

**RECESSED REGULAR MEETING OF THE CITY COUNCIL
WEDNESDAY, JANUARY 18, 2017, AT 11:00 A. M.
CITY HALL, PASCAGOULA, MISSISSIPPI**

The City Council of the City of Pascagoula, Mississippi, met at City Hall in a recessed regular meeting on Wednesday, January 18, 2017, at 11:00 a.m. Mayor Blevins called the meeting to order with the following officials present:

Mayor Harry J. Blevins
Councilwoman Brenda Simkins
Councilman Marvin Pickett, Sr.
Councilman Freddy Jackson
Councilman David Tadlock
Councilman Burt Hill
Councilman Scott Tipton

City Manager Joe Huffman
City Attorney Eddie Williams
Asst. City Clerk Karen Kennedy

City Clerk/Comptroller Robert J. Parker was absent.

Mayor Blevins welcomed everyone to the meeting. The invocation was given by Councilman Jackson. The pledge of allegiance was led by Councilman Hill.

The first item for consideration was the BB Jennings Grant opportunity, as recommended by Darcie Crew, Parks and Recreation Director.



To: Pascagoula City Council
From: Department of Parks and Recreation
RE: Application for Gulf Coast Conservation Grants

Pascagoula's Parks Master Plan identified BB Jennings as an ideal site to showcase the natural wealth of the Pascagoula River watershed. In 2013, the National Fish and Wildlife Foundation (NFWF) agreed, award the City a \$20,000 grant to enhance the habitat and educational resources as this park by developing a Living Laboratory for habitat restoration and clean water.

With the resources provided by that grant, the Parks & Recreation Department took steps to make this a destination for citizens and visitors alike. We carried out a program to involve Pascagoula's citizens in learning about native habitats, and solicited volunteers to help remove invasive species and plant a native landscape. Three years later, this "Living Laboratory" for habitat restoration has resulted in positive media coverage, increased educational opportunities, cleaner water and an expanded native Pascagoula habitat for our citizens.

This year, we would like to apply for a NFWF grant to implement Phase II of the City's Plan for BB Jennings. Our goal is increase opportunities for citizens to enjoy and explore the park while expanding habitat to attract the region's diverse wildlife. Our request would fund:

- Additional removal of invasive species and replacement with native plants
- Acquisition of property and/or easements for habitat enhancement
- Construction of Trail Loop and Wildlife Overlook to promote citizen engagement
- Educational programming for school children and park users (including birders) about how to improve regional habitats

There is a match of 1:1 for dollars awarded, which we will seek to accomplish with staff time, volunteer labor and contributions from local businesses. The grant application is due January 26, 2017.

Councilman Jackson made a motion to authorize the City Manager to submit a proposal for a Gulf Coast Conservation Grant for BB Jennings, as recommended. The project cost will be \$50,000-\$75,000. The grant has a 1:1 match requirement. The motion was seconded by Councilman Pickett and received the following vote: Mayor Blevins "AYE", Councilmen Hill "AYE", Jackson "AYE", Pickett "AYE", Simkins "AYE", Tadlock "AYE", and Tipton "AYE". (Approved 1-18-17)

The next item for consideration was MDEQ Grant Agreement Modification No. 1, as recommended by Jen Dearman, Economic and Community Development Director.

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GRANT AGREEMENT
MODIFICATION NO. 1

STATE OF MISSISSIPPI
COUNTY OF HINDS

MDEQ AGREEMENT NO. 15-00067

The Mississippi Department of Environmental Quality ("MDEQ"), and the City of Pascagoula, Mississippi, ("Grantee"), entered into a Grant Agreement ("Grant" or "Agreement") on the 11th day of June, 2015.

WITNESSETH THAT:

Whereas, MDEQ has determined that a modification of the Agreement is required:

IT IS NOW THEREFORE AGREED BY THE PARTIES THAT:

Paragraph 3. Period of Performance, is modified as follows:

Subject to the other provisions herein contained, the period of performance for this Agreement shall end **March 31, 2018**, beginning upon execution of this Agreement by the Executive Director of MDEQ ("Period of Performance"). Grantee may request to extend the Period of Performance of the Agreement for one (1) year under the same terms, covenants, and conditions as those contained in this Agreement, provided that (A) this Agreement shall not have been previously terminated; or (B) Grantee shall not be in default by reason of any failure in performance of this Agreement. Such extension request may be made in writing by Grantee to MDEQ at least thirty (30) days prior to the expiration of the Agreement. MDEQ may, in its sole discretion, decide whether to grant the extension.

Except as it is modified by the provisions of **Grant Agreement Modification No. 1**, this Agreement shall remain in full force and effect and all other provisions thereof are hereby incorporated and reaffirmed as if fully set forth herein.

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Gary C. Rikard
Executive Director

Date

CITY OF PASCAGOULA, MISSISSIPPI

Authorized Signature

Date

Typed/Printed Name Title

Councilman Hill made a motion to authorize the City Manager to execute the MDEQ Grant Agreement Modification No. 1 for the NRDA Beachfront Promenade grant extending the grant period to March 31, 2018, as recommended. The motion was seconded by Councilman Jackson and received the following vote: Mayor Blevins "AYE". Councilmen Hill "AYE", Jackson "AYE", Pickett "AYE", Simkins "AYE", Tadlock "AYE", and Tipton "AYE". (Approved 1-18-17)

Councilman Tipton asked the Council to consider taking action on one of the priority items discussed concerning the fencing at MCC Park at the Council meeting on January 17, 2017. He explained the Resurrection Catholic School has a February 10th deadline to be ready for ball games. Councilwoman Simkins stated she supports the request but has not seen the

plans for the fencing. City Attorney Eddie Williams stated his concerns with the cost of the fencing and whether or not the City will need to obtain bids. Darcie Crew, Parks and Recreation Director, stated she has quotes for a black vinyl coated chain link fence with wind screens. No action was taken.

Donovan Scruggs, City Planner, presented a Power Point concerning the municipal facility needs. He provided information on the rankings for the site selections for a new City Hall and Visitors Center. After a lengthy discussion, the consensus of the Council was the top four sites are Anchor Square, the Ice House located North of Highway 90, City Hall/Brumfield site and the PEMCO/Lewis site. Mr. Scruggs stated he would gather more information concerning the Lewis site to present to the Council. No formal action was taken.

Mr. Jet Hollingsworth with Butler, Snow Law Firm, gave a presentation explaining how to utilize tax credits as funding source for a new municipal facility or performing arts center.

The next item for consideration was to approve the expenditure in the amount of \$3,018.00 to Scranton's for food provided during Battle on Buffet Beach and issue a manual check, as recommended by Darcie Crew, Parks and Recreation Director.

Councilman Tadlock made a motion to approve the expenditure in the amount of \$3,018.00 to Scranton's for food provided during Battle on Buffet Beach and issue a manual check, as recommended. The motion was seconded by Councilman Tipton and received the following vote: Mayor Blevins "AYE". Councilmen Hill "AYE", Jackson "AYE", Pickett "AYE", Simkins "AYE", Tadlock "AYE", and Tipton "AYE". (Approved 1-18-17)

The next item for consideration was the Market Street design specifics, as presented by Jaci Turner, City Engineer. There was discussion concerning the relocation of the utilities underground, either the east/west crossings or all underground. They discussed having a representative from MS Power Company speak to the public concerning the cost of moving the utilities underground. Also discussed were design specifics concerning the size of the medians, parking and bike lanes.

After a lengthy discussion, the Council will schedule another work session to further discuss Market Street design specifics. No formal action was taken.

Councilman Hill made a motion to close the meeting to determine the need for an executive session. The motion was seconded by Councilman Pickett and received the following

vote: Mayor Blevins “AYE”. Councilmen Hill “AYE”, Jackson “AYE”, Pickett “AYE”, Simkins “AYE”, Tadlock “AYE”, and Tipton “AYE”.

Councilwoman Simkins made a motion to go into executive session for the purpose of discussing settlement of litigation. The motion was seconded by Councilman Hill and received the following vote: Mayor Blevins “AYE”. Councilmen Hill “AYE”, Jackson “AYE”, Pickett “AYE”, Simkins “AYE”, Tadlock “AYE”, and Tipton “AYE”, after which the Mayor announced to the public and those in attendance that the Council had voted to hold an executive session for the purpose stated above. The Council then began the executive session.

During executive session and after discussion regarding potential settlement of a civil service matter, the Council considered the following Order:

**ORDER AUTHORIZING SETTLEMENT OF A DOUBTFUL AND
DISPUTED CLAIM, DIRECTING PAYMENT OF A SUM
CERTAIN AND AUTHORIZING THE CITY MANAGER TO
EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO
SETTLE THE CLAIM AS MAY BE DIRECTED BY THE CITY
ATTORNEY AND AUTHORIZING CITY
CLERK/COMPTROLLER TO ISSUE A MANUAL CHECK.**

WHEREAS, on or about the 1st day of April, 2016, an Employee was terminated from employment with the City of Pascagoula; and

WHEREAS, the Employee was a “covered” employee pursuant to Section 2-141 of the Municipal Code and thereby subject to certain Civil Service protections; and

WHEREAS, the Employee perfected an appeal of the termination to the City of Pascagoula Civil Service Commission where the matter is presently pending; and

WHEREAS, the Employee has been represented by counsel throughout the proceedings before the Commission; and

WHEREAS, intensive litigation has ensued over the cause for termination and the matter was set for final disposition before the Commission on March 30, 2017; and

WHEREAS, counsel for the Employee proposed a settlement which calls for the payment of a monetary sum; and

WHEREAS, the City Attorney, the City Manager, the Department Head and the Personnel Director are all in agreement that the offer of settlement should be accepted and that the same is in the best interest of the City and the Employee; and

WHEREAS, one aspect of the settlement calls for payment of a sum certain in return for a release of all claims by either party to the dispute with no admission of liability being made; and

WHEREAS, counsel for the Civil Service Commission, Honorable Scott Corlew, has been apprised of the proposed settlement and concurs that the same should be consummated; and

WHEREAS, the claim by the Employee is doubtful and disputed and this City Council must approve the payment of any sum to the Employee in settlement thereof, with the City Manager, at his discretion to approve all other aspects of the agreement upon advice by the City Attorney:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASCAGOULA DOES HEREBY ORDER AND DIRECT AS FOLLOWS:

SECTION 1. The City Manager is authorized and directed to pay to the Employee the full sum of \$15,000.00 in return for a settlement of all claims, but specifically without any admission of liability on the part of the City.

SECTION 2. The City Manager is further authorized and directed to execute any and all documents that may be required for the full and complete settlement of the claim as advised by the City Attorney.

SECTION 3. The City Clerk/Comptroller is authorized and directed to cause a manual check in the aforesaid amount to be issued forthwith for the settlement of the claim.

The above Order was introduced by Councilman Jackson, seconded for adoption by Councilman Hill and received the following vote: Mayor Blevins "AYE". Councilmen Hill "AYE", Jackson "AYE", Pickett "AYE", Simkins "AYE", Tadlock "AYE", and Tipton "AYE". The Mayor then declared the Order adopted on the 18th day of January, 2017.

During executive session, Eddie Williams, City Attorney advised the Council the School District tabled their request to seek an Attorney General opinion.

Councilman Tadlock made a motion to end the executive session and return to open session. The motion was seconded by Councilman Jackson and received the following vote: Mayor Blevins "AYE". Councilmen Hill "AYE", Jackson "AYE", Pickett "AYE", Simkins "AYE", Tadlock "AYE", and Tipton "AYE".

There being no further business to come before the Council at this time, Councilman Hill made a motion to adjourn the meeting. The motion was seconded by Councilman Pickett and received the following vote: Mayor Blevins "AYE". Councilmen Hill "AYE", Jackson "AYE", Pickett "AYE", Simkins "AYE", Tadlock "AYE", and Tipton "AYE".

The meeting ended at 1:48 p.m.

APPROVED:

Harry J. Blevins, Mayor

ATTEST:

Karen Kennedy, Asst. City Clerk