



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, October 17, 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 regular Council Meeting held on October 3, 2017 at 1:30 P.M.

Present: Mayor Billy Hewes, General Counsel Hugh Keating, **Councilmembers:** Kenneth Casey, Ron Roland, Ella Holmes-Hines (in at 1:37 P.M.), Rusty Walker (out at 2:27 P.M.), Myles Sharp, R.Lee Flowers and Cara Pucheu.

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

Agenda Order

Motion to Accept the Agenda with the following adjustments; Add item 2 - A, recommendation on the Domestic Violence Prosecutor, Add item 13 - A, payment to HCUA by special check, Add item 19 - A, Street Closure for Gulfport Octane, Add item 19 - B, Street Closure for Chandeleur Brewery Halloween Block Party, Moved By Myles Sharp, 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

Presentation Agenda

The President called for the Mayor's Report:

Mayor Hewes presented a Proclamation, in observance of Down Syndrome Awareness Month and the annual Buddy Walk Event scheduled for Saturday October 21 at the Gulfport Sportsplex, to Nikki Palermo-Denoux and her 10 year old son, Christian. Mayor Hewes then called on AMR Operations Manager, James Carver, who then presented a Paramedic Scholarship to Gulfport Fire Department Engineer, DJ Triplett.

The Mayor gave an update on recent events Hurricane Nate, Cruisin' the Coast, and The Gulfport Music Fest.

Upcoming events:

- Cinema by the Spooky Shore and Night Out Against Crime – Friday, October 20 at the Gulfport Sportsplex – fun will start at 5 P.M. – costume contest at 6:30 P.M. - "MONSTER HOUSE" movie, will start at 7:15 P.M. – free family event!
- Boo Bash – Saturday, October 28 at the Gulfport Sportsplex – 4 P.M. – 8 P.M. – free family event!

The Mayor then called upon Laurie Toups for an update on all upcoming happenings for Gulfport Main Street and Halloween events.

This concluded the Mayor's Report.

Policy Issues**Minutes**

- 1 Approval of minutes - for October 3, 2017.

Motion to Approve Minutes for October 3, 2017, 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

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 Code Enforcement Hearing, 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

There being no one present to object or address the Council, Motion to Close the Hearing and Approve the Resolution, 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

- 2 - A** Approval - of Professional Services Agreement for domestic violence prosecutor for Municipal Court.

Motion to Approve Professional Services Agreement for Domestic Violence Prosecutor, Dawn Stough, 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

- 3** Certificate of Resubdivision - to divide the 2.149 acre tax parcel into three parcels zoned R-1-7.5: located north Stanton Circle, south of and adjacent to Hillcrest Circle, east of Oak Pointe Drive, and west of Lorraine Road - Case # 1709PC102 - Ward 4.

Motion to Approve Certificate of Resubdivision, 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

- 4** Final Plat - approval for a 62-lot single-family subdivision (Grand Oaks Estates) on the tax parcel containing approximately 46.8 acres and zoned R-1-15: located north of Dedeaux Road, south of and adjacent to Doc Sheffield Road, east of and adjacent to Sheffield Road, and west of and adjacent to John Ross Road - Case # 1708PC083 - Ward 6.

Motion to Approve Final Plat for Grand Oaks Estates, 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

- 5** Ordinance - amending Section 2-80(C) of the Code of Ordinances of the City of Gulfport, Mississippi, regarding slip rental rates at the harbor for certain not for profit and/or tax exempt organizations.

Motion to Remand to Legal for additional changes, 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

Resolutions / Requests

- 6 Resolution - authorizing negotiations to acquire utility easements and to do any acts necessary and legal, including prosecution in Special Court of Eminent Domain, to obtain title for the City under Miss. Code Ann. Sec. 11-27-81, ET SEQ., and if necessary to expedite the "Three Rivers Road / Mays Road Sewer Improvements Project", to authorize special checks to acquire easements and authorizing the Mayor to execute the same.

Motion to Approve, Moved By Cara Pucheu, **Seconded by** Myles Sharp

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 - memorializing the Mississippi Emergency Management Agency to apply for a Flood Mitigation Assistance Grant from the Federal Emergency Management Agency to assist with flood mitigation in the Forrest Heights community, and for related purposes.

*** Councilmember Pucheu recused and removed herself from the chambers during the discussion and vote on this item.**

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

Motion to Amend to include phrase "or any other eligible projects, to include but not limited to pumps, or any other flood mitigation methods, Moved By Myles Sharp, **Seconded By** Ella Holmes-Hines.

Vote: Amendment Carried By Unanimous Roll Call Vote

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

Absent: Cara Pucheu (recused)

The President called for a vote on the motion as amended with the following results:

Vote: Motion as amended Carried By Unanimous Roll Call Vote

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

Absent: Cara Pucheu (recused)

- 8 Resolution - approving Amendment #1 to the Professional Appraisal Services Contract with Ladner Appraisal Services, Inc., and authorizing the Mayor to execute the same.

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

- 9 Resolution - approving Amendment #1 to the Professional Review Appraisal Services Contract with Douglas Singletary, Jr., 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

- 10 Resolution - approving CSD-200 - over run / under run statement for the Widening of Three Rivers Road and Creosote - Phase 2 Project and for related purposes.

Motion to Approve, Moved By Cara Pucheu, **Seconded by** Myles Sharp

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 - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport Police Department and for related purposes.

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

- 12 Request - from First United Methodist Church for a temporary street closure for the "Trunk or Treat" event to be held on October 29, 2017.

Motion to Approve request from First United Methodist Church for a temporary street closure for the "Trunk or Treat" event to be held on October 29, 2017, Moved By Cara Pucheu, **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

Budget Amendments / Docket of Claims

- 13** Budget Amendment #3 - to budget funds received as a result of a drug forfeiture.

Motion to Approve Budget Amendment #3, 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

- 13 - A** Request - for a Special Check to Harrison County Utility Authority in the amount of \$24,533

Motion to Approve Special Check to Harrison County Utility Authority in the amount of \$24,533, 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

- 14** Docket of Claims - to be approved through October 18, 2017.

Motion to Approve The Docket of Claims, in the amount of \$4,663,996.07, 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

Routine Agenda

Motion to Accept the Routine Agenda as amended, 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

- 15** Public Records Requests - for the months of June & July 2017 - to be made a part of the minutes.

Approved on Routine Agenda

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

Approved on Routine Agenda

- 17** Approval and Ratification - of Use Access License Agreement between the City and Mississippi Coast Entertainment, LP - to be made a part of the minutes.

Approved on Routine Agenda

- 18** Ratification - of emergency proclamation declared as a result of Hurricane Nate - to be made a part of the minutes.

Approved on Routine Agenda

- 19** 2017 Annual Municipal Compliance Report - to be made a part of the minutes.

Approved on Routine Agenda

- 19 - A** Request - Street Closure for Gulfport Octane Event, scheduled for November 4, 2017

Approved on Routine Agenda

- 19 - B** Request - Street Closure for Chandeleur Brewery's Halloween Block Party Event, scheduled for October 28, 2017.

Approved on Routine Agenda

Public Agenda

The President called for comments during the Public Agenda.

No Citizen addressed the Council during the Public Agenda.

Council Comments

Memorial Adjournment

- Miss Brooklyn Symone Coleman
- Miss Mila Charlice White
- Mr. Lynn Kately
- Mrs. Constance Clara "Connie" Cole

Executive Session

General Counsel advised that there was a need to enter Executive Session to discuss lease negotiations for CSpire, Broadus Arbitration, Wesley Morgan property damage claim, and easement acquisition related to Faith Missionary Baptist Church. Upon advise of General Counsel, Motion to enter executive session at 2:27 P.M., 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

The Council entered executive session at 2:29 P.M. In attendance: Member of the Council: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Myles Sharp, R.Lee Flowers and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John R. Kelly (out at 3:01 P.M.), General Counsel Hugh Keating, City Attorney Jeff Bruni (in at 2:31 P.M.), Assistant City Attorney Margaret Murdock (out at 3:03 P.M.), Kris Riemann (out at 3:01 P.M.), Linda Elias (out at 3:01 P.M.), Clerk of Council Ronda Cole, and Deputy Clerk of Council Brittany Rodgers. Absent: Councilmember Rusty Walker

Motion to exit Executive Session at 3:23 P.M., 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

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 authorize and approve the expenditure of monies from the general fund up to an additional \$15,000 (beyond the amount previously approved in the March 21, 2017 Minutes) to go toward the continued pursuit of arbitration and/or mediation in the case of The City of Gulfport vs. Broadus & Associates, et al., to include any remaining or prospective fees for arbitration and/or mediation by way of a special check and expenditure and payment of various other expenses related to these efforts, including the payment of fees associated with or related to depositions, service of subpoenas, copies of exhibits, court reporters, transcriptions, and the payment of any expert witness fees or expenses, and other related cost in connection with proceedings in The City of Gulfport vs. Broadus & Associates, et al., 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

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 Miss Brooklyn Symone Coleman, Miss Mila Charlice White, Mr. Lynn Kately, and Mrs. Constance Clara "Connie" Cole, until November 7, 2017 at 1:30 P.M. for a Regular Council 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

City Clerk

Mayor

Agenda Adjustments

Add Item 2 - A Recommendation for Domestic Violence Prosecutor

Add Item 13 -A Payment to HCUA by Special Check

Add Item 19 - A Street Closure for Gulfport Octane

Add Item 19 - B Street Closure for Chandeleur Brewery's Halloween Block Party