

City of Gulfport Florida
Regular City Council Meeting Minutes
Tuesday, November 1, 2011

The regular Meeting of the Gulfport City Council was held on Tuesday, November 1, 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 Henderson, followed by the Pledge of Allegiance.

Mayor Yakes explained the procedures for public speaking at the Council Meeting and reminded citizens of the upcoming Town Meeting.

Roll Call:

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

Presentation:

Plaques were presented for the Gulfport Halloween decoration contest to Yummy's Restaurant for best Commercial theme; Julie O'Connor for best general theme; and Candice Nutter for best haunted house by Mayor Yakes.

1. Public Session.

Owen Pach, 5437 28th Avenue S., presented a rendering of the artwork the Merchant's Association is proposing to install.

Jay Alexander from Lealman, spoke on the "We Can Take It" objective, and asked for council's consideration in passing resolutions requesting Congressman Young to co-sponsor H.R. 494 and Senator Nelson to co-sponsor S.B. 1517.

Dottie Bellefleur, 2652 44th Street S., commented about garbage cans being left out related to the automated pick-up.

Janet Schaffer, 2405 York Street S., publically commended Officer Zach Mills for his professionalism.

Pat Dunham; 2310 53rd Street S., said she called the St. Pete Times to report she had been misquoted in an article and that she does not see any enforcement of present codes.

2. City Manager Report.

City Manager O'Reilly reported:

- The City has received one contract proposal on the Pace Program;
- The unincorporated area to the west of the City has solicited Gulfport to provide fire protection to their area; and
- Merchants have asked for the use of sandwich boards, which council agreed to discuss.

3. City Attorney Report.

In response to a question by Councilmember Salmon, City Attorney Salzman explained the two draft ordinances which were provided to council came forward at the request of Councilmember Henderson; one on the handing out of pamphlets and the other on the fine for littering.

4. City Clerk Report.

City Clerk DeMuth reminded council the Town Hall Meeting on November 15, will replace the City Council meeting scheduled on that date.

5. Consent:

- Consider approval of the Council Meeting minutes of October 4, 2011.
- Resolution No. 2011-63: A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into a Bright House Networks Business Solutions Services Agreement; and providing for an effective date.
- Resolution No. 2011-64: A resolution of the City of Gulfport, Florida, authorizing the city manager to purchase replacement police vehicles; and providing for an effective date.
- Resolution No. 2011-65: A resolution of the City of Gulfport, Florida, authorizing the city manager to purchase a replacement Hall-Mark Fire Apparatus, Emergency One eMAX Rescue Pumper; and providing for an effective date.

City Clerk DeMuth read the consent agenda.

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

UNANIMOUS APPROVAL BY ACCLAMATION

6. Ordinances:

- 2011-13, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 17, Streets, Sidewalks, Parks, and Parkways, Article II, Parks, establishing Section 17-31, cigarettes, cigars, and tobacco products prohibited; enforcement, remedies and penalties; providing for the repeal of ordinances, or parts of ordinance in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.

City Clerk DeMuth read Ordinance No. 2011-13 by title only.

City Attorney Salzman explained two changes to the Ordinance.

Councilmember Henderson questioned why the sunset language was not specified in the Ordinance to which City Clerk DeMuth explained that at the last meeting the sunset language was approved by motion and is reflected in the October 4, minutes.

Mayor Yakes opened the Public Hearing.

Nolan Slone, 5613 Newton Avenue S., from the Teen Council proposed half the beach be designated as smoking and half the beach as non-smoking.

Elizabeth Brown-Worthington, 2802 53rd Street S., from the Teen Council said her opinion is that the smoking ban on the beach will be hard to enforce.

Laura Karbowski, 800 Hull Street S., from the Teen Council said that she thinks the smoking ban is a good idea, but only around the playgrounds and not on the beach or the casino.

Ed Clarini, 6201 Gulfport Boulevard, asked if smoking would be banned in the entire City to which Mayor Yakes answered no.

Barbara Miszaros, 5830 19th Avenue S., and Ed Barry, 3049 Dupont Street S., opposed the smoking ban.

Patricia Millward, 1518 Gray Street S., questioned who is responsible to clean the beach to which Mayor Yakes responded it is the Parks and Recreation Department.

Cindy Davis, 2790 45th Street S.; asked if Clam Bayou is included in the ban to which Mayor Yakes responded it is not. She stated she is in agreement with the smoking ban on the beach.

Al Davis, 2790 45th Street S., said he is disappointed that Clam Bayou is not included in the smoking ban.

Margarete Tober, 1513 59th Street S., asked how the Ordinance will be enforced and said education of the Ordinances should be a priority to which City Manager O'Reilly said that signs will be posted and explained the enforcement procedure.

Leonardo Robledo, 5925 Gulfport Boulevard S.; Michael Schnippering, 2610 Upton Street S.; Frances Rodriguez, 5711 19th Avenue S.; Bob Newcomb, 921 Fremont Street S.; Ann Marie Anderson, 5632 29th Avenue S.; Nancy Kelly, 5632 29th Avenue S.; Lawrence Burke, 5659 Shore Boulevard and Janet Schaffer, 2405 York Street S. spoke in favor of the non-smoking ban.

Steve Karbowski, 800 Hull Street; spoke in support of the Teen Council's recommendations.

Doug Hudson, 5525 Gulfport Boulevard S., noted that he had picked up over 500 cigarette butts in less than an hour from the grassy areas around the pavilions.

Brian Hilbert, 2526 54th Street S., said the Teen Council did a wonderful job in presenting their opinions.

John Zitzmann, 2900 45th Street S., questioned wording in the Ordinance to which City Attorney Salzman explained.

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

Motion by Vice Mayor Hastings, second by Councilmember Banno to adopt Ordinance No. 2011-13.

Councilmember Henderson asked the City Attorney to clarify if the City is in violation of Statute 386.209 to which City Attorney Salzman explained the Attorney General opinion on this issue regarding the Florida Clean Indoor Air Act. Councilmember Henderson said that he is in favor of the section of the Ordinance that restricts smoking in areas around children and voiced his agreement with the Teen Council's proposal.

Councilmember Salmon noted her appreciation of the Teen Council for speaking for Civil Liberties and her agreement with Councilmember Henderson's comments and asked that the Ordinance be reviewed in one year.

City Attorney Salzman advised that if the Ordinance is passed on Second Reading that it is already on the books that it will be reviewed in one year.

Councilmember Banno commented she is proud of the Teen Council and encouraged them to continue voicing their opinions.

Vice Mayor Hastings said that he initiated the Ordinance as a patient advocate for the Oral Cancer Foundation and spoke about the percentage of smokers and non-smokers in Florida and the effects of second hand smoke.

Mayor Yakes spoke about legislation in the Senate and House that will allow the authority of local governments over the Florida Clean Indoor Air Act.

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

MOTION CARRIED.

b. 2011-20, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 6, Beaches, Boats, Boating and Waterfront Structures, by amending Article I, Section 6-1, Definitions, by resetting the position of the beginning point of the beach as described in Subsection (3); 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. 2011-20 by title only.

City Manager O'Reilly explained the Ordinance.

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

Motion by Councilmember Banno, second by Councilmember Henderson to adopt Ordinance No. 2011-20.

Councilmember Salmon asked that the locations of the ordinance be clarified and City Manager O'Reilly explained the Ordinance wording and outlined areas delineated as non-smoking areas.

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

MOTION CARRIED.

c. 2011-21, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Chapter 12, Health and Sanitation, by establishing Article III, Special Master Supplemental Code Enforcement; Sec. 12-14, Definitions; Sec. 12-15, Creation, Establishment; Sec. 12-16, Clerk; Sec. 12-17, Civil Offenses and Penalties; Sec. 12-18, Special Master Qualifications and Removal; Sec. 12-19, Enforcement Procedures; Sec. 12-20, Prehearing Administrative Enforcement Costs; Sec. 12-21, Service of Notice; Sec. 12-22, Contents of Notice, Schedule and Conduct of Special Master Hearing; Sec. 12-23, Recovery of Unpaid Civil Penalties; Unpaid Penalty to Constitute a Lien; Foreclosure; Sec. 12-24, Appeals; Sec. 12-25, Reserved; 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. 2011-21 by title only.

Councilmember Salmon asked to table this Ordinance until after the Town Hall Meeting to which Councilmembers Banno, Councilmember Henderson and Vice Mayor Hastings all agreed this is a separate issue from the codes and stated they are ready to vote.

City Attorney Salzman explained the Ordinance.

Mayor Yakes opened the Public Hearing.

Doug Hudson, 5525 Gulfport Blvd, S; agreed with Councilmember Henderson that this Ordinance brings code authority to a local level.

Brian Hilbert, 2526 54th Street S; expressed reservations against the Ordinance and asked about costs involved. City Attorney Salzman explained the Magistrate code enforcement procedure and the processes involved in code enforcement by the county.

Councilmember Salmon expressed her reservation with the costs of the Magistrate.

Margarete Tober, 1513 59th Street S; commented that she agreed with Councilmember Henderson.

Bob Newcomb, 921 Fremont Street spoke in favor of the Magistrate code enforcement process.

Janet Schaffer; said she is an attorney and talked about favorable experiences with the Magistrate process.

Andy Deering, 6202 57th S; advised he thinks this is Gulfport's way of getting more taxes from citizens.

Beverly Newcomb, 921 Fremont Street S; said that keeping properties neat has nothing to do with a person's income.

Al Davis, 2790 45th Street S; said he is favor of the Ordinance.

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

Motion by Vice Mayor Hastings, second by Councilmember Banno to adopt Ordinance No. 2011-21.

Council discussed the Magistrate process and city staff clarified that this will be an effort to bring citizens into compliance with the codes, and the difference between going to County Court and the Magistrate Process was explained.

Councilmember Banno said it is her belief that the Magistrate will be more flexible and compassionate which is what the City has asked for.

Vice Mayor Hastings reported he has spoken with the City of Seminole and the City of St. Pete Beach and both cities have reported positive results with the Magistrate system.

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

MOTION CARRIED 4 to 1.

7. Resolutions:

- a. 2011-66, A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into an agreement with the Pinellas County Sheriff for provision of Computer Aided Dispatch (CAD), Records Management System (RMS), and Traffic Crash Reporting System for Fiscal Year 2011/2012; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2011-66 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. 2011-66.

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

MOTION CARRIED.

- b. 2011-67, A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into an agreement with the Pinellas County Sheriff for Gulfport Police Department access to specified Criminal Justice Information Systems; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2011-67 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 Vice Mayor Hastings to approve Resolution No. 2011-67.

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

MOTION CARRIED.

8. Old Business.

Councilmember Henderson brought up the two draft ordinances the City Attorney mentioned earlier and council agreed they did not require a workshop and they would be put on the next agenda.

Mayor Yakes mentioned his desire for the Teen Council to attend the Florida League of Cities Conference to which councilmembers agreed.

9. New Business.

Councilmember Henderson talked about Senate Bill 604 which will overturn the fertilizer ordinance and asked for council's input to oppose this Bill and council agreed.

Councilmember Salmon spoke of supporting the House and Senate Bill to create jobs along with the Civilian Conservation Corps (CCC) organization and council agreed. City Manager O'Reilly advised this would be brought forth during the December meeting.

Councilmember Banno questioned whether an individual could conduct business on the city beaches to which City Manager O'Reilly advised at this time vendors or concessions are not allowed, but advised that the city could research this issue; council agreed to discuss this issue.

Vice Mayor Hastings reported he attended the Boca Ciega High School opening and spoke about touring the school. He also said he will serve on an advisory board for the school. He reminded councilmembers that November 17 is the Great American Teach In.

10. Council Reports.

Councilmember Henderson thanked Jay Alexander for bringing forward information on the CCC Program.

Councilmember Salmon spoke about the Veterans Day activities beginning on November 10th at the Casino with a free concert.

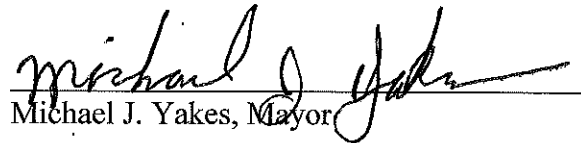
Councilmember Banno thanked City Staff for their help with the Waterfront Merchant's Association Social.

Vice Mayor Hastings reported that he and his wife will be announcers at the Veterans Day Parade.

11. Adjournment.

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

Date Approved: 12-6-11


Michael J. Yakes, Mayor


Lesley DeMuth, City Clerk