



# City of Gulfport, Mississippi

## Minutes - Final City Council - Special Meeting

Gulfport City Hall  
2309 15th Street  
Gulfport, MS 39501

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Monday, April 14, 2014

1:30 PM

Gulfport City Hall

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**1:30 p.m.  
Special Meeting  
City Hall  
Council Chambers**

The Members of the Council met at City Hall at 1:30 P.M., on the date of April 14, 2014, same being an adjourned meeting from a regular council meeting held on April 8, 2014 at 1:30 P.M. Present: Members of the Council: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu, Mayor Hewes and General Counsel Hugh Keating. Absent: Councilmember Holmes-Hines.

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

A motion was made by Councilmember Casey, seconded by Councilmember Walker to declare a special called meeting. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu  
Nays: None  
Absent: Holmes-Hines

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The Mayor called upon Mr. Glen East, Superintendent of Gulfport School District. Mr. East gave an overview of the \$41 Million Dollar Bond Issue requested by the Gulfport School Board of Trustees for improvements to Gulfport High School and related facilities.

Mr. East stated that the Bond Issue would be a 20-year note. There were no plans to move Gulfport High School to another location, but the main entrance would be directed to Courthouse Road. There would be three new two-story buildings on campus located on the current practice field.

The school bond issue was scheduled to be put before the voters (that live within the Gulfport School District) on Tuesday, May 27, 2014 and would require 60% approval of votes cast to be approved. A resolution approving the special election would be forthcoming on the next regular council agenda.

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Request - for executive session by City Attorney concerning strategy with respect to ongoing litigation.

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

vote:

Ayes: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: Holmes-Hines

The Council entered closed session at 2:00 P.M. In attendance: Members of the Council: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu, Mayor Billy Hewes, CAO John Kelly, General Counsel Hugh Keating, City Attorney Jeff Bruni, Assistant City Attorney Chelsea Brannon, Clerk of Council Ronda Cole and Deputy Clerk of Council Ashley Miller. The Council discussed the need to enter executive session to discuss a litigation strategy with respect to the annexation suit with Biloxi.

A motion was made by Councilmember Walker, duly seconded by Councilmember Casey to come out of closed session and enter executive session at 2:02 P.M. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: Holmes-Hines

After discussion, a motion was made by Councilmember Walker, duly seconded by Councilmember Casey to come out of executive session at 2:17 P.M. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: Holmes-Hines

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Attorney Keating stated that no official action was taken during executive session.

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

A motion was made by Councilmember Pucheu, seconded by Councilmember Casey to ratify and approve withdrawal and dismissal of the City of Gulfport's pending appeal in City of Gulfport v. City of Biloxi (Cause No. 09-01924 / Appeal No. 2011-TS-01039) in exchange of the City of Biloxi reducing the area it proposes to annex in the case of City of Biloxi v. City of Gulfport, et al. (Cause No. 10-02780) to include now only property presently owned by James C. Frisby (or his businesses/companies) east of the east right of way line of Old Woolmarket Road in the unincorporated area of Harrison County (as represented and depicted in the attached map), all cross-appeals in the Gulfport v. Biloxi appeal (Appeal No. 2011-TS-01039) being withdrawn and dismissed by the City of Biloxi and Harrison County, Mississippi, all parties in the Gulfport v. Biloxi proceeding (Appeal No. 2011-TS-01039) bearing their own costs and expenses, and the City of Biloxi and City of Gulfport both agreeing not to expand their current corporate limits or boundaries or to annex any lands or territory in which either City would or could be a statutory Defendant within or during the remaining terms of the current office-holders of these Cities' respective Governing Authorities (the above Frisby property east of the east right of way line of Old Woolmarket Road being the only exception), i.e., through June 30, 2017. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: Holmes-Hines

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A motion was made by Councilmember Flowers, seconded by Councilmember Sharp to ratify and interpose no objection to the City of Biloxi's reduction of the area it proposes to annex in the case of City of Biloxi v. City of Gulfport, et al. (Cause No. 10-02780), as announced to the Chancery Court of Harrison County, First Judicial District, Mississippi on April 11, 2014, to include only property presently owned by James C. Frisby (or his businesses/companies) east of the east right of way line of Old Woolmarket Road in the unincorporated area of Harrison County (as depicted and represented in the attached map), with the understanding and position of the City of Gulfport being that the areas which Biloxi no longer seeks to annex are within the path of growth of the City of Gulfport as well as the existence of other factors, but to presently avoid protracted litigation and expenditure of significant municipal resources attendant thereto, the City is agreeable to this limited resolution without admission that any of the indicia of reasonableness which the Mississippi Supreme Court has announced are used to evaluate and adjudicate municipal annexations and expansions of boundaries weigh in favor of the City of Biloxi's annexation of any territory or lands in this proceeding (Cause No. 10-02780). The motion carried by the following vote:

Ayes: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu  
Nays: None  
Absent: Holmes-Hines

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A motion was made by Councilmember Sharp, seconded by Councilmember Pucheu to ratify and acknowledge, as part of the overall resolution of the case of City of Biloxi v. City of Gulfport, et al. (Cause No. 10-02780) and the case of City of Gulfport v. City of Biloxi (Cause No. 09-01924 / Appeal No. 2011-TS-01039), the agreement with the City of Biloxi that neither the City of Gulfport nor the City of Biloxi will expand or seek to expand their current corporate limits or boundaries or to annex any lands or territory in which either City would or could be a statutory Defendant within or during the remaining terms of the current office-holders of these Cities' respective Governing Authorities (property located east of the east right of way line of Old Woolmarket Road and owned by James C. Frisby or his businesses/companies being the only exception as represented in the attached map), i.e., through June 30, 2017. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu  
Nays: None  
Absent: Holmes-Hines

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## Setting of Next Meeting and Adjournment

There being no further business to come before the Council, a motion was made by Councilmember Walker, duly seconded by Councilmember Pucheu to adjourn until April 22, 2014 at 1:30 P.M. for a regular council meeting. The motion carried by the following vote:

Ayes: Casey, Dombrowski, Walker, Sharp, Flowers and Pucheu

Nays: None

Absent: Holmes-Hines

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City Clerk

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Mayor