



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, September 5, 2017

1:30 PM

*Gulfport City Hall
Council Chambers*

1:30 p.m. Invocation, Pledge of Allegiance, Call to Order

The Members of the Council met at City Hall at 1:30 P.M., on the above date, same being an adjourned meeting from a special called meeting held on August 30, 2017 at 3:30 P.M.

Present: CAO Dr. John R Kelly, General Counsel Hugh Keating, Councilmembers: Kenneth Casey (out at 3:38 P.M.), Ron Roland, Ella Holmes-Hines (out at 4:00 P.M.), Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu. Absent: Mayor Billy Hewes.

The President announced a quorum and called the meeting to order.

Agenda Order Confirmation or Adjustment of the Agenda Order

Motion to Accept the Agenda with the following adjustments; Add Item 1-A, Approval of Mr. Luke Wilson as Prosecutor for Municipal Court, Add Item 2-A, Concurrence of GRC's Approval of Acrylic-Package for Mississippi Aquarium Project, Moved By Myles Sharp, Seconded by Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Presentation Agenda

The President called for the Mayor's Report:

In the Mayor's absence CAO Dr. John R. Kelly presented the Mayor's Report:

Dr. Kelly called for a moment of silence for our friends in Texas who have endured the wrath of Mother Nature and Hurricane Harvey – and for all those in the path of Hurricane Irma (you may want an update on hurricane preparations for Irma)

A team left for Rockport, Texas with trucks loaded with supplies, gift cards and more for the residents of the port city. This trip is being led by Mayor Billy Hewes, Police Chief Leonard Papania, and a crew of police support. This will be the first of many trips to assist in their recovery.

A Proclamation was presented to the ASGARDS Motorcycle Club. Dr. Kelly called upon Tommy Joe Breau who accepted the proclamation on behalf of the ASGARDS.

Mrs. Kathy Rogers was called upon to accept the proclamation declaring "Adopt A Grandparent Day" in the City of Gulfport. Mrs. Rogers stated that "Adopt A Grandparent Day" is an initiative that provides volunteers to visit with area nursing homes and their residents.

Upcoming events:

- a. **Destination Downtown 2017** is a regional conference developed and hosted by Mississippi Main Street Association in partnership with Louisiana Main Street and Main Street Arkansas. This year's event will be held in Gulfport September 10-12.

The conference is open to anyone interested in preservation-based, historic commercial district revitalization, including new and experienced downtown and neighborhood Main Street directors, board members, architects, planners, economic development professionals, public officials, volunteers, and consultants. Attendees hail from communities of all sizes from small rural towns to urban neighborhoods in large cities.

This concluded the Mayor's Report.

Policy Issues

Minutes

- 1 Approval of minutes - for August 8, 18 & 22, 2017.

Motion to Approve Minutes for August 8th, 18th, and 22nd, 2017, Moved By Ella Holmes-Hines, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 1-A Approval of Employment for Municipal Court Prosecutor, Luke Wilson

Motion to Approve Employment of Mr. Luke Wilson as the Municipal Court Prosecutor, Moved By Myles Sharp, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Code Enforcement / Planning / Ordinances

- 2 Code Enforcement Hearing - on resolution to declare that certain properties are in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community and to authorize advertisements for bids and lot clean-ups and/or demolitions.

Motion to Open the Hearing, Moved By R.Lee Flowers, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

There being no one present to object or address the Council, Motion to Close the Hearing and Approve the Resolution, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 2-A Concurrence - of GRC's Approval of Acrylic Bid Package for MS Aquarium Project

Motion to Concur with GRC's Approval for Acrylic Package Contract for MS Aquarium Project, Moved By Cara Pucheu, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 3 Acceptance for Perpetual Maintenance - Turtle Creek Subdivision public improvements, release of warranty bond, and transfer of streetlight account to the City of Gulfport - Case # 1006PC083 - Ward 6.

Motion to Approve the Acceptance for Perpetual Maintenance of Turtle Creek Subdivision for public improvements, release of warranty bond, and transfer of street light account to the city, Moved By R.Lee Flowers, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 4 Ordinance - amending § 7-10(g) of Chapter 7, Article I of the Code of Ordinances of the City of Gulfport exempting the downtown district from the city existing noise ordinance, and for related purposes.

Motion to Adopt, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Ordinance #2916

- 5 Ordinance - providing for the salary of compensation for certain positions of the City of Gulfport, Mississippi and for related purpose.

Motion to Adopt, Moved By Ella Holmes-Hines, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Ordinance #2917

Resolutions

- 6 Resolution - approving the operating budget for Memorial Hospital for fy 2018 and for related purposes.

Motion to Approve, Moved By Kenneth Casey, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 7 Resolution - approving Agreement with Brown, Mitchell & Alexander, Inc., for Construction Engineering & Inspection Services in connection with the Ship Island Ferry Boat Terminal Facility Improvements Project and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Ron Roland, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 8 Resolution - approving Memorandum of Agreement between the City of Gulfport and Harrison County with respect to the renourishment of the Sand Beach at 20th Avenue and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Ron Roland, **Seconded by** Ella Holmes-Hines

Motion to Table, Moved By Kenneth Casey, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Motion to Take off the table, Moved By R.Lee Flowers, **Seconded by** Rusty Walker

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Motion to Table, Moved By Ella Holmes-Hines, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 9 Resolution - approving Professional Services Agreement with Big Noise Productions, LLC to provide sound system for 2017 Harbor Lights Show and authorizing the Mayor to execute the same.

Motion to Approve, Moved By R.Lee Flowers, **Seconded by** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 10 Resolution - approving Amendment No. 1 to the Agreement with Bond Services, Inc., and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Ella Holmes-Hines, **Seconded by** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 11 Resolution - approving Certificate of Substantial Completion for Expansion of the Gulfport Sportsplex, Project A and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 12 Resolution - declaring certain and various vehicles, machinery, equipment, furnishings, and other items of municipal personal property to be surplus property which is no longer used or needed by the municipality and declaring to have no value to the municipality and

authorizing of sale of said items of municipal personal property.

Motion to Approve, Moved By Kenneth Casey, **Seconded by** Rusty Walker

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 13** Resolution - approving donation of funds (in the form of a permit fee waiver) by the City of Gulfport to St. Jude Children's Research Hospital and for related purposes.

Motion to Approve, Moved By Kenneth Casey, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 14** Resolution - approving corrected SF-424 Application for Federal Assistance, 2017 CDBG Program, due to reduction in Federal Award and for related purposes.

Motion to Approve, Moved By Ella Holmes-Hines, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 15** Resolution - by the Gulfport City Council appointing Deputy Clerk of Council and for related purposes.

Motion to Approve, Moved By Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu, **Seconded by** Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Budget Amendments / Docket of Claims

- 16** Budget Amendment #51 - to budget funds received as a result of a forfeiture resulting from a drug related arrest.

Motion to Approve Budget Amendment #51, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 17** Budget Amendment #52 - to transfer funds within the Urban Development Department to increase lot assessment budget for the remainder of FY 2017.

Motion to Approve Budget Amendment #52, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Myles Sharp, Ron Roland, Kenneth Casey, Cara Pucheu, R.Lee Flowers, Rusty Walker, Ella Holmes-Hines

- 18** Budget Amendment #53 - to transfer funds within the Poplar Circle Improvement Accounts to fund the Poplar Circle asphalt paving.

Motion to Approve Budget Amendment #53, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Myles Sharp, Ron Roland, Kenneth Casey, Cara Pucheu, R.Lee Flowers, Rusty Walker, Ella Holmes-Hines

- 19** Docket of Claims - to be approved through September 6, 2017.

Motion to Approve The Docket of Claims, in the amount of \$2,080,794.13, Moved By Kenneth Casey, **Seconded by** Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Routine Agenda

Motion to Accept the Routine Agenda as presented, Moved By Kenneth Casey, **Seconded by** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 20** Ratification - of acceptance of donated easements from Golden State Bank, 14th Street Properties, LLC; and Old Harrison Hancock Building, LLC; for Fishbone Alley Sound Equipment Project - to be made a part of the minutes.

Approved on Routine Agenda.

- 21 Resolution - awarding bids for lot clean-ups and/or demolitions.

Approved on Routine Agenda.**Public Agenda**

The President called for comments during the Public Agenda.

The following citizen addressed the Council:

- Dr. Brenda Matthews, resident of 1618 Rich Avenue.

This concluded the Public Agenda.

Council Comments**Memorial Adjournment**

- Mrs. Katherine H. Olsen
- Mr. Mass Mack Daniels
- Mr. James Edward Lott
- Ms. Maggie Lee Evans Ellis
- Mrs. Catherine Lillie Williams
- Ms. Elmyra "Pal" Reeves
- Mr. Charles Joseph Brown, Jr.

Executive Session

General Counsel advised that there was a need to enter Executive Session to discuss existing Litigation regarding HCUA complaint for conjunctive relief and declaratory judgement and 20th Avenue renourishment Agreement. Upon hearing from Counsel, Motion to enter executive session at 2:50 P.M., Moved By R.Lee Flowers, Seconded by Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

The Council entered executive session at 2:53 P.M. In attendance: Member of the Council: Kenneth Casey (out at 3:38 P.M.), Ron Roland, Ella Holmes-Hines (out at 4:00 P.M.), Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu, CAO Dr. John R. Kelly, General Counsel Hugh Heating, City Attorney Jeff Bruni, Assistant

City Attorney Dustin Uselton, and Clerk of Council Ronda Cole.

Motion to exit Executive Session at 4:12 P.M., Moved by Ron Roland, Seconded By Rusty Walker

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Kenneth Casey, Ella Holmes-Hines

General Counsel Hugh Keating stated that no official action was taken in Executive Session.

Upon reconvening in an open meeting, the following actions were taken:

Motion to retain the services of William E. Whitfield, III, Esq. and the law firm of Copeland, Cook, Taylor & Bush, P.A. to serve as co-counsel for and to represent the interests of the City of Gulfport, along with the City Attorney, in the pending lawsuit against it by the Harrison County Utility Authority and in all matters and proceedings in any way related thereto at hourly rates not to exceed \$165.00 for partners, \$145.00 for associates, and \$80.00 for paralegals, Moved By Myles Sharp, Seconded By Ron Roland

Vote: Motion carried By Unanimous Roll Call Vote

Aye: Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Kenneth Casey, Ella Holmes-Hines

Motion to authorize and approve the engagement of Hugh D. Keating and Dukes, Dukes, Keating and Faneca, P.A., from and after September 1, 2017, to provide representation, advice and counsel to the City of Gulfport, as necessary and appropriate, in all matters related to the administrative proceedings of the Harrison County Utility Authority, the Mississippi Department of Environmental Quality and that certain lawsuit filed by the Harrison County Utility Authority against the City of Gulfport in Civil Action No. 17-1895 (2) in the Chancery Court of Harrison County, Mississippi, and any proceedings related thereto, based on the hourly rates and terms set forth in Section 3 of the Engagement Agreement by and between the City and Hugh Keating and Dukes, Dukes, Keating and Faneca made effective October 20, 2015, Moved By Myles Sharp, Seconded By Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Kenneth Casey, Ella Holmes-Hines

Recess

Motion to Recess until 6:00 P.M., on this same date for a Public Hearing on the Budget, Moved By Cara Pucheu, Seconded by Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Kenneth Casey, Ella Holmes-Hines

Public Hearing

Members of the Council met at City Hall at 6:00 P.M., on the above date, for the purpose of a Public Hearing on the proposed budget for FY 2018. Present: CAO Dr. John R Kelly, General Counsel Hugh Keating, Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp (out at 6:42 P.M.), and Cara Pucheu. **Absent:** Mayor Billy Hewes, Councilmember R.Lee Flowers

- 22 Presentation - of Mayor's proposed budget for fiscal year ending September 30, 2018.

Motion to Open the Public Hearing, Moved By Cara Pucheu, **Seconded by** Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, Cara Pucheu

Absent: R.Lee Flowers

City Clerk/Comptroller Linda Elias gave an overview of the proposed budget.

The Following Citizens addressed the Council:

- Mrs. Dorothy McClendon, Resident of 1319 19th Street.
- Mrs. Jerry Pryor, Resident of Soria City Community.
- Mr. Eric Cooper, Resident of 1607 19th Street.

- 23 Ordinance - fixing the levy for the municipal taxes for the City of Gulfport, Mississippi and the Gulfport Municipal Separate School District for the fiscal year 2017-2018, beginning October 1, 2017 and ending September 30, 2018.

Motion to Adopt Ordinance, Moved By Cara Pucheu, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, Cara Pucheu

Absent: R.Lee Flowers

Ordinance # 2918

Setting of Next Meeting and Adjournment

There being no further business to come before the Council at this time, Motion to Adjourn in memory of Mrs. Katherine H. Olsen, Mr. Mass Mack Daniels, Mr. James Edward Lott, Ms. Maggie Lee Evans Ellis, Mrs. Catherine Lillie Williams, Ms. Elmyra "Pal" Reeves, Mr. Charles Joseph Brown, Jr. until September 19, 2017 at 1:30 P.M. for a regular council meeting, Moved by Cara Pucheu, Seconded by Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, Cara Pucheu

Absent: R.Lee Flowers

City Clerk

Mayor

Agenda Adjustments

Add Item 1-A Approval of Employment for Municipal Court Prosecutor, Luke Wilson

Add Item 2-A Concurrence - of GRC's Approval of Acrylic Bid Package for MS Aquarium Project