



City of Gulfport, Mississippi

Minutes City Council

2309 15th Street
Gulfport, MS 39501

Tuesday, November 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 November 8, 2016 at 1:30 P.M. Present: Mayor Billy Hewes, General Counsel Margaret Murdock; Council Members: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu.

The President announced quorum and called the meeting to order.

Agenda Order Confirmation or adjustment of the agenda order

Motion to Approve the Agenda as presented, Moved By Myles Sharp, Seconded by Rusty Walker

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 asked prayer for the children and families in Charleston, SC after a tragic school bus accident left five children dead.

Ms. Hannah Bennett was introduced as the new Director of the Gulfport Chamber of Commerce.

Gulfport Harbor Lights Winter Festival will be go live on Friday, November 25th. A special lighting with a Make-a-Wish child from Gulfport will be held on November 22 at 5:20 p.m.

The next event for Fishbone Alley will be Friday, December 9, with a showing of "National Lampoon's Christmas Vacation", a Tacky Sweater Contest and much more.

Special thanks was given to Mississippi magazine for a feature in their holiday issue on Fishbone Alley.

Big Mike's Speakeasy has moved to historic downtown Gulfport. Opening was 5:00 p.m. on November 23rd. They will be located on the north side of Half Shell Oyster House.

Christmas on the Bayou is scheduled for December 10th along the bayou!

City offices will be closed on Thanksgiving Day and the day after Thanksgiving.

This concluded the Mayor's Report.

Policy Issues

Minutes

- 1 Approval of minutes - for November 8, 2016.

Motion to Approve the Minutes for November 8, 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

Code Enforcement / Planning / Ordinances

- 2 Code Enforcement Hearing - on resolution to 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 Code Enforcement Hearing, Moved By 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

Mr. Timothy Clemmy, resident of 16193 Crestview Drive addressed the Council regarding his property. Mr. Clemmy stated that he had cleaned the property in question.

Motion to Close the Hearing and Approve the Resolution, 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

- 3** Certificate of Resubdivision - resubdivision of tax parcels into two parcels containing 13.11 acres: located north of Ben Drive, south of and adjacent to Dedeaux Road, east of Hendry Road, and west of and adjacent to Tanner Road - Case # 1610PC139 - Ward 5.

Motion to Approve Certificate of Resubdivision, 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, Cara Pucheu

- 4** Ordinance - rezoning from R-1-7.5 (Single Family) to R-B (Residential Business): located north of E Taylor Road, south of and adjacent to Brentwood Boulevard, east of and adjacent to Lorraine Road, and west of Stratford Place) - Case # 1609PC124 - Ward 5.

Motion to Suspend the Rules, 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 Adopt the Ordinance, 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

Ordinance #2877

- 5** Ordinance - requesting an amendment to Section IX – Amendments. (A) Amendment policy. (2) Limitations on proposed Amendments. (a) Minimum areas for new districts. R-B District, of the Gulfport Comprehensive Zoning Ordinance - Case# 1611PC156.

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 #2878

- 6** Ordinance - amending the Flood Damage Prevention ordinance to allow for and regulate the placement of temporary structures in flood zones in accordance with the ordinance, 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 #2879

- 7 Ordinance - providing for the salary of compensation for certain positions of the City of Gulfport, Mississippi 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 #2880

Resolutions / Requests

- 8 Resolution - scheduling a Public Hearing on the issue of the proposed sale of The Memorial Behavioral Health Assets, 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, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers, Cara Pucheu

- 9 Resolution - approving License Agreement with 34th Street Wholistic Gardens & Education Center, Inc., with respect to a community garden, and authorizing the Mayor to execute same.

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, Cara Pucheu

- 10 Resolution - approving amendment to Professional Legal Service Contract with Anderson & Orozco, PLLC to serve as a Public Defender in the Gulfport Municipal Court and to authorize the Mayor to execute the same

Motion to Approve, Moved By Ella Holmes-Hines, **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

- 11 Resolution - approving award to Moran Hauling, Inc. for the Coffee Creek Drainage Improvements Project, to approve contract for said project, and authorizing the Mayor to execute same.

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, Cara Pucheu

- 12** Resolution - approving Grant Modification and Budget Amendment #2 - Brickyard Bayou Drainage R-109-202-07-KCR to decrease grant by \$500,000 and transfer to Coffee Creek Drainage and Public Facilities Improvements R-109-202-08-KCR, contingent upon final approval from Mississippi Development Authority.

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, Cara Pucheu

- 13** Resolution - approving Modification #2 to the Grant Agreement between the City of Gulfport and Mississippi Development Authority, Contract #R-109-202-08-KCR, "Coffee Creek Drainage and Public Facilities Improvements.

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, Cara Pucheu

- 14** Request - approving 2017 calendar for City of Gulfport.

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, Cara Pucheu

- 15** Request - from Krewe of Gemini requesting permission for street closure and parade route for the annual Krewe of Gemini Mardi Gras day and night parades to be held on Saturday, February 25, 2017 and Tuesday, February 28, 2017.

Motion to Approve, 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

Budget Amendments / Docket of Claims

- 16** Budget Amendment #6 - establishing salary for Court Collections Manager - Municipal Court Department.

Motion to Approve Budget Amendment, 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

- 17 Budget Amendment #7 - transferring funds for Replacement Camera/Tractor System for Camera Van - Public Works Department.

Motion to Approve Budget Amendment, 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

- 18 Docket of Claims - to be approved through November 23, 2016.

Motion to Approve the Docket of Claims in a reduced amount to Greater Gulf Development, LLC for \$72,463.95, for an amended docket amount of \$4,993,159.90 , Moved By R.Lee Flowers, **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

Routine Agenda

Motion to Approve the Routine Agenda, 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

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

Approved on the Routine Agenda.

- 20 Privilege License Report - for the month of October 2016 - to be made a part of the minutes.

Approved on the Routine Agenda.

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

Approved on the Routine Agenda.

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

Approved on the Routine Agenda.

- 23 Year to Date Budget Report - for month ending October 31, 2016 - to be made part of the minutes.

Approved on the Routine Agenda.

- 24 Conveyance - regarding transfer of plot in Evergreen Cemetery - to be made a part of the minutes.

Approved on the Routine Agenda.

- 25 Letter - regarding Emergency Purchase of vacuum services for sewer trucks - Public Works Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 26 Letter - regarding bids received by Purchasing for a one (1) month Rental of a Large Excavator - Public Works Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 27 Amended Lease Agreement for Golf Carts - Leisure Services Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 28 Letter - regarding bids received by Purchasing for Valve Gate 24" - Public Works Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 29 Letter - regarding bids received for Barricades - Public Works Department - to be made a part of the minutes.

Approved on the Routine Agenda.

- 30 Legal Notice - advertisement for RFP for City of Gulfport On-site Wellness Clinic Service Provider.

Approved on the Routine Agenda.

- 31 Legal Notice - advertisement for Lay-By-Pier at Bert Jones Yacht Basin.

Approved on the Routine Agenda.

- 32** Legal Notice - advertisement for bid for Term Contract Group C3 - Hot Bituminous Pavement.

Approved on the Routine Agenda.

- Add-on #33** Request – to cancel the MOU with Pan Isle, Inc., at their request and amend the existing Swetman Securities.

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

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. Bailey Wilson, resident of 313 41st Street.

This concluded the Public Agenda.

Council Comments

Memorial Adjournment

- **Mr. Frank Sims**

Executive Session

Upon advise of the Assistant City Attorney for matters relating to right of way vacation related to the aquarium project, a right of way vacation located in Venetian Garden Subdivision, settlement authority in a property damage claim of a fire department vehicle, litigation involving Fairfield III Subdivision and Orange Grove Community Center, **Motion to Enter Executive Session at 2:46 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

The Council entered executive session at 2:46 P.M. In attendance: Members of the Council: Kenneth Casey, Ricky Dombrowski, Ella Holmes-Hines, Rusty Walker, Myles Sharp, R.Lee Flowers and Cara Pucheu; Mayor Billy Hewes (out at 2:58 P.M.), Assistant City Attorney

Margaret Murdock, City Attorney Jeff Bruni (in at 2:54 P.M.), Public Information Officer Chris Vignes (in at 3:00 P.M.), Chief of Police Leonard Papania (out at 2:53 P.M.), Director of Engineering Kris Riemann, Clerk of Council Ronda Cole and Deputy Clerk of Council Cheryl Germany.

Motion to Exit Executive Session at 3:09 P.M., 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

Assistant Attorney Margaret Murdock stated no official action was taken in Executive Session.

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

Motion to authorize the City Attorney's Office to take whatever steps may be required to agree to the vacation of those portions of 14th Street, 22nd Avenue and 21st Avenue which are required for the construction of the Mississippi Aquarium and that the City Attorney's office and the Mayor be authorized to take whatever steps are necessary to accept relocated utilities (water, sewer and drainage) from and convey abandoned utilities to the Gulfport Redevelopment Commission, as owner of the relevant property, Moved by Myles Sharp, 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

Motion authorizing the City Attorney's office to take whatever steps may be required to resolve the City's property damage claim against Nolan Stringfellow arising out of an accident on September 15, 2016, involving a city-owned vehicle (VIN 3GNCG26U72G254919) operated by Gary Joffrion, Jr., for the sum of \$5,938.85, (\$6,138.85 less \$200.00 salvage retention), and authorize the Mayor to execute any and all releases and/or titles as may be required to effectuate the settlement of the claim, 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 and Cara Pucheu

Motion authorizing the City Attorney's office to take whatever steps are required to agree to the vacation of that portion of the four (4) foot reserved strip (Venetian Gardens Subdivision), which is the subject of that certain lawsuit pending in the Chancery Court of Harrison County, Mississippi, First Judicial District, Cause No. 16-2402(4), Moved by Myles Sharp, 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

Motion to accept \$65,000 from Baily Properties, Inc., in full and final settlement and full and final dismissal with prejudice of the City of Gulfport v. Bailey Properties, Inc. litigation (Cause no. 15-2727(4)) and the Bailey Properties, Inc. v. City of Gulfport case (Cause No. A2401-16-00019), with the understanding that the City will assume acceptance and maintenance of the Fairfield III Subdivision, to include taking over the billing for the street lights in the Subdivision, and to authorize the Mayor to execute any and all agreements, releases, or documents necessary to effectuate these resolution, Moved By Myles Sharp, 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

Motion to accept the donation and conveyance of Lots 15-24 and 27-28 in the Northwood Hills North Subdivision in Gulfport from Bailey Properties, Inc., 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 and Cara Pucheu

Setting of Next Meeting and Adjournment

There being no further business to come before the Council at this time, Motion to djourn in memory of Mr. Frank Sims until 1:30 P.M., December 6, 2016 for a regularly scheduled council meeting, Moved by Kenneth Casey, 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

City Clerk

Mayor