



## City of Gulfport, Mississippi

### Minutes City Council

2309 15<sup>th</sup> Street  
Gulfport, MS 39501

Tuesday, September 18, 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 1:30 P.M., on the above date, same being from an adjourned Special Meeting of September 14, 2018.

**Present:** Mayor Billy Hewes, General Counsel Hugh Keating, CAO John Kelly. **Councilmembers:** Kenneth Casey, Ron Roland (out at 3:29 P.M.), Ella Holmes-Hines (out at 3:53 P.M.), Rusty Walker, 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; Delete Item #12, Delete Item #19, Add Item #21 – A, Resolution approving Street Closure for Gulfport High School Homecoming Parade, and Add Item #33 – A, Letter to Gulf Coast Mental Health Association regarding a Public Records Request, 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.**

Mayor Hewes called for continued prayers for those impacted by Hurricane Florence.

Recognition and congratulations were given to St. Patrick High School's Cross Country Track & Field Teams for winning State Championships for three consecutive years. In attendance: Dr. Matt Buckley, Principal; Eddie Burger, Athletic Director; Tim McDaniel, Cross Country Head Coach; Stan Dellenger, Track and Field Head Coach; Dr. Bryan Leatherman and Curtis Owen, Para-Professions; , Erin Rosetti Director of Public Relations and Advancement; and Members of the 2016-2018 Teams, Quinlan Pisciotto, Beyla Bleichner, Amelie Million, Isabel Leatherman, Jordan Pete, Gabby Patino, Mason McCullough, Jameson Thriffiley, Dominic Patino, Cade Meyers, Marshall Eleuterius, Dylan Middleton, Teal Salloum, Olivia Williams, Leila Ransonet, and Makenzie Stenum.

**Upcoming Events:**

- **Splash Bash** – Friday, September 21, 2018 at Barksdale Pavilion. Ticketed event to benefit the Mississippi Aquarium and will include incredible food, beverage and live music.
- **2018 Heart Walk** – Saturday, September 22, 2018 in Jones Park with Governor Bryant's Ride to Recovery.
- **9<sup>th</sup> Annual View the Cruise** – Sunday, September 30, 2018 in Downtown Gulfport.

**This concluded the Mayor's Report.**

**Policy Issues****Appointment**

- 1 Ratification - of appointment to Civil Service Commission.

**Motion to Ratify Appointment to the Civil Service Commission, 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

- 2 Ratification - of appointment and reappointments to Planning Commission.

**Motion to Ratify Appointment and Reappointments to the Planning Commission, 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

**\*Council President called for Item #7, Approval of Operating Budget for Memorial Hospital for FY 2019, to be heard following this item.**

**Code Enforcement / Planning**

- 3 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.

**\*After Item 7 was heard, Council went back on Orders.**

**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

**There being no one present to object or address the Council, 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

- 4 Objection - of Planning Commission Recommendation for Certificate of Resubdivision - divide the tax parcel into four parcels, zoned B-1 and R-2: located north of Sundown Lane, south of and adjacent to W Taylor Road, east of and adjacent to Carl Legett Road, and west of and adjacent to Lorraine Road - Case # 1801PC005 - Ward 4.

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

**Motion to Approve Certificate of Resubdivision, Moved By R.Lee Flowers, Seconded by Kenneth Casey.**

General Counsel recommended that Council enter executive session for further discussion of this matter related to potential litigation.

**Upon hearing from Counsel, Motion to Enter Executive Session , Moved By Ella Holmes-Hines, 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

**Recused:** Cara Pucheu

**The Council entered Executive Session at 2:49 P.M. In attendance: Members of the Council: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp and R.Lee Flowers, Mayor Billy Hewes (in at 2:55), General Counsel Hugh Keating, CAO Dr. John R. Kelly, Director of Urban Development Greg Pietrangelo, Planning Administrator Greg Holmes, and Clerk of Council Brittany Rodgers. Councilmember Cara Pucheu was recused.**

**Motion to exit Executive Session at 3:15 P.M., 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

**Recused:** Cara Pucheu

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

**Upon reconvening in Open Meeting, the following action was taken:**

General Counsel Hugh Keating recommended Council to consider a motion to the effect that the matter for consideration for approval of the re-subdivision brought by Mr. Marshall, as agent for his client, be postponed until such time as there is a final determination on the record relative to court jurisdiction, relative to the amended complaint that was filed by Mr. Marshall.

**Upon the recommendation of Counsel, R.Lee Flowers cited a change in his previous motion to that of Counsel's suggestion of postponement in this case, Casey upheld his second.**

**Vote:** Motion Carried By The Following Roll Call Vote

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

**Nay:** Rusty Walker

**Recused:** Cara Pucheu

### **Ordinances**

- 5** Ordinance - providing for the salary of compensation for employees of the City of Gulfport, Mississippi, and for related purposes.

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

**Vote:** Motion Carried By Unanimous Roll Call Vote

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

**Absent:** Ron Roland

**-Ordinance 2971-**

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

**Motion to Adopt Ordinance, 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

**Absent:** Ron Roland

**-Ordinance 2972-**

### **Resolutions**

- 7 Resolution - approving the Operating Budget for Memorial Hospital for FY 2019 and for related purposes.

**\* This item was heard after Item #2.**

**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

- 8 Resolution - awarding bid and approving contract with SunCoast Infrastructure Inc. for the City of Gulfport Trenchless Pipe Inspection, Cleaning & Repair Unit Price Project and to authorize the Mayor to execute and deliver any and all documents to effectuate this award, including but not limited to, a contract in connection with same, 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

- 9 Resolution - approving Professional Legal Service Contract with Lee Russell, Esq., of Anderson & Orozco, PLLC, to provide Public Defender Services in the Gulfport Municipal Court, and authorizing the Mayor to execute said Agreement, 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

- 10 Resolution - approving Professional Legal Service Agreement with Norman "Pat" Pope to serve as a Domestic Violence Investigator, and authorizing the Mayor to execute said agreement, 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

- 11** Resolution - approving Professional Legal Service Contract with Carolyn Ann McAlister, Esq., to serve as a Public Defender in the Gulfport Municipal Court and authorizing the Mayor to execute said Agreement, 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

- 12** Resolution - approving Services Agreement with YogaShield Yoga for First Responders for services related to a Yoga Program for City of Gulfport First Responders and authorizing the Mayor to execute the same.

**-Deleted-**

- 13** Resolution - approving Encroachment Agreement with Gulf South Pipeline Company, LP, for the Seaway Road Pedestrian Pathway Project, and authorizing the Mayor to execute said Agreement.

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

**Vote:** Motion Carried By Unanimous Roll Call Vote

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

**Absent:** Ron Roland

- 14** Resolution - approving Collaboration Agreement between City of Gulfport and Mississippi Home Corporation for the Mississippi State Wide 2020-2025 Analysis of Impediments to Fair Housing, and authorizing the Mayor to execute said Agreement.

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

**Vote:** Motion Carried By Unanimous Roll Call Vote

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

**Absent:** Ron Roland

- 15** Resolution - approving Supplemental Agreement No. 1 to contract with J.E. Borries, Inc., for the Ship Island Ferry Terminal (Pavilion and Pier) Project, and authorizing the Mayor to execute said Agreement 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

- 16** Resolution - approving Application for License to install Pipeline under the Rail with KCS related to Highway 49 at 18th Street Drainage Improvements Project, and authorizing the Mayor to execute the same, and for related purposes.

**Motion to Approve, Moved By** Ella Holmes-Hines, **Seconded by** Rusty Walker

**Vote:** Motion Carried By Unanimous Roll Call Vote

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

**Absent:** Ron Roland

- 17** Resolution - declaring certain Police Equipment to be Surplus Property which is no longer used or needed by the Municipality and declared to have no value to the Municipality and authorizing donation of said items of Municipal Personal Property to various Law Enforcement Agencies in the State of Mississippi, 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

- 18** Resolution - authorizing an expenditure (in the form of a fee waiver) for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport in connection with the use of the Barksdale Pavilion, and for related purposes.

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

**Vote:** Motion Carried By Unanimous Roll Call Vote

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

**Absent:** Ron Roland

- 19** Resolution - approving creation of designated public forum space and for related purposes.

**-Deleted-**

- 20** Resolution - approving temporary closure of municipal right of way for the 9th Annual View the Cruise to be held Friday, September 28 through Monday, October 1, 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

- 21** Resolution - approving temporary closure of municipal right of way for the Pink Dress Run to be held Friday, October 19, 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

- 21 – A** Resolution - approving the temporary closure of municipal right of way for the Gulfport High Homecoming Parade to be held on September 27, 2018, 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

- 22** Resolution - appointing Deputy Clerk of Council 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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland

### **Budget Amendments / Docket of Claims**

- 23** Budget Amendment #57 - to increase CNET operating supplies with funds received as a result of a forfeiture.

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

**Vote:** Motion Carried By Unanimous Roll Call Vote

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

**Absent:** Ron Roland

- 24 Docket of Claims- to be approved through September 19, 2018.

**Motion to Approve the Docket of Claims, Moved By R.Lee Flowers, Seconded by Kenneth Casey**

**Vote:** Motion Carried By Unanimous Roll Call Vote

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

**Absent:** Ron Roland

### **Routine Agenda**

**Motion to Approve the Routine Agenda as Amended, 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

**Absent:** Ron Roland

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

**Approved on Routine Agenda.**

- 26 Resolution - rejecting and authorizing re-advertisement for bids for lot clean-ups and/or demolitions.

**Approved on Routine Agenda.**

- 27 Public Records Report - for the month of July 2018 - to be made a part of the minutes.

**Approved on Routine Agenda.**

- 28 Privilege License Report - for the month of July 2018 - to be made a part of the minutes.

**Approved on Routine Agenda.**

- 29 Bi-weekly Payroll Report - for the month of August 2018 - to be made a part of the minutes.

**Approved on Routine Agenda.**

- 30** Associated Adjusters Check Registers - for workers' compensation and general liability claims paid during August 2018 - to be made a part of the minutes.

**Approved on Routine Agenda.**

- 31** Letter - regarding bid awarded by Purchasing to AIRGAS for Gas Detectors & System - Public Works - to be made a part of the minutes.

**Approved on Routine Agenda.**

- 32** Letter - regarding bid awarded by Purchasing to Clay's Print Shop for envelopes - Utility Billings - to be made a part of the minutes.

**Approved on Routine Agenda.**

- 33** Letter - regarding bid awarded by Purchasing to Universal Concepts for Christmas Tree and Decorations - Leisure Services Department - to be made a part of the minutes.

**Approved on Routine Agenda.**

- 33 – A** Letter - to Gulf Coast Mental Health Association in regards to a Public Records Request.

**Approved on Routine Agenda.**

## **Public Agenda**

**The President called for comments during the Public Agenda.**

The following citizen(s) addressed the Council:

- Jacques Pucheu – Resident of 12152 Kencrest Drive
- Shoncy Wible – Resident of 738 Ruth Avenue

**This concluded the Public Agenda.**

## **Council Comments**

## **Memorial Adjournment**

- Mrs. Carmella Prestia
- Mr. Willie C. Robinson
- Mrs. Dorothy Marie Barnes
- Mrs. Annie Mae Gage

## **Executive Session**

**General Counsel advised that there was a need to enter Executive Session to discuss potential ligation matters related to the City of Gulfport vs. Darin Griffin, and a matter of prospective property acquisition (Ella Holmes-Hines out at 3:53).**

**Motion to Approve, Moved By Myles Sharp, Seconded by Rusty Walker**

**Vote:** Motion Carried By Unanimous Roll Call Vote

**Aye:** Kenneth Casey, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland, Ella Holmes-Hines

**The Council entered Executive Session at 3:56 P.M. In attendance:** Members of the Council Kenneth Casey, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu, Mayor Billy Hewes, General Counsel Hugh Keating, CAO Dr. John R. Kelly, Assistant City Attorney Margaret Murdock, and Clerk of Council Brittany Rodgers. **Absent:** Councilmembers Ron Roland and Ella Holmes-Hines.

**\* Councilmember Sharp recused and removed himself during the discussion regarding the City of Gulfport vs. Griffin litigation.**

**Motion to Exit Executive Session at 4:19 P.M., Moved By Kenneth Casey, Seconded by Rusty Walker**

**Vote:** Motion Carried By Unanimous Roll Call Vote

**Aye:** Kenneth Casey, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland, Ella Holmes-Hines

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

**Upon reconvening in an open meeting, the following motion was made:**

**\*Councilmember Sharp recused and removed himself during the vote on this item.**

**Motion to Authorize the Office of the City Attorney to resolve the City's claim for property damage against Darren Griffin (insured by Allstate) for the total sum of \$4,060.00 for damages sustained to the City's 2006 GMC Canyon truck (Vin 16TS198768229582) in a motor vehicle accident on July 13, 2018, and that the Mayor or other appropriate official be authorized to execute any and all documents as may be required to effectuate the resolution of the property damage portion of this claim, including, but not limited to the title of the vehicle, Moved R.Lee Flowers, Seconded by Cara Pucheu.**

**Vote:** Motion Carried By Unanimous Roll Call Vote

**Aye:** Kenneth Casey, Rusty Walker, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland, Ella Holmes-Hines

**Recused:** Myles Sharp

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### **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. Carmella Prestia, Mr. Willie C. Robinson, Mrs. Dorothy Marie Barnes, and Mrs. Annie Mae Gage, until October 2, 2018 at 1:30 P.M. for a Regular Council Meeting, Moved By Kenneth Casey, Seconded by R.Lee Flowers.**

**Vote:** Motion Carried By Unanimous Roll Call Vote

**Aye:** Kenneth Casey, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

**Absent:** Ron Roland, Ella Holmes-Hines



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City Clerk



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Mayor

### **Agenda Adjustments**

**21 – A** Resolution – Street Closure for GHS HC Parade

**33 – A** Letter – to Gulf Coast Mental Health Association regarding a Public Records Request