



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, August 22, 2017

1:30 PM

*Gulfport City Hall
Council Chambers*

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

The Mayor and 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 18, 2017 at 1:30 P.M.

Present: Mayor Billy Hewes, General Counsel Hugh Keating, Councilmembers: Kenneth Casey (out at 4:59 P.M.), Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu.

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 as presented, Moved By Myles Sharp, **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

Presentation Agenda

The President called for the Mayor's Report.

The Mayor welcomed everyone to the council meeting and provided the following updates:

Upcoming Events:

- Christmas Movie shooting in Gulfport – now through Sunday, a made-for-tv movie is being filmed in Gulfport about the Christmas season and our Gulfport Harbor Lights Festival – there is a call-for-volunteer cast members for this Saturday, August 26 – check out the City's Facebook page or go to Casting The Coast's facebook page for more information!
- Donut with a Cop – this Thursday from 8 am – 10 am at the Gulfport Downtown Library – special thanks to Coast Roast and Quality Bakery for hosting this event!
This Saturday – Community Clean-Up – District 4 – sponsored by Harrison County Supervisor Kent Jones, Councilman Casey, Holmes-Hines and Roland and the Harrison County Beautification Commission.

Register online at www.KeepHarrisonCountyBeautiful.com; supplies and lunch will be provided! I have flyers here if you are interested!

- Sip at Sunset – Thursday, August 31 in Barksdale Pavilion – kick off event for a week-long culinary experience in Gulfport featuring downtown restaurants – this event will have specialty wine tastings and appetizers and a first look at the menus that will be featured in the restaurants – sponsored by Gulfport Main Street – tickets available at the Main Street office in City Hall or www.downtowngulfport.com
- GULFPORT OCTANE – sponsored by the Gulfport Police Department in downtown Gulfport! Call on Chief Leonard Papania

Update on Code Enforcement by Greg Pietrangelo

For this weekend – Gulfport Little Theatre is doing “Bye Bye Birdie” – we hear it's a great production!

This concluded the Mayor's Report.

Policy Issues

Minutes / Appointments

- 1 Approval of minutes - for August 8, 2017.

Motion to Postpone the Minutes to the September 5, 2017 meeting, Moved By Ella Holmes-Hines, **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

- 2 Letter - requesting ratification of Mr. Timothy Groves to serve on the Port Restoration Advisory Commission.

Motion to Ratify the Appointment of Mr. Timothy Groves to serve on the Port Restoration Advisory Commission, 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

- 3 Letter - requesting ratification of Mr. Johnny Atherton to serve on the Mississippi Coast Coliseum Board of Commissioners.

Motion to Ratify the Appointment of Mr. Johnny Atherton to serve on the Mississippi Coast Coliseum Board of Commissioners, 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

Code Enforcement / Planning / Ordinances

- 4 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 Code Enforcement Hearing, 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

The Following individuals addressed the Council:

Mr. Robert Smith and Mr. David Stanovich of S & S Real Estate, property owners of 611 Victory Street.

Motion to Close the Hearing and Approve the Resolution, 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

- 5 Certificate of Resubdivision - resubdivision of tax parcels containing 27,081 square feet into two parcels zoned R-1-7.5 (Single Family): located north of W Taylor Road, south of and adjacent to Bluff Lane, east of and adjacent to Bayou Bernard, west of Ridge Road - Case # 1707PC078 - Ward 4.

Motion to Approve Certificate of Resubdivision, Moved By Myles Sharp, **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

- 6 Certificate of Resubdivision - resubdividing the tax containing 2.15 acres into two parcels zoned B-4 (Highway Business): located north of Community Road, south of Dedeaux Road, east of Old Highway 49, and west of and adjacent to Highway 49 - Case # 1707PC079 - Ward 7.

Motion to Approve Certificate of Resubdivision, Moved By Cara Pucheu, **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

- 7 Certificate of Resubdivision - resubdivision of 6.3 acres of land into three parcels zoned R-3 (Multi-family): located north of Green Glade Drive, south of and adjacent to South Swan Road, east of Steven Drive, and west of and adjacent to Old Highway 49 - Case # 1707PC080 - Ward 7.

Motion to Approve Certificate of Resubdivision, Moved By Cara Pucheu, **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

- 8 Final Plat Approval - for an 11-lot single family subdivision (Brookfield Subdivision) on tax parcel containing approximately 5.6 acres, zoned R-1-15 (Single Family); located north of and adjacent to Orange Grove Road, south of Crestview Drive, east of Oak Lane Drive and west of Daisy Lane - Case #1703PC025 - Ward 7.

Motion to Approve the Final Plats for Brookfield Subdivision, 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

- 9 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 Postpone Ordinance until the September 5th Council Meeting, 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

- 10** Ordinance - providing for the salary of compensation for certain positions of the City of Gulfport, Mississippi, and for related purposes.

Motion to Table until later in the meeting, 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

Motion to Take the Ordinance of the Table, Moved By Myles Sharp, 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 Approve, Moved By R.Lee Flowers, 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

Ordinance #2915

Resolutions

- 11** Resolution - approving Memorandum Of Understanding between the City of Gulfport and AARP and authorizing the Mayor to execute the same.

Motion to Approve, 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

Motion to Suspend the Rules, 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 Administration asked for authority to apply for two additional grants involving 34th Street Park. The grants would require a monetary match or in-kind service match.

Motion to authorize the Administration to apply for two (2) grants related to 34th Street Park: one in the grant amount of \$25,000 and the other grant amount for \$20,000, 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

- 12** Resolution - authorizing the sale by the Mississippi Development Bank of its Special Obligation Bonds, Series 2017 (Gulfport, Mississippi Public Improvement Project), in the maximum principal amount of thirty-five million dollars (\$35,000,000) to provide funds for a loan to the city' approving the form of and execution of, as applicable certain documents to be used in connection with the Bank Bond and Loan, and taking further actions relating to the Bank Bonds and Loan and for related purposes.

Motion to Approve, 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

- 13** Resolution - approving Agreement for sheltering services between the City of Gulfport and the Humane Society of South Mississippi 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

- 14** Resolution - approving Interlocal Agreement between the cities of Biloxi, Gulfport and County of Harrison, Mississippi for the application of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017.

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

- 15** Resolution - regarding RFP received for City Wide Electrical Services and authorizing negotiation of contract.

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

- 16** Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport Fire Department 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

- 17** Resolution - accepting donation of equipment from Port City Crossfit for the Gulfport Fire Department and for related purposes.

Motion to Approve, 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

- 18** Resolution - by the Gulfport City Council to celebrate the accomplishments of Gulfport native Brittney Reese and for related purposes.

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

- 19** Budget Amendment #50 - to budget revenue received for the Police Department as a result of a drug forfeiture.

Motion to Approve Budget Amendment #50, 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

- 20** Docket of Claims - to be approved through August 23, 2017.

Motion to Approve the Docket of Claims, in the amount of \$2,166,922.00, 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

Routine Agenda

Motion to Approve the Routine Agenda as Presented, 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

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

Approved on the Routine Agenda.

- 22** Associated Adjusters Check Register - for workers' comp and general liability claims paid during the month of July 2017 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 23** Year-to-date Budget Report for the month ending July 31, 2017 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 24** Bi-weekly payroll journals - for the month of July, 2017 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 25** Privilege License Report - issued by the City of Gulfport during the month of July 2017 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 26** Letter - regarding Sole Source Procurement Request for Pluggie the Fire Plug for the Fire Department

Approved on the Routine Agenda.

- 27** Letter of recommendation - regarding bids received by Purchasing for transformer - Leisure Service Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 28** Letter of recommendation - regarding bids received by Purchasing for Edraulic Spreader for the Gulfport Fire Department - to be a part of the minutes.

Approved on the Routine Agenda.

Public Agenda

The President called for comments during the Public Agenda.

The following citizen addressed the Council:

- Mr. Howard Page, resident of 224 Walston Avenue.

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

- Ms. Regina Gail Yon
- Ms. Virgie Jones McGee
- Mr. Gary Lavern Holloway
- Rev. Wilfred Golden "Butch" Buras
- Mr. Bennie Joe Lockhart

Executive Session

General Counsel advised that there was a need to enter executive session to discuss matters relating to litigation involving Michael Long, Harrison County Utility Authority update (potential litigation matter), Intervention matter with MS Power to the MS Public Service Commission, Subrogation matter involving Kenneth Casey.

Upon hearing from Counsel, Motion to enter executive session at 2:55 P.M., 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

The Council entered executive session at 2:55 P.M. In attendance: Member of the Council: Kenneth Casey (recused and removed himself during discussion of subrogation claim involving himself - out at 4:29 P.M. and in at 4:48 P.M.) , Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp R.Lee Flowers and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Heating, Public Works Director Wayne Miller (out at 4:30 P.M.), MS Power Representative: Mr. Johnny Atherton (out at 4:03 P.M.), MS Power Counsel: Mr. Ben Stone (out at 4:03 P.M.), Mr. Ricky Cox (out at 4:03 P.M.), Assistant City Attorney Dustin Uselton (in at 3:09 P.M.) and Clerk of Council Ronda Cole.

Motion to exit Executive Session at 4:52 P.M., Moved by Myles Sharp, 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

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

Upon reconvening in an open meeting, the following action was taken:

Moved that the proposed Memorandum of Understanding approved by the Harrison County Utility Authority at its meeting on August 17, 2017, concerning the City's withdrawal from the 1991 Solid Waste Agreement, be rejected and that the Mayor and Administration be authorized to communicated said rejection to the Harrison County Utility Authority via such means as it deems appropriate, Moved By Myles Sharp, 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 and Cara Pucheu

Moved that the proposed Memorandum of Understanding approved by the City Council on or about August 8, 2017, concerning the City's withdrawal from the 1991 Solid Waste Agreement, be rescinded, and that the Mayor and Administration be authorized to communicate said recission to the Harrison County Utility Authority

via such means as it deems appropriate, Moved By Myles Sharp, 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 and Cara Pucheu

Motion to authorize the City Attorney's office to pursue any and all actions and relief necessary or sufficient to protect the City's interest, including, but not limited to, pursuing an appeal or interlocutory appeal, in connection with decisions issued by the Court in Cowan Road and Highway 90, LLC, et al. v. Gulfport, et al., including the denial of the City's motion to dismiss and motion for consideration, 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 and Cara Pucheu

***Note: Councilmember Kenneth Casey recused himself and removed himself from the Council Chambers during the discussion and vote on this matter.**

Motion to authorize the Administration to take any and all steps as may be necessary to waive, in its entirety, the City's lien (for medical payments paid by and thru its health insurance plan) against any and all settlement proceeds received by Kenneth Casey for motor vehicle accidents that occurred on February 10, 2015 and April 9, 2015; moved by Myles Sharp, seconded by Ron Roland

Vote: Carries by unanimous roll call vote

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

Absent: Kenneth Casey (out of room)

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 Ms. Regina Gail Yon, Ms. Virgie Jones McGee, Mr. Gary Lavern Holloway, Rev. Wilfred Golden "Butch" Buras and Mr. Bennie Joe Lockhart until August 30, 2017 at 3:30 P.M. for a special called council meeting, Moved by Ella Holmes-Hines, 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 and Cara Pucheu

City Clerk

Mayor