



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, December 4, 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 held on November 20, 2018 at 1:30 P.M.

Present: Mayor Billy Hewes, General Counsel Hugh Keating, **Councilmembers:** Kenneth Casey, 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

Motion to Accept the Agenda with the following adjustment; add item 3 - A - Resolution - approving an Application to the Emergency Road & Bridge Repair Fund Program, 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.

1. **Moment of Silence in memory of our 41st President, George H. W. Bush.**
2. **Melvin Evans Service Award presented to Cephus Finklea for 30 years of service by Director of Public Works Wayne Miller.**
3. **Upcoming events:**
 - a. Saturday, December 8 – Christmas on the Bayou – 6 P.M. all along the bayou in Gulfport!
 - b. Fishbone Alley Movie Night – Saturday, December 8 – “Christmas in Mississippi” filmed right here in Gulfport! Movie begins at 6:30 P.M. on 14th Street in front of Fishbone Alley! Weather Permitting!

4. **Gulfport Harbor Lights** – open 7 days a week starting at 5:30 pm!

Dates to Remember:

- o Sunday night - "School Spirit Night" – wear your school colors and bring your School ID for a \$5 entry fee!
- o Monday night – "Unlimited Ride Night" and Senior Citizen Night
- o Tuesday night – Military Night - bring your military ID for a \$5 entry!
- o Wednesday night - "Locals Appreciation Night" – bring your Mississippi state-issued ID/DL and get in for \$5!

This concluded the Mayor's Report.

Policy Issues

Minutes

- 1 Approval of Minutes - for November 20, 2018.

Motion to Approve the Minutes for November 20, 2018, 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

- 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 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

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

Resolutions

- 3** Resolution - approving Memoranda of Understanding between Memorial Hospital at Gulfport and the City of Gulfport, authorizing the Mayor to execute and deliver the same on behalf of the City of Gulfport, and for related purposes.

Motion to Approve, 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

- 3 - A** Resolution - approving an Application to the Emergency Road & Bridge Repair Fund Program.

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

- 4** Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport at the 2019 Martin Luther King Parade, and for related purposes.

Motion to Suspend the Rules, 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

The following citizen(s) addressed the Council:

- James Crowell
- Allytra Perryman

Motion to Table, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Vote: Motion Carried By The Following Roll Call Vote

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

Nay: Ella Holmes-Hines

Motion to Reconsider to properly style as a motion to postpone, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Vote: Motion Carried By The Following Roll Call Vote

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

Nay: Ella Holmes-Hines

Motion to Postpone until the next meeting, Moved By Myles Sharp, Seconded by R.Lee Flowers

Vote: Motion Carried By The Following Roll Call Vote

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

Nay: Ella Holmes-Hines

- 5 Request – approving proposed Water and Sewer Fund and Paving Projects for FY 2019, and for related purposes.

Motion to Approve Request approving proposed Water and Sewer Fund and Paving Projects for FY 2019, and for related purposes, Moved By Myles Sharp, Seconded by Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote

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

- 6 Request - to approve recommendation regarding RFP for City Depository.

Motion to Approve Request to approve recommendation regarding RFP for City Depository, Moved By Cara Pucheu, Seconded by Ella Holmes

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

Docket of Claims

- 7 Docket of Claims - to be approved through December 5, 2018.

Motion to Approve the Docket of Claims, in the amount of \$1,951,583.54, 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

Routine Agenda

Motion to Approve the Routine Agenda as presented, with the exception of items 12 and 16, 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

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

Approved on Routine Agenda

- 9 Ratification - of GRC Line of Credit Expenditures - to be made a part of the minutes.

Approved on Routine Agenda

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

Approved on Routine Agenda

- 11 Approval - of 2019 City of Gulfport Calendar - to be made a part of the minutes.

Approved on Routine Agenda

- 12 Legal Notice - request to re-advertise for Gaston Point Gym Floor Replacement.

Motion to Approve, 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

- 13 Letter - regarding bid awarded by Purchasing to Eagle Mechanical Inc. for Heat Pump System - Leisure Services - to be made a part of the minutes.

Approved on Routine Agenda

- 14 Letter - regarding bid awarded by Purchasing to Strohman Enterprise Inc. for Weapon Lights - Police Department - to be made a part of the minutes.

Approved on Routine Agenda

- 15** Request - to purchase a Dual Purpose Canine for the Police Department.

Approved on Routine Agenda

- 16** Request - a temporary change fund for the Daddy Daughter Dance on February 8th and 9th, 2019.

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

- 17** Warranty Deed - from A&B Investments and Leroy B. Letcher (Canal Road Property) - to be made a part of the minutes.

Approved on Routine Agenda

Public Agenda

The President called for comments during the Public Agenda.

No Citizen(s) addressed the Council at this time.

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

- Ms. Eula Whitehead Pigg
- Mr. G. Roderick "Rod" Leslie

Executive Session

General Counsel advised that there was a need to enter Executive Session to discuss possible litigation involving the City of Gulfport vs (1) James Petite, (2) Jaelyn White, (3) Jarius Washington, and (5) Nguyen, possible settlement of City of Gulfport vs Joshua Harper, status update related to Steven Jenkins vs City of Gulfport, and possible settlement of suit. Upon hearing from Counsel, Motion to enter Executive Session at 2:43 P.M., 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

The Council entered Executive Session at 2:45 P.M. In attendance: Member of the Council: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John Kelly (in at 2:49 P.M.), General Counsel Hugh Keating, City Attorney Jeff Bruni, Assistant City Attorney Dustin Uselton, Director of Public Works Wayne Miller (out at 2:46 P.M.), Clerk of Council Brittany Rodgers, and Deputy Clerk of Council Cheryl Johnson.

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

Motion to exit Executive Session at 2:56 P.M., 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

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:

Motion to retain the services of William E. Whitfield, III, Esq. and the law firm of Copeland, Cook, Taylor & Bush, P.A. to serve as counsel for and to represent the interests of employees of the City of Gulfport, Mississippi, including Brantley Cumberland and Shaun Sebring, in the pending lawsuit filed against them in the local Federal Court by Stephen Jenkins at hourly rates not exceed \$165.00 for partners, \$145.00 for associates, and \$80.00 for paralegals, 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 authorize the City Attorney's Office to take any and all actions necessary, including the filing of any lawsuits, and authorize the expenditure of monies to go towards the payment of any necessary court costs and fees, as well as any other expenses, to recover damages against Jarius Washington in the amount of \$2,386.20 as a result of an accident on September 12, 2018 resulting in damage to Gulfport Water Utility Truck Unit 2435, 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 authorize the City Attorney's Office to take any and all actions necessary, including the filing of any lawsuits, and authorize the expenditure of monies to go towards the payment of any necessary court costs and fees, as well as any other expenses, to recover damages against Jaelyn White and James Loew, Jr. in the amount of \$1,570.14 as a result of an accident on June 12, 2018 whereby Jaelyn White was driving a car owned by James Loew, Jr. and struck a city owned fire hydrant, 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 authorize the City Attorney's Office to take any and all actions necessary, including the filing of any lawsuits, and authorize the expenditure of monies to go towards the payment of any necessary court costs and fees, as well as any other expenses, to recover damages against James Petite in the amount of \$13,962.00 as a result of an accident on May 6, 2018 resulting in damage to a city owned control box, 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 authorize the City Attorney's Office to take any and all actions necessary, including the filing of any lawsuits, and authorize the expenditure of monies to go towards the payment of any necessary court costs and fees, as well as any other expenses, to recover damages in the amount of \$6,564.45 as a result of the breach of contract and default by Sheena Nyugen relating to the Vessel Dockage Agreement with the City of Gulfport Municipal Marina, 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

***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 Joshua Harper arising out of an accident on October 26, 2018, involving Gulfport Police Department Unit 4018, for the total sum of \$5,961.00, and the Mayor be authorized 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 Rusty Walker

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 (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 Ms. Eula Whitehead Pigg and Mr. G. Roderick "Rod" Leslie, until December 18, 2018 at 1:30 P.M. for a Regular Council Meeting, 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

City Clerk

Mayor

Agenda Adjustments

- 3 - A** Resolution - approving an Application to the Emergency Road & Bridge Repair Fund Program.