

**RECESSED REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, JUNE 21, 2011, AT 6:00 P. M.
CITY HALL, PASCAGOULA, MISSISSIPPI**

The City Council of the City of Pascagoula, Mississippi, met at City Hall in a recessed regular meeting on Tuesday, June 21, 2011, at 6:00 p.m. Mayor Maxwell called the meeting to order with the following officials present:

Mayor Robert H. Maxwell
Councilman Joe Abston
Councilman Jim Milstead
Councilman Robert Stallworth, Sr.
Councilman Harold Tillman, Jr.
Councilman George L. Wolverton, Sr.

Councilman Frank Corder was absent.

City Manager Joe Huffman
City Attorney Eddie Williams
Asst. City Clerk Brenda Reed
City Clerk/Comptroller Robert J. Parker

Mayor Maxwell welcomed everyone to the meeting. The invocation was given by Councilman Milstead and was followed by the Pledge of Allegiance.

The consent agenda was considered at this time.

The first item for consideration was the minutes of the regular Council meeting of June 7, 2011, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Stallworth made a motion to adopt and approve the minutes of the regular Council meeting of June 7, 2011, as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

Minutes of the Main Street Board meeting of June 6, 2011, were acknowledged by the Council.

Minutes of the Recreation Commission meeting of June 1, 2011, were acknowledged by the Council.

The next item to be considered was a banner request for the Boys and Girls Club annual steak dinner on June 24, 2011, as recommended by Rebecca Davis, Main Street Director. The banner sign would hang on the welcome sign at Pascagoula Street.

Councilman Stallworth made a motion to approve the banner request for the Boys and Girls Club annual steak dinner as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

The next item to be considered was a bid award for C900 water pipe (Annual Bid # 308) to Central Pipe and Supply Co., Pearl, MS, as recommended by Steve Mitchell, Operations Manager. The contract dates will be June 22, 2011, to June 21, 2012, with a one-year renewal option. The prices are as follows:

4" @ \$2.27/ft.
6" @ \$4.52/ft.
8" @ \$7.83/ft.
10" @ \$11.76/ft.
12" @ \$16.60/ft.

Councilman Stallworth made a motion to award the bid for C900 water pipe (Annual Bid # 308) to Central Pipe and Supply Co. as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

Next for consideration was a bid award for backflow preventers (Annual Bid # 309) to Consolidated Pipe, Pascagoula, MS, for the ¾" backflow preventers at \$27.50 each, and accept the low bid for 1" backflow preventers at \$34.79 each to H. D. Supply, Theodore, AL, as recommended by Steve Mitchell, Operations Manager. The contract dates for both items will be June 22, 2011, to June 21, 2012, with a one-year renewal option.

Councilman Stallworth made a motion to approve a bid award for backflow preventers (Annual Bid # 309) to Consolidated Pipe, Pascagoula, MS, for the ¾" backflow preventers at \$27.50 each, and accept the low bid for 1" backflow preventers at \$34.79 each to H. D. Supply, Theodore, AL, as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

Next for consideration was a request to authorize the Parks and Recreation Director to seek proposals and purchase two separate sets of playground equipment at an amount not to exceed \$60,000.00 for both as requested by Darcie Crew, Parks and Recreation Director.

Councilman Stallworth made a motion to authorize the Parks and Recreation Director to seek proposals and purchase two separate sets of playground equipment at an amount not to exceed \$60,000.00 for both. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.
(Approved 6-21-11)

Eddie Williams, City Attorney, requested the Resolution authorizing the release of a lien on property located at 810 Lafayette be removed from the agenda tonight.

The next item to be considered was a request to advertise for proposals for professional service providers to update the City of Pascagoula Mitigation Plan in accordance with grant funding which was recently approved as recommended by Jaci Turner, Program Manager.

Councilman Stallworth made a motion to authorize the City Clerk to advertise for RFP’s for the City of Pascagoula Mitigation Plan update as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 6-21-11)

The next item to be considered was Budget Amendment # 11.69 in the Forfeiture & Seizure Fund for the Police Department as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.69
June 21, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Forfeiture & Seizure Fund</u>	-	-	-
<u>Revenues:</u>	-		-
-	-		-
<u>Other Financing Sources:</u>	-		-
-	-		-

-	Forfeiture & Seizure	30,000	7,000	37,000
-	Total Revenues	30,000	7,000	37,000
-	<u>Expenditures:</u>	-		-
-	<u>Capital Outlay:</u>			
-	Improvements -			
-	Other	17,000	7,000	24,000
-	Total Expenditures	17,000	7,000	24,000
	Net Change in Fund Balance		-	
	To amend budget to provide expenditure authority for necessary repairs and improvements at the Police Training Facility and at the main PD building.			

Councilman Stallworth made a motion to approve the budget amendment as presented and recommended above. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".
(Approved 6-21-11)

The next item to be considered was Budget Amendment # 11.71 in the Community Development Fund for the Hazard Mitigation Grant (Sussman) as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.71
June 21, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>	-	-	-

-	-	-
<u>Revenues:</u>		
- <u>Grants:</u>		
Hazard Mitigation Grant	-	94,382
Transfers In - Gen Fund (Sussman)	-	4,968
Total Revenues		99,350
<u>Expenditures:</u>		
<u>Community Development:</u>		
<u>Other Services & Charges:</u>		
-		
Program Outlay & Expense	-	99,350
-		
Total Expenditures	-	99,350
Net Change in Fund Balance		-
To amend budget to provide expenditure authority for the Hazard Mitigation Grant regarding the Sussman property and the related grant & match revenue as approved by Council on September 14, 2010.		

Councilman Stallworth made a motion to approve the budget amendment as presented and recommended above. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".
(Approved 6-21-11)

The next item to be considered was Budget Amendment # 11.72 in the General Fund for the match to the Hazard Mitigation Fund Grant (Sussman) as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.72
June 21, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>	-	-	-
-	-		-
<u>Expenditures:</u>			
-			
<u>General Administration:</u>			
<u>Other Services & Charges:</u>			
Telephone	45,000	-4,968	40,032
<u>Transfers:</u>			
Transfer to Comm. Dev. Fund	-	4,968	4,968
-			
Total Expenditures	45,000	-	45,000
 Net Change in Fund Balance		-	
 To amend budget to provide expenditure authority for the grant match for the Sussman property Hazard Mitigation Grant as approved by Council on September 14, 2010. by reallocation of budgeted expenditures.			

Councilman Stallworth made a motion to approve the budget amendment as presented and recommended above. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".
(Approved 6-21-11)

The next item to be considered was Budget Amendment # 11.73 in the Community Development Fund for the CIAP Grant for the Magnolia Street birding pier as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.73
June 21, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>	-	-	-
- <u>Revenues:</u>	-		-
- <u>Grants:</u>	-		-
CIAP-Magnolia St. Pier	-	300,000	300,000
Total Revenues		300,000	300,000
<u>Expenditures:</u>			
<u>Community Development:</u>			
<u>Other Services & Charges:</u>			
Program Outlay & Expense	-	300,000	300,000
Total Expenditures	-	300,000	300,000
Net Change in Fund Balance		-	
To amend budget to provide expenditure authority for the CIAP Grant for the Magnolia St. Birding Pier and the related grant revenue as approved by Council.			

Councilman Stallworth made a motion to approve the budget amendment as presented and recommended above. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.
(Approved 6-21-11)

The next item to be considered was Budget Amendment # 11.74 in the Community Development Fund for the CIAP Grant for the Communy Avenue and Emerson Street sewer project as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.74
June 21, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>	-	-	-
- <u>Revenues:</u>	-		-
- <u>Grants:</u>			
CIAP-Communy & Emerson Sewer	-	530,000	530,000
Total Revenues		530,000	530,000
<u>Expenditures:</u>			
<u>Community Development:</u>			
- <u>Other Services & Charges:</u>			
Program Outlay & Expense	-	530,000	530,000
Total Expenditures	-	530,000	530,000
Net Change in Fund Balance		-	

To amend budget to provide expenditure authority for the CIAP Grant for Communy & Emerson sewer project and the related grant revenue as approved by Council.			
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Councilman Stallworth made a motion to approve the budget amendment as presented and recommended above. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.
(Approved 6-21-11)

The next item for consideration was a Resolution to set liens for property cleanup on 3207 Glacier, 3218 Argentina, and 1302 Lureco as recommended by Eddie Williams, City Attorney. The Resolution is spread on the minutes as follows:

RESOLUTION

WHEREAS, in accordance with Section 21-19-11, Mississippi Code of 1972, this City Council heretofore adjudicated, after lawful notice and hearing, that the parcels of land described hereinafter were in such a state of uncleanliness as to be a menace to the public health and safety of this community and authorized them to be cleaned by the City; and

WHEREAS, the parcels have been cleaned by the City; and

WHEREAS, it is hereby adjudicated that the amount set opposite the parcels listed hereinafter is the actual cost of cleaning of each parcel;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI:

SECTION 1. That the parcels of land listed below, which are described by reference to deeds recorded at the appropriate pages in the Jackson County, Mississippi, Land Deed Books, are hereby charged with the cost of cleaning of each parcel appearing opposite.

SECTION 2. That these amounts are hereby declared to be an assessment and lien against each parcel listed below, which shall be enrolled in the office of the Circuit Clerk of Jackson County, Mississippi, as judgments are enrolled, and the Jackson County Tax Collector, acting as collector of City taxes, is hereby directed to sell each parcel of land to satisfy the liens in the manner provided by law for the sale of land for delinquent taxes, to wit:

EXHIBIT A

<u>Tax Parcel Number and Property Address</u>	<u>Owner(s) and Mailing Address</u>	<u>Described at the following Jackson County, MS, Deed Books and Pages</u>	<u>Cost of Cleaning</u>
41825054.100 3218 Argentina	Tofino Holding, LLC P.O. Box 160 Magee, MS 39111-0160	Deed Book 1618, Page 289	\$3,480.50
41795005.000 1302 Lureco Dr.	Ina Jean Edwards 1388 Cedar Crossing Road Uvalda, GA 30473-4131	Deed Book 197, Page 147	\$3,658.50
41825015.000 3207 Glacier	Kenneth W. Townson and Julia Eloise Townson 3207 Glacier Street Pascagoula, MS 39581	Deed Book 302, Page 88	\$3,485.50

The above Resolution was introduced by Councilman Stallworth, seconded for adoption by Councilman Wolverton, and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 21st day of June, 2011.

The next item for consideration was a Resolution rescinding an Order of May 17, 2011, on property owned by Anna Belle Cumbest and located at 2009 Beach Blvd. as recommended by Eddie Williams, City Attorney. The Resolution is spread on the minutes as follows:

**RESOLUTION RESCINDING ORDER OF MAY 17, 2011,
WITH RESPECT TO PROPERTY
OWNED BY ANNA BELLE CUMBEST**

WHEREAS, by order dated March 17, 2011, this Council authorized giving notice to Anna Belle Cumbest the owner of certain real property located on Beach Blvd. and more particularly described in the exhibit attached to this resolution, to appear before the Council on May 5, 2011, to determine whether the parcel was in such a state of uncleanness as to be a menace to the public health and safety of the community; and

WHEREAS, the matter was continued from May 5, 2011, until the recessed Council meeting on May 17, 2011, at which time Ms. Cumbest was represented by counsel and contested the issue of whether or not the property in fact posed a menace to public health and safety; and

WHEREAS, the Council on May 17, 2011, passed a resolution finding that the property did in fact constitute a menace to the public health and safety and directed the City Manager to take steps necessary to have the property cleaned; and

WHEREAS, on or about May 24, 2011, Anna Belle Cumbest perfected an appeal to the Circuit Court of Jackson County, MS, challenging the Council's resolution of May 17, 2011; and

WHEREAS, counsel for the City of Pascagoula was approached by the attorney for Ms. Cumbest offering a settlement of the contested issues on appeal; and

WHEREAS, at its meeting on June 7, 2011, the Council was apprised of the settlement negotiations and in fact instructed the attorney for the City of Pascagoula to consummate a settlement with Ms. Cumbest along the lines set out herein below; and

WHEREAS, the Council is of the opinion that the settlement is in the best interest of the community and in the best interest of all parties concerned:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Attorney is authorized to execute settlement documents on behalf of the City of Pascagoula effecting a settlement of the pending litigation subject to the following terms and conditions:

1. Ms. Cumbest will erect, within 21 days of the date that the agreement is signed, a six-foot high vinyl privacy fence around the slab located on the property.
2. The fence shall be located six-feet out from the perimeter of the aforesaid slab.
3. Ms. Cumbest shall be responsible for the maintenance and upkeep of the fence.
4. Ms. Cumbest will erect more permanent no trespassing signs on the property.

5. Ms. Cumbest will dismiss her appeal with prejudice with each of the parties bearing their respective costs.
6. The City Council will rescind the resolution of May 17, 2011, which directed the City Manager to effect a cleanup of the parcel.

BE IT FURTHER RESOLVED that the City Council, in keeping with the aforesaid agreement, does hereby rescind the action taken on May 17, 2011, with respect to the parcel described on the attached exhibit.

EXHIBIT A

<u>Tax Parcel Number and Property Address</u>	<u>Owner(s) and Mailing Address</u>	<u>Described at the following Jackson County, MS, Deed Books and Pages</u>
40410062.000 2009 Beach	Anna Belle Cumbest 2009 Beach Blvd. Pascagoula, MS 39567	Deed Book 738, Page 121

The above Resolution was introduced by Councilman Stallworth, seconded for adoption by Councilman Wolverton, and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 21st day of June, 2011.

The next item for consideration was a request to advertise the resources of the City through the Pine Burr Area Council/Boy Scouts of America, Camp Tiak – 2011, for a \$100.00 advertisement in the camp booklet as recommended by Eddie Williams, City Attorney. The City is given legal authority to provide support to this group by Section 17-3-1.

Councilman Stallworth made a motion to approve the request to advertise the resources of the City through the Pine Burr Area Council/Boy Scouts of America, Camp Tiak – 2011, for a \$100.00 advertisement in the camp booklet as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 6-21-11)

The next item to be considered was a request to advertise the resources of the City through the Boys & Girls Clubs of Jackson County 19th Annual Steak & Steak Dinner for a

Mentor sponsorship of \$500.00 and a manual check as recommended by Eddie Williams, City Attorney. The City is given legal authority to provide support to this group by Section 21-17-1, a non-profit corporation that has qualified as a 501(c)(3).

Councilman Stallworth made a motion to approve the request to advertise the resources of the City through the Boys & Girls Clubs of Jackson County 19th Annual Steak & Steak Dinner for a Mentor sponsorship of \$500.00 and authorize a manual check as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

The next item for consideration was Budget Modification No. 8 to extend the time to December 31, 2011, on the DEQ/CDBG Grant Projects (W25, W26, W27, S30, S31, S32, and S33) to allow for the reconciliation of final project amounts, complete the remaining work in the Chipley area, and finalize the closeout paperwork as recommended by Jaci Turner, Program Manager. There is no change to the budget amount.

Councilman Stallworth made a motion to approve Budget Modification No. 8 to extend the time to December 31, 2011, on the DEQ/CDBG Grant Projects (W25, W26, W27, S30, S31, S32, and S33) to allow for the reconciliation of final project amounts, complete the remaining work in the Chipley area, and finalize the closeout paperwork as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The next item to be considered was Budget Modification #6 for MDA Project No. 04-KCR as submitted to reallocate funding between line items and authorize City Manager to execute documents as recommended by Jaci Turner, Program Manager.

Councilman Stallworth made a motion to approve the Budget Modification #6 for MDA Project No. 04-KCR as submitted to reallocate funding between line items and authorize the City Manager to execute the related documents as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The next item to be considered was Budget Modification #4 for MDA Project 01-KCR as submitted to reallocate funding between line items and authorize City Manager to execute documents as recommended by Jaci Turner, Program Manager.

Councilman Stallworth made a motion to approve Budget Modification #4 for MDA Project 01-KCR as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The next item to be considered was Change Order No. 3 to the contract with G.T. Development & Contracting, LLC, Pascagoula, MS, for the MDA/CDBG Final Surfacing and Infrastructure Package for the Front Street Reconnection and Riverfront Redevelopment Project for a no-cost change to incorporate some adjustments for unforeseen circumstances and value engineering of the pavement section as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. Additional time will be included in the change order to adjust for time to address the subsurface adjustments.

Councilman Stallworth made a motion to approve Change Order No. 3 to the contract with G.T. Development & Contracting, LLC, for the MDA/CDBG Final Surfacing and Infrastructure Package for the Front Street Reconnection and Riverfront Redevelopment Project as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The next item to be considered was acceptance of the quote from Fletcher Construction, Pascagoula, MS, in the amount of \$29,780.00 for emergency repairs to the Transfer Station roof due to storm damage on May 26, 2011, as recommended by David Groves, Director of Environmental Compliance. The storm damage was done on May 26, 2011, and has caused the Transfer Station to require shutting down to protect the cranes during rain events. The following three quotes were received for this work:

Stewart Construction	\$33,600.00
Fletcher Construction	\$29,780.00
Pascagoula Sheet Metal	\$64,000.00 - (they recommend replacing an area about twice the size as the other two contractors.

Councilman Stallworth made a motion to accept the quote of \$29,780.00 from Fletcher Construction for emergency roof repairs at the Transfer Station as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

The next item to be considered was approval of a quote for \$235,654.44 from Landmark American Insurance Company, through Ross-King-Walker, to renew the property insurance for the period of June 22, 2011, to June 22, 2012, as recommended by Jeane Bull, Assistant Comptroller. This is an increase of \$14,957.44 from last year due to the additional coverage to satisfy FEMA requirements.

Councilman Stallworth made a motion to approve the quote of \$235,654.44 from Landmark American Insurance Company for the renewal of property insurance for the period June 22, 2011, to June 22, 2012, as recommended and authorize a manual check. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The next item for consideration was the annual contract between the City of Pascagoula and South Mississippi Chapter of the American Red Cross for FY 2010 CDBG Funding as recommended by Harry Schmidt, Community and Economic Development Director.

Councilman Stallworth made a motion to approve the annual contract between the City of Pascagoula and South Mississippi Chapter of the American Red Cross for FY 2010 CDBG Funding as recommended and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The next item to be considered was authorization for the City Manager to sign agreements with AT&T, Deltacom, Mississippi ITS, and SelecTel to transfer the City's communication services from CenturyLink to those entities as recommended by Stephen Newell, MIS Director.

Councilman Stallworth made a motion to authorize the City Manager to sign agreements with AT&T, Deltacom, Mississippi ITS, and SelecTel to transfer the City's communication services from CenturyLink to those entities as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The next item to be considered was a request to award the Downtown Wi-Fi parts (Bid #310) to TekLinks, Inc., Gulfport, MS, with modified quantities for \$74,948.35 for equipment to be used to establish a free public downtown Wi-Fi network as recommended by Stephen Newell, MIS Director.

Councilman Stallworth made a motion to award the Downtown Wi-Fi- parts (Bid #310) to Teklinks, Inc. with modified quantities for \$74,948.35 as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

The next item to be considered was approval for fifteen individuals from the Pascagoula Main Street Association to attend the Mississippi Main Street awards luncheon on June 28, 2011, in Jackson, MS, as recommended by Rebecca Davis, Main Street Director. The association will be receiving two (2) awards. The cost is \$40.00 per person and a manual check was also requested.

Councilman Stallworth made a motion to approve fifteen individuals from the Pascagoula Main Street Association to attend the Mississippi Main Street awards luncheon on June 28, 2011, in Jackson, MS, and authorize a manual check for \$600.00 as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

Financial reports for the month of May 2011 were filed by the City Clerk and acknowledged by the City Council.

The following new business items were considered at this time:

The first item for consideration was a Resolution to establish just compensation for certain real property as recommended by Eddie Williams, City Attorney. The Resolution is spread on the minutes as follows:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASCAGOULA TO ESTABLISH JUST COMPENSATION AND TO AUTHORIZE THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO EFFECT THE ACQUISITION OF CERTAIN HEREINAFTER DESCRIBED REAL PROPERTY AND FOR RELATED PURPOSES

WHEREAS, the City of Pascagoula is currently involved in litigation in the Special Court of Eminent Domain for Jackson County, MS, in the case styled City of Pascagoula vs. Daniel Sussman, Cause No. CO-2009-20715, wherein the City initially sought to acquire a 15-foot wide permanent easement for the maintenance of a bulkhead located on the east side of the property described in that litigation, which property is fully described in the exhibit attached hereto; and

WHEREAS, the Defendant in that litigation, Daniel Sussman, has filed a counter-claim against the City asserting a complete taking of his property inasmuch as the acquisition of the easement would allegedly render the remnant of the property useless to its owner; and

WHEREAS, the litigation, by agreement of counsel for both parties, has been put on hold pending application for a Hazard Mitigation Grant from the Federal Emergency Management Agency for the acquisition of the aforesaid property; and

WHEREAS, the City Council has been advised by the City Attorney that a Hazard Mitigation Grant has now been approved in the amount of \$47,500 for the acquisition of the property and in certain additional amounts to cover the costs of the acquisition, including attorney fees and closing costs; and

WHEREAS, an appraisal has been procured which establishes the fair market value of the property to be \$47,500 as aforesaid; and

WHEREAS, the City Attorney has advised the City Council that the Defendant in the case pending in the Special Court of Eminent Domain has agreed to accept the sum of \$47,500 from the Hazard Mitigation Grant Program, but has demanded an additional \$5,000 from the City to fully settle the litigation now pending in the Special Court of Eminent Domain; and

WHEREAS, the City Council is of the opinion that, given the cost of additional litigation and the fact that the Federal Emergency Management Agency is willing to fund the substantial portion of the acquisition of this property to the extent of \$47,500, that the payment of an additional sum of \$5,000 is not unreasonable under the circumstances and would be in the best interest of the citizens of this community:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council does hereby establish just compensation for the property belonging to Daniel Sussman at the sum of \$52,500. The Mayor is authorized to extend to Mr. Sussman an offer of purchase in that amount.

SECTION 2. The Mayor is authorized and directed to execute all documents necessary to effect the Hazard Mitigation Grant Program buy-out of the subject property and is further authorized and directed to execute any and all documents that may be necessary to fully effect the transfer of the subject property to the City of Pascagoula.

SECTION 3. The City Attorney is authorized and directed to retain the services of competent title counsel to procure a title examination to the property, title insurance and to effect closing of the subject property on behalf of the City of Pascagoula.

The above Resolution was introduced by Councilman Tillman, seconded for adoption by Councilman Stallworth, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 21st day of June, 2011.

The next item to be considered was authorization for the City Council to attend the National League of Cities Annual Conference in Phoenix, Arizona, on November 9-12, 2011, and approve registration fees and travel expenses as presented by Joe Huffman, City Manager.

Councilman Wolverton made a motion to approve registration fees and travel expenses for the City Council to attend the National League of Cities Annual Conference in Phoenix, Arizona, on November 9-12, 2011. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

The next item to be considered was a name for the new Arts Center as presented by Harry Schmidt. He provided the Council with a handout of possible names and a discussion followed.

Councilman Tillman then made a motion to approve "Arts on the Avenue" as the new name for the Arts Center which will be located at 618 Delmas Avenue. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related document is filed in the minute file of this meeting and incorporated herein by reference.)

The next item for consideration was the 2013 Tidelands Grant request as presented by Harry Schmidt, Community and Economic Development Director. He discussed the following handout with the Council.

2013 Tidelands Proposals -

Purpose - "new and extra programs of tidelands management, such as conservation, reclamation, preservation, acquisition, education or the enhancement of public access to tidelands or public improvement projects as they relate to those lands."

They don't typically award more than \$200-300k. Often they are in the \$75k-\$200k range.

Lately we have received money for the Historic Pathway, the Point, Lowry Island Boardwalks, Small piers at the Riverfront, Scranton Museum Restoration, and Round Island Lighthouse.

We are currently spending the money on the Pathway and Scranton Museum. We are drawing down a little bit of the money for the Point – it is several years old. We have not drawn down money for the Riverfront or Lowry Island, and we just got the lighthouse money a month ago.

Suggestions to date:

1. Environmental Education Trail under and around the High Rise bridge – additional phases and any necessary property acquisition.
2. Electrical and waterline extensions along the Beach Park Pier and Beachfront Promenade to improve lighting and allow for water fountains and fish cleaning stations.
3. Round Island Lighthouse Park

Pending 2012 Requests – (in priority order)

1. Promenade Amenities – benches, planters, signs - \$150,000
2. Inner Harbor Bulkhead Improvements - \$250,000
3. Lowry Island Piers – \$225,000
4. Communny Bayou Harbor Development - \$250,000

After discussion, the Council concurred with the 2013 Tidelands Grant proposals as presented. No official action was taken.

Mr. Schmidt also led a discussion regarding the 2011 CDBG allocation proposal for \$280,000.00. He discussed the following handout with the Council.

2011 CDBG Allocation - \$280,000 -

Fire Dept. storage building - \$75,000
Administrative Costs - \$15,000
Public Service (Red Cross, etc.) - \$15,000
11th Street Park improvements including dog park - \$45,000
Economic Development (Lighthouse or downtown building) - \$45,000
Lake Elementary School sidewalks or additional phases of Environmental Educational Trail –
Lake Ave. Area/Bridge Trail – \$85,000

Existing CDBG Projects –

Public Services (Red Cross, Our Daily Bread, Domestic Violence) - \$15,000/year
Region VIII Loan Fund - \$5,000
Forest/Hester St. Study - \$21,000
Sidewalk Improvements – Chipley/Eastlawn neighborhoods - \$260,000
Sidewalks at Arlington and Cherokee Schools - \$85,000
Façade Grants - \$112,500
Chateau Lake drainage - \$70,000
Eden Street drainage - \$30,000
Meadowbrook water line – \$50,000
Rec. Center playground - \$45,000 (\$55,000)
Round Island Lighthouse - \$90,000
Wireless internet - \$75,000

After discussion, the Council concurred with the 2011 CDBG allocation proposal as presented. No official action was taken.

At this time, Charles Backs, 3811 Pascagoula Street, addressed the Council regarding matters concerning the Pascagoula Ice and Freezer Company located at 3708 Pascagoula Street. Mr. Backs questioned the nonpayment of sewer fees by this company over the past several years. Eddie Williams, City Attorney, advised the City is aware of the matter and is currently addressing the issue to collect the past due fees. He stated that a meter has now been installed by the City of Pascagoula to record the usage.

Mr. Backs also voiced concerns about the foul odors from the Pascagoula Ice and Freezer Company. He has contacted several departments on this issue but nothing has been resolved. The Mayor then requested that the City Manager investigate the complaint and report back to the Council at the next meeting.

The next item was a request to apply for a new City of Pascagoula credit card under the name of the City Manager, Joe Huffman, with a credit limit of \$10,000.00 as recommended by Bobby Parker, City Clerk/Comptroller.

After a brief discussion, Councilman Wolverton made a motion to approve the request to apply for a new City of Pascagoula credit card under the name of the City Manager, Joe Huffman, with a credit limit of \$10,000.00 as recommended and authorized the City Manager to execute the related documents. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".
(Approved 6-21-11)

Next for consideration was Budget Amendment No. 11.70 in the Transfer Station Fund for roof repairs as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.70
June 21, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Transfer Station Fund</u>	-	-	-
<u>Expenditures:</u>	-		-
-			

-	Other Services & Charges:			
-	Building Repair Services	17,000	29,800	46,800
-	Total Expenditures	17,000	29,800	46,800
	Net Change in Fund Balance		(29,800)	
	To amend budget to provide expenditure authority for repairs necessitated by storm damage to the roof of the Transfer Station building.			

Councilman Milstead made a motion to approve the budget amendment as presented above and as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.
(Approved 6-21-11)

The next item for consideration was a request to purchase a 78 ft. ladder truck and authorize financing through a lease purchase agreement with Tax-Exempt Leasing Corporation, Libertyville, IL, as recommended by Robert O’Sullivan, Fire Chief. A memo regarding this request is spread on the minutes as follows:

MEMO

TO: Joe Huffman, City Manager
FROM: Robert O’Sullivan, Fire Chief
RE: Ladder Truck Purchase

Joe:

I would like to ask the City Council to authorize the purchase of a new 78’ E- One Aerial Ladder Truck from Sunbelt Fire Equipment. The truck would be purchased on State Contract at a cost of \$698,600.00 (less a discount). I recommend we use Tax-Exempt Leasing Corporation to finance the purchase over a seven year term with annual payments of \$111,491.56. Tax-Exempt Leasing offers a prepayment option that will allow us to take advantage of a manufacturer’s discount in the amount of \$16,611.00. The total amount financed with the discount will be

\$681,989.00. The annual payments will be budgeted in the Fire Insurance Rebate Fund beginning with FY 2012 budget.

If you have any questions please let me.

Thank you,

Robert O'Sullivan
Fire Chief

Councilman Wolverton made a motion to approve the request to purchase a 78 ft. ladder truck with financing through Tax-Exempt Leasing Corporation as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

Steve Mitchell, Operations Manager, discussed the proposed Delmas Estates drainage project with the Council. A memo regarding this project is spread on the minutes as follows:

MEMO

June 10, 2011

Joe Huffman
City Manager

RE: Delmas Drainage Project

Delmas Estates – As most of the council is aware this subdivision is subject to heavy street flooding during intense rainfall. To date we have not experienced the flooding of homes but the potential is extremely high and during a normal rain event the area is subject to slow drainage rates. At some point in the past, the major outfall for this subdivision was an open ditch where undersized piping was installed. We would like to begin the process of granting some relief to the citizens of this area by replacing this undersized pipe with the appropriate sized pipe that is properly engineered. While this solution may not totally remedy the entire problem we have determined the downstream problem should be rectified first so that it can receive water at a faster rate when additional work is performed.

Funding for this project is requested in order to replace the undersized outfall piping and install additional piping and catch basins. We currently have approximately \$100,000.00 remaining in

the Drainage Improvement Line item in the Streets and Drainage Budget. We are requesting an additional \$200,000 in funding in order to begin this project during this fiscal year.

While there are other areas of the city that require drainage improvements most of them have been determined to be too cost prohibitive for this fiscal year. Where possible we have identified drainage projects that are eligible for CDBG funding and will proceed with those in the near future. The first of these would be the drainage outfall in Chateau Lake.

If you have any questions let me know.

Stephen Mitchell, **CBO, CFM**
Operations Manager
City of Pascagoula
228-372-6835

After discussion, Councilman Tillman made a motion to approve additional funding of \$200,000.00 (total of \$300,000.00) for the Delmas Estates drainage project as recommended above. The motion was seconded by Councilman Milstead, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The item regarding a contract for solid waste transfer and disposal services was removed from tonight's agenda.

The next item for consideration was Supplemental Agreement No. 1 and Quantity Adjustment No. 1 to the contract with D & D Construction Company, Inc. (Project # STP-0370-00(018)/105401-701000) for the Pascagoula Historic Pathway and Boat Launch Project as recommended by Jaci Turner, Program Manager, and Neel-Schaffer, Inc. The supplemental agreement includes an increase of \$17,451.20 and the addition of 16 days to the contract.

Councilman Milstead made a motion to approve Supplemental Agreement No. 1 and Quantity Adjustment No. 1 to the contract with D & D Construction Company, Inc. (Project # STP-0370-00(018)/105401-701000) for the Pascagoula Historic Pathway and Boat Launch Project as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The next item for consideration was a request to ratify the City Manager’s signature on a Facility Encroachment Agreement dated April 19, 2011, with CSX as recommended by Jaci Turner, Program Manager. Ms. Turner advised there is a need for the City to construct the following:

- (1) One (1) twelve inch (12”) diameter sub-grade pipeline crossing, solely for the conveyance of potable water, located at or near Pascagoula (PASCAGOULA), Jackson County, MS, Atlanta Division, No & M Subdivision, Milepost 000-706.40, Latitude N30:22:02.05, Longitude W88:22:23:49; and
- (2) One (1) existing eight inch (8) diameter sub-grade pipeline crossing without the benefit of an agreement, solely for the conveyance of potable water, which will be discontinued in place pursuant to CSX’s specifications, located at or near Pascagoula (PASCAGOULA), Jackson County, MS, Atlanta Division, No & M Subdivision, Milepost 000-706.40.

Councilman Stallworth made a motion to ratify the City Manager’s signature on the Facility Encroachment Agreement dated April 19, 2011, with CSX as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 6-21-11)

(A copy of the related documents is filed in the minute file of this meeting and incorporated herein by reference.)

The next item for consideration was the Order for the docket of claims as follows:

ORDER

WHEREAS, the attached docket of claims for the period of June 3, 2011, through June 17, 2011, has been presented to the City Council for allowance and approval; and

WHEREAS, the below claim numbers 05-13-01, 05-27-02, and 05-03 have also been presented to the City Council for allowance and approval:

<u>May 13, 2011</u>		<u>Claim # 05-13-01</u>
010	General Fund	\$ 419,618.57
180	Code Enforcement Grant	3,951.04
400	Pascagoula Utilities	26,825.61
475	Transfer Station	11,128.03

480	Solid Waste Mgmt.	<u>555.89</u>
	Total	<u>\$ 462,079.14</u>

<u>May 27, 2011</u>		<u>Claim # 05-27-02</u>
010	General Fund	\$ 422,964.44
180	Code Enforcement Grant	4,052.36
400	Pascagoula Utilities	27,622.91
475	Transfer Station	11,126.55
480	Solid Waste Mgmt.	<u>555.89</u>
	Total	<u>\$ 466,322.15</u>

<u>Miscellaneous Claim</u>		<u>Claim # 05-03</u>
1000	City Share FICA	\$ 46,058.27
1100	City Share Medicare	10,771.70
7000	City Share PERS	<u>90,584.44</u>
	Total	<u>\$ 147,414.41</u>

WHEREAS, it appears that all of said claims are proper and should be allowed;

NOW, THEREFORE, IT IS ORDERED that all claims shown on said dockets are hereby allowed and approved for payment.

The above Order was introduced by Councilman Stallworth, seconded for adoption by Councilman Milstead, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 21st day of June, 2011.

Councilman Abston made a motion to close the meeting to consider going into executive session. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "ABSENT", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

Councilman Abston made a motion to go into executive session for the purpose of discussing a litigation matter regarding Jay Bearden Construction Company and the Shortcut Road Project and a personnel matter regarding the City Judge and City Prosecutor. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell

“AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”, after which the Mayor announced to the public and those in attendance that the Council had voted to go into executive session for the purpose stated above. The Council then began the executive session.

Councilman Abston made a motion to end the executive session and return to open session. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.

The executive session ended at approximately 6:40 p.m.

No action was taken in executive session.

The City Attorney advised the Council that he had received a copy of the Jackson George Regional Library contract to review and asked if anything needed to be changed in it. No changes were noted.

Councilman Wolverton reported that speeding at the east end of Old Mobile Highway has become an issue and he would like the Police Department to monitor it closely.

There being no further business to come before the Council at this time, Councilman Wolverton made a motion to adjourn. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “ABSENT”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.

The meeting ended at 6:45 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed, Asst. City Clerk