

**City of Gulfport Florida**  
**City Council Meeting Notice**  
**Tuesday, March 6, 2018**

**City Hall – 2401 53<sup>rd</sup> Street South, Gulfport, FL 33707**

**7:00 p.m.**

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AGENDA

Call to Order

Invocation given by Councilmember Michael Fridovich

Pledge of Allegiance

Roll Call:

1. Public Comment.
2. City Manager Report.
3. City Attorney Report.
4. City Clerk Report.
5. Consent:
  - a. Consider approval of the Council Meeting minutes of February 20, 2018.
  - b. Resolution No. 2018-15: A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into an agreement with Extensys, Inc. to implement Phase II of a network and server infrastructure update; and providing for an effective date.
6. Ordinances:
  - a. 2018-02, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida amending Chapter 6 – Beaches, Boats, Boating and Waterfront Structures of the Code of Ordinances; providing for amendment of Section 6-1 thereof, pertaining to definitions of terms; providing for amendment of Section 6-13.2 thereof, pertaining to living aboard vessel prohibited; exceptions; providing for amendment of Section 6-33 thereof, pertaining to the office and general duties of harbormaster; creating Section 6-33.1 thereof, pertaining to powers and duties of harbormaster (Director of Marina Operations); creating Article IV of Chapter 6, Gulfport Mooring Field and Anchorage; creating Section 6-45 thereof, pertaining to the establishment of mooring fields; 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.
  - b. 2018-03, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida amending Section 12-6 of Chapter 12, Article I - Nuisances of the Code of Ordinances, pertaining to alternate procedure for removal of 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.

- c. 2018-04, First Reading: An ordinance of the City of Gulfport, Florida, amending Chapter 25, City Services, of the Code of Ordinances; providing for amendment of Section 25-3 (2), Community Development, thereof to provide for historic preservation; providing for amendment of Section 25-4, Leisure Services, thereof to provide for cultural facilities/events; 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.

7. Resolutions:

- 2018-16, A resolution of the City of Gulfport, Florida, amending fees for the Department of Leisure Services in accordance with Chapter 25 of the Code of Ordinances by adopting a fee schedule for the city's 2018 Children's Summer Recreation Program; and providing for an effective date.

8. Council Comments/Informational Reports.

9. Adjournment.

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 893-1012 or fax a written request to (727) 893-1008. Posted: March 2, 2018

# City of Gulfport Florida

## City Council Meeting Minutes

### Tuesday, February 20, 2018

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The Regular Meeting of the Gulfport City Council was held on Tuesday, February 20, 2018, in the City Hall, City Council Chambers, located at 2401 - 53<sup>rd</sup> Street South, Gulfport, Florida.

Samuel Henderson, Mayor, called the meeting to order at 7:00 p.m. The invocation was given by Councilmember Christine Brown followed by the Pledge of Allegiance.

#### **Roll Call:**

Present were Councilmembers Yolanda Roman, Michael Fridovich and Christine Brown; Vice Mayor Daniel Liedtke; Mayor Samuel Henderson; City Manager James O'Reilly; City Attorney Andrew Salzman and City Clerk Lesley DeMuth.

#### **1. Public Comment.**

Karen Love, 5848 23<sup>rd</sup> Avenue S., spoke on the upcoming Pink Flamingo Home Tour.

Beverly Comstock, Town Shores, spoke on the need to include the fine for feeding birds on the city's signage and incidents with dogs in the park and on the beach.

Mayor Henderson recognized Mr. Kreuter who questioned if contaminated soil has delayed the construction on Gulfport Boulevard and his concerns on the impact to the business owner.

Margaret Tober, 59<sup>th</sup> Street, read a statement on the impact to her of the Parkland event; asking council to send a message to Tallahassee asking for better protections as there are loopholes in the gun laws that need to be fixed.

Jermey Bailie, Candidate for State Representative District 69, introduced himself to council.

**2. City Manager Report.** City Manager O'Reilly deferred to Public Works Director Tom Nicholls who introduced Staff from Pinellas County present to discuss and provide an update on the 22<sup>nd</sup> Avenue Project; Tom Washburn, Transportation and Engineering Division, Rahim Harji, Assistant County Administrator and Jim Bernard, Construction Engineering. Tom Washburn explained and answered questions from council on delays in the project due to contaminated soil, TECO's removal of an asbestos line and a roadway depression; advising he anticipated a six week delay in the schedule, putting the completion date to the first of May.

**3. City Attorney Report.** No Report.

**4. City Clerk Report.** No Report.

#### **5. Consent:**

- a. Consider approval of the Council Meeting minutes of February 6, 2018.
- b. Resolution No. 2018-14: A resolution of the City of Gulfport, Florida, authorizing the city

manager to extend the Managed Services Agreement with Extensys, Inc. for one year; and providing for an effective date.

City Clerk DeMuth read the consent agenda.

Motion by Vice Mayor Liedtke, second by Councilmember Brown to approve the Consent Agenda.

UNANIMOUS APPROVAL BY ACCLAMATION

**6. Ordinances:**

- a. 2018-02, An ordinance of the City of Gulfport, Florida amending Chapter 6 – Beaches, Boats, Boating and Waterfront Structures of the Code of Ordinances; providing for amendment of Section 6-1 thereof, pertaining to definitions of terms; providing for amendment of Section 6-13.2 thereof, pertaining to living aboard vessel prohibited; exceptions; providing for amendment of Section 6-33 thereof, pertaining to the office and general duties of harbormaster; creating Section 6-33.1 thereof, pertaining to powers and duties of harbormaster (Director of Marina Operations); creating Article IV of Chapter 6, Gulfport Mooring Field and Anchorage; creating Section 6-45 thereof, pertaining to the establishment of mooring fields; 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. 2018-02 by title only.

City Manager O'Reilly explained the Ordinance.

Mayor Henderson opened public discussion.

John Urquhart, 2419 15<sup>th</sup> Avenue North, St. Petersburg, and student in the SPC Public Policy Baccalaureate Program, spoke in support of the ordinance.

Mayor Henderson recognized Stan Kreuter who questioned live aboard vessels.

Beverly Comstock spoke on the dumping of sewage into the bay and was against more boats in the bay, unless the city can regulate them.

Patrice Shannon, 3025 50<sup>th</sup> Street S., spoke of her experiences living in small towns; that increasing tourism and visitors is not necessarily a good thing and dumping in marinas is nearly impossible to regulate. She felt council is opening a can of worms that cannot be reversed.

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

Motion by Councilmember Fridovich, second by Councilmember Roman to approve Ordinance 2018-02.

In response to public discussion, City Manager O'Reilly addressed the current live aboard

regulations and how the city's pump-out boat will be used to control waste in and outside the mooring field. Councilmember Brown questioned if dye will be put into tanks, and City Manager O'Reilly said yes.

In response to questions by Vice Mayor Liedtke, City Manager O'Reilly advised a new part-time position at the marina, 20 to 25 hours per week, is included in the budget, ideally the pump-out vessel will operate seven days a week and the Harbormaster is working on the mooring ball rent cost.

Councilmember Roman asked if this will push the unregulated boats further out, to which City Manager O'Reilly said this is true and he spoke on the dimensions/footprint of the mooring field.

Mayor Henderson clarified the mooring field is for sailboats only.

|            |                         |     |
|------------|-------------------------|-----|
| ROLL CALL: | COUNCILMEMBER BROWN     | YES |
|            | COUNCILMEMBER FRIDOVICH | YES |
|            | VICE MAYOR LIEDTKE      | YES |
|            | COUNCILMEMBER ROMAN     | YES |
|            | MAYOR HENDERSON         | YES |

MOTION CARRIED.

- b. 2018-03, An ordinance of the City of Gulfport, Florida amending Section 12-6 of Chapter 12, Article I - Nuisances of the Code of Ordinances, pertaining to alternate procedure for removal of 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. 2018-03 by title only.

City Attorney Salzman explained the Ordinance.

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

Motion by Councilmember Fridovich, second by Councilmember Brown to approve Ordinance 2018-03.

|            |                         |     |
|------------|-------------------------|-----|
| ROLL CALL: | COUNCILMEMBER BROWN     | YES |
|            | COUNCILMEMBER FRIDOVICH | YES |
|            | VICE MAYOR LIEDTKE      | YES |
|            | COUNCILMEMBER ROMAN     | YES |
|            | MAYOR HENDERSON         | YES |

MOTION CARRIED.

7. **Resolutions:** None.

8. **Council Comments/Informational Reports.**

Councilmember Brown reported on the upcoming Get Rescued event, February being declared Animals Month, her family collected 400 items for the food pantry during their annual fish fry, and she spoke of her feelings and thoughts over the week on the Parkland incident; sharing her experiences, that she felt could help us see differently, of what goes on in school.

Councilmember Fridovich provided a summary on why the council cannot as a body regulate local firearms, he felt raising the gun law age to 21 is not the issue; accessibility is the issue and addressed how the State Legislature today voted down an assault weapons ban.

Vice Mayor Liedtke recommended Councilmember Fridovich read the bill that was voted down today; he agreed there is something the State Legislature can do, but it probably was not the bill that was presented today.

Councilmember Roman addressed her proposal to council, using guidance from the National League of Cities, on gun ordinances and the newly issued State Attorney General’s guidance to municipalities on providing a voice to Tallahassee on gun issues or gun safety by adopted resolutions. Councilmember Roman spoke on the loss of a friend’s daughter last week at Parkland.

Mayor Henderson said he was sorry about Councilmember Roman’s friend and although the council did not pass a resolution, he asked if she ended up putting together a letter; she advised she did communicate it. Mayor Henderson spoke on spending 15 minutes going over safety protocols today while teaching his local college earth science class. Mayor Henderson said he has problems about gun laws himself, but did not feel council is going to be in agreement; suggesting each of them write a letter on their views to be sent to Tallahassee.

Mayor Henderson recognized Librarian David Mather and the Library Staff who were awarded the Newlen-Symons Award by The American Library Association.

**9. Adjournment.**

Motion by Councilmember Fridovich, second by Councilmember Brown to adjourn.

Date Approved: \_\_\_\_\_

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Samuel Henderson, Mayor

\_\_\_\_\_  
Lesley DeMuth, City Clerk



# CITY OF GULFPORT CITY COUNCIL AGENDA MEMORANDUM

**FROM:** David Mather, Director of Library & Information Technology

**DATE:** 3/6/2018

**AGENDA ITEM:** 5-b

**RESOLUTION NO:** 2018-15

**SUBJECT:** Phase II IT Infrastructure Update, Servers

**RECOMMENDATION:** City Council authorize the City Manager to enter in an agreement with Extensys Inc. to implement phase II of a network and server infrastructure update.

## **BACKGROUND:**

The City of Gulfport's Information Technology Director resigned in October 2012. The City utilized Extensys, Inc. for an initial audit and SWAT analysis of City IT. Extensys, Inc. was then contracted by the City to develop and initiate a "get well plan" and was subsequently contracted as the City's managed services provider. The current IT Director, David Mather, worked with the City's managed services company to efficiently and effectively replace equipment deemed to have the most critical concerns. Most of those changes benefited the end users; City staff. Until last fiscal year, the IT network and server infrastructure had only been updated on an as-needed basis to keep costs down during lean years. Phase I of the project was implemented last year. The City has updated all of its switches to cloud managed switches. The switches are covered by a 7 year replacement warranty. We also installed a new firewall for the City and rewired our network and server rooms. Additionally, we replaced our legacy phone system with a new VoIP system at no additional cost to the City, and added a new Barracuda Backup appliance with additional capacity at no additional cost. This fiscal year we also moved the City network to a 100mbps connection. Furthermore, we replaced older out of lifecycle computers with new machines and updated some computers with SSD drives and additional memory for a more cost effective approach.

## **ANALYSIS:**

It is important to proactively remediate potential issues within existing IT server and networking infrastructure. The funds approved in the current budget will be used to future-proof our infrastructure by updating our current server and network environment through a refresh and redesign of that environment, eliminating legacy appliances, and methods. The refresh will replace legacy systems using current best practices, and attention to redundancy, and efficient cost effective solutions. We will be adding much needed storage to our infrastructure (8 terabytes) that will not be spread out over multiple

servers but rather, housed in one storage array. We will also be virtualizing most of our server farm and building an all new finance server capable of housing all of our financial applications, including the new Community Development application. We are also adding a VMware upgrade to Essential Plus that allows us to move and restore servers within real time as well as load balancing, resulting in little to no downtime in the event of hardware failure and the ability to add more resources to applications during heavy usage. It also enables our servers to be rebuilt quickly in the event of a catastrophic failure.

**FINANCIAL IMPACT:**

City Council approved \$25,000 dollars for this project for the fiscal year 2017-18. The Project will cost \$25,997. The additional \$997 will be funded by the savings realized in the life-cycle update. The Cisco Servers and VMware pricing are through GSA contract Schedule pricing for Information Technology. The additional storage is open market pricing, however; it is still priced under most open market sources researched. Additionally, Extensys Inc., will provide all build time and installation free of charge under our current managed service contract. The cost of those services contracted out using GSA pricing would be an additional \$4500.

**MOTION:**

Move to approve/deny Resolution No. 2018-15 authorizing the City Manager to enter into an agreement with Extensys to implement phase II of a network and server infrastructure update.



RESOLUTION NO. 2018-15

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH EXTENSYS, INC. TO IMPLEMENT PHASE II OF A NETWORK AND SERVER INFRASTRUCTURE UPDATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, It is important to proactively remediate potential issues within existing IT server and networking infrastructure; and

WHEREAS, The funds approved in the current FY 2017/2018 budget will be used to future-proof the city's infrastructure by updating the current server and network environment through a refresh and redesign of that environment, eliminating legacy appliances, and methods; and

WHEREAS, The City Council approved \$25,000.00 dollars for this project in the FY 2017-2018 budget and the Project cost is \$25,997.00; the additional \$997 will be funded by the savings realized in the life-cycle update.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:**

**Section 1.** The City Council hereby authorizes the City Manager to enter into an agreement with Extensys, Inc., to implement Phase II of a network and server infrastructure update in the amount of \$25,997.00.

**Section 2.** This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 6<sup>th</sup> day of March, 2018 by the Council of the City of Gulfport, Florida.

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Samuel Henderson, Mayor

ATTEST:

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Lesley DeMuth, City Clerk

ORDINANCE NO. 2018-02

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA AMENDING CHAPTER 6 – BEACHES, BOATS, BOATING AND WATERFRONT STRUCTURES OF THE CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF SECTION 6-1 THEREOF, PERTAINING TO DEFINITIONS OF TERMS; PROVIDING FOR AMENDMENT OF SECTION 6-13.2 THEREOF, PERTAINING TO LIVING ABOARD VESSEL PROHIBITED; EXCEPTIONS; PROVIDING FOR AMENDMENT OF SECTION 6-33 THEREOF, PERTAINING TO THE OFFICE AND GENERAL DUTIES OF HARBORMASTER; CREATING SECTION 6-33.1 THEREOF, PERTAINING TO POWERS AND DUTIES OF HARBORMASTER (DIRECTOR OF MARINA OPERATIONS); CREATING ARTICLE IV OF CHAPTER 6, GULFPORT MOORING FIELD AND ANCHORAGE; CREATING SECTION 6-45 THEREOF, PERTAINING TO THE ESTABLISHMENT OF MOORING FIELDS; 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.

WHEREAS, the City Council wishes to amend the regulations pertaining to beaches, boats, boating and waterfront structures within the City; and

WHEREAS, the City Council wishes to create regulations governing the mooring of vessels within the city operated mooring field and anchorage; and

WHEREAS, the City Council has found this ordinance to be in the best interest, safety and welfare of the citizens of the city; and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GULFPORT HEREBY ORDAINS:

**Section 1.** Section 6-1 of the Code of Ordinances, pertaining to definitions, is hereby amended, as follows:

**Sec. 6-1. - Definitions.**

For the purpose of this chapter, the following terms and phrases shall mean:

*(1) Anchor means a piece of a vessel's equipment designed to temporarily secure the vessel in an anchorage, or the act of anchoring. All anchors and lines will be considered ground tackle.*

*(2) Anchorage or mooring agreement means an agreement or license between the City of Gulfport and any person desiring to use a City anchorage area or mooring field, agreeing to the fees, rules and regulations governing the same.*

(3) *Berth*: Any water area, including slips, utilized to secure or moor watercraft by any means employed, such means including, but not limited to, anchorage, and moorage to piling, docks, and piers.

(4) *Derelict vessel* means any vessel as defined by F.S. § 327.02, and any amendments thereto, which is left, stored or abandoned in a wrecked, junked or substantially dismantled condition on the waters within the municipal boundaries of the City of Gulfport or which is located in the City's mooring field or at the City of Gulfport Municipal Marina without the consent of the City of Gulfport or which is docked or grounded at or beached upon the private property of another without the consent of the owner of the property or which is grounded at or beached on public property without the consent of the public owner of the property.

(5) *Dinghy* means a vessel of a maximum length not exceeding twelve (12) feet and which serves as a tender vessel to a larger moored or anchored vessel.

(6) *Floating structure* shall have the same meaning as set forth in Fla. Stat. ch. 327.

(7) *Gulfport Yacht Basin*: That body of water, watercraft facilities and land area confined within the following boundaries:

Beginning at a point being the centerline of 29th Avenue South and 46th Street South in the City of Gulfport, Florida; thence proceeding east along the north line of the southwest quarter of section 34, township 31 south, range 16 east, nine hundred ninety feet; thence south on and along the east three-quarter line of the northwest quarter of the southwest quarter of said section 34, one thousand three hundred twenty feet; thence proceeding west on the east and west centerline of said southwest quarter of said section 34 to the west boundary of said section 34 and continuing west on the east and west centerline of the southeast quarter of section 33, township 31 south, range 16 east, six hundred sixty feet; thence north one thousand three hundred twenty feet to the centerline of 29th Avenue, being the north boundary of said southeast quarter of said section 33; thence west six hundred sixty feet to point of beginning.

(8) *Harbormaster* means and shall be interchangeable with the title the Director of Marina Operations of the City. Harbormaster or the Director of Marina Operations means the City Manager or designee; who shall manage City waters, marine operations and operate, manage, and maintain any City docking, berthing facilities and mooring fields. The harbormaster shall have all rights, powers and duties as provided under the laws of the state and ordinances of the City.

(9) *Live aboard*: (Pursuant to F.S. § 327.02) A "live-aboard is defined as any person(s) owning and occupying such a vessel who uses a vessel as a residence and/or is occupying that vessel for four (4) or more days and nights within a seven-day period engaging in those usual and customary activities associated with a person's residences or abode such as but not limited to, sleeping and preparing meals. This definition will also prohibit a place of business, professional location or other commercial enterprise, as evidence vessel used solely as a residence and not in navigation or any vessel for which a declaration of domicile has been filed pursuant to F.S. § 227.17.

(10) *Marine sanitation device (MSD)* shall have the same meaning as set forth in Fla. Stat. ch. 327.

(11) *Moor* means the securing of a vessel, by anchoring, attachment, or mooring, rafting to another vessel, or tying to a dock, pier, pile, or wharf.

(12) *Mooring* means a semi-permanent anchorage installation consisting of a heavy anchor, block, or attachment to the bottom, a rode, and a buoy and pennant used for securing a vessel.

(13) *Mooring field* means a lawfully permitted location defined and described in the survey and any amendments thereto, contained in the City of Gulfport Code of Ordinances for the mooring of vessels. An area designated by the City with a network of moorings.

**Legal Description: Said Area lies entirely within Boca Ciega Bay, City of Gulfport, In Section 33, Township 31 South, Range 16 East. Commence at National Geodetic Monument PCDSM GPS 33, North 1237978,120, East 272288.029, thence run South 37°11'27" West, 1,1093.08 feet for a POB.**

**Thence run, South 00°00'00" East, 510.57 feet, thence run South 590°00'00" West 1,495.02 Feet, thence run, North 00°00'00 East, 510.57 feet, thence run, North 90°00'00 East, 1,495.02, to the POB.**

**Second upland monument tie: The tie call from NGS monument PCDSM GPS 34, North 1,237,867.147. East 272,229.889, to the parcel POB is as follows: South 25°11'04" West 885.58 Feet (mol).**

(14) *Municipal beach*: All lands and water area being particularly described and designated as follows:

Beginning at a point where the south line of Shore Boulevard intersects with the east line of DuPont Street South in the City of Gulfport, Florida; thence running east along the south line of Shore Boulevard eight hundred forty-eight (848) feet, more or less, to the point of the west wall of the casino building, if produced northerly, into the waters of Boca Ciega Bay, four hundred fifty (450) feet; thence at right angles in a westerly direction, eight hundred forty-eight (848) feet, more or less; thence north four hundred fifty (450) feet to the point of beginning.

(15) *Municipal pier*: That City-owned pier which extends into the waters of Boca Ciega Bay at the point of the intersection of Shore Boulevard and 54th Street South.

(16) *Municipal waterfront*: All City-owned land contiguous to the waters of Boca Ciega Bay and Clam Bayou.

(17) *Public casino boat dock*: That certain boat dock in the waterways of the City, generally located between the municipal pier and the Gulfport Casino property, and having berths for the docking of vessels.

(18) *Slip*: An area of water, together with any dockage facilities, utilized for the berthing of watercraft.

(19) *Transient anchoring area or transient mooring field* means an area in the City's waters designated for short-term anchoring and mooring.

(20) *Waters*: All waters of Clam Bayou and Boca Ciega Bay within the City.

(21) *Waterways*: All navigable waters in Clam Bayou and Boca Ciega Bay within the City.

(22) *Vessel/watercraft/boat*: As referenced in Section 1(b), Art. VII of the State Constitution includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

**Section 2.** Section 6-13.2 of the Code of Ordinances, pertaining to living aboard vessel prohibited; exceptions, is hereby amended, as follows:

**Sec. 6-13.2. - Living aboard vessel prohibited; exceptions.**

It shall be unlawful for any person to live aboard any houseboat or other vessel within the City. This prohibition shall not apply to persons:

- (1) Authorized to live on board or under the City's lease with the Boca Ciega Yacht Club.
- (2) Occupying such vessels on a temporary basis for a period not to exceed seventy-two (72) hours within any thirty-day period, if such vessel contains a Coast Guard approved, self-contained, sewage treatment or storage system.
- (3) Authorized to live on board such vessels by the harbormaster on a temporary basis in the Gulfport Yacht Basin designated transient dock for a period not to exceed fourteen (14) days (three hundred thirty-six (336) hours) within any thirty-day period. Vessel/persons must first register with the harbormaster. All such transient lessees must sign an agreement acknowledging the responsibility for established fees, rules and operational requirements within the municipal marina. Vessels must contain a Coast Guard approved, self-contained, sewage treatment or storage system.
- (4) Authorized to live-aboard such vessel by the harbormaster; persons owning and occupying such a vessel who use a vessel as a residence and/or are occupying that vessel for more than four (4) days and nights within any seven-day period in the Gulfport Yacht Basin designated live-aboard berths.
- (5) Commercial Prohibitions: Such vessels may not be used as a place of business, professional location or other commercial enterprise; all such uses or related business, commercial or commerce activities are prohibited in designated live-aboard berths. All such live-aboard lessees must sign an agreement acknowledging the responsibility for established fees, rules and operational requirements.
- (6) Lawfully moored within the designated mooring field as described in Article III of this Chapter, up to a maximum period of six months.

**Section 3.** Section 6-33 of the Code of Ordinances, pertaining to office and general duties of harbormaster, is hereby amended, as follows:

**Sec. 6-33. - Office and general duties of harbormaster/(Director of Marina Operations).**

The City manager is hereby authorized to appoint and to remove when necessary a harbormaster/ (Director of Marina Operations) The City manager may delegate the full power and authority of the City in addition to all other constituted authority of the City, to the harbormaster to enforce all rules and regulations herein provided. It shall be his duty to issue all permits, transfers and assignments to berths and reassignments and to assure that all rentals and other fees provided herein are paid to the finance director and to perform all other duties imposed by the executive directives of the City manager.

**Section 4.** Section 6-33.1 of the Code of Ordinances, pertaining to powers and duties of harbormaster (Director of Marina operations), is hereby created, as follows:

**Sec. 6-33.1. - Powers and duties of harbormaster (Director of Marina Operations).**

In addition to any duties that may be assigned by the City manager, the harbormaster shall have the following powers and duties:

- (1) To enforce the provisions of the articles of the City of Gulfport Code of Ordinances.
- (2) To coordinate removal from City owned, operated, maintained or regulated lands, anchorage areas, marinas, ramps, docks and mooring fields all vessels and floating structures not properly anchored, docked or moored, as determined by the harbormaster.
- (3) To control and regulate the use of City boat ramps.
- (4) To represent the City as its agent in the execution of all City docking and mooring field agreements or licenses.
- (5) To coordinate removal of wrecks, derelict vessels, abandoned vessels, vessels which are not seaworthy and floating structures or navigational hazards with applicable federal, state and local government agencies.
- (6) To inspect the y-valves and marine sanitation devices and seal the y-valves as soon as possible after entry of a vessel to a mooring field.

**Section 5.** Article IV - Gulfport Mooring Field and Anchorage, of Chapter 6 of the Code of Ordinances, and Section 6-45 thereof is hereby created, as follows:

**ARTICLE IV. - GULFPORT MOORING FIELD AND ANCHORAGE**

**Sec. 6-45. - Establishment of mooring fields.**

The City hereby establishes a lawfully permitted mooring field(s) within an area designated by the City with a network of moorings for the mooring of vessels within the municipal

boundaries of the City. The dimensions and locations for said mooring fields are hereby established and are described and incorporated herein by reference and any amendments to that description subsequently authorized by resolution of the City council as established in the City of Gulfport Code of Ordinances providing for the mooring of vessels within a City operated mooring field.

- (1) The City may, by resolution, establish and regulate anchorage areas and mooring fields in City waters to accommodate all vessels both transient and long-term.
- (2) The City manager shall undertake development, construction, maintenance, repair, operation and enforcement of rules and regulations regarding the mooring fields established herein. The City manager or designee shall undertake all duties related to the management of the mooring fields and enforcement of the rules and regulations.
- (3) Fees: All fees for use of designated mooring fields shall be set by the City manager subject to approval by resolution by the City council.
- (4) Any amendment to the rules and regulations hereby adopted shall be effected by the City manager.
- (5) The City manager shall cause to be prepared and distributed rules and regulations governing the development, construction, maintenance, repair and operation of the mooring fields created hereby and shall direct enforcement of the rules and regulations. The City council shall approve, and hereby does approve by enactment of this section.
- (6) All vessels desiring to use a City mooring field shall first register with the harbormaster or designee. Only seaworthy and registered or documented vessels shall be allowed use of the City mooring fields.
- (7) All vessels within a designated mooring field must connect to mooring facilities located within that mooring field.
- (8) The City manager or his or her designee has the authority to coordinate the removal of all vessels, floating structures, ground tackle or any other equipment or materials located within a designated mooring field prior to the installation of a mooring field. The owners of such vessels, floating structures, ground tackle or any other equipment or materials shall be responsible for their removal. The City shall attempt to give reasonable notice to owners of those vessels, floating structures, ground tackle or any other equipment or materials to allow for voluntary removal. If the City is unable to contact the owner of those vessels, floating structures, ground tackle or any other equipment or materials, the City may remove and impound those vessels, floating structures, ground tackle or any other equipment or materials and dispose of them as nuisances in accordance with state and federal law.
- (9) Health and safety statutes, ordinances and regulations. All vessels moored, anchored, docked or tied to lands, docks, piers or wharves in or abutting the public waterways located in the City or anchored or moored in the submerged lands located within the City shall observe and satisfy all federal, state and local statutes, ordinances and regulations related to health and safety.
- (10) Prohibition on disposal. No person shall drop, throw, flush or otherwise cause to be deposited into the public waterways located within the City any human waste, sewage, garbage, paper, bottles, cans, refuse, debris, fuel, oil or oily bilge water.
- (11) Any person operating, anchoring or mooring a boat within the boundaries of the public waterways located within the City shall make provision for the lawful disposal of all human waste, sewage, garbage, paper, bottles, cans, refuse, debris, fuel, oil or oily bilge

water in order to prevent the discharge of said material and debris into the public waterways.

- (12) Disposal in mooring fields regulated. Any vessel moored in a City mooring field shall comply with the disposal requirements as specified in the City's mooring field rules and regulations and, specifically, shall comply with the Federal Clean Vessel Act of 1994 and F.S. § 327.53, and any amendment to those statutes.
- (13) No one may operate a business from a vessel occupying a mooring located in a City mooring field without the prior express written permission of the City manager or his or her designee. This prohibition includes but is not limited to vessel chartering, vessel sales brokerage, commercial fishing operations, boat rentals, rental accommodations and other similar uses.
- (14) Repairs prohibited. No person shall repair or renovate any vessel or dinghy while moored or tied to the municipal docks or in the City mooring fields or while located on any public lands within the municipal boundaries of the City without the written permission of the harbormaster.
- (15) Trespass on mooring. It shall be unlawful to enter on or go upon the moorings of the City mooring field, with the exception of the lessee of the mooring, a guest or authorized agent of the lessee, persons in the employ of the City on City business, or persons having legitimate business on such moorings.
- (16) Trespass on moored watercraft. It shall be unlawful to trespass on any watercraft moored, in the City mooring fields.

**Section 6.** All ordinances, or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict with this ordinance.

**Section 7.** If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

**Section 8.** This ordinance shall become effective immediately upon final passage.

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Samuel Henderson, Mayor

FIRST READING : February 20, 2018

PUBLISHED : February 23, 2018

SECOND READING/

PUBLIC HEARING : March 6, 2018

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of law and the City Charter this 6th day of March, 2018.

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Lesley DeMuth, City Clerk



ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA AMENDING SECTION 12-6 OF CHAPTER 12, ARTICLE I – NUISANCES OF THE CODE OF ORDINANCES, PERTAINING TO ALTERNATE PROCEDURE FOR REMOVAL OF 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.

WHEREAS, an amendment to the city’s nuisance ordinance has become necessary to regulate nuisances within the city; and

WHEREAS, the City Council has found this ordinance to be in the best interest, safety and welfare of the citizens of the city.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF GULFPORT HEREBY ORDAINS:

**Section 1.** Section 12-6 of Chapter 12, Article I – Nuisances of the Code of Ordinances, pertaining to alternate procedure for removal of vehicles, is hereby amended, as follows:

Sec. 12-6. - Alternate procedure for removal of vehicles.

If a vehicle, vessel or trailer is creating a nuisance in violation of this article, and it would be in the best interest of the public health, safety or general welfare for the city to abate said nuisance, the following procedure may be utilized, in addition to any other remedy **provided in this article** except that provided in section 12-5 hereof:

- (a) Written notice shall be given to the registered owners of the subject vehicle, vessel or trailer and anyone having a lien against the same, as shown on the records of the Department of Highway Safety and Motor Vehicles; the owner of any property on which the same exists; and any person known to have care, custody or control of any property on which the same exists; at the last known address for each said person, by certified mail and by posting the notice on the subject vehicle, vessel or trailer.
- (b) The aforesaid notice shall identify the subject vehicle, vessel or trailer, inform the person to whom it is given of the nature of the violation, allow thirty (30) days in which the violation must be corrected, and state that if the violation is not corrected within such time, the same shall be declared UNCLAIMED and removed by the city pursuant to Section 715.05, Florida Statutes.
- (c) The aforesaid notice shall state that the cost of the removal of the vehicle, vessel or trailer, and any storage fees, shall be assessed against the same, in accordance with the aforesaid statute. Said notice shall also inform the recipient of his or her right to contest the action provided by this section by notifying the city manager in writing of the basis for any objection to the action being taken pursuant hereto.
- (d) If the vehicle, vessel or trailer is not in compliance with the provisions of this article within the time provided in the aforesaid notice, the same subject vehicle shall be deemed UNCLAIMED and the city manager or a designated representative shall cause the same

to be removed by a licensed towing service as provided in section 715.05, Florida Statutes.

- (e) For vehicles, vessels or trailers, in violation of this article, which are located on any right-of-way or other public property of any kind, the notice provided herein shall be posted on the same and shall provide for removal if the same is found on any right-of-way or other public property of any kind more than forty-eight (48) hours after the posting of such notice. The notice shall state the date and time it is posted. Notice, as provided in subsection (a) hereof, and the thirty (30) day period allowed under subsection (b) hereof, shall not be applicable to vehicles, vessels or trailers to which this subsection applies. All other provisions of this section shall apply, except as modified by this subsection.

**Section 2.** All ordinances, or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict with this ordinance.

**Section 3.** If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

**Section 4.** This ordinance shall become effective immediately upon final passage.

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Samuel Henderson, Mayor

FIRST READING : February 20, 2018

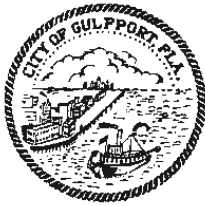
PUBLISHED : February 23, 2018

SECOND READING/  
PUBLIC HEARING : March 6, 2018

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of law and the City Charter this 6th day of March, 2018.

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Lesley DeMuth, City Clerk



# CITY OF GULFPORT CITY COUNCIL AGENDA MEMORANDUM

**FROM:** James E. O'Reilly, City Manager

**DATE:** March 6, 2018

**AGENDA ITEM:** 6 – c

**ORDINANCE NO:** 2018 - 04

**SUBJECT:** 1<sup>st</sup> Reading of Ordinance 2018 –04, providing for the amendment(s) to Chapter 25 “City Services” of the City of Gulfport Code of Ordinances. (1) amending Section 25-3(2), Community Development - Historic Preservation – providing for the establishment of application and processing fees, as provided for within Ordinance 2018 – 01; and (2) amending Section 25-4, Leisure Services – Cultural Facilities providing for the establishment of a category for event application and processing fees.

## **RECOMMENDATION:**

Staff recommends City Council approve Ordinance 2018 –04 amending Chapter 25 “City Services,” amending Section(s) 25-3(2) and 25-4 of the City of Gulfport Code of Ordinances on first (1<sup>st</sup>) reading as presented.

## **BACKGROUND:**

On February 15, 2005, City Council passed Ordinance 2005-02, which created Chapter 25 of the Code of Ordinances providing for the organization of the City's fees into one section of the City Code. Chapter 25 of the Code of Ordinances provides for various City fees to be adopted and amended by resolution.

At present the applicable proposed fee categories do not exist within Chapter 25.

## **ANALYSIS:**

During the Fiscal Year 2017 – Fiscal Year 2018 budget discussions and subsequent Special Event calendar discussion and approval staff proposed, that beginning with the Fiscal Year 2019 Special Event application process – that City Council adopt a \$50.00 Special Event Application Fee for those organizations, sponsors and/or promoters who but not limited to; that charge or collect admission fees or registration fees, charges to sponsors, vendors, promoters, and/or participants.

Applicable fees for Historic Preservation from the previous Historic Preservation Ordinance, 1995-02 and dated April 4, 1995; were previously, merely an attachment to that ordinance.

With the recent adoption of Ordinance 2018-01; the following provision within the ordinance established the following:

Sec. 22-21.07. - Fees and enforcement.

(a) The fees for the review of applications for designation, certificates of approval, requests for an economic hardship exception, and any appeals shall be as established by Chapter 25, City Services, of the City of Gulfport Code of Ordinances. (2018-01).

## **FINANCIAL IMPACT:**

By resolution - Chapter 25-City Services, of the Code of Ordinances, will be updated with appropriate applicable fees at second reading of Ordinance 2018-04 as follows:

Section 25-3(2). Community Development – Historic Preservation

Historic Designation Application \$50.00

Certificate of Approval \$50.00

Economic Hardship \$100.00

Notice of Appeal \$50.00

\* Previously established within Ordinance No. 1995-02.

Section 25-4. Leisure Services – Cultural Facilities

Special Event Application Fee \$50.00

**MOTION:**

A motion to approve Ordinance No. 2018 - 04 on first (1<sup>st</sup>) reading – amending Chapter 25 of the City of Gulfport Code of Ordinances.

ORDINANCE NO. 2018-04

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, AMENDING CHAPTER 25, CITY SERVICES, OF THE CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF SECTION 25-3 (2), COMMUNITY DEVELOPMENT, THEREOF TO PROVIDE FOR HISTORIC PRESERVATION; PROVIDING FOR AMENDMENT OF SECTION 25-4, LEISURE SERVICES, THEREOF TO PROVIDE FOR CULTURAL FACILITIES/EVENTS; 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.

WHEREAS, the City of Gulfport has created Chapter 25 of the Code of Ordinances to organize and reference certain city fees; and

WHEREAS, The City Council has found it necessary to establish fees under the Department of Community Development for Historic Preservation; and

WHEREAS, The City Council has found it necessary to establish fees under the Department of Leisure Services for Cultural Facilities/Events.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

**Section 1.** The Department of Community Development as referenced in Chapter 25, Section 25-3 (2) of the Gulfport Code of Ordinances is hereby amended to include the following:

Historic Preservation

**Section 2.** The Department of Leisure Services as referenced in Chapter 25, Section 25-4 of the Gulfport Code of Ordinances is hereby amended to include the following:

Cultural Facilities/Events

**Section 3.** All ordinances, or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict with this ordinance.

**Section 4.** If any portion or part of this ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

**Section 5.** This ordinance shall become effective immediately upon final passage.

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Samuel Henderson, Mayor

FIRST READING : March 6, 2018

PUBLISHED : \_\_\_\_\_

SECOND READING/  
PUBLIC HEARING : \_\_\_\_\_

I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of law and the City Charter this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Lesley DeMuth, City Clerk

RESOLUTION NO. 2018-16

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AMENDING FEES FOR THE DEPARTMENT OF LEISURE SERVICES IN ACCORDANCE WITH CHAPTER 25 OF THE CODE OF ORDINANCES BY ADOPTING A FEE SCHEDULE FOR THE CITY'S 2018 CHILDREN'S SUMMER RECREATION PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 25 of the Code of Ordinances provides for fees for services to be adopted and amended from time to time by resolution; and

WHEREAS, The City Council has found it necessary to amend the fees for the Department of Leisure Services for the 2018 Children's Summer Recreation Program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:

**Section 1.** The following fees for the Department of Leisure Services as referenced in Chapter 25, Section 25-4 of the Gulfport Code of Ordinances is hereby amended as follows:

| SUMMER CAMP                    | Pre-Camp<br>(50 children max) | 1 <sup>st</sup> Session<br>5 weeks                                  | 2 <sup>nd</sup> Session<br>4 weeks | Full 9 week<br>Session<br>(includes 12% discount)     | Post Camp<br>(50 children max) | Swim Lessons<br>(20 children max)<br>(No lessons on<br>Fridays) |
|--------------------------------|-------------------------------|---|------------------------------------|---|--------------------------------|---|
| Dates for Sessions             | May 29 – June 1               | June 4 – July 6   | July 9 – August 3                  | June 4 – August 3                                     | August 6 - 10                  | June 22 – July 2  |
| Resident Rate                  | \$64.00                       | \$335.00  | \$268.00                           | \$495.00  | \$80.00                        | \$20.00   |
| Additional Child Rate          | \$64.00                       | \$285.00  | \$228.00                           | \$421.00  | \$80.00                        | \$20.00   |
| Resident – Extended Hours      | \$5.00                        | \$30.00   | \$24.00                            | \$54.00   | \$6.00                         | N/A   |
| Non-Resident Rate              | N/A                           | \$419.00  | \$375.00                           | \$619.00  | N/A                            | \$20.00   |
| Additional Child Rate          | N/A                           | \$419.00  | \$375.00                           | \$619.00  | N/A                            | \$20.00   |
| Non-Resident -- Extended Hours | N/A                           | \$38.00   | \$30.00                            | \$68.00   | N/A                            | N/A   |
| Must be paid in full by        | <b>Due at registration</b>    | <b>Due at registration</b>  | <b>Due at registration</b>         | <b>50% due at registration<br/>50% due by June 29</b> | <b>July 20</b>                 | <b>Due at registration</b>                                      |
| Field Trips included           | Yes                           | No  | No                                 | No  | Yes                            | N/A   |
| Weekly Rate                    |                               | <b>\$75 residents and \$100 non-residents. Due at registration.</b> |                                    |   |                                |   |

**Section 2.** This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 6th day of March, 2018 by the Council of the City of Gulfport, Florida.

\_\_\_\_\_  
Samuel Henderson, Mayor

ATTESTED:

\_\_\_\_\_  
Lesley DeMuth, City Clerk



**CITY OF GULFPORT  
CITY COUNCIL  
AGENDA MEMORANDUM**

**FROM:** James E. O'Reilly, City Manager

**DATE:** March 6, 2018

**AGENDA ITEM:** 7

**RESOLUTION NO:** 2018-16

**SUBJECT:** Children's Summer Recreation Program Fees

**RECOMMENDATION:**

As provided for within Ordinance 2005-02, staff recommends that City Council adopt via resolution the proposed fee schedule for the City's 2018 Children's Summer Recreation Program.

**BACKGROUND:**

Annually the City Council establishes the City of Gulfport's Recreation Department Children's Program fees for the Children's Summer Recreation Program. The summer program fee structure is based on the length of time the children are out school for their scheduled summer vacation, as provided for by the 2017/2018 Pinellas County School Year calendar.

The length of the summer program continually varies, due to previous state legislative action (2009) – that mandated that public schools cannot open until two (2) weeks prior to the Labor Day holiday. This year the children will have an eleven (11) week summer vacation; therefore, the City will have an overall eleven (11) week program for the summer. As in past years the City of Gulfport also provides a summer recreation program consisting of a one-week "pre-camp" and a one week "post-camp" for Gulfport residents only and the remaining nine (9) week program that is available for residents and a limited number of non-residents, with fees based accordingly. The students will be off from public school from May 25<sup>th</sup> through August 10<sup>th</sup>, 2018.

Per Pinellas County licensing regulations, the City's contractual relationship with the Early Learning Coalition of Pinellas, Inc., and the State of Florida, Department of Children and Families (provider of funding for low income - fee subsidized program participants); the City of Gulfport must establish and publish the City's Summer Program fees to parents one (1) month before the program is scheduled to begin.



**ANALYSIS:**

The 2018 Summer Program will be an eleven (11) week program which includes a one-week “pre-camp” and one-week “post camp” for Gulfport residents only and a nine (9) week camp for residents and a limited number of non-residents. Participants electing to participate for a shorter duration may pay for a 5-week or 4-week session or select a weekly option of \$75 res. /\$100 non-res.

The program will continue to include extended hours – this extended program will provide child supervision beyond the normal 5:30 PM program ending time until 6:00 PM at a cost of \$6.00 per week.

It is an objective of the Recreation Division to provide a discount policy for the Summer Recreation Program, to provide an affordable program to those families in need of assistance. The discount is for Gulfport residents only. There is a 25% discount off the full rate of our Summer Program. Eligibility requirements for this discount consist of a letter from the child’s current school verifying that they are receiving free or reduced lunch or a letter verifying assistance from financial aid or related type program. The Recreation Division will provide discounts for the first 25 eligible applicants.

The difference between the resident and non-resident rate is 25%. With a non-resident receiving this applicable surcharge, as applied in a similar manner for Municipal Marina slip rental and to Cultural Facility rental rates.

**Comparable Area - City Sponsored Summer Recreation Program Fees for 9-Weeks:**

| <b>City</b>            | <b>Resident</b> | <b>Non-Resident</b> |
|------------------------|-----------------|---------------------|
| <b>Gulfport</b>        | <b>\$495</b>    | <b>\$619</b>        |
| <b>St. Petersburg</b>  | <b>\$623</b>    | <b>\$623</b>        |
| <b>Madeira Beach</b>   | <b>\$675</b>    | <b>\$900</b>        |
| <b>St. Pete Beach</b>  | <b>\$720</b>    | <b>\$900</b>        |
| <b>Treasure Island</b> | <b>\$810</b>    | <b>\$1,170</b>      |
| <b>Largo</b>           | <b>\$837</b>    | <b>\$1,044</b>      |

**FINANCIAL IMPACT:**

An increase of 23% to the Children’s Summer Recreation Program Fees is requested for approval.

**MOTION:**

A motion adopting the proposed fee schedules for City’s 2018 Children’s Summer Recreation Program.



# CITY OF GULFPORT CITY COUNCIL AGENDA MEMORANDUM

**FROM:** James E. O'Reilly, City Manager

**DATE:** March 6, 2018

**AGENDA ITEM:** 6 a & b

**ORDINANCE(S) NO.:** 2018-02  
2018-03

**SUBJECT:** **Mooring Field Ordinance 2018 - 02. 2nd Reading**  
**Vessel Removal Ordinance 2018 - 02. 2nd Reading**

## **RECOMMENDATION:**

Staff recommends that City Council approve Ordinance(s) 2018-02 and 2018-03 amending sections of (2018-02) Chapter 6 Beaches, Boats, Boating and Waterfront Structures and (2018-03) Chapter 12 – Article I - of the City of Gulfport Code of Ordinances, Nuisances;

## **BACKGROUND:**

On February 20, 2018 - City Council approved Ordinance(s) 2018-02 and 2018-03 on first reading.

As previously detailed; following the discussion of August 15, 2017 direction was provided staff to prepare an appropriate budget amendment for the utilization of an amount of \$50,000 from the balance of the City's BP settlement funds in support of a construction of a Mooring Field. Additionally the City of Gulfport received and entered into an agreement for \$100,000 of Pinellas County BP settlement funds in support of a construction of a mooring field (2017-12).

On September 5, 2017 City Council adopted resolution 2017-79 appropriating funding for the construction and installation of the Municipal Mooring Field. Subsequently, on January 16, 2018 City Council approved resolution 2018-06, providing authorization for the purchase, construction and installation of the City's Mooring Field's equipment

## **ANALYSIS:**

The intent and purpose of mooring field Ordinance 2018-02 is to create and authorize the regulation of activities within City's Mooring Field in an effort to promote water quality, quality of life, and manage the economic impact of the use of City waters. As such, Ordinance 2018-02 authorizes and provides for the adoption of rules and regulations governing the management and use of a City designated mooring field, which may be amended from time to time. City waters, mooring fields will be managed so as to ensure compliance with the Clean Vessel Act, minimize benthic damage, and provide a safe secure harbor for the boating community.

The construction of a mooring field on Boca Ciega Bay will expand the transient or visitor capacity of the Gulfport Municipal Marina. The mooring field will add 25 mooring buoys, of which 22 would be reserved for transient use. The moorings would accommodate sailboats up to 60 feet long, and meet or exceed all applicable state and county standards for boater safety and water quality. Pinellas County Water and Navigation Control Authority - Environmental Management the Florida Department of Environmental Protection, and US Army Corp of Engineers have approved permits for the project.

Ideally, the project will assist in addressing the continuing issue of unregulated anchoring within City managed and controlled areas of Boca Ciega Bay within the City of Gulfport's jurisdiction. Unregulated anchoring creates and is associated with damage to sea grass colonies from dragging anchors, degradation of water quality due to improper trash and sewage disposal, and increased incidence of derelict vessels. Construction of the mooring field provides boaters with a safe and environmentally sound alternative to free anchoring. The mooring field would provide the City the ability to require user registration and prohibit unsafe or environmentally damaging boating activities. The moorings would meet a need for new transient boating facilities in Gulfport, in which existing slips are filled to capacity during weekends and special events.

Amendment of Chapter 12, Section 6 – provides the City the ability to expand and allow for the use of any procedure provided for with in the City of Gulfport Code of Ordinances or Florida statutes, in lieu of just those presently provided for within Section 12 of the City of Gulfport Code of Ordinances to execute enforcement and compliance.

**FINANCIAL IMPACT:**

No financial impact to the City at this time - fees and mooring rates to be presented and adopted under a separate stand-alone resolution, as provided for in Chapter 25 of the City of Gulfport Code of Ordinances.

**ACTION:**

A motion to approve/deny (individually):

- Ordinance(s) 2018-02; amending sections of Chapter 6 “Beaches, Boats, Boating and Waterfront Structures” of the City of Gulfport Code of Ordinances on 2nd Reading.
- Ordinance(s) 2018-03; amending Chapter 12 – Article I – “Nuisances” of the City of Gulfport Code of Ordinances on 2nd Reading.