



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, October 18, 2016

1:30 PM

*Gulfport City Hall
Council Chambers*

1:30 p.m.

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 October 4, 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 (out at 3:29 P.M.), 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 adjustment to move Item #19 to Item #1-A, Budget Amendment #1 transferring of funds to assist with East Taylor traffic poles, 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, Cara Pucheu

Presentation Agenda

- **Mayor's Report**

The President called for the Mayor's Report.

The Mayor offered a special "thank you" to the Employee Committee and other volunteers for helping to make the recent Employee Cookout such a success. Numerous local businesses offered wonderful donations to the event, and offered thanks to these businesses for their generosity.

Halloween Events, sponsored by Leisure Services were acknowledged with the Halloween Night of Lights Event ongoing at the Gulf Island Water Park; Cinema by the Spooky Shore and National Night Out Against Crime, a free event will be held at Jones Park on October 21, and is free to the public; Boo Bash scheduled at the Barksdale Pavilion on October 29 will offer free family fun with train rides, games, face painting and refreshments.

Applications for the Mayor's Youth Council remain open until October 19th. Applications can be found online or by calling City Hall at 228-868-5801 and asking for Rebecca.

This concluded the Mayor's Report.

Policy Issues

Minutes

- 1 Approval of minutes - for September 20 & October 4, 2016.

Motion to Approve the minutes for September 20 & October 4, 2016, 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, Cara Pucheu

- 1-A Budget Amendment #1 - transfer of funds for boring, painting poles, and concrete foundation for East Taylor traffic poles - Public Works Department.

MOVED FROM #19

Motion to Approve, 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, Cara Pucheu

Code Enforcement / Planning / Ordinances

- 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 Cara Pucheu, **Seconded by** Myles Sharp

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Motion to Close the Code Enforcement Hearing and Approve the Resolution, 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, Cara Pucheu

- 3 Certificate of Resubdivision - of tax parcels 0807J-01-009.000 and 0807J-01-010.000, containing 8.46 acres aggregate into parcels "Lot A" to contain 7.179 acres and "Lot B" with 1.217 acres, zoned R-1-15 (Single Family) (Located north of and adjacent to Duckworth Road, south of Laurelwood Drive, east of Aerie Road, and west of Woodland Drive), Case #1609PC116 - Ward 7

Motion to Approve Certificate of Resubdivision, Moved By Cara Pucheu, **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, Cara Pucheu

- 4 Certificate of Resubdivision - of tax parcel 1011D-03-015.000, containing 17,264 square feet, into two parcels; 0.197 acre Parcel "A" and 0.198 acre Parcel "B;" zoned T4+ (General Urban Zone Plus) (Located north of Beach Drive, south of Township Road, east of and adjacent to Markham Drive, and west of Phillips Drive) - Case # 1609PC120 - Ward 2.

Motion to Approve Certificate of Resubdivision, Moved By Ricky Dombrowski, **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, Cara Pucheu

- 5 Final Plat - for 10-lots at Tanner Place Subdivision from tax parcels 0910G-02-004.000, 0910G-02-004.001, 0910G-02-004.002, 0910G-02-004.003, 0910G-02-004.004, 0910G-02-004.005, 0910G-02-004.006, 0910G-02-004.007, 0910G-02-004.008, 0910G-02-004.009, and 0910G-002-004.010 containing an aggregate of 1.73 acres and being zoned R-1-7.5 (Single-Family) (Located north of Commerce Street, south of Magnolia Street, east of Canal Street, and west of an adjacent to Courthouse Road) - Case 1608PC109 - Ward 4.

Motion to Approve Final Plats for Tanner Place Subdivision, Moved By Cara Pucheu, **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, Cara Pucheu

- 6 Ordinance - amendment to Section II. General Regulations (F) Central business districts, of the Gulfport Comprehensive Zoning Ordinance to amend the definition of Central Business District - Case 1610PC132.

Motion to Adopt the Ordinance, Moved By Ricky Dombrowski, **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, Cara Pucheu

Ordinance #2870

- 7 Ordinance - amendment to Section I (B) Definitions, of the Gulfport Comprehensive Zoning Ordinance to amend to the definition of dwelling, multiple-family and an amendment to Section V (A) Policy on planned building groups, of the Gulfport Comprehensive Zoning Ordinance (1) Purpose of provisions - Case 1605PC065.

Motion to Adopt the Ordinance, 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, Cara Pucheu

Ordinance #2871

- 8 Ordinance - providing for the salary of compensation for certain employees/positions of the City of Gulfport and for related purposes.

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

Ordinance #2872

Resolutions / Requests

- 9 Resolution - approving Public Trust Tidelands Lease with the State of Mississippi for Water System Connection across Bernard Bayou and authorizing the Mayor to execute the same.

Motion to 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, Cara Pucheu

- 10 Resolution - approving Agreement with Mississippi Gulf Coast Community College for Employee Training Services and authorizing the Mayor to execute same.

***Note: Councilmember R.Lee Flowers recused himself and removed himself from the Council Chambers during the discussion and vote.**

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, Cara Pucheu

Recused: R.Lee Flowers

- 11 Resolution - approving various FY 2016 Sub-Recipient Public Service Agreements for the Community Development Block Grant Program 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, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp (out of room)

- 12 Resolution - approving Agreement with Automated Merchant Systems, Inc., for credit card services, 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, Cara Pucheu

- 13 Resolution - approving Bid Award and Agreement with Pickering Firm, Inc. for construction engineering and inspection services in connection with the Courthouse Rd. Improvements Project, and for related purposes.

Motion to Approve, Moved By Ricky Dombrowski, **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, Cara Pucheu

- 14 Resolution - authorizing work under the Gulfport Repair and Replacement Unit Contract with Knowles Construction, Inc., authorizing the Mayor to execute the same.

Motion to Approve, Moved By Ricky Dombrowski, **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, Cara Pucheu

- 15 Resolution - approving Supplemental Agreement #1 from Construction Engineering Services regarding the 28th Street Widening Project, Phase 2 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, Cara Pucheu

- 16 Request - regarding recommendations on basic life, voluntary insurance products and enhanced pharmacy recommendations for 2017.

Motion to Approve Recommendation, 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, Cara Pucheu

- 17 Request - from citizens of Stewart Avenue for a temporary street closure for a Halloween Block Party to be held on October 29, 2016, from 6-10 p.m.

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, Cara Pucheu

- 18 Request - from First United Methodist Church for a temporary street closure for the "Trunk or Treat" event to be held on October 30, 2016.

Motion to Approve, 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, Cara Pucheu

Budget Amendments / Docket of Claims

- 19 Budget Amendment #1 - transfer of funds for boring, painting poles, and concrete foundation for East Taylor traffic poles - Public Works Department.

MOVED TO ITEM 1-A

- 20 Docket of Claims - to be approved through October 19, 2016.

Motion to Approve the Docket of Claims, in the amount of \$5,406,481.67, Moved By Cara Pucheu, **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, Cara Pucheu

Routine Agenda

Motion to Approve the Routine Agenda as Presented, 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, Cara Pucheu

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

Approved on the Routine Agenda.

- 22 Acceptance - of Recorded Deed - Fire Station #8 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 23 Acceptance - of full and final Resolution Agreement regarding termination of Lease Agreement - to be made a part of the minutes.

Approved on the Routine Agenda.

- 24 Year to Date Budget Report - for month ending September 30, 2016 - to be made part of the minutes.

Approved on the Routine Agenda.

- 25 Associated Adjusters Check Register - for the month of September, 2016 - to be made part of the minutes.

Approved on the Routine Agenda.

- 26 Biweekly Pay Distribution Journals - for the month of September, 2016 - to be made part of the minutes.

Approved on the Routine Agenda.

- 27 Privilege License Report - for the month of September, 2016 - to be made a part of the minutes.

Approved on the Routine Agenda.

- 28 Letter - regarding emergency purchase for Repair Parts - Public Works - to be made a part of the minutes.

Approved on the Routine Agenda.

- 29 Letter - regarding One-Year Extension with Weaver Electric for City Wide Electrical Services - to be made a part of the minutes.

Approved on the Routine Agenda.

- 30 Letter - regarding purchase of Promotional Items for advertisement purposes - Fire Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 31 Letter - regarding purchase of Promotional Items for advertisement purposes - Human Resources - to be made a part of the minutes.

Approved on the Routine Agenda.

- 32 Letter - regarding purchase of Promotional Items for advertisement purposes - Urban Development - to be made a part of the minutes.

Approved on the Routine Agenda.

- 33** Letter - regarding purchase of Promotional Items for advertisement purposes - Leisure Services - to be made a part of the minutes.

Approved on the Routine Agenda.

- 34** Legal Notice - to request advertising for Gulfport Sportsplex Expansion, Phase "B" within 60 days.

Approved on the Routine Agenda.

Public Agenda

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

**The following individual addressed the Council:
Mr. Hubert Yarbrough, 15303 Northwood Hills Dr.**

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

- **Mrs. Bettye Jean Sutton**
- **Mrs. Janie Thomas**
- **Ms. Doris Ann Taylor**

Executive Session

Upon advice of General Counsel, Motion to enter closed session to determine the need for executive session at 2:33 P.M., Moved By Myles Sharp, 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, Cara Pucheu

Motion to Exit Closed Session at 2:38 P.M., Moved By Myles Sharp, Seconded by Ella Holmes-Hines

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Ricky Dombrowski, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Kenneth Casey, Ella Holmes-Hines

Motion to Enter Executive Session at 2:39 P.M., Moved by Cara Pucheu, Seconded by Ricky Dombrowski

Vote: Motion Carried By Unanimous Roll Call Vote

Aye: Ricky Dombrowski, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

Absent: Kenneth Casey, Ella Holmes-Hines

The Council entered executive session at 2:39 P.M. In attendance: Members of the Council: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines (in at 2:54 P.M.), Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu; Mayor Billy Hewes, General Counsel Hugh Keating, Special Counsel Joe Eades (out at 2:41 P.M.), Clerk of Council Ronda Cole (in at 2:39 P.M.) and Deputy Clerk of Council Cheryl Germany. The Council discussed the need to enter executive session to discuss settlement authority in a workers compensation case, ongoing litigation involving Orange Grove Community Center, and litigation updates.

Motion to Exit Executive Session at 3:28 P.M., Moved By Cara Pucheu, 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

Attorney Hugh Keating stated no official action was taken in Executive Session.

Councilmember Myles Sharp left the meeting at this time (3:29 P.M.).

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

Motion to Authorize a settlement in a workers compensation case brought by Marty Capers v. City of Gulfport, on the terms as discussed in Executive Session, Moved By Ricky Dombrowski, Seconded By Cara Pucheu

Vote: Motion Carried By Unanimous Roll Call Vote:

Aye: Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers and Cara Pucheu

Absent: Myles Sharp and Kenneth Casey (out of room)

Motion to authorize the City of Gulfport to retain Robert E. Luke and LPK Architects, P.A., to provide expert witness and consulting services in connection with the prosecution or pursuit of the proceedings in state court and arbitrations involving the City of Gulfport v Frank Genzer, Jr., Architects et al, Moved By Cara Pucheu, Seconded by R.Lee Flowers.

Vote: Carried by Unanimous Roll Call Vote:

Aye: Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R. Lee Flowers, Cara Pucheu

Absent: Myles Sharp and Kenneth Casey (out of the room)

Motion to authorize the Mayor to execute the claim in the AT&T repair billing litigation, Moved By R.Lee Flowers, Seconded By Ella Holmes-Hines

Vote: Carried by Unanimous Roll Call Vote:

Aye: Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R. Lee Flowers, Cara Pucheu

Absent: Myles Sharp and Kenneth Casey (out of the room)

***Note: Councilmember Casey re-entered the room at this time (3:31 P.M.)**

Motion to grant the Legal Department authority to engage the services of Everette E. Ladner III/Ladner Appraisal Group and Doug Singletary, Jr., for appraisal services related to Dedeaux Road water & sewer and Beulah Road, Three Rivers/Mays Road, at their standard billing rate, Moved By Cara Pucheu, Seconded By Ricky Dombrowski

Vote: Motion Carried By Unanimous Roll Call Vote:

Aye: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, R.Lee Flowers and Cara Pucheu

Absent: Myles Sharp

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. Bettye Jean Sutton, Mrs. Janie Thomas and Ms. Doris Ann Taylor until 1:30 P.M., November 8, 2016 for a regularly scheduled council meeting, 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, R.Lee Flowers, Cara Pucheu

Absent: Myles Sharp

City Clerk

Mayor