



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, October 8, 2019

1:30 PM

*Gulfport City Hall
Council Chambers*

1:30 P.M. Invocation, Pledge of Allegiance, Call to Order

The Mayor and Members of Council met at City Hall at 1:30 P.M., on the above date, same being an adjourned meeting from a Regular Meeting on September 17, 2019 at 1:30 P.M.

Present: Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, Clerk of Council Brittany Rodgers, **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 adjustments; delete items 5 and 9, at the request of the Administration, Moved By Myles Sharp, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

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

Absent: Ella Holmes-Hines (out of room)

Presentation Agenda

- 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 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 Kenneth Casey, 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

Attachment(s):

[Resolution - Authorizing Advertisement for Bids - Signed](#)

Ordinances

- 2 Ordinance - amending Sections 1-38 and 1-39 of the Code of Ordinances of the City of Gulfport, Mississippi.

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

- Ordinance 3013 -

Attachment(s):

[Ordinance 3013 - Signed](#)

- 3 Ordinance - amending Section 8-99 of the Code of Ordinances of the City of Gulfport, Mississippi.

Motion to Adopt Ordinance, Moved By Cara Pucheu, 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

- Ordinance 3014 -

Attachment(s):

[Ordinance 3014 - Signed](#)

- 4 Ordinance - amending Section 8-99 (b) of the Code of Ordinances of the City of Gulfport, Mississippi.

Motion to Adopt Ordinance, Moved By Cara Pucheu, **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

- Ordinance 3015 -

Attachment(s):

[Ordinance 3015 - Signed](#)

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

- Deleted -

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

Motion to Adopt Ordinance, 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

- Ordinance 3016 -

Attachment(s):

[Ordinance 3016 - Signed](#)

Resolutions

- 7 Order - by the Gulfport City Council, pursuant to Miss. Code Ann. §17-21-5(2), (rev. 2003, as amended), authorizing an exemption from municipal ad valorem taxes, excluding school district taxes, based on the increase in assessed value for qualifying capital improvement investments in qualifying structures in the designated redevelopment district, south of the CSX railroad tracks extending from the western city boundary to the eastern city boundary of the newly constructed structure located at 5100 Finley Street, Gulfport, Mississippi, in the First Judicial District of Harrison County, and identified as parcel number 0711N-04-045.000.

Motion to Approve Order, 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

Attachment(s):

[Order - Reuther Tax Abatement - Signed](#)

- 8 Order - by the Gulfport City Council, pursuant to Miss. Code Ann. §17-21-5(2), (rev. 2003, as amended), authorizing an exemption from municipal ad valorem taxes, excluding school district taxes, based on the increase in assessed value for qualifying capital improvement investments in qualifying structures in the designated redevelopment district, south of the CSX railroad tracks extending from the western city boundary to the eastern city boundary of the newly constructed structure located at 500 Oak Shadows Drive, Gulfport, Mississippi, in the First Judicial District of Harrison County, and identified as parcel number 0711N-04.105.004.

Motion to Approve Order, 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

Attachment(s):

[Order - Cunningham Tax Abatement - Signed](#)

- 9 Order - by the Gulfport City Council, pursuant to Miss. Code Ann. §17-21-5(2), (rev. 2003, as amended), authorizing an exemption from municipal ad valorem taxes, excluding school district taxes, based on the increase in assessed value for qualifying capital improvement investments in qualifying structures in the designated redevelopment district, south of the CSX railroad tracks extending from the western city boundary to the eastern city boundary of the newly constructed structure located at 615 Fournier Avenue, Gulfport, Mississippi, in the First Judicial District of Harrison County, and identified as parcel number 0711O-04-102.000.

- Deleted -

- 10 Order - by the Gulfport City Council, pursuant to Miss. Code Ann. §17-21-5(2), (rev. 2003, as amended), authorizing an exemption from municipal ad valorem taxes, excluding school district taxes, based on the increase in assessed value for qualifying capital improvement investments in qualifying structures in the designated redevelopment district, south of the CSX railroad tracks extending from the western city boundary to the eastern city boundary of the newly constructed structure located at 711 Second Street, Gulfport, Mississippi, in the First Judicial District of Harrison County, and identified as parcel number 0911E-01-033.000.

Motion to Approve Order, 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

Attachment(s):

[Order - McDonnell Tax Abatement - Signed](#)

- 11** Order - by the Gulfport City Council, pursuant to Miss. Code Ann. §17-21-5(2), (rev. 2003, as amended), authorizing an exemption from municipal ad valorem taxes, excluding school district taxes, based on the increase in assessed value for qualifying capital improvement investments in qualifying structures in the designated redevelopment district, south of the CSX railroad tracks extending from the western city boundary to the eastern city boundary of the newly constructed structure located at 885 Second Street, Gulfport, Mississippi, in the First Judicial District of Harrison County, and identified as parcel number 0911E-03.007.000.

Motion to Approve Order, 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

Attachment(s):

[Order - Bernheim Tax Abatement - Signed](#)

- 12** Order - by the Gulfport City Council, pursuant to Miss. Code Ann. §17-21-5(2), (rev. 2003, as amended), authorizing an exemption from municipal ad valorem taxes, excluding school district taxes, based on the increase in assessed value for qualifying capital improvement investments in qualifying structures in the designated redevelopment district, south of the CSX railroad tracks extending from the western city boundary to the eastern city boundary of the newly constructed structure located at 1021 Third Street, Gulfport, Mississippi, in the First Judicial District of Harrison County, and identified as parcel number 0911E-04-043.000.

Motion to Approve Order, 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

Attachment(s):

[Order - Necaise Tax Abatement - Signed](#)

- 13** Order - by the Gulfport City Council, pursuant to Miss. Code Ann. §17-21-5(2), (rev. 2003, as amended), authorizing an exemption from municipal ad valorem taxes, excluding school district taxes, based on the increase in assessed value for qualifying capital improvement investments in qualifying structures in the designated redevelopment district, south of the CSX railroad tracks extending from the western city boundary to the eastern city boundary of the newly constructed structure located at 170 Phillips Drive, Gulfport, Mississippi, in the First Judicial District of Harrison County, and identified as parcel number 1011D-03-004.005.

Motion to Approve Order, 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

Attachment(s):

[Order - Bourgeois Tax Abatement - Signed](#)

- 14** Resolution - authorizing negotiations to acquire Utility and Drainage Easement 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. § 11-27-81, et seq., and, if necessary, to expedite the "Our Road Sewer Improvement Project", authorizing special checks to acquire the property interests stated herein, and for related purposes.

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

Attachment(s):

[Resolution - ED Our Road - Thomas - Signed](#)

- 15** Resolution - accepting FY 2019 Justice Assistance Grant Program Grant Number 2019-DJ-BX-0049, authorizing the Mayor to execute any and all documents required to accept said Grant, and for related purposes.

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, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Attachment(s):

[Resolution - JAG Grant FY19 - Signed](#)

- 16** Resolution - approving Change Order #3 to Contract with Phoenix Fabricators and Erectors, LLC, for the Bayou View Water Tank Replacement Project, authorizing the Mayor to execute said Change Order, and for related purposes.

Motion to Approve, Moved By Kenneth Casey, **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

Attachment(s):

[Resolution - Change Order 3 - Phoenix - Fabricators - Bayou View Water Tank - Signed](#)

- 17** Resolution - approving Certificate of Substantial Completion for the Brickyard Bayou Drainage Improvements Project - Phase 2C, authorizing the Mayor to execute said Certificate, 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, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Attachment(s):

[Resolution - Substantial Completion - Brickyard Bayou Drainage Phase 2C - SCI - Signed](#)

- 18** Resolution - approving Certificate of Substantial Completion for the Dedeaux Road Improvements Project - Phase I, authorizing the Mayor to execute said Certificate, and for related purposes.

Motion to Approve, 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

Attachment(s):

[Resolution - Substantial Completion - Dedeaux Road - Moran Hauling - Signed](#)

- 19** Resolution - authorizing Application for Emergency Work and Execution of Project Agreement with the Natural Resource Conservation Service, authorizing the Mayor to execute the same, 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

Attachment(s):

[Resolution - NRCS App highway 49 and Old Magnolia Court - Signed](#)

- 20** Resolution - authorizing an expenditure representing Gulfport's share of the local match funds for the Federal Earmark Grant to develop a multimodal corridor project at the CSX rail line in Harrison County, 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, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Attachment(s):

[Resolution - GRPC FYE 2019 Local Match for Federal Earmark Grant - Signed](#)

- 21** Resolution - authorizing an expenditure for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Gulfport at The Gulf Coast Winter Classic, 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, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Attachment(s):

[Resolution - Gulf Coast Winter Classic FY20 Expenditure - Signed](#)

- 22** Resolution - authorizing a Donation of Funds to the Harrison County Library System pursuant to Miss. Code Ann. § 39-3-79(3) (2015), 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, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Attachment(s):

[Resolution - FY20 Harrison County Library Expenditure - Signed](#)

- 23 Resolution - approving the temporary closure of municipal right of way for the MS Gulf Coast Marathon to be held on December 15, 2019, 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, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Attachment(s):

[Resolution - 2019 MS Gulf Coast Marathon Street Closure - Signed](#)

- 24 Request - approval to add Lead Recreation Aide positions to the Gulfport Harbor Lights Winter Festival and approve job description.

Motion to Approve Request to add Lead Recreation Aide positions to the Gulfport Harbor Lights Winter Festival and approve job description, 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

Attachment(s):

[Memo to Approve Lead Recreation Aide position for Gulfport Harbor Lights Winter Festival](#)

[Job Description - Lead Recreation Aide](#)

- 25 Acceptance - of Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2018, Independent Auditors' Report and Special Audit Reports for the Fiscal Year ended September 30, 2018.

Motion to Approve acceptance of Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2018, Independent Auditors' Report and Special Audit Reports for the Fiscal Year ended September 30, 2018, 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

Attachment(s):

[City of Gulfport 2018 CAFR](#)

[City of Gulfport 2018 Single Audit](#)

Budget Amendments / Docket of Claims

- 26 Budget Amendment #1 - to increase Capital in 286 line item from forfeiture share.

Motion to Approve Budget Amendment #1, 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

Attachment(s):

[September 13th \(capital\)](#)
[Budget Amendments - FYE 2020 - 01](#)

- 27 Budget Amendment #2 - to increase the County/Local (277) Capital from drug forfeiture.

Motion to Approve Budget Amendment #2, 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

Attachment(s):

[September 16th \(Capital\)](#)
[Budget Amendments - FYE 2020 - 02](#)

- 28 Budget Amendment #3 - to increase 286 Capital from drug restitution.

Motion to Approve Budget Amendment #3, 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

Attachment(s):

[September 30th \(capital\)](#)
[Budget Amendments - FYE 2020 - 03](#)

- 29 Budget Amendment #4 - to increase the Photo/Fingerprinting from funds received from PropertyRoom.com.

Motion to Approve Budget Amendment #4, 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

Attachment(s):

[September 30th\(property-room\)](#)

[Budget Amendments - FYE 2020 - 04](#)

- 30** Budget Amendment #5 - to create budget for the acceptance of FY 2019 JAG Grant.

Motion to Approve Budget Amendment #5, 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

Attachment(s):

[Budget Amendment - JAG Grant 2019-DJ-BX-0423](#)

[Budget Amendments - FYE 2020 - 05](#)

- 31** Docket of Claims - to be approved through October 9, 2019.

Motion to Approve Docket of Claims, in the amount of \$1,880,979.82, 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

Attachment(s):

[Docket](#)

[Docket by Vendor](#)

[Docket by Org-Obj-Proj](#)

[Resolution - Docket of Claims - Signed](#)

Routine Agenda

Motion to Approve Routine Agenda, as presented, 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

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

Attachment(s):

[Resolution - Awarding-Rejecting Bids - Signed](#)

- 33 Privilege License Report - for the months of July & August, 2019 - to be made a part of the minutes.

Attachment(s):

[Privilege License Report - July & August, 2019](#)

- 34 Legal Notice - RFP for Professional Services for Water Tank Maintenance Program - Public Works Department.

Attachment(s):

[Legal Notice - Water Tank Maintenance Program - Public Works](#)

- 35 Letter - regarding bid awarded by Purchasing to Dailey's Farm & Walk Behind Tractors for Walk Behind Tractor - Economic Development - to be made a part of the minutes.

Attachment(s):

[Dailey's Farm & Walk Behind Tractors - Walk Behind Tractor - Economic Development](#)

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

Attachment(s):

[Conveyance Deed - Joseph Scott Sides](#)

- 37 Ratification - Facility Use Agreements - to be made a part of the minutes.

Attachment(s):

[Facility Use Agreements - Gulf Coast United](#)
[Facility Use Agreements - West Harrison High School - HCSD](#)

- 38 2019 Municipal Compliance Questionnaire - to be made a part of the minutes.

Attachment(s):

[2019 Signed Municipal Compliance Questionnaire](#)

Public Agenda

Council Comments

Memorial Adjournment

[Ms. Audrey Belinda Magee Shadwick](#)

[Ms. Rose Mary Robinson](#)

[Mr. Glenn Everett Roe](#)

[Bishop Joe Walter Nichols, Jr.](#)

Executive Session

Upon the advice of General Counsel, Motion to Enter Closed Session to make a preliminary determination of the necessity for Executive Session at 2:31 P.M., 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

The Council entered Closed Session at 2:31 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, Director of Public Works Wayne Miller, and Clerk of Council Brittany Rodgers.

Motion to Exit Closed Session at 2:35 P.M., Moved By Ron Roland, **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

No official action was taken during Closed Session.

Upon hearing from General Counsel regarding the nature of the request for Executive Session, Motion to Enter Executive Session at 2:35 P.M. for strategy session with respect to current litigation involving HCUA and current and prospective litigation associated with Courthouse Road Improvements Project, 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

The Council entered Executive Session at 2:35 P.M. In attendance:

Councilmembers: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, and Cara Pucheu, Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, Director of Public Works Wayne Miller, and Clerk of Council Brittany Rodgers.

Motion to Exit Executive Session at 3:14 P.M., 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

No official action was taken during Executive Session.

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

Motion to authorize the City Attorney's Office to negotiate a resolution of the lawsuit and claims filed against it by the Harrison County Utility Authority (Cause No. A2401-17-00215) to include the payment of \$700,000 to the Authority in full and final settlement and dismissal of its pending lawsuit against the City and in full and final satisfaction and resolution of any and all claims and actions the Authority and any of its members may or could have against the City and in exchange of the execution of the "Agreement Amending 'Memorandum of Agreement' Entered Into on September 20, 2017," a copy of which is attached hereto, the dismissal of the HCUA's case against the City with prejudice, and the City's withdrawal of its pending appeal to the Supreme Court; to authorize payment of \$700,000 to the HCUA, with the aforesaid understandings concerning the purpose and effect of this payment; and to authorize the Mayor and the City Attorney, or their designees, to execute, deliver, and record any and all documents needed or necessary to effectuate this resolution and dismissal of these legal proceedings, with the Governing Authority making the specific finding that this payment will not affect the garbage collection rates to the citizens of the City of Gulfport, 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

Attachment(s):

[Settlement Memo of Agreement](#)

[EXHIBIT A to Settlement Memo of Agreement](#)

Motion to authorize pursuit of monies through the Gulf Regional Planning Commission to fund final payment of Pickering Firm, Inc.'s work for completion of the Courthouse Road Improvements Project and to authorize the Mayor to sign and deliver any documents necessary to effectuate this pursuit, with the understanding the Pickering Firm, Inc. will complete its work through full and final completion of this project and with the understanding that the City's contribution toward this final payment will be considered at a later date (following approval from the Gulf Regional Planning Commission), 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

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. Audrey Belinda Magee Shadwick, Ms. Rose Mary Robinson, Mr. Glenn Everett Roe, and Bishop Joe Walter Nichols, Jr., until October 22, 2019 at 1:30 P.M. for a Regular Council Meeting, 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

Clerk

Mayor