



# City of Gulfport, Mississippi

## Minutes - Final City Council

2309 15th Street  
Gulfport, MS 39501

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Tuesday, September 21, 2010

2:30 PM

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### **2:00 p.m. Request from Legal for a closed session to determine the need for executive session regarding litigation strategy.**

The Mayor and Members of the City Council met at City Hall at 2:00 P.M., on the above date, same being an adjourned meeting from a special council meeting held on September 14, 2010 at 5:30 P.M. Present: Mayor George Schloegel, CAO Dr. John Kelly, Members of the Council: Casey, Roland, Walker, Dombrowski, Flowers, Pucheu, City Attorney Jeff Bruni and Assistant City Attorney Chelsea Brannon.

After announcing a quorum, the President called the meeting to order.

Upon advice of the City Attorney, a motion was made by Councilmember Walker, duly seconded by Councilmember Roland to close the meeting to determine the need for executive session. The motion carried by the following vote:

Ayes: Casey, Roland, Walker, Dombrowski, Flowers, Pucheu

Nays: None

Absent: Holmes-Hines

The Council entered closed session at 2:05 P.M. In attendance: Mayor George Schloegel, CAO Dr. John Kelly, Members of the Council: Casey, Roland, Walker, Dombrowski, Flowers, Pucheu, City Attorney Jeff Bruni, Assistant City Attorney Chelsea Brannon and Clerk of Council Kathy Johnson. The Council discussed the need to enter executive session to discuss proposed and actual litigation.

A motion was made by Councilmember Walker, duly seconded by Councilmember Roland to come out of closed session and enter executive session at 2:05 P.M. The motion carried by the following vote:

Ayes: Casey, Roland, Walker, Dombrowski, Flowers, Pucheu

Nays: None

Absent: Holmes-Hines

After discussion, a motion was made by Councilmember Walker, duly seconded by Councilmember Flowers to come out of executive session at 2:42 P.M. The motion carried by the following vote:

Ayes: Casey, Roland, Walker, Dombrowski, Flowers, Pucheu

Nays: None

Absent: Holmes-Hines

The City Attorney reported that no official action was taken during executive session.

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The City council convened to their regularly scheduled meeting at 2:42 P.M

Present 7 -

Councilmember Casey; Councilmember Milner-Roland; Councilmember Holmes-Hines; Councilmember Walker; Councilmember Dombrowski; Councilmember Flowers and Councilmember Pucheu

**2:30 p.m.**

**Invocation, Pledge of Allegiance, Call to Order**

At this time the Council President called the meeting to order.

**Agenda Order**

**Confirmation or adjustment of the agenda order**

A motion was made by Councilmember Walker and duly seconded by Councilmember Pucheu to delete Items #4 and #18. Whereupon the President declared the motion carried by the following vote:

**Ayes:** Casey, Roland, Holmes-Hines, Walker, Dombrowski, Flowers and Pucheu

**Nays:** None

**Absent:** None

**Presentation Agenda**

**• Mayor's Report**

**Policy Issues**

**Update, Notice of Objections, Certificate of Re-subdivison, Code Enforcement Hearing**

- 1 Update - from Ms. Audrey George with Johnson Controls on the Energy Grant Improvements.
- 2 Code Enforcement Hearing - on resolutions to advertise for bids for lot clean-ups and/or demolitions.  
  
**A motion was made by Councilmember Flowers, duly seconded by Councilmember Pucheu, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:**  
  
**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu
- 3 Ordinance - amending Sections 11-64 (b), 11-66 (a) and 11-66 (b) of the Code of Ordinances relating to water, sewer transport and sewer treatment charges - tabled at

the September 14th Council Meeting.

**A motion was made by Councilmember Pucheu, seconded by Councilmember Roland to bring the Ordinance off the table. The motion carried by the following vote:**

**Ayes:** Walker, Roland, Dombrowski, Flowers, Pucheu, Casey, and Holmes-Hines

**Nays:** None

**Absent:** None

**A motion was made by Councilmember Flowers, duly seconded by Councilmember Walker, that this Ordinance be Adopted. Whereupon the President declared the motion carried by the following vote:**

**Aye:** 4 - Walker; Dombrowski; Flowers and Pucheu

**Nay:** 3 - Casey; Milner-Roland and Holmes-Hines

- 4** Notice of Objection - to recommendation by the Gulfport Planning Commission of denial of the Land Use Reclassification (rezoning) request located south of and adjacent to Magnolia Street, north of E. Pass Road, east of Pine Street and west of Lindh Road. -Case #1008PC105 - Ward 4.

**Deleted**

- 5** Certificate of Re-subdivision - one parcel containing 25.75 acres into three parcels located east of and adjacent to Old Highway 49, west of and adjacent to Highway 49, south of Duckworth Rd. - Case #1008PC111 - Ward 7.

**A motion was made by Councilmember Pucheu, duly seconded by Councilmember Flowers, that this Certificate of Re-subdivision be Approved. Whereupon the President declared the motion carried by the following vote**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

- 6** Certificate of Re-subdivision - of one parcel containing 27.12 acres into two parcels - located north of and adjacent to E. Taylor Road, east of Lorraine Road south of Dolphin Lane and west of Bayou Plantation Lane - Case #1008PC110 - Ward 4.

**A motion was made by Councilmember Walker, duly seconded by Councilmember Pucheu, that this Certificate of Re-subdivision be Approved. Whereupon the President declared the motion carried by the following vote**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

- 7** Certificate of Re-subdivision - of one parcel containing 4.91 acres into three parcels - located south of and adjacent to Sheffield Road, north of Doc Sheffield Road, east of and adjacent to Sheffield Road, west of and adjacent to John Ross Road - Case #1008PC106. Ward 6

**A motion was made by Councilmember Flowers, duly seconded by Councilmember Pucheu, that this Certificate of Re-subdivision be Approved. Whereupon the President declared the motion carried by the following vote**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

## Resolution

- 8 Resolution - acknowledging the Gulfport City Council will not consider non-budget donations and contributions during the FY ending 2011.

**Councilmember Flowers moved to approve the resolution on Contributions. The motion was duly seconded by Councilmember Pucheu and put to discussion:**

**After discussion, Councilmember Walker moved to amend the motion to include a freeze on current budgeted contributions. The motion was duly seconded by Councilmember Dombrowski and put to the following vote:**

**Ayes:** Casey, Holmes-Hines, Walker, Roland, Dombrowski, Flowers, Pucheu  
**Nays:** None  
**Absent:** None

**The President called for the vote on the original motion as amended with the following results:**

**Ayes:** Casey, Holmes-Hines, Walker, Roland, Dombrowski, Flowers, Pucheu  
**Nays:** None  
**Absent:** None

- 9 Resolution - authorizing amendment of the FY 2010 Annual Action Plan for CDBG and HOME Consortium.

**A motion was made by Councilmember Holmes-Hines, duly seconded by Councilmember Casey, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

- 10 Resolution - requesting the Mississippi State Legislature take action to prevent exploitative payday lending practices in the State of Mississippi - tabled at the September 7th meeting.

**Councilmember Flowers moved to take the following resolution requesting the Mississippi State Legislature take action to prevent exploitative payday lending practices in the State of Mississippi off the table. The motion was duly seconded by Councilmember Roland put to the following vote:**

**Ayes:** Casey, Holmes-Hines, Roland, Walker, Dombrowski, Flowers, Pucheu  
**Nays:** None  
**Absent:** None

The Council President stated the motion on the floor was to approve the following Resolution.

Councilmember Flowers moved to amend to motion to remove the following from the Resolution:

1. Allow the current repealer, which allows payday lenders to charge interest rates above and beyond the 36% imposed on all other financial institutions, to sunset as scheduled in 2012;
2. Enact an annual percentage rate of 36% for any and all consumer loans made in the State of Mississippi;
3. Prohibit the use of a personal check or electronic equivalent by a creditor to gain to a consumer's bank account.

And to include addition of Educate the public regarding exploitative payday lending practices.

The motion was duly seconded by Councilmember Pucheu and put to the following vote:

Ayes: Casey, Holmes-Hines, Roland, Walker, Dombrowski, Flowers, Pucheu

Nays: None

Absent: None

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The President called for the vote on the original motion as amended with the following results:

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

11

Resolution - ratifying the establishment of tax levies and fixing the tax rate for the fiscal year ending 2011.

**A motion was made by Councilmember Walker, duly seconded by Councilmember Holmes-Hines, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

12

Resolution - granting a tax exemption for ad valorem taxes to Northrop Grumman Shipbuilding, Inc., as authorized by Section 27-31-105, Et. Seq. of the Mississippi Code (1972), as amended.

**A motion was made by Councilmember Walker, seconded by Councilmember Pucheu, that this Resolution be Adopted. The motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

13

Resolution - granting a tax exemption for ad valorem taxes to Northrop Grumman Shipbuilding, Inc., as authorized by Section 27-31-105, Et Seq. of the Mississippi Code (1972), as amended.

**A motion was made by Councilmember Walker, seconded by Councilmember Pucheu, that this Resolution be Adopted. The motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

14

Resolution -requesting approval of Interlocal Agreement for 2009 Justice Assistance Grant.

**A motion was made by Councilmember Holmes-Hines, duly seconded by Councilmember Casey, that this Resolution be Adopted. The motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

15

Resolution - approving second amendment to a license agreement to allow for removal and replacement of certain and various pieces of equipment on Gulfport's water tank located on 51st Street.

**A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

16

Resolution - approving agreement with the Humane Society of South Mississippi to provide shelter and related services for stray animals in the City of Gulfport.

**A motion was made by Councilmember Holmes-Hines, duly seconded by Councilmember Casey, that this Resolution be Adopted. Whereupon the President declared the motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

17

Resolution -of the Gulfport City Council approving Music Performance Agreement with BMI.

**A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, that this Resolution be Adopted. The motion carried by the following vote:**

**Aye:** 6 - Casey; Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Holmes-Hines

18

Resolution - ratifying the revised employee handbook and to approve reproduction and distribution of the handbook to current and future employees for implementation.

Deleted

**Change Order**

19

Change Order #5 - to the contract with Rockdale Pipeline, Inc. for the Area 2, Water and Sewer System Replacement Project.

**A motion was made by Councilmember Roland, duly seconded by Councilmember Pucheu, that this Resolution be Adopted. The motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

**Budget Amendments, Docket of Claims**

20

Budget Amendment #169 - to budget FEMA funds for the Centennial Museum.

**A motion was made by Councilmember Roland, duly seconded by Councilmember Flowers, that this Budget amendment be Approved. Whereupon the President declared the motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

21

Budget Amendment #170 - to budget Federal shared revenue received.

**A motion was made by Councilmember Walker, duly seconded by Councilmember Flowers, that this Budget amendment be Approved. Whereupon the President declared the motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

22

Budget Amendment #171 - to budget funds received from the Gulfport School District for the 46th Ave Improvements at the 28th St School Project.

**A motion was made by Councilmember Casey, duly seconded by Councilmember Milner-Roland, that this Budget amendment be Approved. Whereupon the President declared the motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

23

Budget Amendment #172 - to transfer funds within the Capital Projects fund.

**A motion was made by Councilmember Walker, duly seconded by Councilmember Casey, that this Budget amendment be Approved. Whereupon the President declared the motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

24

Docket of Claims - to be approved through September 22, 2010.

**A motion was made by Councilmember Walker, duly seconded by Councilmember Casey, that this Docket of claims be Approved. Whereupon**

**the President declared the motion carried by the following vote:**

**Aye:** 7 - Casey; Milner-Roland; Holmes-Hines; Walker; Dombrowski; Flowers and Pucheu

## **Routine Agenda**

- 1 Letter - regarding bid awarded by the Purchasing Agent for Street Lights - to be approved and made a part of the minutes.

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Resolution be Adopted as a Routine Agenda item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

- 2 Letter - regarding bid awarded by the Purchasing Manager for repairs to the Artimese Tuggle Pavilion - to be approved and made a part of the minutes.

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Letter be Approved as a Routine Agenda item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

- 3 Letter - regarding bid award by the Purchasing Manager for abandonment of a well - Old Hwy 49 - to be approved and made a part of the minutes.

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Resolution be Adopted as a Routine Agenda item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

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

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Resolution be Adopted as a Routine Agenda Item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines



- 5 Resolution - acknowledging donation of Christmas Decorations and authorizing acceptance of same.

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Resolution be Adopted as a Routine Agenda item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

- 6 Legal Notice - to advertise for RFP for Legal Services for Worker's Compensation Claims.

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Resolution be Adopted as a Routine Agenda item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

- 7 Legal Notice - to advertise for the services to furnish and install A/V Package for the new Municipal Complex.

**A motion was made by Councilmember Flowers, duly seconded by Councilmember Walker, that this Resolution be Adopted as a Routine Agenda item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

- 8 Letter - from the Records Manager requesting approval of the Public Records request for the month of August 2010 - to be made a part of the minutes.

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Letter be Approved as a Routine Agenda item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

- 9 Financial Register - from Associated Adjusters International for Workers Compensation and Liability for the month of August 2010.

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Communication or Report be Approved as a Routine Agenda item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

**10** Conveyance Deed - regarding transfer of ownership of space in Evergreen Cemetery.

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Letter be Approved as a Routine Agenda Item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

**11** Conveyance Deed - regarding transfer of ownership of space in Evergreen Cemetery.

**A motion was made by Councilmember Flowers, seconded by Councilmember Walker, that this Letter be Approved as a Routine Agenda item. The motion carried by the following vote:**

**Aye:** 5 - Milner-Roland; Walker; Dombrowski; Flowers and Pucheu

**Nay:** 1 - Casey

**Out of Room:** 1 - Holmes-Hines

## **Public Agenda**

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

## **Council Comments**

## **Setting of Next Meeting and Adjournment**

There being no further business to come before the Council, a motion was made by Councilmember Walker and duly seconded by Councilmember Pucheu to adjourn until 2:30 P.M., October 5, 2010 for a regular council meeting. The President declared the motion carried by the following results:

Ayes: Casey, Dombrowski, Roland, Holmes-Hines, Walker, Flowers, and Pucheu

Absent: None

Nays: None

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Councilmember, Ward 1

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Councilmember, Ward 5

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Councilmember, Ward 2

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Councilmember, Ward 6

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Councilmember, Ward 3

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Councilmember, Ward 7

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Councilmember, Ward 4

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Deputy City Clerk

**CITIZEN AGENDA MEETING**

**6:00 pm - 8:00pm**

**Lyman Community Center**

**13472 Hwy 49**

**Gulfport, MS 39503**

**The Mayor and Members of Council met at Lyman Community Center at 6:00 P.M., on the above date for a Citizen Agenda Meeting. Present: Mayor George Schloegel, Members of the Council: Casey, Roland, Holmes-Hines, Walker, Dombrowski, Flowers and Pucheu.**

**This being a Citizen Agenda Meeting, the Council did not come out of adjournment and no official action was taken.**