



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, October 2, 2018

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 of September 18, 2018 at 1:30 P.M.

Present: Mayor Billy Hewes, General Counsel Hugh Keating, **Councilmembers:** Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker (out at 2:20 P.M.), Myles Sharp (in at 1:37 P.M.), R.Lee Flowers, and Cara Pucheu.

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

Agenda Order

Motion to Accept the 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, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

Presentation Agenda

The President called for the Mayor's Report.

Mayor Hewes asked for a moment of silence for the police officers who lost their lives this past week.

The Mayor called upon Police Chief Leonard Papania to present service pins to four long-term employees - Doris Schultz, Lark Bennett, Lt. Heather Dailey, and Cassie Necaie.

Mayor Hewes then presented a proclamation to the Gulf Coast Center for Non-Violence in recognition of Domestic Violence Awareness Month; representatives Stacey Riley, Rene Davis, Alicia Tarrant, Sarah Jones and Wilson Eaton received the proclamation.

Mrs. Kay Denault with The Mental Health Association of South Mississippi issued a Certificate of Appreciation to the City of Gulfport on behalf of the organization.

The Mayor acknowledged that Cruisin' the Coast set another record; View the Cruise reports over 12,000 in attendance for the event over the weekend!

The Mayor called on Andy Phelan of Pickering Engineering to give an update on the Courthouse Road Project.

Trip Advisor/Wallet Hub has noted that Gulfport is listed as one of the more desirous places to live in the U.S.

Upcoming Events:

- Cinema by the Spooky Sportsplex - October 19th, starting at 5:30 P.M.
- Boo Bash at the Gulfport Sportsplex - October 27th, beginning at 4:00 P.M.

This concluded the Mayor's Report.

Policy Issues

Code Enforcement / Planning

- 1 Code Enforcement Hearing - on resolution to declare that certain properties are in such a state of uncleanliness 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 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

Mr. Willie Miller of 8210 Georgia Avenue addressed the Council regarding a citation he had received for the same property. Mr. Miller is to work with the Code Enforcement Office to resolve his issue.

Motion to Close the Hearing and Approve the Resolution, 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

- 2 Variance Denial - Appeal - property width variance, Zoned R-1-7.5 located: north of and adjacent to East Beach Boulevard, south of 2nd Street, east of Kelly Avenue, and west of Olive Avenue - Case # 1807ZB077 - Ward 2.

Motion to Uphold the Denial, Moved By Ron Roland, Seconded by R.Lee Flowers

The Following Citizen(s) addressed the Council:

- Mr. Bobby Heinrich - Agent for Applicant

Upon hearing Mr. Heinrich, Councilmembers Roland and Flowers withdrew their original motion and second.

Motion to Approve the Variance, Moved By Ron Roland, 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

Ordinances

- 3 Reconsideration - Ordinance 2969 - to establish a Leisure and Recreation District within the Corporate Boundaries of the City of Gulfport, Mississippi, and designate the geographic areas included within and boundaries of said district; and for related purposes.

*** Councilmember Sharp recused and removed himself from the Chambers during the discussion and vote on this item.**

Motion to Adopt the 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, R.Lee Flowers, Cara Pucheu

Recused: Myles Sharp

-Ordinance 2969-

Resolutions

- 4 Resolution - approving bid award to Mississippi Utilities for Valve Insertion System for the Department of Public Works, and for related purposes.

Motion to Approve, Moved By Ron Roland, 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

- 5 Resolution - approving Memorandum of Understanding with Big Noise Production Audio for the 2018 Gulfport Harbor Lights Winter Festival and for related purposes.

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

- 6 Resolution - approving Facility Use Agreement for Tournaments at the Sportsplex and Goldin Park, authorizing the execution of the same by the Director of Leisure Services as Mayor's Representative, and for related purposes.

Motion to Approve, 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, Cara Pucheu

- 7 Resolution - approving Lease Agreement with Mississippi Power, authorizing the Mayor to execute the same on behalf of the city, and for related purposes.

Motion to Postpone until October 16, 2018, 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

- 8 Resolution - approving Professional Service Contract with Charles E. Bodie, Jr. to serve as Video and Discovery Clerk in the Gulfport Municipal Court and authorizing the Mayor to execute said agreement.

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

- 9 Resolution - to approve Agreement with FunFlicks, to authorize the Mayor to execute the same on behalf of the City of Gulfport, and for related purposes

Motion to Delete, 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 10 Resolution - approving Certificate of Substantial Completion for the Coffee Creek Drainage Improvements Project, authorizing the Mayor to execute said Certificate, and for related purposes.

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

- 11 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 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

- 12 Resolution - approving public display of fireworks at the Leukemia and Lymphoma Society Light the Night Walk, and for related purposes.

Motion to Approve, 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 #1 - to increase County/Local Operating Supplies from funds received.

Motion to Approve Budget Amendment #1, 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

- 14 Budget Amendment #2 - to increase CNET Operating Supplies from funds received.

Motion to Approve Budget Amendment #2, 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

- 15 Budget Amendment #3 - to increase several line items in Police Department Budget from funds received.

Motion to Approve Budget Amendment #3, 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

- 16 Budget Amendment #4 - to increase Police Forfeits/Seizures Operating Supplies from funds received as a result of a drug related arrest.

Motion to Approve Budget Amendment #4, 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

- 17 Budget Amendment #5 - to increase Police Operating Supplies from funds received for Detective restitution cases.

Motion to Approve Budget Amendment #5, 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 Docket of Claims - to be approved through October 3, 2018.

Motion to Approve Docket of Claims, in the amended amount of \$2,771,955.21, to include the invoice for the Flying Chair Ride, Moved By R.Lee Flowers, 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

Routine Agenda

Motion to Approve the Routine Agenda as presented, 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

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

Approved on Routine Agenda

- 20 Ratification - of GRC Line of Credit expenditures - to be made a part of the minutes.

Approved on Routine Agenda

- 21 Public Records Report - for the month of August, 2018 - to be made a part of the minutes.

Approved on Routine Agenda

- 22 Year-To-Date Budget Report - for the month of August, 2018 - to be made a part of the minutes.

Approved on Routine Agenda

- 23 Conveyance Deed - regarding transfer of ownership of space in Evergreen Cemetery.

Approved on Routine Agenda

- 24 Letter - regarding bid awarded by Purchasing to JR's POS DEPOT for credit card machines - City Wide - to be made a part of the minutes.

Approved on Routine Agenda

- 25 Legal Notice - advertisement for City Depository Services RFP.

Approved on Routine Agenda

Public Agenda

The Vice President called for comments during the Public Agenda.

The Following Citizen(s) addressed the Council:

- Chuck Kelly - Owner of Chuck Kelly Salon & Spa -360 Courthouse Rd.
- Ferrell Allman - Owner of S.F. Alman, Ltd. - 452-A Courthouse Rd.
- Michael Hage - Owner of All Signs, Inc. - 558 Courthouse Rd.
- David Kidd - Owner of Lil' Ray's - 500 Courthouse Rd.
- Jason Bell - Owner of Chillville Creamery -540 Courthouse Rd.
- Mike Durlak - Owner of MJD & Assoc. LLC - 602 Courthouse Rd.
- Ms. Allytra Perryman - Chairman of MLK Coastwide Celebration

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

- Mr. Isaac Lee Farley
- Mr. Wilson Evans, Jr.
- Mrs. Olivet Threase Maston
- Mr. George "Larry" Cospelich
- Mr. Russ Rock

Executive Session

General Counsel advised that there was a need to enter Executive Session to discuss potential real estate acquisition of rubbish site off of Canal Road and litigation concerning Stericycle Co. Upon hearing from Counsel, Motion to enter Executive Session at 3:43 P.M., Moved By Ron Roland, 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

The Council entered Executive Session at 3:43 P.M. In attendance: Members of the Council: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Myles Sharp, R.Lee Flowers and Cara Pucheu, Mayor Billy Hewes (in at 3:56 P.M.), General Counsel Hugh Keating (out at 4:00 P.M.), CAO Dr. John R. Kelly, City Attorney Jeff Bruni, Assistant City Attorney Margaret Murdock, Director of Engineering Kris Riemann, Clerk of Council Brittany Rodgers, and Deputy Clerk of Council Cheryl Johnson. Absent: Councilmember Rusty Walker.

Councilmember Sharp recused and removed himself during the discussion involving the Stericycle Co. litigation matter.

Motion to Exit Executive Session at 4:01 P.M., 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

Assistant City Attorney Margaret Murdock stated that no official action was taken during Executive Session.

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

Motion to ratify the offer made and accepted in the amount of \$135,000 (subject to an environmental site assessment to be obtained at the cost of the City) for the purchase of 37.9 acres on Canal Road currently owned by A&B Investments, LLC, for use as a vegetative rubbish dump (Tax Parcel No. 0710L-01-001.000), 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

Motion to engage BMI Environmental Services, LLC to conduct a Phase 1 Environmental Site Assessment (ESA) of the A&B Investments parcel (Tax Parcel No. 0710L-01-001.000) at a lump sum cost of \$2,000.00 and authorize the Mayor to execute and deliver a Letter Agreement between the City and BMI Environmental Services, LLC concerning the Phase 1 ESA, 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

***Councilmember Sharp recused and removed himself from the Chambers during the Vote on this item.**

Motion to authorize the City to accept the payment of \$150.93 which represents the City's share of the Settlement as a Class Member in the In Re Stericycle, Inc., Steri-Safe Contract Litigation (class action matter), Moved By Cara Pucheu, Seconded by Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote
Aye: Kenneth Casey, Ron Roland, Ella Holmes-Hines, R.Lee Flowers, Cara Pucheu
Absent: Rusty Walker, Myles Sharp (recused)

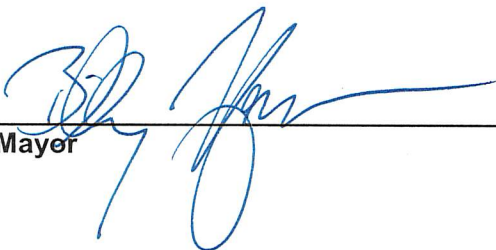
Setting of Next Meeting and Adjournment

There being no further business to come before the Council at this time, Motion to Adjourn in memory of Mr. Isaac Lee Farley, Mr. Wilson Evans, Jr., Mrs. Olivet Threase Maston, Mr. George "Larry" Cospelich, and Mr. Russ Rock, until October 16, 2018 at 1:30 P.M. for a Regular Council Meeting, Moved by Kenneth Casey , 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



City Clerk



Mayor