



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, November 20, 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 on November 6, 2018 at 1:30 P.M.

Present: Mayor Billy Hewes, General Counsel Hugh Keating, **Councilmembers:** Kenneth Casey, Ron Roland, Ella Holmes-Hines (in at 1:38), Myles Sharp, R.Lee Flowers, and Cara Pucheu. **Absent:** Rusty Walker.

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

Agenda Order

Motion to Accept the 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

Absent: Rusty Walker

Presentation Agenda

The Vice President called for the Mayor's Report.

Upcoming Events

- Gulfport Harbor Lights Winter Festival – Opening Friday, November 23rd at 5 P.M.
 - Tickets available online at gulfportharborlights.com
 - Credit Cards accepted on site!
- Sugarplum Saturday & Christmas Parade – Saturday, December 1st at 3 P.M.

City Offices will be **CLOSED** Thursday, November 22nd, and Friday, November 23rd, in observance of Thanksgiving.

This concluded the Mayor's Report.

Policy Issues

Minutes

- 1 Approval of Minutes - for November 6, 2018.

Motion to Approve the Minutes for November 6, 2018, 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

Code Enforcement / Planning

- 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** Ron Roland

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

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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 3 Variance Approval - Appeal - accessory structure size and setback variances at 2233 30th St, Zoned R-2: located north of 29th Street, south of and adjacent to 30th Street, east of 23rd Avenue, and west of 22nd Ave - Case # 1809ZB100 - Ward 3.

Motion to Suspend the Rules, 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 Following Citizen(s) addressed the Council:

- Steven Ray Phillips - Appellant
- John Hans III - Owner

Motion to Grant Appeal, Moved by Ella Holmes-Hines, Seconded by Kenneth Casey

Vote: Motion Carried By a Majority Vote

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

Nay: Cara Pucheu

Absent: Rusty Walker

- 4 Acceptance for Perpetual Maintenance - Bayou Bend Subdivision public improvements, excluding the roadway, release of existing warranty bond, and transfer of streetlight account to the City of Gulfport. A new bond is required, in the amount of \$3,500, to cover the roadway for 2 years - Case # 1710PC122 - Ward 4.

Motion to Accept for Perpetual Maintenance the Bayou Bend Subdivision public improvements, excluding the roadway, release of existing warranty bond, and transfer of streetlight account to the City of Gulfport. Requiring a new bond, in the amount of \$3,500, to cover the roadway for 2 years, 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

Resolutions

- 5 Resolution - approving a Memorandum of Understanding among the City of Gulfport, Mississippi, the City of Biloxi, Mississippi, and the City of Rionegro, Columbia, authorizing the Mayor to execute the same, 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, Ron Roland, Ella Holmes-Hines, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 6 Resolution - approving Professional Services Contract with Municipal Code Corporation, authorizing the Mayor to execute the same on behalf of the City, and for related purposes.

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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 7 Resolution - approving an Application to Gulf Regional Planning Commission to Fund a Pedestrian Sidewalk Study along U.S. Highway 49, South of Creosote Road.

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

Absent: Rusty Walker

- 8 Resolution - authorizing the Mayor to provide written Notice of Intent not to renew Agreement with Five Points ICT, Inc., 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 9 Resolution - requesting sale of sidearm to Deputy Chief Chris Loposser upon his retirement from the City of Gulfport and setting the amount to be paid for said firearm pursuant to Mississippi Code Annotated § 45-9-131 (rev. 2014).

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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 10 Resolution - requesting sale of sidearm to Officer Perry Byrd upon his retirement from the City of Gulfport and setting the amount to be paid for said firearm pursuant to Mississippi Code Annotated § 45-9-131 (rev. 2014).

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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 11** Resolution - approving Modification #4 to the Grant Agreement between City of Gulfport and Mississippi Development Authority, Contract R-109-202-07-KCR, Brickyard Bayou Drainage Improvements, Phase II 2B.

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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 12** Resolution - authorizing acceptance of Public Trust Tidelands Grant Award for the Bernard and Brickyard Bayou Blueway Kayak Launch Project, authorizing the Mayor to execute any and all documents required to accept the same, 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 13** Resolution - authorizing acceptance of the FY18 Homeland Security Grant Award #18LE202 in the amount of \$20,000, and authorizing the execution of any and all documents required to accept the same, and for related purposes.

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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 14** Resolution - authorizing acceptance of Mississippi Office of Homeland Security Grant for the Fire Department in the amount of \$10,000 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 15** Resolution - authorizing acceptance of Mississippi Office of Homeland Security Grant for the Fire Department in the amount of \$100,000 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 16** Resolution - ratifying and accepting the 2018 HOME Grant Agreement from the U.S. Department of Housing and Urban Development for fiscal year January - December, 2018 in the amount of \$476,880, and for related purposes.

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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

- 17** 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** 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

- 18** Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport in support of the 2019 Gulf Coast Legislative Reception, 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, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker

Budget Amendments / Docket of Claims

- 19** Budget Amendment #12 - to increase Supplies line item in the CNET Budget as a result of restitution received.

Motion to Approve Budget Amendment #12, 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

- 20** Budget Amendment #13 - to transfer funds from Fund Balance to replace previously allocated funding from FY 18 for Streets & Drainage Projects.

Motion to Approve Budget Amendment #13, 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

- 21** Budget Amendment #14 - to increase Supplies in Leisure Services Budget for expenditures associated with an AARP grant received in FY 2018 to create a Nature Trail and Outdoor Classroom at Brickyard Bayou.

Motion to Approve Budget Amendment #14, 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

- 22** Budget Amendment #15 - to transfer existing funds from Engineering Fees to Flood Protection within the CDBG - Katrina Brickyard Bayou Budget.

Motion to Approve Budget Amendment #15, 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

- 23** Docket of Claims- to be approved through November 21, 2018.

Motion to Approve the Docket of Claims, in the amount of \$5,862,973.04, Moved By Cara Pucheu, **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

Routine Agenda

Motion to Approve the Routine Agenda as presented, 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

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

Approved on Routine Agenda

- 25** Bi-Weekly Payroll Report - for the month of October, 2018 - to be made a part of the minutes.

Approved on Routine Agenda

- 26** Associated Adjusters Check Registers - for workers' comp and general liability claims paid during October, 2018 - to be made a part of the minutes.

Approved on Routine Agenda

- 27** Ratification - of donated Easement from Gulfport Redevelopment Commission for 20th Avenue Improvements Project - to be made a part of the minutes.

Approved on Routine Agenda

- 28** Ratification - of donated Real Property from Larry and Lois Benefield for Tara Hills Drainage Project - to be made a part of the minutes.

Approved on Routine Agenda

- 29** Ratification - of donated Sidewalk Easement from CFA-NC Townridge Square, LLC, for sidewalk at Chick-fil-A - to be made a part of the minutes.

Approved on Routine Agenda.

- 30** Ratification - of donated Easement from Chers Patio Gulfport Properties, LLC - to be made a part of the minutes.

Approved on Routine Agenda

- 31** Ratification - of acquired easements and deeds for Brickyard Bayou Drainage Improvement Project, Phases 2B and 2C - to be made a part of the minutes.

Approved on Routine Agenda

- 32** Request - one-year renewal period for the Unit Price Electrical Services Contract with Weaver Electric - City Wide - to be made a part of the minutes.

Approved on Routine Agenda

- 33** Request - a Change Fund (Petty Cash) for the Urban Development Clerks.

Approved on Routine Agenda

- 34** Letter - regarding bid awarded by Purchasing to Chancellor Supply, Inc. for Street Light and Pole Replacements - Public Works/Engineering Department - to be made a part of the minutes.

Approved on Routine Agenda

Public Agenda

The Vice President called for comments during the Public Agenda.

The following Citizen(s) addressed the Council:

- Shelley Foreman, Executive Director - Gulf Coast Mental Health

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

- Mr. Holcomb Hector
- Mrs. Peggy Hector
- Mrs. Pamela Jean Miller
- Mrs. Mary Sneed

Executive Session

General Counsel advised that there was a need to enter Executive Session to discuss Settlement of a property damage claim of City of Gulfport vs Davidson, strategy concerning Jenkins vs City of Gulfport, permission to file lawsuit related to Alley Vacation, strategy concerning HCUA vs City of Gulfport, and strategy concerning Walker vs City of Gulfport. Upon Hearing from Counsel, Motion to enter Executive Session at 3:22 P.M., Moved By Cara Pucheu, Seconded by Ron Roland

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 3:28 P.M. In attendance: Members of the Council: Kenneth Casey, Ron Roland, Ella Holmes-Hines (in at 3:32 P.M.), Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni, Assistant City Attorney Dustin Uselton, Director of Engineering Kris Riemann (out at 3:51 P.M.), Clerk of Council Brittany Rodgers and Deputy Clerk of Council Cheryl Johnson. Absent: Rusty Walker

*Councilmember Sharp recused and removed himself during the discussion of the Settlement of the property damage claim of City of Gulfport vs Davidson.

Upon the recusal of Councilmember Sharp, acting Chair, Motion to put Councilmember Pucheu in charge, Moved By R.Lee Flowers, Seconded by Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, R.Lee Flowers, Cara Pucheu

Absent: Ella Holmes-Hines (out of room), Rusty Walker, Myles Sharp (recused)

Motion to exit Executive Session at 4:37 P.M., 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

Absent: Rusty Walker

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

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

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

Motion to Authorize the City Attorney's Office to take whatever steps may be required to resolve the City's property damage claim against Diare Davidson arising out of an accident on September 12, 2018, involving Gulfport Police Department Unit 3980, for the total sum of \$19,482.00 (\$22,138.00 less 12% salvage retention in the amount of \$2,656.56), and authorize the Mayor to execute any and all releases and/or title as may be required to effectuate settlement of the claim, 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, R.Lee Flowers, Cara Pucheu

Absent: Rusty Walker, Myles Sharp (recused)

Motion to Authorize the City Attorney's Office to petition the Court to vacate the right of way (alley) located west of Block 157 and east of Blocks 155 and 156 in Original Gulfport Subdivision and join all necessary parties and authorize the expenditures of monies to go towards the payment of any necessary court costs and fees, as well as any other expenses, 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 Approve and Authorize the City Attorney's Office to pursue all relief, remedies and actions on behalf of the City of Gulfport, to include filing claims, causes of actions, objections, and other actions, arising out of the February 10, 2017, automobile incident involving Jasmine Walker against or with respect to Express Services, Inc., and/or related entities or persons, and those responsible for indemnifying the City with respect to this incident and associated litigation, 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 Approve and Authorize the City Attorney's Office to pursue and file any and all claims and other actions as necessary with respect to Bonding Companies in conjunction with the Courthouse Road Construction Project, 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

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. Holcomb Hector, Mrs. Peggy Hector, Mrs. Pamela Jean Miller, and Mrs. Mary Sneed until December 4, 2018 at 1:30 P.M. for a Regular Council Meeting, 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

Absent: Rusty Walker

City Clerk

Mayor