

**RECESSED REGULAR MEETING OF THE CITY COUNCIL
THURSDAY, SEPTEMBER 15, 2011, AT 12:00 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 Thursday, September 15, 2011, at 12:00 p.m. Mayor Maxwell called the meeting to order with the following officials present:

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

Councilman Robert Stallworth, Sr. was absent.

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

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

The first item for consideration was an Order adopting part of the Jackson County ad valorem tax assessment rolls. The Order is spread on the minutes as follows:

**ORDER ADOPTING PART OF JACKSON COUNTY, MISSISSIPPI, AD
VALOREM TAX ASSESSMENT ROLLS AS THE ASSESSMENT ROLLS
FOR THE CITY OF PASCAGOULA AND THE PASCAGOULA SCHOOL
DISTRICT FOR THE YEAR 2011**

WHEREAS, the 2011 ad valorem tax assessment roll of Jackson County has been filed with the Board of Supervisors; and

WHEREAS, the Chancery Clerk of Jackson County has delivered to and filed with the City Clerk a true copy of the part of the 2011 Jackson County assessment roll containing the property located within the City of Pascagoula and the property located within the added territory of the Pascagoula School District; and

WHEREAS, the total assessed value of the real property within the City of Pascagoula is \$150,374,195; and

WHEREAS, the total assessed value of all personal property within the City of Pascagoula is \$89,664,235; and

WHEREAS, the total assessed value of all property, both real and personal, within the City of Pascagoula is \$240,038,430; and

WHEREAS, the total assessed value of the real property located in the added territory of the Pascagoula School District \$95,835,290; and

WHEREAS, the total assessed value of the personal property located within the added territory of the Pascagoula School District is \$361,043,966; and

WHEREAS, the total assessed value of all property, both real and personal, located within the added territory of the Pascagoula School District is \$456,879,256; and

WHEREAS, the grand total assessed value of all property, both real and personal, in the entire Pascagoula School District, including the City of Pascagoula and the added territory, is \$696,917,686;

NOW, THEREFORE, IT IS ORDERED that said part of the assessment rolls of Jackson County, Mississippi, filed with the City Clerk by the Chancery Clerk of Jackson County, Mississippi, is hereby adopted as the tax assessment rolls of the City of Pascagoula and the Pascagoula School District for the year 2011.

The above Order was introduced by Councilman Wolverton, seconded for adoption by Councilman Corder, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "ABSENT", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 15th day of September, 2011.

The next item for consideration was a Resolution to set the ad valorem taxes for the City of Pascagoula and the Pascagoula School District for the year 2011-2012 as follows:

RESOLUTION FIXING THE LEVY OF AD VALOREM TAXES UPON THE TAXABLE PROPERTY IN THE CITY OF PASCAGOULA AND IN THE PASCAGOULA SCHOOL DISTRICT FOR THE YEAR 2011-2012

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI, AS FOLLOWS:

That the following ad valorem tax rates, expressed in mills or a fraction of a mill, be, and the same are hereby levied and ordered to be collected upon each dollar of assessed value upon all taxable property within the City of Pascagoula and upon all taxable property within the Pascagoula School District for the year 2011-2012.

For general revenue purposes and for general improvements as provided in Section 27-39-307, Mississippi Code of 1972, Annotated, on all taxable property within the corporate limits of the City of Pascagoula,

31.17 mills on the dollar;

For a disability and relief fund for firemen and policemen, on all taxable property within the corporate limits of the City of Pascagoula as provided in Section 21-29-117, Mississippi Code of 1972, Annotated,

4.00 mills on the dollar;

For maintenance and operation of a public library, on all taxable property within the corporate limits of the City of Pascagoula as is provided in Section 39-3-7, Mississippi Code of 1972, Annotated, together with any other pertinent statutes,

1.14 mills on the dollar;

For payment of principal and interest upon all bonds of the City of Pascagoula as provided in Section 21-33-87, Mississippi Code of 1972, Annotated, upon all taxable property within the corporate limits of the City of Pascagoula,

2.24 mills on the dollar;

For maintenance and operation of a garbage and rubbish collection and disposal system on all taxable property within the corporate limits of the City of Pascagoula as provided in Section 21-19-2, Mississippi Code of 1972, Annotated,

1.00 mills on the dollar;

For the purpose of supplementing teachers' salaries, extending school terms, buying furniture, supplies and materials, and for other lawful operating and incidental expenses of the Pascagoula School District as provided in Section 37-57-105, Mississippi Code of 1972, on all taxable property within the Pascagoula School District,

48.19 mills on the dollar;

For payment of interest and principal upon all bonds of the Pascagoula School District as provided in Section 37-59-23, Mississippi Code of 1972, Annotated, upon all taxable property within the Pascagoula School District,

0.20 mills on the dollar;

That the tax collector for the City is authorized to collect all taxes hereby levied upon the property located within the City and the added territory of said school district.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Milstead, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "ABSENT", Tillman "AYE", and Wolverson "AYE". The Mayor then declared the Resolution adopted on the 15th day of September, 2011.

The next item for consideration was a Resolution approving and adopting the budget for 2011-2012. Councilman Milstead commented that he was in favor of the budget with the exception of the following two budgeted items:

(Pages 27 and 81)

Account # 55 – Professional Services

Line Item # 01009975-555101 – Annexation Study - \$200,000.00

Account # 55 – Professional Services

Line Item # 01030175-555900 – Consultant Fee Study – Parks & Recreation - \$60,000.00

After discussion, the Council considered the following Resolution:

**RESOLUTION APPROVING AND ADOPTING THE BUDGET OF THE
CITY OF PASCAGOULA FOR THE 2011-2012 FISCAL YEAR**

WHEREAS, the City Council of the City of Pascagoula, Mississippi, has prepared a complete budget of the municipal revenues and expenses estimated for the fiscal year 2011-2012 and has caused a statement to be prepared showing the aggregate revenues collected during the current fiscal year in the municipality and the statement showing certain other matters as required by Sections 21-35-3, et seq., of the Mississippi code of 1972, Annotated; and

WHEREAS, the City Council has studied and considered the budget, a copy of which is annexed hereto as Exhibit A, and finds that the budget is prepared and adequate according to law for the fiscal year aforesaid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI, that the budget be, and is hereby approved and adopted as finally determined, and that the budget shall be entered at length and in detail in the minutes of the City Council and published as required by law.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Wolverton, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "ABSENT", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 15th day of September, 2011.

Exhibit A referred to in the above Resolution is spread on the minutes as follows:

**EXHIBIT A
CITY OF PASCAGOULA, MISSISSIPPI
BUDGET OF ESTIMATED REVENUES AND EXPENDITURES
FISCAL YEAR ENDING SEPTEMBER 30, 2012**

*Adopted Budget - Fiscal Year
2012*

GENERAL FUNDS

FUND BALANCE AVAILABLE TO BEGIN **19,399,876**

REVENUE

TAXES	8,327,416
LICENSES AND PERMITS	1,736,000
GRANTS	232,400
INTERGOVERNMENTAL REVENUES	7,563,130
CHARGES FOR SERVICES	1,842,100
FINES AND FORFEITS	910,500
INTEREST	225,000
RENTS	72,530
MISCELLANEOUS	113,000
TRANSFERS IN	4,323,000
OTHER FINANCING SOURCES	49,500

TOTAL REVENUES **25,394,576**

TOTAL FUNDS AVAILABLE **44,794,452**

EXPENDITURES

GENERAL GOVERNMENT

PERSONAL SERVICES	1,462,692
SUPPLIES	156,900
OTHER SERVICES AND CHARGES	572,030
CAPITAL OUTLAY	285,600
	0

2,477,222

GENERAL ADMINISTRATION

PERSONAL SERVICES	117,366
SUPPLIES	10,150
OTHER SERVICES AND CHARGES	1,882,750
CAPITAL OUTLAY	5,000

DEBT SERVICE	1,135,290
TRANSFERS OUT	20,000
	<hr/>
	3,170,556

GENERAL FUNDS

PUBLIC SAFETY

POLICE:

PERSONAL SERVICES	6,862,355
SUPPLIES	343,800
OTHER SERVICES AND CHARGES	280,495
CAPITAL OUTLAY	111,201
DEBT SERVICE	8,200
	<hr/>

7,606,051

FIRE:

PERSONAL SERVICES	3,970,490
SUPPLIES	126,900
OTHER SERVICES AND CHARGES	80,800
CAPITAL OUTLAY	270,000
DEBT SERVICE	112,000
	<hr/>

4,560,190

CODE ENFORCEMENT:

PERSONAL SERVICES	456,560
SUPPLIES	25,310
OTHER SERVICES AND CHARGES	37,200
CAPITAL OUTLAY	12,000
	<hr/>

531,070

TOTAL PUBLIC SAFETY

12,697,311

GENERAL FUNDS

PUBLIC WORKS

PERSONAL SERVICES	0
SUPPLIES	332,200
OTHER SERVICES AND CHARGES	2,740,538

CAPITAL OUTLAY	402,440
	<u>3,475,178</u>

HEALTH AND WELFARE

PERSONAL SERVICES	
SUPPLIES	169,955
OTHER SERVICES AND CHARGES	12,800
CAPITAL OUTLAY	32,800
	<u>215,555</u>

CULTURE and RECREATION

PERSONAL SERVICES	906,326
SUPPLIES	249,263
OTHER SERVICES AND CHARGES	1,581,465
CAPITAL OUTLAY	97,200
	<u>2,834,254</u>

PLAN'G, ECONOMIC & COMMUNITY DEVELOPMENT

PERSONAL SERVICES	301,252
SUPPLIES	31,100
OTHER SERVICES AND CHARGES	528,662
CAPITAL OUTLAY	64,000
	<u>925,014</u>

TOTAL EXPENDITURES	<u>25,795,090</u>
---------------------------	--------------------------

ENDING FUND BALANCE	<u><u>18,999,362</u></u>
----------------------------	---------------------------------

COMMUNITY DEVELOPMENT FUND

REVENUE

GRANTS	19,871,829
TRANSFERS IN	20,420
	<u>19,892,249</u>

EXPENDITURES

OTHER SERVICES AND CHARGES	14,842,533
----------------------------	------------

TRANSFERS	500,000
TOTAL EXPENDITURES	15,342,533
ENDING FUND BALANCE	4,549,716

BOND & INTEREST FUND

FUND BALANCE AVAILABLE TO BEGIN	1,060,168
--	------------------

REVENUE

TAXES	572,307
INTERGOVERNMENTAL REVENUES	17,300
INTEREST	21,355

TOTAL REVENUE	610,962
----------------------	----------------

TOTAL FUNDS AVAILABLE	1,671,130
------------------------------	------------------

EXPENDITURES

DEBT SERVICE	480,253
--------------	---------

TOTAL EXPENDITURES	480,253
---------------------------	----------------

ENDING FUND BALANCE	1,190,877
----------------------------	------------------

PUBLIC UTILITY FUND

FUND BALANCE AVAILABLE TO BEGIN	9,522,404
--	------------------

REVENUE

INTEREST	45,400
MISCELLANEOUS	10,000
INTERGOVERNMENTAL REVENUES	77,400
CHARGES FOR SERVICES	11,937,750
OTHER FINANCING SOURCES	715,000

TOTAL REVENUES	12,785,550
-----------------------	-------------------

TOTAL FUNDS AVAILABLE	22,307,954
------------------------------	-------------------

EXPENDITURES

PERSONAL SERVICES	865,404
SUPPLIES	804,350
OTHER SERVICES AND CHARGES	8,035,769
DEBT SERVICE	1,251,436
CAPITAL OUTLAY	2,128,870
TRANSFERS OUT	3,823,000

TOTAL EXPENDITURES 16,908,829

ENDING FUND BALANCE 5,399,125

ENERGY RECOVERY FACILITY FUND

FUND BALANCE AVAILABLE TO BEGIN 302,377

REVENUE

OTHER FINANCING SOURCES 0

TOTAL FUNDS AVAILABLE **302,377**

EXPENDITURES

OTHER SERVICES AND CHARGES 15,000

TOTAL EXPENDITURES 15,000

ENDING FUND BALANCE 287,377

TRANSFER STATION FUND

FUND BALANCE AVAILABLE TO BEGIN 1,261,323

REVENUE

CHARGES FOR SERVICES 2,781,600

INTEREST 17,150

TOTAL REVENUES 2,798,750

TOTAL FUNDS AVAILABLE 4,060,073

EXPENDITURES

PERSONAL SERVICES	369,094
SUPPLIES	4,250
OTHER SERVICES AND CHARGES	2,082,900
CAPITAL OUTLAY	45,000

TOTAL EXPENDITURES 2,501,244

ENDING FUND BALANCE 1,558,829

SOLID WASTE FUND

FUND BALANCE AVAILABLE TO BEGIN 424,725

REVENUE

INTEREST	6,440
TAXES	255,422
INTERGOVERNMENTAL REVENUES	7,800
CHARGES FOR SERVICES	1,384,100

TOTAL REVENUES 1,653,762

TOTAL FUNDS AVAILABLE 2,078,487

EXPENDITURES

PERSONAL SERVICES	14,204
SUPPLIES	8,150
OTHER SERVICES AND CHARGES	1,390,660

TOTAL EXPENDITURES 1,413,014

ENDING FUND BALANCE 665,473

FIRE and POLICE DISABILITY & RELIEF FUND

REVENUE

TAXES	578,407
INTERGOVERNMENTAL REVENUES	32,719
INTEREST	21,355

	<u>632,481</u>
TOTAL REVENUES	
<hr/>	
<u>EXPENDITURES</u>	
OTHER SERVICES & CHARGES	632,481
	<u>632,481</u>
TOTAL EXPENDITURES	
ENDING FUND BALANCE	<u><u>0</u></u>

FUND BALANCE AVAILABLE TO BEGIN	<u>0</u>
--	----------

<u>REVENUE</u>	
FEMA	8,712,745
	<u>8,712,745</u>
TOTAL REVENUES	
TOTAL FUNDS AVAILABLE	<u>8,712,745</u>

<u>EXPENDITURES</u>	
OTHER SERVICES AND CHARGES	6,022,500
	<u>6,022,500</u>
TOTAL EXPENDITURES	
ENDING FUND BALANCE	<u><u>2,690,245</u></u>

CAPITAL PROJECTS FUND

FUND BALANCE AVAILABLE TO BEGIN	<u>0</u>
--	----------

<u>REVENUE</u>	
GRANTS	0
INTEREST	1,090
	<u>1,090</u>
TOTAL REVENUES	
TOTAL FUNDS AVAILABLE	<u>1,090</u>

EXPENDITURES

OTHER SERVICES AND CHARGES	0
CAPITAL OUTLAY	0
TOTAL EXPENDITURES	0
ENDING CASH BALANCE	1,090

All Funds

TOTAL BUDGET SURPLUS (DEFICIT)	3,371,221
TOTAL BUDGET SURPLUS (DEFICIT) PLUS BEGINNING CASH	35,342,094

The next item for consideration was a Resolution regarding a suit against Singing River Electric Power Association and Priscilla Eubanks as presented by the City Attorney. The Resolution is spread on the minutes as follows:

RESOLUTION AUTHORIZING LITIGATION AGAINST CERTAIN PARTIES; AND FOR RELATED PURPOSES

WHEREAS, on the 3rd day of February, 2009, the City Council determined that certain property belonging to Priscilla Eubanks and located on Ingalls Avenue constituted a menace to public health and safety and directed the City Manager, or his designee, to remove the dilapidated buildings on the aforesaid property pursuant to Section 21-19-11 of the Mississippi Code; and

WHEREAS, the owner of the property, Priscilla Eubanks, appealed the decision of the City Council to the Circuit Court of Jackson County, Mississippi; and

WHEREAS, the aforesaid appeal was dismissed on the 9th day of September, 2010;

WHEREAS, since the date of dismissal of the appeal City officials have sought to carry out the mandate of the City Council which was originally approved at its meeting on the 3rd day of February, 2009; and

WHEREAS, in order to effect cleanup of the aforesaid Eubanks property, it is necessary that the power thereto be disconnected in order to ensure the safety of the individuals involved in the demolition of the dilapidated buildings located on the property; and

WHEREAS, City officials, including the Operations Manager and the City Attorney, have made numerous requests to Singing River Electric Power Association to disconnect the power to the property; and

WHEREAS, Singing River Electric Power Association has promised on several occasions to have the power disconnected so that the City officials could move forward with the City Council's mandate; and

WHEREAS, after numerous requests to Singing River Electric Power Association, the power remains connected to the aforesaid buildings; and

WHEREAS, Priscilla Eubanks has, on occasion, physically interfered with the carrying out of the City Council's mandate; and

WHEREAS, it is in the best interest of the citizens of this community that the City Council authorize legal action to be taken against Singing River Electric Power Association and, if necessary, against Priscilla Eubanks in order to carry out the City Council's mandate of the 3rd day of February, 2009:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. All of the statements made in the preceding preambles to this resolution are hereby found as fact.

SECTION 2. The City Attorney is authorized and directed to commence proceedings against Singing River Electric Power Association in the Chancery Court of Jackson County, Mississippi, in order to procure an injunction requiring the Singing River Electric Power Association to immediately discontinue its service to the buildings located at 3407 Ingalls Avenue and 3411 Ingalls Avenue, Pascagoula, MS.

SECTION 3. The City Attorney is also authorized, in his discretion, to bring an injunction proceeding against Priscilla Eubanks in the Chancery Court of Jackson County, Mississippi, if necessary, to prevent Priscilla Eubanks from interfering with the contractor, and/or City officials involved in the demolition of the structures located on the premises.

SECTION 4. The City Attorney is also authorized and directed to seek full recovery of all fees and expenses incurred in having to bring the injunction proceedings either against Singing River Electric Power Association, or Priscilla Eubanks, in order to carry out the mandate of the City Council that was issued on the 3rd day of February, 2009.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Wolverton, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "ABSENT", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 15th day of September, 2011.

The City Attorney requested authorization for a manual check for \$52,821.66 to Cumbest, Cumbest, Hunter & McCormick Client Trust Account for the purchase of the Sussman property.

After brief comments, Councilman Corder made a motion to authorize a manual check for \$52,821.66 to Cumbest, Cumbest, Hunter & McCormick Client Trust Account for the purchase of the Sussman property as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "ABSENT", Tillman "AYE", and Wolverton "AYE". (Approved 9-15-11)

There being no further business to come before the Council at this time, Councilman Corder made a motion to recess until Tuesday, September 20, 2011, at 6:00 p.m. to transact such business as may lawfully come before the Council. Councilman Wolverton seconded the motion which received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "ABSENT", Tillman "AYE", and Wolverton "AYE".

The meeting adjourned at 12:07 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed, Asst. City Clerk