

City of Gulfport Florida
Regular City Council Meeting
Tuesday, June 15, 2010

The Regular Meeting of the Gulfport City Council was held on Tuesday, June 1, 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 Vice Mayor Michele King, 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:

Bill Weller, Executive Director of Operations - Stetson University, presented Mayor Yakes with a donation from the University to be used towards the City's Fourth of July Celebration.

1. Public Session.

Eric Ashley, 2784 46th Avenue N., requested permission for those attending meetings at the large pavilion on the beach to bring their very small dogs. Mayor Yakes asked City Manager O'Reilly to contact Mr. Ashley.

Lori Rosso, 5701 Shore Boulevard S., thanked the City for repairing the beach pavilions and co-sponsoring the Concert on the Point.

Chrisan Herrod, 3011 51st Street South, asked Councilmember Henderson if we would open the discussion of dogs on the beach or should she bring it up. Councilmember Henderson advised he would be happy to bring this item up under New Business.

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

- Ken Small, Florida League of Cities, will be making a presentation before Council at the June 24th Workshop.
- He would like Police Chief Vincent to provide Council with an update on Red Light Cameras at the June 24th Workshop. There was no objection from Council.
- The Board of County Commissioners has requested a position from Council on the County extending the alcoholic beverage sales from 2:00 a.m. to 3:00 a.m. This item is to be placed on the next workshop for discussion.
- Staff has secured permission from PSTA for the trolley to be displayed in the St. Petersburg Pride Parade with the stipulation that riders can only participate from the beginning of the parade to the end; no transport is allowed.

- Staff has contacted Pinellas County in regard to their overgrown utility easement. City Staff will be cleaning this area up, but in the future they will be working with the County and the Sierra Club on maintenance.
- There is a plan in place to repair the beach pavilions and it is included in the City's Capital Improvements Plan.
- The series of petitions Council has received to allow dogs on the beach will be addressed by Councilmember Henderson. Mayor Yakes clarified these were the same petitions that were presented to him, and City Manager O'Reilly stated they were.

3. City Attorney Report. No Report

4. Consider approval of the Council Meeting Minutes of April 6, 2010 and April 20, 2010.

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

UNANIMOUS APPROVAL BY ACCLAMATION

5. Consent: Resolution

2010-37, A resolution of the City of Gulfport, Florida, authorizing the City Manager to renew the Disaster Recovery/Debris Removal Contracts with Omni Pinnacle, LLC; D & J Enterprises, Inc.; Bamco, Inc.; and DRC Emergency Services, LLC for one-year; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-37 by title only.

Motion by Councilmember King, second by Councilmember Henderson to approve the Consent Agenda.

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

MOTION CARRIED

6. Ordinance:

2010-08, First Reading: An ordinance of the City of Gulfport, Florida, providing for amendment of Chapter 21 of the Code of Ordinances pertaining to the keeping and maintaining of recreational vehicles; 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 Clerk DeMuth read Ordinance No. 2010-08 by title only.

City Manager O'Reilly explained Staff received direction from Council, at the workshop, to return to the original ordinance with some modifications. Included in the proposed ordinance is

an annual permit, a not to exceed size for potential RV's, a provision for one RV per site, and that someone could stay on your property for five days, twice a year in an RV.

Mayor Yakes opened for public discussion.

John Miller, 5902 15th Avenue S., presented pictures of the motor home he has parked on his property which is a corner lot. He advised Council he is 26 feet from the street, and questioned why they wanted to change the ordinance.

Margarete Tober, 1513 59th Avenue S., felt if Council was going to consider changing the setback for the length of the vehicle they should consider allowing a change in the length of fencing. Ms. Tober asked that the other aspect of this that she would like Council to consider is the properties within the City that are full of multiple vehicles; boats, cars, trailers. Ms. Tober asked where the City stood with being more aggressive in the enforcement of ordinances.

Motion by Vice Mayor King, second by Councilmember Salmon to approve Ordinance No. 2010-08.

Vice Mayor King felt if the City does not require a permit for someone staying in an RV then there is no way to monitor how long that person has been in the RV. She thought it is important if someone is going to stay there, then there needs to be a permit. Vice Mayor King stated she would like Council to put back in the ordinance the requirement of a permit for people staying in the RV.

Councilmember Henderson suggested if someone could fit their vehicle onto their property within the setback rules, there did not need to be a dimension on the vehicle. Councilmember Henderson stated he was in agreement with Vice Mayor King on the permit, and would like to see these two Sections of the Ordinance changed.

City Attorney Salzman asked if there was a consensus to remove Section (3) "Recreation vehicles may not exceed a body width of 102 inches or an overall length of 40 feet" under 21-4. It was the consensus of Council to remove the Section.

City Attorney Salzman asked if there was a consensus to remove from Section 21-3 "Each recreational vehicle permit shall be effective for one year from October 1 until September 30. The initial permit application fee shall be \$50 with an annual permit fee of \$25 after the first year." It was the consensus of Council to remove the wording.

Councilmember Salmon advised she had asked the City Manager for a list of the RV's and on that list 37% of the homes were in her Ward. This afternoon when she went to see where they were a lot of them were not there, and the ones that were, seemed to be ok even though they were noted on the survey by staff as being out of compliance with the current rule. She did not know how to reconcile this except for the fact that maybe they were closer to the side property or house.

City Manager O'Reilly stated that was in the draft Staff brought forward to Council last time, but it was Council's direction not to accept that draft.

Councilmember Salmon suggested since the City has the list we should have notified people that this was coming up because we have not enforced this ordinance. She hoped before Second

Reading the word could get out and suggested notice could go out in the water bill.

Vice Mayor King stated it was her impression that the ordinance in place is the same as the ordinance Council is considering passing except we are talking about allowing people who want to stay on vacation in their RV and giving people an alternate place to put their RV if they do not fit within the existing rules. Vice Mayor King stated she believed what was said at the workshop was the City would make the changes known for a period of three months before they took effect.

City Attorney Salzman explained the City's noticing requirements.

In response to Councilmember Salmon request for an explanation of corner lot side-yards, Fred Metcalf, Community Development Director explained the setback requirements for corner lots and said that Mr. Miller could have a six feet fence up to 15 feet from his lot line. City Manager O'Reilly provided clarification on the layout of Mr. Miller's property using the photographs he provided.

In response to a question by Councilmember Salmon on the option of off-site parking at the Marina, City Manager O'Reilly stated the cost would be \$70.00 for residents in the dry storage area at the Marina. Depending on the size of the RV there is parking for 10 to 12 vehicles at this time. City Manager O'Reilly stated that before investing or creating any additional RV storage spots, which possibly could be at the 49th Street Center, he would need to see what the need is.

In response to a question by Councilmember Hastings, City Manager O'Reilly stated the word "unless" should be removed from 21-4 (2).

Mayor Yakes spoke on the option of using the Marina or the 49th Street Neighborhood Center for RV storage.

Councilmember Henderson asked the issue of permitting for visitors staying the 120 hours be addressed. He felt there should be a \$25.00 permit fee to cover administrative costs. There was a consensus of Council that a no-fee permit be required.

City Clerk DeMuth asked if there was a consensus of Council to establish the effective date in three months, and there was.

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

MOTION CARRIED 4 to 1.

7. Resolutions:

- a. 2010-38, A resolution of the City of Gulfport, Florida, establishing reasonable rules and policies for the City Council and for comment at City Council meetings; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-38 by title only.

Mayor Yakes opened for public discussion.

Margarete Tober, 1513 59th Street S., referenced a St. Petersburg Times article on the City of St. Petersburg's meetings, questioned the City Attorney's call for a consensus prior to all Councilmembers commenting, and requested Council's consideration to allow citizen feedback at workshops which she provided two examples where she felt citizen input would have been beneficial to Council.

Bob Newcomb, 921 Freemont Street S., suggested a change to the wording in Section D (3) and asked that consideration be given to adopting Rules of Order.

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

Motion by Councilmember Salmon, second by Councilmember Henderson to approve Resolution No. 2010-38.

City Clerk DeMuth requested changes to Section I – Order of Business by adding “Action Items” and the reordering of New Business and Old Business.

Motion by Councilmember Salmon, second by Councilmember Henderson to amend their previous motion to add a new order of business called “Action Items”, to reorder New Business and Old Business, and to change the word “an” to “each” in Section D (3).

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

MOTION CARRIED

- b. 2010-39, A resolution of the City of Gulfport, Florida, approving the recommendation of the Planning and Zoning Board/Local Planning Agency to approve Application #C10-01; a conditional use with site plan to convert office/retail space into a day care center at 917, 919 and 921 49th Street South; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2010-39 by title only.

Myra Schwartz, Planner, explained the request for a conditional use and site plan to convert an office retail space into a Day Care Center. The Planning and Zoning Board is recommending approval of Application #C10-01 with the following conditions: a) proposed project shall begin within one year of approval otherwise site plan will expire; b) applicant shall coordinate with Public Works Department to install two ¾” backflow preventers, one each for Units 923 and 917 – 49th Street South, in accordance with Public Works Department specifications; c) There shall be no direct access from any adjacent units that are not associated with the day care to areas that will be populated by the client children, including playground space; d) opaque window covering

shall be provided for the storefront windows to shield the children from public view; e) outdoor playground areas shall be secured with 6 foot opaque fencing and locked gateways; and f) all County and State regulations and licensing regarding children's daycare must be met prior to opening.

In response to questions by Councilmembers, Planner Schwartz reviewed the parking spaces to be utilized for this facility, explained the proposed drop-off and pick-up areas and spoke on the configuration of the applicants proposed fencing. Planner Schwartz also advised Council that Staff did use, as a basis, the elementary school parking requirement to come up with the eight off- street spaces for the day care center.

Janice Starling, 3600 27th Avenue S., advised Council she has a business at 1100 49th Street S. and her family has been in the child care business for over thirty-five years. Ms. Starling stated she provides a viable service in the community as she has parents who live in Gulfport and in the Childs Park area that need the daycare because of the transportation they provide. Ms. Starling advised they provide transportation to and from Gulfport and Doug Jamieson Elementary Schools. The day care hours will be from 6:30 am to 5:30 pm, they are VPK and a non-profit organization. Ms. Starling explained the State requirements for the outdoor play area, stating she is licensed for 50 children and has enough playground area for 25 children; 11 children on Playground A and 14 children on Playground B. Shading for these areas is part of her licensing requirements.

Mayor Yakes opened the Public Hearing.

The following individuals spoke in favor of the request; Poul Hornsleth, 2848 Skimmer Point Dr.; Samatha, 5410 15th Avenue S.; and Jackie McGee, 4710 6th Avenue S.

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

Motion by Councilmember Henderson, second by Councilmember Salmon to approve Resolution No. 2010-39 with the conditions as presented.

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

MOTION CARRIED

8. Discuss and consider a firm to perform Professional Services for Energy Efficiency and Conservation Management Services for Government Buildings.

City Manager O'Reilly requested Council decline the award of a contract as he he would like to scale this project back. He would like to secure a firm to perform an audit that will provide the City with information on what it can do and what those associated costs will be. In response to a question from Councilmember Hastings, City Manager O'Reilly advised he will request prices from the three firms who made presentations before the City Council. If their prices are not satisfactory, he will seek prices from other firms.

There was a consensus of Council to follow the City Manager's recommendation.

9. Old Business.

City Attorney Salzman explained what items fall within Old Business.

Councilmember Henderson stated there had been a consensus to have a discussion on placing an ATM in a centralized location in the downtown area. He hoped this item will be discussed at a workshop in the near future. He reminded everyone the Community Garden still has open spaces.

10. New Business.

Vice Mayor King reported after meeting with representatives from the Corey Avenue Merchants Association, three businesses on Corey Avenue now carry trolley tokens for sale and the trolley schedule. Vice Mayor King announced the City has its first baby Osprey in Clam Bayou and suggested the Recreation Center hold a naming contest. There was no objection from Council on holding the contest. Vice Mayor King spoke on the dog traps in Clam Bayou, the upcoming Hands Across the Sand, the Little League Closing Ceremony and the Gulfport Centennial pin and pendant created by the Industrial Arts Center.

Councilmember Henderson requested a consensus from Council to allow: a presentation at the July 20 meeting on the Florida Hospital Patient Protection Act, a discussion at a workshop regarding putting back up the wooden postcards signs in Clymer Park during the Holiday Season, and a discussion at a workshop on beach accessibility to pets with established hours and guidelines. There were no objections from Council. Mayor Yakes spoke on the past opposition the City had about dogs on the water. City Manager O'Reilly stated he will schedule these items for the August workshop. Councilmember Henderson suggested the City look into a cooperative agreement with the City of St. Pete Beach for the use of their pool by Gulfport residents. Vice Mayor King mentioned she had made this suggestion to one of the St. Pete Beach Commissioners.

Councilmember Hastings mentioned he will be the Master of Ceremonies at the upcoming Hands Across the Sands event.

11. Council Reports.


Councilmember Henderson reported on the upcoming St. Petersburg Pride Parade and the Hands Across the Sand event, his attendance at the Tampa Bay Regional Planning Council Meeting and the new artwork in the Council Chambers done by students from Gulfport Elementary. In response to a question by Councilmember Henderson, Council had no objection to recognizing the students for their artwork at a future meeting.

Councilmember Salmon reported on her attendance at the Institute for Elected Officials, a kayak trip she took through Clam Bayou with SWFWMD Staff, and her attendance at a forum put on by the Agriculture and Water Industry.

12. Adjournment.

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

Date Approved: 8-17-10


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk