilmember Salmon is against paying out \$6,000 as opposed to \$100,000. He asked why we should care if we are in a Consortium and are benefiting by paying less, as opposed to paying more by being outside of the Consortium.

Councilmember Salmon clarified that she cared because it allowed other people to have higher nitrogen levels, and asked why should Gulfport who was doing more than others, come in to help balance it out to make the others look better. She asked Dr. Brown for an audit of how the money was spent and for records of measured data and measurement locations, maps or aerial photographs of seagrass beds in the four areas, how the Consortium members were assessed and the Consortium position on lack of science/numerical based information or data available for consideration. She spoke further on the varying differences in reported nitrogen levels.

Dr. Brown said he could request that information.

Councilmember Henderson asked for clarification since they were frequently referring to the "removal of nitrogen". He asked, if they were not talking about actively removing nitrogen from Tampa Bay, but in fact concerned with the *reduction of the amount of nitrogen which enters Tampa Bay*, and also asked was the investment in the Consortium based on the level of nitrogen contribution.

Dr. Brown confirmed that Councilmember Henderson was correct that the concern is with the reduction of nitrogen not the removal and said to date, the cost of membership has not been based on tons of nitrogen in the allocation, though he has advocated for it, especially once they are outside of the \$6,000 range.

Mayor Yakes questioned the language in the Financial Impact Section which said each member with an allocation greater than one ton must contribute \$6,000 by the summer of 2011 for the next five year review, and because Gulfport is 2.2 tons, the City's cost would be considered greater than, and his concern also was that it did not set a cap.

Dr. Brown explained that was why he advocated for a more reasonable distribution based on the amount of tons; that it was not appropriate for the City of Gulfport to be paying the same amount as a city the size of Tampa for example.

Mayor Yakes requested City Manager O'Reilly provide Council with his perspective.

City Manager O'Reilly stated he believed being a part of the Consortium has benefited the City of Gulfport, and said he did not care to discuss what happens outside of Gulfport as Councilmember Salmon was concerned with and the inequalities of the Plan as Dr. Brown has addressed. He felt that it does permit the City of Gulfport to participate if they were to take on the study and the subsequent treatment if necessary.

Dr. Brown expanded further on the benefits of the Consortium, the stakeholders and the actual condition of Tampa Bay.

Mayor Yakes thanked Dr. Brown for his dedication to the City of Gulfport and opened for Public Discussion.

Lee Stapella, 3025 York Street S., thanked the Council for their in-depth research and asked Council to pass on the Resolution and schedule a future Workshop to hear from representatives on the Federal level.

Al Davis, 2790 45<sup>th</sup> Street S., spoke against the Consortium.

Cindy Davis, 2790 45<sup>th</sup> Street S., said she did not want to see Gulfport buy into a program that supported the demise of their water and lowered the water quality standards.

Bob Newcomb, 921 Fremont Street S., spoke on concerns with the way they calculated the costs to be a part of the Consortium and believed it should be based on values, and they should not be paying an unfair share.

Dotty Bellefleur, 2652 44<sup>th</sup> Street S., asked that Council Table the item, and schedule a Workshop after they have further studied the issues.

Margarete Tober, 1513 59<sup>th</sup> Street S., requested that Council Workshop the item, and that they closely monitor their budget.

After receiving all public comments, Mayor Yakes closed the Public Discussion.

Motion by Vice Mayor King, and seconded by Councilmember Henderson to adopt Resolution No. 2010-35.

Councilmember Hastings likened the \$6,000 cost to an insurance policy and did not feel they needed to Workshop the item. He said Gulfport should be proud that the City has a Plan that was meeting the expectations which according to Dr. Brown was helping, probably more than others, to reduce the nitrogen in their waters.

Vice Mayor King said she thought it was important to belong to the Consortium because you then had a voice in the matter, as opposed to not having any say in the matter and elected to move forward without a Workshop.

Councilmember Henderson stated he thought whether they were a member of the Consortium or not, it did not affect whether a numeric standard was adopted or not. He agreed with Councilmember Hastings, and said from a financial standpoint they could not afford not to join, if the choice were to accept an unknown cost as opposed to a known cost (\$6,000). Councilmember Henderson said he thought they should move forward, without a Workshop.

Councilmember Salmon stated it was clear that it was going to pass, which she was against, but she would hope they would follow-up on the requested additional information and expressed an interest in having the Workshop.

City Manager O'Reilly said as Council directs, Staff would follow-up on the request for the additional data and information.

Mayor Yakes thought being a member of the Consortium was not damaging, and thanked Dr. Brown for his presentation.

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

MOTION CARRIED 4-1.

## **7. Old Business.**

Councilmember Hastings provided an update on the Oral Cancer Screening Event.

Vice Mayor King mentioned the City events she attended and said the First Friday Art Walk and the Island Cruise was a success and was sold out. She reminded everyone the Gulfport Library was a donation drop-off point for the Suncoast Sea Bird Sanctuary.

Councilmember Henderson explained the Community Garden plots were available and provided an update.

Councilmember Salmon mentioned the Senior Center Accreditation Ceremony. She mentioned Staff was going to follow-up on recycling and spoke on Code Enforcement issues associated with vehicles, and wanted to know the status of the Charter Review.

City Manager O'Reilly said he was working with Director Sopak on a recycling schedule and they are scheduled to Workshop the RV Ordinance on May 27<sup>th</sup>. He stated the City Attorney was reviewing the Charter Review recommendations.

Mayor Yakes provided a brief update regarding his trip to Washington.

### **8. New Business.**

Vice Mayor King said the Florida Fish and Wildlife Commission (FWC) had a meeting tomorrow at 10:00 a.m. on St. Pete Beach.

Councilmember Henderson echoed what Vice Mayor King said and provided additional contact information.

Councilmember Salmon provided Council with a draft Resolution associated with opposing oil drilling in state waters. She requested that Council schedule a Workshop on the job expectations of the three Charter Officials.

The consensus of Council was to schedule a Workshop to discuss expectations of the Charter Officials.

Mayor Yakes mentioned that Habana Café won the best casual dining restaurant in the State of Florida, and was selected as the "best" from among 40,000 restaurants in the State. The consensus of Council was to formally recognize Jo Hastings, owner of Habana Café at the next Council meeting.

### **9. Council Reports.**

Councilmember Hastings reported that he had provided Council with information that digital copiers store all information on hard drives and for security reasons the City should be taking steps to prevent personal information from being released by destroying the hard drives before getting rid of these copiers.

Vice Mayor King asked if they could start recognizing the most improved property owners again.

Councilmember Henderson spoke about the lack of information regarding the oil spill and asked if there was anything the City could do to oppose/restrict the use of the chemical dispersants which are known to create more harm to the marine life and which in fact just break up the oil and hide it rather than eliminate it. He provided additional information for those who wish to become more involved in the oil spill disaster.

Councilmember Salmon cautioned the public that there were operators soliciting bogus energy conservation rebate information by phone as she discovered for herself, after being contacted by two different companies. She researched them online and found out they have both received many consumer complaints.

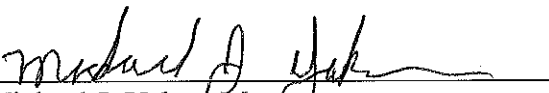
Mayor Yakes said each Councilmember represents a Ward and thought that during Council Reports, it would be appropriate to bring everyone up to date as far as the Wards were concerned.

**10. Adjournment.**

Motion by Councilmember Hastings, and seconded by Councilmember Henderson to adjourn.

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: July 6, 2010

  
Michael J. Yakes, Mayor

  
Lesley DeMuth, City Clerk