

City of Gulfport Florida
City Council Meeting Minutes
Tuesday, April 2, 2019

The Regular Meeting of the Gulfport City Council was held on Tuesday, April 2, 2019, in the City Hall, City Council Chambers, located at 2401 - 53rd Street South, Gulfport, Florida.

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

Roll Call:

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

Mayor Henderson advised there will be public comment during Item No. 8.

1. Public Comment.

Michael Ciafone, Pinellas County Council of Persons with Disabilities, and Jody Armstrong, Director of Outreach for the Disability Achievement Center and Chair of the Pinellas County Council of Persons with Disabilities, spoke on the possible placement of Mobi-Mats on the beach.

April Thanos, 5850 27th Avenue S., asked questions about the design of the Trolley Park sign and its cost.

Richard Fried, congratulated the Mayor, Christine and Michael and he showed a copy of the Kenneth Starr Report; advising he would like council to say they would like to see the Mueller Report un-redacted.

Destiny, Corey and Isabella, from St. Pete College Astronomy Group, spoke on light pollution and a Night Sky Campaign.

The following individuals addressed their objections and concerns with the past weekend's boat race and the sign in Trolley Park: Shara Bunis, 5709 Newton Avenue S.; Caron Schwartz, 5213 Delete Avenue S.; and Christine Crosby, Baywood Point Drive.

The following individuals addressed their objections and concerns with the past weekend's boat race: Phyllis Plotnick, 3038 Dupont St. S.; Brenda, Town Shores; Stan Kreuter; Dave Kanter, 5709 16th Avenue S.; and Margo Rose, 53rd Street & Tangerine Avenue.

Kim Gillespie, 14th Avenue S. spoke on protecting Boca Ciega Bay from derelict boats and that she felt the sign in Trolley Park does not reflect the diversity of Gulfport.

The following individuals provided positive feedback on the past weekend's boat race: Joanna Pheil, 57th Street S., and Jesse Lee.

Scott Linde, 926 60th Street S., said with the creation of the GMC (Gulfport Merchant Chamber), they will have polls and a matrix on all of the events taking place in town and would like to report back to council on this events impact for businesses on Beach and Shore Boulevards.

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

- There has been a soft opening of the skate park and he will be working with the Teen Council to schedule a formal opening;
- In regards to the boat race event, he is sure the promoters and sponsors will be happy to meet with staff and he addressed the areas where handicapped parking was available; and
- The city's street lighting is LED and council has passed a Dark Sky's Resolution.

3. City Attorney Report. No Report

4. City Clerk Report. No Report

5. Consent:

Resolution No. 2019-12: A resolution of the City of Gulfport, Florida, authorizing the city manager to enter into a contract with J & M Displays for the city's annual 4th of July fireworks display; providing for the necessary closures and safety requirements as determined by the fire and police departments; providing for insurance; providing for a fireworks permit; and providing for an effective date.

City Clerk DeMuth read the Consent Agenda.

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

UNANIMOUSLY APPROVED BY ACCLAMATION

6. Ordinances:

2019-08, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, providing for the vacation of right-of-way located between 50th Street South and 51st Street South, south of 24th Avenue South, and as legally described herein; providing for severability; providing for the repeal of ordinances, or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.

City Clerk DeMuth read Ordinance No. 2019-08 by title only.

City Manager O'Reilly explained the Ordinance.

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

Motion by Councilmember Fridovich, second by Vice Mayor Ray to adopt Ordinance 2019-08.

ROLL CALL:	COUNCILMEMBER LIEDTKE	YES
	COUNCILMEMBER BROWN	YES
	VICE MAYOR RAY	YES
	COUNCILMEMBER FRIDOVICH	YES
	MAYOR HENDERSON	YES

MOTION CARRIED.

7. Resolutions:

- a. 2019-13: A resolution of the City of Gulfport, Florida, approving a one year building permit application process and conditional use and site plan extension for the razing of an existing restaurant and drive-through facility and the construction of a new restaurant with a drive through facility at 5111 Gulfport Boulevard South; providing conditions; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2019-13 by title only.

City Manager O'Reilly explained the Resolution and Mayor Henderson clarified the extension is for the rebuilding of McDonalds on Gulfport Boulevard.

Mayor Henderson opened the public discussion.

Mayor Henderson recognized Mr. Fried who spoke in opposition to the extension; questioning conditional uses for drive-throughs; advising he would like to stop the issuing of these variances/conditional uses.

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

Motion by Councilmember Liedtke, second by Vice Mayor Ray to approve Resolution No. 2019-13.

City Manager O'Reilly asked Community Development Director Metcalf to come forward and he spoke on drive-throughs in this zoning district and the reason that this went through the conditional use process, even though it is an existing restaurant, is because it is being completely demolished.

In response to Councilmember Brown and Mayor Henderson on if any indication has been given to the city on a construction timeline, City Manager O'Reilly said one has not.

ROLL CALL:	COUNCILMEMBER LIEDTKE	YES
	COUNCILMEMBER BROWN	YES
	VICE MAYOR RAY	YES
	COUNCILMEMBER FRIDOVICH	YES
	MAYOR HENDERSON	YES

MOTION CARRIED.

- b. 2019-14: A resolution of the City of Gulfport, Florida, establishing reasonable rules and policies for the city council and for comment at city council meetings; and providing for an effective date.

City Clerk DeMuth read Resolution No. 2019-14 by title only.

Mayor Henderson opened the public discussion.

Mayor Henderson recognized Mr. Fried who submitted a copy of his notes on the regulations and requested council postpone their vote until they have had the opportunity to review them.

Robert Buscemi, 56th Street South at 26th Avenue South, ask for this resolution to be explained.

Mayor Henderson recognized Mr. Kreuter who also wanted to hear about the resolution.

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

Mayor Henderson explained the resolution is the council's procedures and rules of decorum at meetings. Mayor Henderson spoke on public comment at meetings.

Motion by Councilmember Liedtke, second by Councilmember Brown to approve Resolution No. 2019-14.

ROLL CALL:	COUNCILMEMBER LIEDTKE	YES
	COUNCILMEMBER BROWN	YES
	VICE MAYOR RAY	YES
	COUNCILMEMBER FRIDOVICH	YES
	MAYOR HENDERSON	YES

MOTION CARRIED.

8. Discussions:

- a. Senior Center Feasibility Study

City Manager O'Reilly asked Rachel Cataldo, Senior Center Supervisor, and David Mather, Director of Library and Information Technology, to come forward and they informed council that one firm responded to the RFP for the Feasibility Study with a fee of \$38,000; \$25,000 was budgeted. It was explained that this company or another company, if it is decided to go back out to bid, will help the city provide a path forward to find \$10 million for the Senior Center project whether it is through grants or from within the community. Director Mather advised the city might spend the \$25,000 to \$38,000 to find there is not enough money or may find there is enough grants, private grants and private funds to do this.

Mayor Henderson pointed out that although the \$25,000 is budgeted and a design has not been decided; is something that should be pursued. City Manager O'Reilly said that Councilmember Liedtke had asked to look at a solicitation of funds to support the draft drawings; this is that path to possible funding. The idea behind this is, is it feasible to think that there is money out there; staff does not have the ability to tap into sources that they may be able to. City Manager O'Reilly asked council if they would like the representative from the organization providing the RFP to come before them to provide details and answer questions.

Councilmember Liedtke said this is a huge task, it is a significant increase over what is budgeted and he would be interested in seeing a presentation from the vendor and having an opportunity to ask questions. Councilmember Brown expressed her interest in having them come before council as well.

Vice Mayor Ray said he is also interested in having them come forward but, thought before that the city should do a study on the need for this.

Mayor Henderson said he would like to hear what they have to offer before moving forward. Councilmember Fridovich had no objection.

Mayor Henderson opened the public discussion on Items a, b & c.

Randy Martin, northeast Ward IV, suggested merging the senior center into the recreation center thereby allowing the city manager to move offices into the Senior Center rather than leasing a building on Beach and 22nd Avenue, spoke in opposition to increasing mayor and councilmember terms and short term rentals and was unclear on the recreational vehicle issue but, favored enforcement of zoning rules.

Mayor Henderson recognized April Thanos who suggested town hall meetings for the senior center project and the short term rental issue and suggested non-resident users of senior center be charged.

Mayor Henderson recognized Mr. Fried who said he was present during the Hennessey Construction presentation and the only thing to say about the Senior Center is it will not be built without being solar and green, he is not thrilled about some of the documents being taken off the website but, understood why and if council chooses to extend terms; the current council should not be benefited.

Robert Buscemi, 56th Street South at 26th Avenue South, told council he volunteers at the senior center and uses it almost every day and he felt it is sufficient. He suggested if council moves forward, they reach out into the community for grant writers.

Mayor Henderson recognized Stan Kreuter who asked the difference between a town hall and workshop meeting.

Natanya Diamond, 18th Avenue South at 56th Street S., felt a town hall meeting was a great idea, asked for clarification on short term rentals as they bring a lot of business to Gulfport and advised she bought her house to have her trailer under the current law.

Dave Kanter, 16th Avenue South and 58th Street S., spoke on his agreement with how the ADA compliance is being done and felt a town hall would be helpful in understanding the ordinance on short term rental.

Phyllis Plotnick said she was glad the city has the short term rental ordinance that it has and asked council to enforce the current ordinance so that our neighborhoods are maintained, was surprised to learn most users at the senior center are not Gulfport residents and expressed her concern about the design; asking if the \$10 million design has been approved to which she was advised it has not, it is just a rendering.

Kim Gillespie, 14th Avenue S., asked if anyone on the council was experienced in grant writing.

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

In response to public comments, Mayor Henderson and City Manager O'Reilly spoke on the city's success in receiving federal, state and regional grants. City Manager O'Reilly advised Director Mather will come forward and brief council on website remediation; he explained only renderings for the senior center have been done; with the issue on councilmember terms, council is reaching the point as required by the Charter for Charter review and this should be placed in that purview; addressed the senior center vs. recreation center; staff has talked at length on a non-resident fee and may propose this during the budget process and provided a history of the senior center and its change from a congregate dining facility to a demand for services facility.

Councilmember Fridovich spoke of the restriction placed on council to discuss items to be placed or on an agenda and his feeling that workshops provide an open discussion/thought process.

Mayor Henderson asked Senior Center Supervisor Cataldo if she could speak on the input she has received from senior center users. Supervisor Cataldo spoke on the centers daily average of 600 persons and that people who come into the center to use a class or do an activity are not seeing the number of people coming in through-out the day. Supervisor Cataldo advised of the hours of scheduled activities, that there is no room in classes or space for additional programs, and the services provided. She spoke of the survey that was done before the design which came back overwhelming that a new senior center was needed.

Mayor Henderson requested a recess; there were no objections. Mayor Henderson called the meeting back to order at 8:16 pm.

b. Website – ADA Compliance and Accessibility

David Mather, Director of Library and Information Technology, spoke on the Request for Accommodations the city received and the remediation process that has been started to remediate the documents requested. Director Mather advised any information required by law to be on the website will be remediated and placed back on the site, as well as certain types of applications. Director Mather spoke on limiting and/or not remediating older documents that

are on the site due to the cost of remediation and advised ADA templates are being crated and a new Granicus Suite is being looked into that will allow agendas and memos to be ADA compliant. Director Mather advised tomorrow, so the city does not incur a lawsuit, everything on the site that is not ADA assessable will be pulled and he wanted the public to know that documents can still be accessed and requested through the city clerk until we can resolve this issue.

In response to a question by Councilmember Fridovich on if this works both for the visual and hearing impaired, Director Mather said hearing impaired is a different situation and he spoke to how closed captioning is mandatory under certain situations and the different ways to do close captioning which for our level of agendas is an estimated cost of \$15,000 per year.

Councilmember Brown asked what is meant by remediation and Director Mather explained the process to remediate a document and the recommendation of the lawyer for the city insurance carrier to take everything down and change the city's ADA accessibility statement.

Mayor Henderson asked if Staff needs direction or was this more of an informational session. City Manager O'Reilly advised staff will proceed accordingly as Director Mather spoke and will take the PDF's down that are not legally necessary and start building from this point forward. Director Mather pointed out that some of the information may not go back up unless directed because while we have the room, it will be expensive to remediate. City Manager O'Reilly asked council to let staff take the necessary steps to remediate the information requested and rebuilt the site forward. Direction Mather advised the new Granicus allows council to see the PDF information in iLegislate it just would not go to the public as that is where it becomes an issue.

c. Workshop Items: Recreational Vehicles, Short-term Rentals and Increasing length of City Council terms.

City Attorney Salzman advised there is concern any time you touch your ordinance on short term rentals based on the state laws as they currently exist which is you lose all grandfathering and you fall under the state requirement which are more liberal than any municipality that is controlling short term rentals. That is the concern conceptually you can discussion things but we cannot do anything and while bills are pending throughout the state he cautioned council not to do anything at this point.

Mayor Henderson provided a brief overview of how the city is able to regulate short term rentals and advised he is opposed to doing anything at this time. Councilmember Brown, Vice Mayor Ray and Councilmember Liedtke did not support discussing this at a workshop. Councilmember Liedtke advised he would like to explore how to enforce the illegal rentals. City Manager O'Reilly said during the budget process he will be bringing council some opportunities on how to address this either through an enforcement company or future staffing. City Attorney Salzman spoke on the hours which need to be dedicated to set up these cases. In response to a question by Councilmember Liedtke, City Manager O'Reilly advised of the areas within the city where short term rentals are permitted and spoke to proposed legislation.

Councilmember Fridovich said he would like to have a workshop on RV's and the other item. Councilmember Liedtke, Vice Mayor Ray and Mayor Henderson were not in favor of discussing the RV ordinance. Councilmember Brown said she was open to a discussion. On the request for a workshop to discuss increasing council terms, there was a consensus of council that this will be discussed as part of the direction given to staff for Charter review.

9. Consider authorizing the City Manager and City Attorney to finalize a Settlement in accordance with the Proposed Stipulated Order of Partial Dismissal and Court's Retention of Jurisdiction; Case No.: 8:17-CV-00035-T-24 AEP - Suncoast Waterkeeper, Our Children's Earth Foundation, and Ecological Rights Foundation, v. City of Gulfport; and sign the appropriate documents on behalf of the City.

City Attorney Salzman advised council is aware of the situation involving this lawsuit which seeks a declaratory action that the city was involved in violating the Clean Water Act and an injunctive action that would stop any future violations of the Clean Water Act. As part of that, the city has been represented by our insurance company with the attorneys that have been given to us and who have negotiated over a period of time, approximately a year and a half, to come up with a partial agreement which is before you to approve or disapprove. The basic terms and conditions before you, have been discussed. There has been a lot of negotiations back and forth and this partial settlement will not settle the issue on the plaintiff's attorney fees; that will be something either negotiated or determined by the court. Staff is asking for direction on approval or disapproval by council regarding this matter. Council had requested outside counsel take a look at this matter and give input, and you have received that input regarding this settlement and the opinions they have regarding it.

Motion by Councilmember Liedtke, second by Vice Mayor Ray to deny the settlement agreement.

Councilmember Fridovich asked a question on voting procedure which was explained by City Attorney Salzman.

Mayor Henderson said he felt the other night was very informative and he is not happy with how things have gone previous to that; so based on council's newest information he will be voting to approve the denial of the settlement.

ROLL CALL:	COUNCILMEMBER LIEDTKE	YES
	COUNCILMEMBER BROWN	YES
	VICE MAYOR RAY	YES
	COUNCILMEMBER FRIDOVICH	YES
	MAYOR HENDERSON	YES

MOTION CARRIED.

City Attorney Salzman advised, based on the Council's action, this is still pending litigation that is before them. As council is aware, the city's insurance company is supplying counsel and we have opinions from outside counsel. City Attorney Salzman asked for direction as to whether or

not council would like him and the City Manager to contact the city's insurance carrier regarding current representation; there was a consensus of council for them to do so.

In response to a question by Councilmember Brown on not being allowed to discuss this, City Attorney Salzman advised this is still pending litigation based on the vote not to approve the settlement proposal.

10. Council Comments/Informational Reports.

Councilmember Liedtke asked if staff can look into having the trolley go to the Rays home baseball games again this year. City Manager O'Reilly said there had been an issue with the affordability of tickets but, will contact Ray's Promotions.

Councilmember Brown reported on the Clam Bayou Clean-up, her participation at the boat races, positive feedback received on the new skate park and her attendance at Legislative Action Day.

Vice Mayor Ray reported on the trip to Tallahassee, the Gulfport Safety Around Water Program; requesting authorization to provide a presentation and discuss possible city funding at the next meeting, there was no objection, Dine out For Life, that short term rentals rules need to be set by cities, the Clam Bayou Clean-up and requested that the Teen Council plan the dedication of the skate park.

Councilmember Fridovich reported on his discussions while in Tallahassee and people from Clearwater coming to Gulfport to use the skate park.

Mayor Henderson requested authorization to work with the city manager and staff for a cancer awareness walk in November with the Hope, Health and Sunshine Group; there were no objections, to set up a butterfly garden, with the assistance and input from staff and an Eckerd College Student, outside the fire department in the Nathan White Park; there was no objection, and to work with the city manager and staff on how Mobi-Mats can be used down by the casino; there was no objection. Councilmember Liedtke asked that a wood walkway also be looked into, and Mayor Henderson said he was happy looking into either or both. City Manager O'Reilly asked if council chooses to do this, the wood area will be removed on the west end. Mayor Henderson spoke on the Trolley Park sign being a historical salute to Gulfport's history as the sign is just like the old one that had been at this location.

11. Adjournment.

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

Date Approved: _____

Paul Ray, Vice Mayor

Lesley DeMuth, City Clerk