



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Friday, March 3, 2023

12:30 PM

*Gulfport City Hall
Council Chambers*

12:30 P.M. Invocation, Pledge of Allegiance, Call to Order

The Mayor and Members of Council met at City Hall at 12:30 PM, on the above date, same being an adjourned meeting from a Regular Meeting on February 21, 2023 at 1:30 P.M.

Present: Mayor Billy Hewes, CAO Leonard Papania (in at 1:22 P.M.), General Counsel Hugh Keating, Clerk of Council Brittany Rodgers, Deputy Clerk of Council Brittany Thomas, **Councilmembers:** Kenneth Casey, Ron Roland, Ella Holmes-Hines (Teleconference), Rusty Walker, Myles Sharp (out at 2:35 P.M.), R.Lee Flowers, and Richard Kosloski.

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

Agenda Order

Motion to Accept the Agenda, as presented with the following amendments, add item 13 – A – Resolution - approving the temporary closure of municipal right of way for Buggin the Coast Event, and for related purposes., add item 16 – A - Resolution - endorsing financial support of the Legislature, Governor, Attorney General, Department of Marine Resources, and Department of Environmental Quality of the State of Mississippi for the Mission of the Mississippi Sound Coalition, and for related purposes, 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 - February 7, 2023.

Motion to Approve Minutes for February 7, 2023, 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, Richard Kosloski

Attachment(s):

[February 7, 2023 - Minutes](#)

Ordinances

- 2 Ordinance - amending the official text of the Comprehensive Zoning Ordinance, as amended, the Smart Code Zoning, Article 5, as amended, Section 5.3.3 (a), 5.4.3 (a), 5.5.3 (a), 5.6.3 (a), and Article 6, Table 10 - Case # 2212PC225.

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, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Attachment(s):

[Ordinance 3245 - Signed](#)

- 3 Ordinance - amending the official text of the Comprehensive Zoning Ordinance, as amended, Section III District Regulations, (K) Chart of Permitted Uses, (2) Schedule of uses - Reducing Salon, (i.e. gym/fitness) in I-2 Zoning Districts - Case # 2301PC007.

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

Motion to Modify to "P", 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, Myles Sharp, R.Lee Flowers, Richard Kosloski

The President called the question.

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

Attachment(s):

[Ordinance 3246 - Signed](#)

- 4 Ordinance - rezoning tax parcel from T5 (Urban Center Zone) to T6 (Urban Core Zone) - located at 942 1/2 Beach Boulevard - Case # 2211PC195 - Ward 2.

Motion to Adopt Ordinance, 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, Richard Kosloski

Attachment(s):

[Ordinance 3247 - Signed](#)

- 5 Ordinance - rezoning tax parcels 1011D-01-036.000 and 1011D-01-038.001 from T6 (Urban Core Zone) to T4+ (General Urban Zone "Plus") - located at 146 Oleander Drive - Case # 2301PC001 - Ward 2.

Motion to Adopt Ordinance, 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, Richard Kosloski

Attachment(s):

[Ordinance 3248 - Signed](#)

- 6 Ordinance - rezoning tax parcel 0710M-01-053.003 from B-2 (General business) to I-1 (Light industry) - located at 0 28th Street - Case # 2301PC003- Ward 1.

Motion to Suspend the Rules, 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, Richard Kosloski

Motion to Adopt Ordinance, Moved By R.Lee Flowers, Seconded by Rusty Walker

Councilman Flowers withdrew his Motion, which was accepted by Councilman Walker.

Motion to Remand back to Planning Commission for further development of the record associated with the recommendation involving application for amendment to the zoning ordinance, taking into consideration, among other things, the comments of the City's Assistant Director of Urban Development stated during the March 3, 2023 Council Meeting regarding "spot zoning", 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, Richard Kosloski

Resolutions

- 7 Resolution - approving use of Use Tax proceeds for (Otto Avenue) Paving Project, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ron Roland, Rusty Walker, Myles Sharp, Richard Kosloski

Abstain: Ella Holmes-Hines, R.Lee Flowers

Attachment(s):

[Resolution - MIMA - OTTO AVENUE - Signed](#)

- 8 Resolution - approving Order Form and General Terms and Conditions of Fifth Asset, Inc., d/b/a DebtBook, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

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

Attachment(s):

[Resolution - Fifth, Inc - Debtbook - Signed](#)

- 9 Resolution - approving Amendment No. 1 to the Interlocal Governmental Cooperation Agreement with Gulfport-Biloxi Regional Airport Authority concerning the provision of Law Enforcement Services, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

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

Attachment(s):

[Resolution - Amendment 1 - Interlocal Governmental Cooperation Agreement - Signed](#)

- 10 Resolution - authorizing the entry into a Non-Revolving Line of Credit at Trustmark Bank at a corrected rate of interest associated with Hurricane Zeta, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

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

Attachment(s):

[Resolution - ZETA LOC Extension - Signed](#)

- 11** 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 Rotary Club of Gulfport Fundraiser Walk Event, and for related purposes. (rescheduled event from March 10, 2023, to March 31, 2023)

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

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

Attachment(s):

[Resolution - Rotary Walk Fee Waiver - Signed](#)

- 12** 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 Jeepin the Coast, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

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

Attachment(s):

[Resolution - Jeepin the Coast Fee Waiver - Signed](#)

- 13** Resolution - approving the temporary closure of municipal right of way for Jeepin the Coast Event, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

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

Attachment(s)

[Resolution - Jeepin the Coast - Street Closure-parking closure - Signed](#)

- 13 - A** Resolution - approving the temporary closure of municipal right of way for Buggin the Coast Event, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

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

Attachment(s):

[Resolution - Buggin the Coast - Street Closure-parking closure - Signed](#)

- 14 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 of Gulfport, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

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

Attachment(s):

[Resolution - COVID-19 SOE Extension #48 - Signed](#)

- 15 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** Richard Kosloski

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

Attachment(s):

[Resolution - Hurricane Zeta SOE Extension #38 - Signed](#)

- 16 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** Richard Kosloski

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

Attachment(s):

[Resolution - Hurricane Ida SOE Extension #24 - Signed](#)

- 16 - A Resolution - endorsing financial support of the Legislature, Governor, Attorney General, Department of Marine Resources, and Department of Environmental Quality of the State of Mississippi for the Mission of the Mississippi Sound Coalition, and for related purposes.

Motion to Approve, Moved By Myles Sharp, **Seconded by** Richard Kosloski

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

Attachment(s):

[Resolution - Mississippi Sound Coalition - Signed](#)

Budget Amendments / Docket of Claims

- 17 Budget Amendment #71 - funding City portion of Construction, Engineering & Inspection Contract to Volkert Inc. for Landon Road Widening Project.

Motion to Approve Budget Amendment #71, Moved By Richard Kosloski, **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, Richard Kosloski

Attachment(s):

[Budget Amendment 2023-71](#)

[Budget Amendment FY 23 - Fund CEI Contract with Volkert for the Landon Road Widening Project 02804 - MARCH 7 2023](#)

[Landon Road Widening Project - Construction Engineering and Inspection \(CE&I\) Services Contract with Volkert, Inc.](#)

- 18 Docket of Claims - to be approved through March 8, 2023.

Motion to Approve Docket of Claims, in the amount of \$1,631,878.27, Moved By R.Lee Flowers, **Seconded by** Richard Kosloski

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

Attachment(s):

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

Routine Agenda

Motion to Approve Routine Agenda, as presented, 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, Richard Kosloski

- 19 Privilege License Report - for the month of February, 2023 - to be made a part of the minutes.

Attachment(s):

[Privilege License Report - February 2023](#)

- 20 Public Records Request - for the month of January 2023 - to be made a part of the minutes.

Attachment(s):

[January 2023 Records Request](#)

- 21 Legal Notice - advertisement for Solid Waste RFP.

Attachment(s):

[Solid Waste legal notice 022723](#)

[Solid Waste RFP letter 022723](#)

- 22 Letter - regarding bid awarded by Purchasing to L & M Lawn Care for demolition - 963 Mary Ruth Drive (Ward 4) - Code Enforcement - to be made a part of the minutes.

Attachment(s):

[963 Mary Ruth Drive - Ward 4 - Code Enforcement](#)

- 23 Letter - regarding bid awarded by Purchasing to Range Ordinance Cleanup LLC for shooting range clean up and lead removal - Police Department - to be made a part of the minutes.

Attachment(s):

[Shooting range clean up - Range Ordinance Cleanup LLC - Police](#)

- 24 Letter - regarding bid awarded by Purchasing to Southern Waterworks Supply Inc. for the Water Project for Hwy 605 - Public Works - to be made a part of the minutes.

Attachment(s):

[Public Works - Water Project for Hwy 605 - Southern Waterworks Supply](#)

- 25 Ratification - of Termination Letter - Amtrak - Short Term Rental Agreement - to be made a part of the minutes.

Attachment(s):

[Short-Term Lease Termination Letter 2.23.23](#)

- 26 Acknowledgment - of previously approved and subsequently executed Agreements, Contracts, and/or Documents - to be made a part of the minutes.

Attachment(s):

[Fuel Supplier Agreement - Eagle Energy - 02072023 8 - Executed](#)

[Sports Facilities Services Agreement - 02072023 11 - Executed](#)

[Zurich Surety Misc Terms Bonds - 02072023 10 - Executed](#)

[Certificate of Substantial Completion - Can't Be Beat Fence - PW Fence Replacement - 02072023 13 - Executed](#)

[Sub-Award Grant Agreement MDEQ - Coffee Creek Sewer Rehab - 01172023 16 - Executed](#)

Public Agenda

The President called for comments during the Public Agenda.

The following Citizen(s) addressed the Council:

- David Easterling - 140 Markham Drive
- Terry Ragers - Quitman, MS
- Michele Carter - 3504 Bonita Drive
- Varina Carter - 575 Cowan Road

This Concluded the Public Agenda.

Council Comments

Memorial Adjournment

- [Mr. Ted Allen Molesworth](#)

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 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, Richard Kosloski

The Council entered Closed Session at 2:00 P.M. In attendance: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski, Mayor Billy Hewes(in at 2:04 P.M.), CAO Leonard Papania, General Counsel Hugh Keating, City Attorney Jeff Bruni, Communications and Marketing Manager Jase Payne, Clerk of Council Brittany Rodgers, and Deputy Clerk of Council Brittany Thomas.

Motion to Exit Closed Session at 2:05 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, Richard Kosloski

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 2:05 P.M. for (1) strategy session with respect to ongoing and active litigation associated with workers compensation matter (Jimmy Loftis); and (2) transaction of business and discussion regarding the prospective sale of lands (associated with Huntington Circle); and (3) strategy session with respect to prospective litigation associated with the incident involving the officer involved shooting at the family dollar store on Pass Road., 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, Richard Kosloski

The Council entered Executive Session at 2:06 P.M. In attendance: Kenneth Casey, Ron Roland, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers, Richard Kosloski, Mayor Billy Hewes, CAO Leonard Papania, General Counsel Hugh Keating, City Attorney Jeff Bruni, Communications and Marketing Manager Jase Payne (out at 2:10 P.M.), Clerk of Council Brittany Rodgers and Deputy Clerk of Council Brittany Thomas.

Motion to Exit Executive Session at 2:20 P.M., Moved By Ron Roland, Seconded by Rusty Walker

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Ron Roland, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Richard Kosloski

Absent: Kenneth Casey (out of room at 2:16 P.M.)

No official action was taken during Executive Session.

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

Motion to authorize mediation of the workers compensation claim of Jimmy C. Loftis (DOI July 6,2020) with Donald Moore, Esq., as the mediator with the City's share of the expenses associated with the mediation not to exceed \$2,500.00., Moved By Myles Sharp, Seconded by Richard Kosloski

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

Motion to authorize the City Attorney's office to obtain appraisals on the City property located adjacent to The Huntington Subdivision and sought to be purchased by Zach Bolton and Ricky Mallette from Everette Ladner and from an appraiser approved by the City Attorney., 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, Richard Kosloski

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 Ted Allen Molesworth, until March 21, 2023 at 1:30 P.M. for a Regular Meeting, 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, R.Lee Flowers, Richard Kosloski

Absent: Myles Sharp

City Clerk

Mayor

Agenda Adjustments

- 13 - A** Resolution - approving the temporary closure of municipal right of way for Buggin the Coast Event, and for related purposes.
- 16 - A** Resolution - endorsing financial support of the Legislature, Governor, Attorney General, Department of Marine Resources, and Department of Environmental Quality of the State of Mississippi for the Mission of the Mississippi Sound Coalition, and for related purposes.