



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, October 5, 2021

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 21, 2021 at 1:30 P.M.

Present: Mayor Billy Hewes, CAO Leonard Papania, General Counsel Hugh Keating, Clerk of Council Brittany Rodgers, **Councilmembers:** Kenneth Casey, Ron Roland, Ella Holmes-Hines (out at 1:52 P.M.), Rusty Walker, Myles Sharp, R.Lee Flowers, and Richard Kosloski.

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

Agenda Order

Motion to Accept the Agenda, with the following adjustment; delete item #18, at the Administration's 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, Richard Kosloski

Presentation Agenda

- **Mayor's Report**

Policy Issues

Minutes

- 1 Approval of Minutes - for August 5, 2021 SCM.

Motion to Approve Minutes for August 5, 2021 SCM, Moved By R.Lee Flowers,
Seconded by Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[August 5, 2021 SCM - Minutes](#)

- 2 Approval of Minutes - for September 17, 2021 Budget Adoption.

Motion to Approve Minutes for September 17, 2021 Budget Adoption, Moved By R.Lee Flowers, **Seconded by** Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[September 17, 2021 - Minutes](#)

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.

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, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

There being no one to object or address the Council, Motion to Close the Hearing and Approve the Resolution, Moved By Kenneth Casey, **Seconded by** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[Resolution - authorizing advertisement for bids - Signed Notification Letters - Code Enforcement Hearing](#)

- 4 Variance Approval - variances for accessory structure size and height - zoned R-1-7.5 (Single-family) - located at 482 Springwood Court - Case # 2108ZB125 - Ward 4 - with Appeal.

Motion to Approve Variance, Moved By Ron Roland, **Seconded by** Kenneth Casey

The following addressed the Council:

- Ricky/Charlotte Slade - Applicants
- Greg Holmes - Gulfport's Planning Administrator
- Tom Fairley - Opposition - 417 Caribe Place

Motion to Amend, conditional upon the aesthetics of the accessory structure's exterior being similar to and in harmony with the exterior of the main structure, Moved By R.Lee Flowers, **Seconded by** Ron Roland

Vote: Motion Carried By The Following Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Myles Sharp, R.Lee Flowers, Richard Kosloski

Abstain: Rusty Walker

Absent: Ella Holmes Hines

The President called the question on the motion as amended.

Vote: Motion Carried By The Following Roll Call Vote

Aye: Kenneth Casey, Ron Roland, R.Lee Flowers, Richard Kosloski

Nay: Myles Sharp

Abstain: Rusty Walker

Absent: Ella Holmes Hines

Attachment(s):

[Council Cover](#)

[125 Tech Report](#)

[125 Locator](#)

[125 Packet](#)

[125 Deed](#)

[125 ZBNC](#)

[125 ADJ List](#)

[125 ADJ](#)

[ZB Proof of Publication](#)

[125 Exhibits](#)

[125 Appeal Letter](#)

[125 Transcript](#)

Ordinances

- 5** Ordinance - providing for the salary of compensation for certain position in the City of Gulfport, Mississippi, and for those employees serving in this position, and for related purposes.

Motion to Adopt Ordinance, Moved By R.Lee Flowers, **Seconded by** Ron Roland

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[Ordinance 3089 - Signed](#)

- 6 Ordinance - providing for the salary of compensation for certain position in the City of Gulfport, Mississippi, and for those employees serving in this position, and for related purposes.

Motion to Adopt Ordinance, Moved By Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers and Richard Kosloski, **Seconded by** Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers and Richard Kosloski

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[Ordinance 3090 - Signed](#)

Resolutions

- 7 Resolution - approving Retention of Hancock Whitney Bank as Indenture Trustee in connection with \$45.85M Mississippi Development Bank Special Obligation Bonds (Series 2021), and for related purposes.

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

Motion to Approve, 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, Richard Kosloski

Absent: Ella Holmes- Hines, R.Lee Flowers (recused)

Attachment(s):

[Resolution - Hancock Whitney Indenture Trustee - Signed](#)

- 8 Resolution - approving Memorandum of Understanding for Harrison County Family Justice Center, 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, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[MOU - FINAL](#)

- 9 Resolution - approving Business Fiber Services Agreement (including Addendum) with Sparklight for fiber services at the Leisure Services Administration Building, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[Resolution - Sparklight Agreement - Signed](#)

- 10 Resolution - approving Certificate of Substantial Completion for the Bayou View Water Tank Replacement Project, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[Resolution - Certificate of Substantial Completion Bayou View Water Tank - Signed](#)

- 11 Resolution - approving the temporary closure of municipal right of way for Williams Gallery Construction/Building Rehabilitation Project, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[Resolution - Williams Gallery Road Closure - Signed](#)

- 12** Resolution - reconfirming and extending the status of a State of Emergency due to the spread of COVID-19 and potential associated impacts which threaten to affect areas within the City, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[Resolution - COVID19 SOE Extension 26 - Signed](#)

- 13** Resolution - reconfirming and extending the status of a State of Emergency due to the impacts of Hurricane Zeta on the City of Gulfport, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[Resolution - Hurricane Zeta SOE Extension 16 - Signed](#)

- 14** Resolution - reconfirming and extending the status of a State of Emergency due to the impacts of Hurricane Ida on the City of Gulfport, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[Resolution - Hurricane Ida SOE Extension #2 - Signed](#)

Budget Amendments / Docket of Claims

- 15** Budget Amendment #1 - increasing line item 286 Capital (CNET) from restitution.

Motion to Approve Budget Amendment #1, Moved By Myles Sharp, **Seconded** by R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[September 17 \(CNET\)](#)

[Budget Amendments - 2022 BA01](#)

- 16** Budget Amendment #2 - increasing line item 277 Vehicles from several drug related arrests.

Motion to Approve Budget Amendment #2, Moved By Myles Sharp, **Seconded** by R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

[September 23 \(restitution\)](#)

[Budget Amendments - 2022 BA02](#)

- 17** Docket of Claims - to be approved through October 6, 2021.

Motion to Approve Docket of Claims, in the amount of \$564,557.89, Moved By Richard Kosloski, **Seconded by** Rusty Walker

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Attachment(s):

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

[Docket](#)

[Docket by Vendor](#)

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

Discussion Topic(s)

- 18 Discussion - Southern Rail Commission Grant Funding from the Federal Railroad Administration.

- Deleted -

Routine Agenda

Motion to Approve Routine 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, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

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

Attachment(s):

[Resolution - awarding bids - Signed](#)

- 20 Code Enforcement Notice(s) - to be made a part of the minutes.

Attachment(s):

[7-Day Notice\(s\)](#)

[Chapter 3 Notice\(s\)](#)

- 21 Privilege License Report - for the month of September, 2021 - to be made a part of the minutes.

Attachment(s):

[Privilege License Report - September 2021](#)

- 22 Legal Notice - advertisement for Term Contracts.

Attachment(s):

[Legal Notice 2022.REBID](#)

- 23 Legal Notice - advertisement for Trenchless Pipe Inspection, Cleaning & Repair Unit Price Contract.

Attachment(s):

[TrenchlessPipeInspection.2021](#)

- 24** Letter - regarding the City of Gulfport's right to exercise extension of various Term Contracts.

Attachment(s):

[CouncilMemo.Renewals.2022](#)

- 25** Ratification - of previously approved and executed Agreements, Contracts, and/or Documents - to be made a part of the minutes.

Attachment(s):

[Hurricane Katrina - Applicant Agent - Partially Executed](#)

[Hurricane Zeta - Applicant Agent - Partially Executed](#)

[Professional Services Agreement - Pam Winston - Executed](#)

[Supplemental Agreement 2 Neel Schaffer - BUILD - Executed](#)

Public Agenda

The President called for comments during the Public Agenda.

The following Citizen(s) addressed the Council:

- Sandra Wyche
- Gayle Tart
- Richard Oden
- Patrick White
- Jeffery Hulum

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

[Mrs. Lillie Bell Harper-Floyd](#)

Executive Session

Upon the advice of General Counsel, Motion to Enter Closed Session to make a preliminary determination of the necessity for Executive Session, Moved By Ron Roland, Seconded by Kenneth Casey

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

The Council entered Closed Session at 3:11 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers and Richard Kosloski, Mayor Billy Hewes, CAO Leonard Papania, General Counsel Hugh Keating, City Attorney Jeff Bruni and Clerk of Council Brittany Rodgers.

Motion to Exit Closed Session at 3:11 P.M., Moved By Ron Roland, Seconded by Rusty Walker

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

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 3:13 P.M. for (1) strategy session with respect to prospective litigation involving the Orange Grove Community Center; and (2) strategy session with respect to prospective litigation associated with damage to City property that occurred on August 19, 2021, arising out of an automobile incident involving a vehicle being operated by Keon Warnsley , Moved By Kenneth Casey, Seconded by Richard Kosloski

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

The Council entered Executive Session at 3:14 P.M. In attendance: Councilmembers: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers and Richard Kosloski, Mayor Billy Hewes, CAO Leonard Papania, General Counsel Hugh Keating, City Attorney Jeff Bruni and Clerk of Council Brittany Rodgers.

Motion to Exit Executive Session at 3:17 P.M., Moved By Kenneth Casey, Seconded by R.Lee Flowers

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

No official action was taken during Executive Session.

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

Motion for the City Attorney's Office to take any and all actions necessary, including the filing of any lawsuits and all actions related thereto, and to authorize the expenditure of monies to go towards the payment of any costs or expenses incurred related to such actions, including court costs and fees and any other expenses, to recover damages to the City in the following matter: City of Gulfport v. Keon Warnsley and all others responsible for damage to City property arising out of an incident on August 19, 2021, (amount is presently \$5,381.29), Moved By R.Lee Flowers, Seconded by Myles Sharp

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Motion to direct the architect (LPK Architects) to issue a final summary Change Order awarding time for requested contract delays related to weather, and approving final payment in the full contract amount and to approve and authorize issuance of a special check with respect to this final payment in connection with the contract/project with Mandal's, Inc. associated with the Orange Grove Community Center Roof Project as well as to authorize and approve the Mayor and his designee to execute any and all documents necessary or needed to effectuate these actions, Moved By Myles Sharp, Seconded by Rusty Walker

Vote: Motion Carried By The Following Roll Call Vote

Aye: Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Nay: Kenneth Casey

Absent: Ella Holmes-Hines

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. Lillie Bell Harper-Floyd, until October 19, 2021 at 1:30 P.M. for a Regular Meeting, Moved By Kenneth Casey, **Seconded by** Richard Kosloski

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Ella Holmes-Hines

Clerk

Mayor