# City of Gulfport, Mississippi

# Minutes

# City Council

**2309 15th Street**
**Gulfport, MS 39501**

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| **Tuesday, March 22, 2016** | **1:30 PM** | ***Gulfport City Hall Council Chambers*** |

## 1:30 p.m. Invocation, Pledge of Allegiance, Call to Order

The Mayor and 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 March 8, 2016 at 1:30 P.M. Present: Mayor Billy Hewes, General Counsel Hugh Keating, Council members: Kenneth Casey, Ricky Dombrowski, 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 Confirmation or adjustment of the agenda order

A motion was made by Councilmember Sharp, seconded by Councilmember Walker to accept the agenda with the following adjustments:

Delete Policy Item #4, at the request of Attorney Bill Williams, in conjunction with the property owner (applicant). They wished to withdraw their application, Add 25-A, Request from the Fire Department for billboard advertisement for recruiting purposes.

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

## Presentation Agenda

### • Mayor's Report

The President called for the Mayor's Report.

Mayor Hewes asked for a moment of silence for the victim's in the bombing this morning in Brussels….

Police Chief Leonard Papania introduced Sergeant Chuck Koewers. Sgt Koewers was recognized for his 20 years of service with the Gulfport Police Department.

News in Gulfport – Spring officially kicked off this weekend with a very successful Unity Festival, Easter Egg Hunt and a Ron Meyers Christian Concert Event in Jones Park! Other news:

- Ship Island Excursions began running March 19 out of the Gulfport Harbor
- Gulfport Harbor Market opens next Wednesday, March 30 in Barksdale Pavilion
- Congratulations to Gulfport Native, Brittany Reese – won her 7th gold medal and 6th World Championship Title !
- Gulf Coast Winter Classic wrapped up this past Sunday – what an amazing event for our MS Gulf Coast

- Port of Gulfport new cranes arrived this past Friday – the silhouette of the Port is changing daily!
- MS Gulf Gulf Resort Classic kicks off next week at Fallen Oak! March 31-April 3

**Aquarium** – The City of Gulfport is set to unveil the new design concept for the Mississippi Aquarium this Friday at 10:00 am – 2200 East Beach Blvd on the site of the former First Baptist Church! Come join us for the biggest news in Mississippi!

This concluded the Mayor's Report.

## Policy Issues

### Minutes / Appeal

**1** Approval of minutes - for March 8, 2016.

**Motion to Approve the minutes of March 8, 2016, Moved By** Ella Holmes-Hines, **Seconded By** Ricky Dombrowski

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**2** Appeal - of a decision by the Chief of Police denying an application for a variance permit to the noise ordinance for a musical concert scheduled to be held on April 9, 2016.

**Motion to Open the Hearing, Moved by** Myles Sharp, **Seconded By** Kenneth Casey

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

The following individuals and/or city staff addressed the council:

- Mr. George Bush, owner of Club Illusion at 1925 34th Street.
- Mr. Anthony Fairley, resident of 3225 20th Avenue.
- Ms. Donna Rowland, resident of 1112 2nd Street.
- Mr. Chris Fisher, Attorney representing Mr. George Bush.
- Police Chief Leonard Papania, Gulfport Police Department.
- Mrs. Sandra Wyche, resident of 3525 Nunnally Street.
- Mr. Willie Spann, resident of 2103 34th Street.
- Mr. Arthur Spann, resident of 2005 34th Street.
- Mrs. Bea Anderson, resident of 1905 31st Street.
- Pastor Fred Flemings, Emanuel Baptist Church.

Note: Councilwoman Ella Holmes-Hines asked that the letters submitted via email be made a part of the record from:

  - Pastor Harold A Spann, Sr. of New Jerusalem Missionary Baptist Church *and*
  - Reverend Eric E. Dickey, President of the Gulf Coast Ministerial Fellowship

- Mr. Greg Holmes, Planning Administrator, City of Gulfport
- Mr. Hugh Keating, General Counsel, City of Gulfport

**Councilwoman Ella Holmes-Hines Moved**, **Seconded by Councilmember R.Lee Flowers** that the decision of the Police Chief to deny the noise variance permit requested by George Bush for an outdoor music concert on or about April 9, 2016, on private property located at 1925 34th Street (Tax Parcel No. 0810N-01-001.001), be affirmed. The grounds for my motion are as follows:

1. The property upon which the concert is scheduled to occur abuts and adjoins residentially zoned property to the west.

2. Even though sound equipment (amplifiers, speakers, etc) can be directed away from areas zoned residential and towards areas zoned commercial and/or industrial, that will not prevent the residentially zoned area from being exposed to uncomfortably loud music.

3. The noise may render the enjoyment of life or property uncomfortable or interfere with public peace and comfort to the residents who live nearby.

4. The sound equipment associated with this concert will be operated in such a manner or at such a volume that it will disturb the peace, quiet, comfort or repose of persons in nearby dwellings, apartments, hotels or other types of residences in the area.

5. The concert is scheduled to be held during the evening hours of 6pm – 8pm, during the dinner hour, when residents will be home for the evening, attempting to enjoy the peace and comfort of their homes.

6. The concert is being held outdoors; it is, more appropriately, a concert that should be held indoors.

7. There is no effective way to control the traffic congestion or crowding that is expected to be created in the adjoining residential areas as a result of the proposed activity.

**Vote:** Motion Carried By The Following Roll Call Vote:
**Aye:** Ricky Dombrowski, Ella Holmes-Hines, R.Lee Flowers and Cara Pucheu
**Nay:** Kenneth Casey, Rusty Walker and Myles Sharp

## Code Enforcement / Planning

**3** Code Enforcement Hearing - on resolution of declare that certain properties are in such a state of uncleanliness 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 Hearing**, **Moved By** R.Lee Flowers, **Seconded By** Cara Pucheu

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**There being no one present to object or address the council, Motion to Close the Hearing and Approve, Moved By** Cara Pucheu, **Seconded By** Ella Holmes-Hines

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**4** Ordinance - rezoning property from T5 (Urban Center Zone) and T6 (Urban Core) to being zoned entirely T6 (Urban Core), located north of and adjacent to Beach Drive, south of Georgia Place, east of Cowan Road, and west of Allan Drive — Case # 1512PC097 — Ward 2.

**Deleted**

**5** Ordinance - rezoning property from I-2 (Heavy Industry) to B-2 (General Business), located north of Crossroads Parkway, south of and adjacent to E Cora Drive, east of and adjacent to Three Rivers Road, west of White Road — Case # 1602PC012 — Ward 5.

**Motion to Adopt the Ordinance**, **Moved By** Myles Sharp, **Seconded By** Cara Pucheu

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

***Ordinance #2850***

**6** Short Form Resubdivision - resubdivision of three parcels into one parcel, zoned R-1-7.5, located north of Briar Patch Lane, south of Hancock Place, east of Courthouse Road, east of and adjacent to Colonel Wink Drive, and west of Bernard Bayou - case # 1604CC039 - Ward 4.

**Motion to Approve the Resubdivision**, **Moved By** Ella Holmes-Hines, **Seconded By** Cara Pucheu

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

## Resolutions

**7** Resolution - approving award and contract to Jeffcoat Recreation & Construction, LLC, for the East North Gulfport Park Playground and Park Improvements and authorizing the Mayor to execute the same.

**Motion to Approve**, **Moved By** Ella Holmes-Hines, **Seconded By** Cara Pucheu

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**8** Resolution - declaring certain and various computer, monitors and other associated items of municipal personal property to be surplus property which is no longer used or needed by the municipality and declared to have no value to the municipality and authorizing sale of said items.

**Motion to Approve**, **Moved By** R.Lee Flowers, **Seconded By** Ella Holmes-Hines

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**9** Resolution - declaring certain and various vehicles, machinery, equipment, furnishings and other items of municipal personal property to be surplus property and authorize the Mayor to execute the same.

**Motion to Approve**, **Moved By** R.Lee Flowers, **Seconded By** Ella Holmes-Hines

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**10** Resolution - approving Memorandum of Understanding among the State of Mississippi, the

Mississippi Major Economic Impact Authority, the Mississippi State Port Authority at Gulfport, the Harrison County Development Commission, the City of Gulfport, and Topship, LLC and authorizing the Mayor to execute the same.

**Motion to Approve**, **Moved By** Kenneth Casey, **Seconded By** Ella Holmes-Hines

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**11** Resolution - approving "Consent and Release to use name, image, statement, endorsement, recording and/or image of property in Dow Agrosciences Advertising and Publications" between the City of Gulfport and Dow Agrosciences, LLC, in connection with treatment of tree carvings in the City of Gulfport and authorizing the Mayor to execute the same.

**Motion to Approve**, **Moved By** R.Lee Flowers, **Seconded By** Ella Holmes-Hines

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**12** Resolution - authorizing termination of Agreement with E.A. Uffman & Associates, Inc., (CSD Collection Specialist) and authorizing the Mayor to take whatever steps as may be required to accomplish the same on behalf of the City.

**Motion to Approve**, **Moved By** Ella Holmes-Hines, **Seconded By** Kenneth Casey

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

## Budget Amendments / Docket of Claims

**13** Budget Amendment #33 - to budget funds received from the MS Department of Revenue Municipal Court Collections Fund.

**Motion to Approve**, **Moved By** R.Lee Flowers, **Seconded By** Kenneth Casey

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**14** Budget Amendment #34 - to increase Police Overtime Budget from funds received MCOPS grant for school resource officers.

**Motion to Approve**, **Moved By** R.Lee Flowers, **Seconded By** Kenneth Casey

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

**15** Docket of Claims - to be approved through March 23, 2016.

**Motion to Approve**, **Moved By** Ricky Dombrowski, **Seconded By** R.Lee Flowers

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

## Routine Agenda

**Motion to Approve as Amended**, **Moved By** R.Lee Flowers, **Seconded By** Ella Holmes-Hines

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

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

**Approved on Routine Agenda**

**17** Year to Date Budget Report - for month ending February 29, 2016 - to be made part of the minutes.

**Approved on Routine Agenda**

**18** Associated Adjusters Check Register - for the month of February, 2016 - to be made part of the minutes.

**Approved on Routine Agenda**

**19** Public Records Requests - for the month of February, 2016 - to be made a part of the minutes.

**Approved on Routine Agenda**

**20** Letter of recommendation - regarding bids received by Purchasing for Fireworks Display - Leisure Services - to be made a part of the minutes.

**Approved on Routine Agenda**

**21** Letter of recommendation - request to purchase remanufactured arbitrators through cooperative contract - Police Department - to be made a part of the minutes.

**Approved on Routine Agenda**

**22** Letter of recommendation - request to purchase 6" Compressor Pump - Public Works Maintenance Garage - to be made a part of the minutes.

**Approved on Routine Agenda**

**23** Letter of recommendation - regarding lease purchase of new vehicular mounted camera system – Public Works Department - to be made a part of the minutes.

**Approved on Routine Agenda**

**24** Letter of recommendation - regarding bids received by Purchasing S&W M&P 15 Rifles - Police Department - to be made a part of the minutes.

**Approved on Routine Agenda**

**25** Legal Notice - advertisement for bids for Term Contract Group J2 - Pre-Cast Concrete Manholes.

**Approved on Routine Agenda**

## Public Agenda

**• Citizen Forum - Thirty minutes shall be allowed for public input with a three minute time limit on each speaker.**

- **Ms. Adele Lyons, Director of Habitat for Humanity of the Gulf Coast.**
- **Mr. Howard Page, representative of Steps Coalition.**
- **Mr. Gilbert Ramsey, resident of 19012 Peterson Road, Saucier, MS.**
- **Mrs. Sandra Wyche, resident of 3525 Nunnally Street.**

## Council Comments

## Memorial Adjournment

- **Ms. Aurabelle Caggins**
- **Mr. Sam Thompkins**
- **Rev. Curtis Durr**
- **Ms. Topsie Smith**
- **(Former First Lady) Mrs. Nancy Reagan**

## Executive Session

**Upon advice of General Counsel, a motion was made by Councilmember Sharp, duly seconded by Councilmember Walker to close the meeting to determine the need for executive session.**

**Vote:** Motion Carried By Unanimous Roll Call Vote
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

**The Council entered closed session at 3:56 P.M. In attendance: Members of the Council: Casey, Dombrowski, Holmes-Hines, Walker, Sharp, Flowers and Pucheu; Mayor Billy Hewes, CAO Dr. John Kelly, General Counsel Hugh Keating, Economic Development Director David Parker (out at 4:04 P.M.), and Clerk of Council Ronda Cole. The Council discussed the need to enter executive session to discuss a specific personnel matter, an update on Struthers Property (potential litigation), and litigation related to Orange Grove Community Center.**

**A motion was made by Councilmember Sharp, duly seconded by Councilmember Pucheu to come out of closed session and enter executive session at 3:58 P.M.**

**Vote:** Motion Carried By Unanimous Roll Call Vote
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

**A motion was made by Councilmember Sharp, duly seconded by Councilmember Flowers to exit Executive session at 4:29 P.M.**

**Vote:** Motion Carried By Unanimous Roll Call Vote
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

The Attorney announced no official action was taken during Executive Session.

Upon reconvening in an open meeting, the following action was taken:

**A motion was made by Councilmember Ella Holmes-Hines, duly seconded by Councilmember Flowers** to authorize a budget amendment, to the Legal Department, in the amount of $40,000 for the purpose of engaging Nelson Forensics, LLC located in Plano, TX, and to authorize engagement of Nelson Forensics, LLC, to provide expert witness consultation, reports and opinion testimony in that certain litigation styled City of Gulfport vs. Genzer, etal, in the Circuit Court of Harrison County, Mississippi, as well as in all mediation and arbitration proceedings, related to damages to the Orange Grove Community Center due to design and installation of the roofing and subsequent leaks in the roof structure and to make recommendations and estimates for cure and repair of the same.

**Vote:** Motion Carried By Unanimous Roll Call Vote
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker , Myles Sharp, R.Lee Flowers and Cara Pucheu

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**Notice: The City now offers Interpreter Services:**

**The City of Gulfport will make every effort to have an interpreter present at regularly scheduled City Council meetings to provide services for citizens that may be hearing impaired.**
**In the event interpreter services are required for any special called meetings, please notify the Council Office at councilclerkemail@gulfport-ms.gov as soon as possible prior to the noticed meeting.**

## Agenda Adjustments

Add Routine Item

Request - from the Fire Department for billboard advertisement for recruiting purposes - to be made a part of the minutes.

**Approved on the Routine Agenda**

## Setting of Next Meeting and Adjournment

There being no further business to come before the Council, a motion was made by Councilmember Flowers, duly seconded by Councilmember Casey to adjourn in memory of Ms. Aurabelle Caggins, Rev. Sam Thompkins, Rev. Curtis Durr, Ms. Topsie Smith and Former First Lady, Mrs. Nancy Reagan until April 5, 2016 at 1:30 P.M. for a regular council meeting.

**Vote:** Motion Carried By Unanimous Roll Call Vote:
**Aye:** Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu

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**City Clerk**

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**Mayor**