

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, September 20, 2011

The regular Meeting of the Gulfport City Council was held on Tuesday, September 20, 2011 in the City Hall, City Council Chambers, located at 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 Barbara Banno, followed by the Pledge of Allegiance.

Roll Call:

Present were Councilmembers Barbara Banno, Samuel Henderson, and Jennifer Salmon; Vice Mayor David Hastings; Mayor Michael J. Yakes; City Manager James O'Reilly; Attorney Caitlin E. Sirico and City Clerk Lesley DeMuth.

Presentation:

Chief Deputy Robert Gualtieri appeared for the Pinellas County Sheriff's Office and provided an overview of the services of the Sheriff's Office and the processes of the dispatch program. He then answered questions from councilmembers.

1. Public Session.

Roz Barbieri, Town Shores, reported there were broken curbs on 59th Street and she was advised the repairs have been scheduled. She asked council to reconsider outsourcing police dispatch.

Beverly Newcomb, 921 Fremont Street S., announced her mother had passed away and expressed her thanks to the city for its support of senior citizens.

Gina Burke, 5659 Shore Boulevard S., commented on the live feed for calls for service on the Pinellas County Sheriff's Office website.

Bob Newcomb, 921 Fremont Street S., thanked the council, Sheriff's Department and city administration for the debate and research provided regarding police dispatch and stated he is in favor of outsourcing.

Doug Hudson, 5525 Gulfport Boulevard S., applauded the council for making tough decisions on the budget and stated he is in favor of outsourcing police dispatch.

2. City Manager Report.

City Manager O'Reilly went over the agenda for Thursday's workshop and asked council to be prepared at the meeting to schedule an additional workshop in October to discuss code enforcement/nuisance ordinances.

3. City Attorney Report. None.

4. City Clerk Report. None.

Councilmember Salmon asked if the Sheriff's Department letter concerning dispatch services could be posted on the web to which City Manager O'Reilly advised he will provide the letter to I.T. for posting.

5. Consent:

Consider approval of the Council Meeting Minutes of August 16, 2011 and the Workshop Meeting Minutes of June 23, July 28, August 9, and August 25, 2011.

City Clerk DeMuth read the consent agenda.

Motion by Vice Mayor Hastings, second by Councilmember Henderson to approve the consent agenda.

UNANIMOUSLY APPROVED BY ACCLAMATION

6. Ordinance:

- a. 2011-14, Second Reading and Public Hearing; an Ordinance of the City of Gulfport, Florida, setting the election and qualifying dates for the 2012 municipal general election; and providing for an effective date.

City Clerk DeMuth read Ordinance 2011-14, and requested council amended the date specified in Section 3 to November 4th through November 18th to be in compliance with Florida Statutes.

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

Motion by Councilmember Salmon, second by Councilmember Henderson to adopt Ordinance 2011-14 with the amendment to the qualifying dates.

City Clerk DeMuth advised council of the meetings dates for the Presidential Preference Selection Committee.

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| ROLL CALL: | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | YES |
| | COUNCILMEMBER HENDERSON | YES |
| | COUNCILMEMBER SALMON | YES |
| | MAYOR YAKES | YES |

MOTION CARRIED.

7. Resolutions:

- a. 2011-52, A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into an agreement with CRI Carr, Riggs & Ingram for auditing services; and providing for an effective date.

The City Clerk read Resolution No. 2011-52 by title only.

City Manager O'Reilly explained the Resolution and advised that Dan Carpenter, Administrative Services Director, was available for questions.

Councilmember Salmon questioned the quote differences of the auditing firms and asked for feedback on how the firm was chosen. Mr. Carpenter explained the research done by the audit committee in choosing CRI and the process and statutory requirements that were followed.

Mayor Yakes opened for public discussion.

Gina Burke, 5659 Shore Boulevard S., spoke about working with CRI in the past and said she had an excellent experience with this company.

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

Motion by Councilmember Henderson, second by Councilmember Banno to approve Resolution No. 2011-52.

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| ROLL CALL: | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | YES |
| | COUNCILMEMBER HENDERSON | YES |
| | COUNCILMEMBER SALMON | NO |
| | MAYOR YAKES | YES |

MOTION CARRIED: 4 to 1

- b. 2011-53, A resolution of the City of Gulfport, Florida authorizing the city manager to enter into a contract with Keystone Excavators, Inc. for the 28th Avenue South Roadway Improvements Project and providing for an effective date.

The City Clerk read Resolution No. 2011-53 by title only.

City Manager O'Reilly explained the Resolution and advised that Don Sopak, Public Works Director, was available for questions.

Vice Mayor Hastings asked if the section of roadway between Beach and 54th Avenue could be included. Mr. Sopak advised he could issue a change order and use the remainder of the budgeted funds.

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

Motion by Councilmember Salmon, second by Councilmember Henderson to approve Resolution No. 2011-53 with an amendment to include the area between Beach and 54th Avenue.

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| ROLL CALL: | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | YES |
| | COUNCILMEMBER HENDERSON | YES |
| | COUNCILMEMBER SALMON | YES |
| | MAYOR YAKES | YES |

MOTION CARRIED.

c. 2011-54, A resolution of the City of Gulfport, Florida authorizing the city manager to renew the city's Interlocal Agreement with Pinellas County for the maintenance of traffic control signals and devices and providing for an effective date.

The City Clerk read Resolution No. 2011-54 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 Councilmember Henderson, second by Councilmember Banno to approve Resolution No. 2011-54.

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| ROLL CALL: | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | YES |
| | COUNCILMEMBER HENDERSON | YES |
| | COUNCILMEMBER SALMON | YES |
| | MAYOR YAKES | YES |

MOTION CARRIED.

d. 2011-55, A resolution of the City of Gulfport, Florida authorizing the city manager to enter into a contract with Midway Services, Inc of the city hall HVAC Renovations – Ceiling Replacement Project and providing for an effective date.

The City Clerk read Resolution No. 2011-55 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 Councilmember Banno, second by Councilmember Salmon to approve Resolution No. 2011-55.

Councilmember Salmon wanted to confirm this will be a more efficient system and Mr. Sopak replied it will be.

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| ROLL CALL: | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | YES |
| | COUNCILMEMBER HENDERSON | YES |
| | COUNCILMEMBER SALMON | YES |
| | MAYOR YAKES | YES |

MOTION CARRIED.

d. 2011-56, A resolution of the City Council of the City of Gulfport, Florida approving the recommendation of the Planning and Zoning Board/Local Planning Agency to approve Application #C11-01; a conditional use and site plan to allow a health care/educational training facility at 2321 49th Street South, Gulfport, Florida; and providing for an effective date.

The City Clerk read Resolution No. 2011-56 by title only.

Vice Mayor Hastings stated he was recusing himself from this vote as the applicant is his client.

City Manager O'Reilly explained the Resolution and advised that Mike Taylor, Principal Planner, and the applicant were available for questions.

Mr. Taylor presented an overview of the application and gave the measurements of the units and explained the amount of required parking spaces. Mr. Taylor advised the Planning and Zoning Board and staff are recommending approval of the application and conditional use. In response to questions and to address council's concerns, Fred Metcalf, Community Development Director, provided clarification on the amount of required parking spaces. In response to a question by Councilmember Salmon, Mr. Taylor stated any education training certificates that are required will accompany the business tax receipt prior to their opening.

Mayor Yakes opened for public discussion.

Jeri Reed, 5213 11th Avenue S. - applicant, stated they have a good neighbor policy and will reserve parking spaces for the neighboring businesses. She stated that 60% of her students ride the bus. Ms. Reed advised council she is not a free standing educational facility, but as a continuing education facility she is approved by the Board of Nursing to provide continuing education to nurses and CNA's.

Pat Dunham, 2310 53rd Street S., mentioned she has been to several events at this building and there were no parking problems.

Bob Newcomb, 921 Fremont Street S., commented that the other tenants were not present to be opposed to this and he felt the parking issue was being overstated. He felt the proposed use and the need for the use is a benefit to the community and neighborhood.

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. 2011-56.

Councilmember Salmon suggested an amendment to require designated parking signs to ensure the other two businesses have sufficient parking for their customers. City Manager O'Reilly cautioned council on putting demands on the landlord regarding property management issues. Attorney Sirico advised council needs to deal with the site plan, and felt this would be going outside of the issue which was before them. The motion was not amended.

Councilmember Salmon asked if the city had, in that area on 49th Street, "no parking" signs. City Manager O'Reilly stated there are "no parking" signs on 49th Street, but he would check this specific area.

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| ROLL CALL: | COUNCILMEMBER BANNO | YES |
| | VICE-MAYOR HASTINGS | ABSTAINED |
| | COUNCILMEMBER HENDERSON | YES |
| | COUNCILMEMBER SALMON | YES |
| | MAYOR YAKES | YES |

MOTION CARRIED.

8. Old Business.

Mayor Yakes advised the property management company for the 49th Street Shopping Center has agreed to work with the city on a mural for the building, and they asked the city to assist in the design. Councilmember Salmon proposed Amy Oatley be contacted to collaborate on the mural with the property manager.

9. New Business.

Councilmember Banno requested the City Manager have the Community Development Department re-evaluate the planning and zoning, site plan and variance application processes. City Manager O'Reilly stated staff has had preliminary discussions on this issue and he will provide a brief outline to council on what is being discussed.

Councilmember Henderson asked council to support the Tampa Bay Regional Planning Council's One Bay resolution; there was no objection to placing this on the next agenda. Councilmember Henderson discussed a request he had to affix a memorial plaque to the western-most bridge on the Tangerine Greenway and suggested making this a memorial bridge if others would like to put plaques there as well. City Manager O'Reilly stated there would have to be policies associated with a memorial recognition program.

Councilmember Salmon requested updates before council on the Nitrogen Management Consortium meetings and Gulfport becoming a greener city. There was no objection from council to having the presentations.

Mayor Yakes spoke on allowing live-a-boards and House Bill 743.

10. Council Reports.

Vice Mayor Hasting reported he attended the Coastal Cleanup and commented about numerous cigarette butts found on the beach. He also noted there has been some activity related to tickets for red-light camera violations to citizens via telephone calls which are not legitimate.

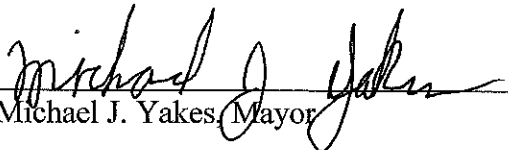
Councilmember Henderson reported on the upcoming triathlon, Blues Fest, his attendance at the Florida League of Cities Energy Environmental Quality Committee meeting and had available a recap of the most recent Tampa Bay Regional Planning Council meeting.

Councilmember Salmon reported she attended the Tampa Bay Living Green Initiative meeting, she will be attending Pinellas County PTA training and she will attend the October Tampa Bay Regional Planning Council meeting.

12. Adjournment.

Motion by Councilmember Banno, second by Vice Mayor Hastings to adjourn.

Date Approved: 10-18-11


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

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| LAST NAME—FIRST NAME—MIDDLE NAME STINGS, DAVID CARTER | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE GULFPORT CITY COUNCIL |
| MAILING ADDRESS 2207 54TH ST S | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: |
| CITY GULFPORT PINELLAS | <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| DATE ON WHICH VOTE OCCURRED SEP 20, 2011 | NAME OF POLITICAL SUBDIVISION: GULFPORT |
| | MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, DAVID C HASTINGS, hereby disclose that on SEPTEMBER 20, 20 11:

(a) A measure came or will come before my agency which (check one)

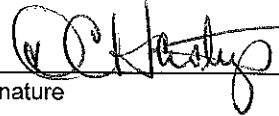
- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of MY CLIENT JSR TRAINING, INC, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

BUSINESS LOCATION SITE PLAN APPROVAL

RECEIVED
 Time: _____
OCT 4 2011
OFFICE OF CITY CLERK

10/4/11
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.