

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, JUNE 7, 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 regular meeting on Tuesday, June 7, 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 Frank Corder
Councilman Jim Milstead
Councilman Robert Stallworth, Sr.
Councilman Harold Tillman, Jr.
Councilman George L. Wolverton, Sr.

City Manager Joe Huffman
City Attorney Eddie Williams
Chief Deputy City Clerk Carol Groen
City Clerk/Comptroller Robert J. Parker

Mayor Maxwell welcomed everyone to the meeting. Councilman Corder then gave the invocation and the pledge of allegiance was recited before the commencing of business.

Betty Lewis, with Carver Village Alumni Association, addressed the Council about the placement of a sign along Highway 90 on June 30 through July 3, 2011, regarding Carver Village High School reunion. The sign will be removed on July 5, 2011.

After discussion, Councilman Stallworth made a motion to authorize the placement of a sign along Highway 90 regarding the Carver Village High School reunion. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

Jeffery Reynolds, staff member with Congressman Steven Palazzo's office, encouraged the Council to let their office know if the City needs anything. The Mayor thanked him.

Jack Oppie, with Wolfe, McDuff & Oppie, CPAs, addressed the Council regarding the audit report for FY 2009 and copies were given to the Council. Mr. Oppie stated the delay of the audit report was due to FY '07 and FY '08 changes and explained some of the figures of the FY '09 audit. Mr. Oppie stated that the FY '10 audit should be completed by the end of June, 2011.

After discussion, Councilman Corder made a motion to accept the FY '09 audit report as presented. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

Nonnie Debardeleben, with Women of the Storm-A Gulf Coast Coalition, addressed the Council asking for their support of a Resolution supporting legislation which would dedicate a portion of Clean Water Act fines paid by BP and other parties responsible for the Deepwater Horizon incident for the benefit of Gulf Coast long-term recovery and requesting that the Mississippi Congressional Representatives support such legislation. Ms. Debardeleben stated that all five (5) Gulf Coast States are in support of this resolution.

The Resolution is spread on the minutes as follows:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PASCAGOULA, MISSISSIPPI, SUPPORTING LEGISLATION WHICH
WOULD DEDICATE A PORTION OF CLEAN WATER ACT FINES
PAID BY BP AND OTHER PARTIES RESPONSIBLE FOR THE
DEEPWATER HORIZON INCIDENT FOR THE BENEFIT OF GULF
COAST LONG-TERM RECOVERY AND REQUESTING THAT THE
MISSISSIPPI CONGRESSIONAL REPRESENTATIVES SUPPORT
SUCH LEGISLATION**

WHEREAS, the oil spill resulting from the BP Deepwater Horizon incident began on April 20, 2010, and affected more than 600 miles of Gulf Coast habitats, including salt marsh, mudflats, mangroves and sand beaches, including those on the Mississippi Gulf Coast and more particularly in Jackson County and Pascagoula, Mississippi; and

WHEREAS, the economic and environmental damage to the five Gulf States was significant and is still occurring as well as harm to the waters to the Gulf itself and to the Mississippi Gulf Coast and the citizens of Pascagoula, Mississippi; and

WHEREAS, pursuant to the Clean Water Act, BP and other parties liable for the Deepwater Horizon disaster may be required to pay certain fines and penalties; and

WHEREAS, such fine money must be paid into the Oil Spill Liability Trust Fund to be used for the cleanup of the next oil spill disaster and until such time as a cap of \$2.7 billion is reached, with any dollars in excess of that amount to be used for any purpose Congress so chooses; and

WHEREAS, this Council is of the opinion that any fines paid by BP and any other parties deemed liable in excess of the \$2.7 billion cap should be allocated to the Gulf States for the purpose of restoring habitat and any areas along the coast that were adversely impacted by the oil spill; and

WHEREAS, certain legislation has been introduced in the United States House of Representatives and in the United States Senate which would have the effect of allocating 80% of any fines paid by BP and other responsible parties in excess of the aforesaid cap for the Gulf Coast long-term recovery; and

WHEREAS, on March 29, 2011, Women of the Storm, a non-partisan grassroots organization, brought more than 140 women from all five Gulf Coast states to Capitol Hill to send a bipartisan message to Congress in favor of such legislation and presented a petition signed by over 130,000 citizens in support thereof; and

WHEREAS, the City of Pascagoula, Mississippi, desires to go on record in support of this legislation and requests that the Mississippi Congressional Delegation do likewise:

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

SECTION 1. The City Council of the City of Pascagoula does hereby support the passage of legislation which would dedicate 80% of any fines paid by BP and other responsible parties in excess of the cap imposed by the Clean Water Act for the benefit of the Gulf Coast long-term recovery.

SECTION 2. The City Clerk is hereby directed to send a certified copy of this resolution to the members of the Mississippi Congressional Delegation under cover of a letter to be signed by the Mayor of the City of Pascagoula requesting their support for such legislation.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Tillman, and received the following vote: Mayor Maxwell "AYE", Councilman Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 7th day of June, 2011.

Ronnie Sheldon addressed the Council about the pedestrian path on Beach Blvd. and the walking of dogs on the beach. Mr. Sheldon would like the entire beach open for dogs instead of a certain area. He also stated that there are speeding problems on Beach Blvd.

After discussion, the Mayor stated that the Council would take his request under advisement and talk with the Police Chief about stepping up patrol to help with speeding.

Debbie Johnson addressed the Council concerning her house at 2914 Frederic Street. She stated that work had begun on the house and requested it to be taken off of the demo list. Adam Burks, Code Enforcement Officer, stated that a permit had been pulled on 12-9-10 for the house and the permit is good for a year. He stated he thought the Council should give her the year before taking any more action. The Council agreed to give her until 12-6-11.

Councilman Wolverton made a motion to continue the property cleanup matter for 2914 Frederic Street until 12-6-11 and re-evaluate the work. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

The matter regarding Michael Whitehead, attorney for the Anna Cumbest, and her property located at 2009 Beach Blvd. was moved for discussion in executive session.

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A property hearing was held for 3402 Tillman Street. Adam Burks gave an update on the property. After discussion, the Council recommended further monitoring of the property and to review the matter on August 2, 2011, with an update.

The Council then considered the following Resolution:

RESOLUTION

WHEREAS, by order dated January 4, 2011, this Council authorized giving notice to the owner of the parcel of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., February 1, 2011, to determine whether the parcel listed is in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

WHEREAS, notice of the hearing has been given in the manner and time required by law; and

WHEREAS, this matter was continued at the February 1, 2011, meeting until March 1, 2011; and

WHEREAS, this matter was continued at the March 1, 2011, meeting until June 7, 2011; and

WHEREAS, the Council has received evidence from the staff of the City as to the condition of the parcel listed and the owner has been given an opportunity to be heard; and

WHEREAS, we find that the parcel of land listed in the exhibit is in such a state of uncleanliness as to be a menace to the public health and safety of this community:

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

SECTION 1. That the parcel of land listed in Exhibit A is hereby found and determined to be in such a state of uncleanliness as to be a menace to the public health and safety of the community.

SECTION 2. That, if the parcel is not cleaned by the owner within seven days of this date, the City Manager, by use of City personnel or a private contractor, shall have the parcel cleaned by removing any dilapidated buildings thereon, removing any standing water, by cutting any excess vegetation thereon, and by removing rubbish and debris. Thereafter, this Council shall adjudicate the actual cost of cleaning the parcel and such costs shall be an assessment against the parcel.

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>
40205008.000 3402 Tillman	Jonice Baggett 3402 Tillman Pascagoula, MS 39567 (Footnote 1)	Deed Book 1267, Page 77

PARTIES WITH INTEREST

Footnote 1: Federal National Mortgage Association, 14221 Dallas Parkway – Suite 1000, Dallas, TX 75254

Councilman Stallworth made a motion to keep monitoring property to and table the matter until August 2, 2011. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted, as amended, on the 7th day of June, 2011.

A property hearing was held for 1000 Ruland Street. Adam Burks gave an update on the property. After discussion, the Council recommended further monitoring of the property and to review the matter on August 2, 2011, with an update.

The Council then considered the following Resolution:

RESOLUTION

WHEREAS, by order dated January 18, 2011, this Council authorized giving notice to the owners of the parcel of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., March 1, 2011, to determine whether the parcel listed is in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

WHEREAS, notice of the hearing has been given in the manner and time required by law; and

WHEREAS, this matter was continued at the March 1, 2011, meeting until June 7, 2011; and

WHEREAS, the Council has received evidence from the staff of the City as to the condition of the parcel listed and the owners have been given an opportunity to be heard; and

WHEREAS, we find that the parcel of land listed in the exhibit is in such a state of uncleanliness as to be a menace to the public health and safety of this community:

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

SECTION 1. That the parcel of land listed in Exhibit A is hereby found and determined to be in such a state of uncleanliness as to be a menace to the public health and safety of the community.

SECTION 2. That, if the parcel is not cleaned by the owners within seven days of this date, the City Manager, by use of City personnel or a private contractor, shall have the parcel cleaned by removing any dilapidated buildings thereon, removing any standing water, by cutting any excess vegetation thereon, and by removing rubbish and debris. Thereafter, this Council shall adjudicate the actual cost of cleaning the parcel and such costs shall be an assessment against said parcel.

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>
41948038.000 1000 Ruland	Michelle Dawn Young 10373 North Sam Houston Parkway East, Apt. 720 Humble, TX 77396 And Murphy Dale Young 1000 Ruland Pascagoula, MS 39567 (Footnote 1)	Deed Book 1404, Page 841

PARTIES WITH INTEREST

Footnote 1: Trustmark National Bank, P.O. Box 22889, Jackson, MS 39225

Councilman Stallworth made a motion to continue monitoring the property and table the matter until August 2, 2011. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted, as amended, on the 7th day of June, 2011.

A property cleanup hearing was held for the following properties. Adam Burks, Code Enforcement Officer, gave an update on each parcel.

4412 Shadowwood Dr. – Mr. Burks stated that the property is in foreclosure. Councilman Abston asked that the debris be removed from underneath the front stairs and keep monitoring the property.

4807 Mohawk – Mr. Burks stated a permit to demo was issued. The house has already been demolished.

4708 River Rd. – Mr. Burks stated that the property has been cleaned.

1315 Krebs – Vincent Castigliola, attorney for Mr. Robinson, property owner, stated that the Jackson County Civic Action Committee owns the buildings and have sent letters to them trying to get them moved. Mr. Burks stated the property has been cleaned. The Council recommended getting in touch with Mike Mangum to see if the County could help get the buildings moved.

The Council then considered the following Resolution:

RESOLUTION

WHEREAS, by order dated May 3, 2011, this Council authorized giving notice to the owners of the parcels of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., June 7, 2011, to determine whether the parcels listed are in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

WHEREAS, notice of the hearing has been given in the manner and time required by law; and

WHEREAS, the Council has received evidence from the staff of the City as to the condition of each parcel listed and the owners have been given an opportunity to be heard; and

WHEREAS, we find that the parcels of land listed in the exhibit are in such a state of uncleanliness as to be a menace to the public health and safety of this community:

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

SECTION 1. That the parcels of land listed in Exhibit A are hereby found and determined to be in such a state of uncleanliness as to be a menace to the public health and safety of the community.

SECTION 2. That, if the parcels are not cleaned by the owners within seven days of this date, the City Manager, by use of City personnel or a private contractor, shall have each parcel cleaned by removing any dilapidated buildings thereon, removing any standing water, by cutting any excess vegetation thereon, and by removing rubbish and debris. Thereafter, this Council shall adjudicate the actual cost of cleaning the parcels and such costs shall be an assessment against each parcel.

EXHIBIT A

Tax Parcel Number and Property Address	Owner(s) and Mailing Address	Described at the following Jackson County, MS, Deed Books and Pages
41948014.000 4412 Shadowwood	Pikco Finance, Inc. 352 Rawls Drive McComb, MS 39648 (Footnote 1)	Deed Book 1594, Page 268
41335142.000 4807 Mohawk	David Cook 4803 Mohawk Avenue Pascagoula, MS 39581	Deed Book 1507, Page 606
40401062.000 4708 River Road	Tommy Hegwood 4710 River Road Pascagoula, MS 39567	Deed Book 661, Page 368
40407022.000 1315 Krebs	International Longshoremen's Association, Local #1752 P.O. Box 1264 Pascagoula, MS 39568	Deed Book 278, Page 204

PARTIES WITH INTEREST

Footnote 1: Bryan & Gail Doxey, 1709 Martin Bluff Road, No. 33, Gautier, MS 39553

The following actions were taken by the City Council:

4412 Shadowwood

Councilman Abston made a motion to adopt the Resolution as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 7th day of June, 2011.

4807 Mohawk

Councilman Wolverton made a motion to dismiss the property cleanup case. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Dismissed 6-7-11)

4708 River Road

Councilman Milstead made a motion to dismiss the property cleanup case. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Dismissed 6-7-11)

1315 Krebs Avenue

Councilman Stallworth made a motion to adopt the Resolution as recommended and also to have the Code Enforcement Department contact Mike Mangum, Jackson County Supervisor, about moving the buildings. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE. The Mayor then declared the Resolution adopted on the 7th day of June, 2011.

The consent agenda was considered at this time.

The first item for consideration was the minutes from the recessed regular Council meeting held on May 17, 2011, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Stallworth made a motion to approve and adopt the minutes from the recessed regular Council meeting of May 17, 2011, as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 6-7-11)

Minutes of the Design Committee meeting of May 9, 2011, were acknowledged by the Council.

Minutes of Main Street Board meetings of April and May, 2011, were acknowledged by the Council.

Minutes of the Redevelopment Authority meeting of May 3, 2011, were acknowledged by the Council.

The next item for consideration was Budget Amendment #11.65 in the General Fund for Police Administration as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.65
June 7, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>	-	-	-
- <u>Expenditures:</u>	-		-
- <u>Police Administration</u>			
- <u>Supplies:</u>			
- Operating Supplies - Misc	10,000	-1,175	8,825
- Capital Outlay:			

- Other Furniture & Equip.	-	1,175	1,175
-			
-			
- Administrative Bureau			
- Supplies:			
- Computer Supplies	1,500	-1,175	325
-			
- Capital Outlay:			
- Other Furniture & Equip.	-	1,175	1,175
-			
Total Expenditures	11,500	-	11,500
Net Change in Fund Balance		-	
To amend budget in order to reallocate budget provisions as needed.			

Councilman Stallworth made a motion to approve the above budget amendment as presented and recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

The next item for consideration was Budget Amendment #11.66 in the General Fund for the Cottage Village Grant as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.66
June 7, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
General Fund	-	-	-
-	-		-
- Revenues:	-		-
-			
- Grants:			
- Grants - Other	224,155	160,000	384,155
Total Revenues	224,155	160,000	384,155
-	-		-
-	-		-
- Expenditures:			
-			
- Grants Administration			
- Other Services & Charges:			
- Program Outlay & Expense	224,155	160,000	384,155
-			
Total Expenditures	224,155	160,000	384,155

Net Change in Fund Balance		-	
To amend budget to provide authority for expenditures stemming from the Cottage Village Grant and the related grant revenue approved by the Council on July 7, 2009.			

Councilman Stallworth made a motion to approve the above budget amendment as presented and recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

The next item for consideration was Budget Amendment #11.67 in the General Fund for street paving as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.67
June 7, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>	-	-	-
- <u>Revenues:</u>	-		-
- <u>Miscellaneous:</u>			
- Miscellaneous	3,000	5,550	8,550
Total Revenues	3,000	5,550	8,550
- <u>Expenditures:</u>			
- <u>Streets:</u>			
- <u>Other Services & Charges:</u>			
- Street Repairs & Paving	300,000	5,550	305,550
Total Expenditures	300,000	5,550	305,550
Net Change in Fund Balance		-	
To amend budget to provide authority for increased paving expenditures financed by a reimbursement for damages			

by a contractor.

Councilman Stallworth made a motion to approve the above budget amendment as presented and recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

The next item for consideration was renewal of flood insurance with Fidelity National Indemnity for 34 City locations as presented by Jeane Bull, Assistant Comptroller. The agent for this coverage is Ross-King-Walker. The cost for Option A is \$24,310.00. This is an increase of \$1,588.00 over last year. The renewals under Option A keep the City FEMA compliant. The premium cost for Option B is \$25,134.00 for a coverage increase of \$151,200.00.

Councilman Stallworth made a motion to approve Option A for the renewal of flood insurance with Fidelity National Indemnity through Ross-King-Walker as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

(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 service contract with KONE, Inc., Mobile, AL, for the maintenance of the elevator at the Police Department as recommended by Eddie Williams, City Attorney. The fee is \$125.00 a month.

Councilman Stallworth made a motion to approve the service contract with KONE, Inc. as recommended and authorized the City Manager to execute the related documents. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

(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 job description for a Director of Maintenance & Beautification as recommended by Bruce Knott, Human Resources Director. This was formerly known as the Landscape Design Manager. Mr. Knott stated there is no change to the grade for this position. The job description is spread on the minutes as follows:

Director of Maintenance & Beautification

DEPARTMENT: Parks and Recreation	LABOR GRADE: 113
EXEMPT(Y/N): Yes	POSITION CODE:
REPORTS TO: Parks and Recreation Director	

MEETING PERFORMANCE EXPECTATIONS

To perform this job successfully, an individual must perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skills and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

SUMMARY:

This position is responsible for facilitating a favorable overall City appearance in the area of landscaped features for all city properties and city rights-of way and all land owned by the city and used by the public in accordance with all applicable laws and City of Pascagoula policies and procedures.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following:

- Demonstrates excellent customer service skills and a professional attitude with staff, contractors, and groups who are related to maintenance and beautification efforts;
- Demonstrates a high level of design skills and knowledge of plants, plant and tree installation, and ongoing maintenance as well as pesticides and other chemicals applications which could potentially affect the environment;
- Works with the Building Official to review plans for consistency with landscape and tree ordinance requirements;
- Coordinates with city personnel and contractors to ensure the protection of the urban forest in areas undergoing construction;
- Inspects all tree removal permit requests and executes appropriate city ordinances relating to the planting, protection and maintenance of trees in the city;
- Investigates citizen complaints, provides advice on the proper care and maintenance of trees, shrubs, and plants to the public, developers, builders, architects, landscapers, tree surgeons, and other governmental entities as it relates to codes and ordinances.
- Provides technical assistance in the preservation and maintenance of all public historic site landscapes with the guidance from the Pascagoula Historic Preservation Commission;
- Assists in preparing public and private grant applications as they relate to public spaces and other beautification efforts in coordination with City Departments and local non-profits;
- Conducts educational seminars on the planting, care and maintenance of landscaping and trees as needed;
- Manages City contracts that pertain to areas of responsibilities including the grass cutting and ball field maintenance contracts;
- Manages the grounds and building maintenance functions as they pertain to parks and recreational facilities, public lands, cemeteries and beautification projects and efforts;
- Any other duties assigned by the Parks and Recreation Director

The absence of specific statements of duties does not exclude those tasks from the position if the work is similar, related, or a logical assignment of the position.

QUALIFICATION REQUIREMENTS:

The requirements listed below are representative of the knowledge, skill and/or ability required to successfully perform the essential functions of this position.

SUPERVISORY REQUIREMENT:

This position directly supervises the CWC Superintendent, the Grounds Crew Leader, and the Maintenance Crew Leader on a daily basis.

EDUCATION and/or EXPERIENCE:

A high school graduate or its equivalent and a completion of a four year college degree in a related field and 3-5 years of experience in the area of landscaping, design, forestry, and landscape maintenance or any combination of experience and education that results in the required knowledge, skills, and abilities is required.

SPECIAL QUALIFICATIONS:

Knowledge of landscaping design elements, arboricultural principles and practices, chemicals, pesticides, knowledge of tree species and ability to identify trees and shrubs in the area. Basic design principles and tree and plant species. Knowledge of pruning, maintenance, care, fertilizing and insect treatment in the landscape environment. A valid driver's license is required.

LANGUAGE AND REASONING SKILLS:

Ability to understand written or oral instructions; read, analyze and interpret complex documents, instruction manuals, policies and procedures is essential. Excellent communication skills are required to effectively present information in a one-on-one, small and large group setting. Strong interpersonal skills are essential to develop and maintain effective working relationships with a wide variety of people. The ability to work effectively and efficiently, under stressful conditions, to ensure deadlines are met is essential. Must have demonstrated, through prior work experience, the ability to identify and resolve complex issues and problems, in a professional and courteous manner, while adhering to an appropriate policy and procedure.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

This position is required to bend, lift, and carry objects weighing up to 50 pounds; occasionally lift objects weighing up to 100 pounds; frequently bend, squat, and climb; and reach, grab, and manipulate tools using hands and fingers.

WORKING ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

Work is performed in a well-lit and adequately heated and cooled office for all technical aspects of the job and requires observance of safe work practices, fire regulations, and avoidance of falls, trips, and similar office work hazards. A significant amount of outdoor work is required to evaluate the landscape and tree environment and direct staff in the implementation of planting and landscaping projects. Supervision and observation of city workers is required and local travel to evaluate the projects and conditions of landscape areas in the city and on city-owned property.

Councilman Stallworth made a motion to approve the job description for the Director of Maintenance and Beautification as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 6-7-11)

The next item for consideration was an Order for property cleanup matters at 3305 Argentina, 1303 Commanche, 3002 Doby, 5007 Machpelah, and 2214 Taft as presented by Eddie Williams, City Attorney. The hearing date is July 5, 2011.

The Order is spread on the minutes as follows:

ORDER

WHEREAS, on its own motion the City Council of the City of Pascagoula, Mississippi, alleges that the parcels of land listed in Exhibit A hereto are in need of cleaning; and

WHEREAS, the parcels are described by reference to the appropriate book and page of the Land Deed Records of Jackson County, Mississippi, or by a detailed description; the property owner or owners, if known, and their mailing addresses, if known, are listed; and the tax parcel numbers and addresses of the parcels are listed;

THEREFORE, IT IS ORDERED that the owners of the parcels listed on the exhibit shall be given notice by the City Clerk as provided in Section 21-19-11, Mississippi Code of 1972, that a hearing shall be held by the City Council on July 5, 2011, in the City Hall of the City at 6:00 P.M. to determine whether the parcels of land as shown on the exhibit are in such a state of uncleanliness as to be a menace to the public health and safety of this community.

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>
41825078.100 3305 Argentina	Robert Buck Parnell 5503 Telephone Road Pascagoula, MS 39567 (Footnote 1)	Deed Book 704, Page 330
41335303.000 1303 Commanche	Andrew Duane Boswell and Christie Lynn Boswell 1303 Commanche Street Pascagoula, MS 39567 (Footnote 2)	Deed Book 1505, Page 760
41475007.000 3002 Doby	Eartha J. Thomas 3002 Doby Street Pascagoula, MS 39567 (Footnote 3)	Deed Book 1381, Page 259
41470113.000 5007 Machpelah	Terrell Waters and Pauline Waters Crawford 2969 Southaven Drive Annapolis, MD 21401	Deed Book 1247, Page 521
41450424.000 2214 Taft	Childress Management, LLC 4306 Orchard Avenue Pascagoula, MS 39567	Deed Book 1574, Page 33

PARTIES WITH INTEREST

Footnote 1: Gulf Coast Renaissance Corp, 11975-H Seaway Drive, Gulfport, MS 39503

Footnote 2: -Trustmark National Bank, P.O. Box 522, Jackson, MS 39205
-The First Bank, P.O. Box 15549, Hattiesburg, MS 39404

Footnote 3: -US Small Business Administration, 2120 Riverfront Drive, Suite 100, Little Rock, AR 72202
-Wachovia Bank, 301 South College Street, NC 0343, Charlotte, NC 28288

The above Order was introduced by Councilman Stallworth, seconded for adoption by Councilman Corder, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 7th day of June, 2011.

The next item for consideration was a request to approve Change Order #1 for Anchor Square restrooms for Fletcher Construction, Pascagoula, MS, in the amount of \$6,839.00 based on the engineer's recommendations as presented by Harry Schmidt, Community & Economic Development Director. The changes are due to a HVAC issue in the Anchor Square public restroom.

Councilman Stallworth made a motion to approve Change Order #1 to the contract with Fletcher Construction for Anchor Square restrooms as recommended and authorized the City Manager to execute the related documents. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverson "AYE". (Approved 6-7-11)

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

Next for consideration was a request to authorize the Mayor to execute annual CDBG contract between the City of Pascagoula and Our Daily Bread as recommended by Harry Schmidt, Community & Economic Development Director.

The contract is spread on the minutes as follows:

**CONTRACT BETWEEN
THE CITY OF PASCAGOULA, MISSISSIPPI
AND
UNITED CHRISTIAN OUTREACH D/B/A OUR DAILY BREAD
FOR
FY 2010 CDBG Funding**

THIS AGREEMENT, entered this _____ day of _____, 2011 by and between the CITY OF PASCAGOULA (herein called the "GRANTEE") and UNITED CHRISTIAN OUTREACH D/B/A OUR DAILY BREAD (herein called the "SUBRECIPIENT").

WHEREAS, the Grantee has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383; and

WHEREAS, the Grantee wishes to engage the Subrecipient to assist the Grantee in utilizing such funds;

NOW, THEREFORE, it is agreed between the parties hereto that:

I. PURPOSE

- A. This contract sets forth the responsibilities of the Grantee and Subrecipient in accomplishing the objectives of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant Program, as set forth in the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301 et seq.), hereinafter referred to as CDBG.
- B. The Grantee is subgranting funds to the Subrecipient to be used for the primary objective of the CDBG program of developing viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income (which is defined as 80 percent or less of the area's median income).

II. SCOPE OF SERVICE

A. Activities

The Subrecipient will be responsible for administering CDBG Year 2010 funds for the purpose of providing meals to low to moderate income people in the Pascagoula area.

B. Subrecipient's Responsibilities

The Subrecipient shall:

- i) maintain records pertaining to the monies received and services provided in accordance with this agreement for a minimum of three years from the completion of this agreement;
- ii) allow the Grantee, HUD, and any of their authorized representatives access to financial records pertaining to CDBG funds and this agreement for the purpose of audit or examination;
- iii) provide the Grantee a specific unit of measure for all services;
- iv) provide the Grantee invoices for services rendered based on actual costs;
- v) submit payment requests that include required supporting documentation monthly or quarterly. The Subrecipient may request its entire grant award at once with submittal of sufficient invoices for services rendered;
- vi) provide management and personnel to adequately perform the services prescribed by this agreement;
- vii) be solely responsible for any and all taxes (federal, state and/or local); worker's compensation insurance; disability payments; social security payments; unemployment insurance payments; insurance; and/or any similarly type of payments for the Subrecipient or any employee thereof; and shall hold the Grantee harmless from any and all such payments; and
- viii) the Subrecipient will not solicit or apply funds from any other source for the services reimbursed under this agreement.

C. Grantee's Responsibilities

The Grantee shall:

- i) in consideration for services rendered by the Subrecipient, pay a total sum not to exceed the CDBG program year funded amount of \$5,000.00; and
- ii) reimburse the Subrecipient upon receipt of a payment request that includes accurate required supporting documentation from the Subrecipient.

D. Notices

Communication and details concerning this contract shall be directed to the following contract representatives:

City of Pascagoula
Harry J. Schmidt
Community & Econ. Dev. Director
City of Pascagoula
P. O. Box 908
Pascagoula, MS 39568

Subrecipient
M. T. Delcuze
United Christian Outreach, Inc.
Our Daily Bread
P. O. Box 434
Pascagoula, MS 39568

E. General Conditions

- i) The Subrecipient agrees to comply with all applicable federal, state, and local laws and regulations governing the funds provided under this contract.
- ii) Time of Performance: Services of the Subrecipient may not start before the 1st day of October, 2010, and shall end on the 30th day of September, 2011.
- iii) Client data: The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of services provided. Such information shall be made available to Grantee monitors or their designees for review upon request.
- iv) Prohibition of Political or Religious Activity: There shall be no religious worship, instruction or proselytization as part of, or in connection with, the performance of this agreement. None of the funds, materials, property or

services under this agreement shall be used in the performance of this agreement for any partisan political activity, including lobbying, as specified in Federal Circular A-122 Cost Principles for Nonprofit Organizations-- lobbying revisions, or to further the election, defeat, recall, impeachment, appointment or dismissal of any candidate for or from any public office.

- v) Discrimination Prohibited: The Subrecipient shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, condition or privileges of employment on a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, or sex.
- vi) Merger or Integration: This agreement constitutes the entire agreement between the Sub recipient and the Grantee with respect to the subject matter hereof; there are no other further written or oral understandings or agreements with respect hereto.
- vii) Modification, Assignment or Subcontracting Absent Prior Written Consent: No variation or modification of this agreement and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the Sub recipient and the Grantee. Any alterations, additions or deletions to the terms of this agreement, which are required by the enactment of legislation, regulations and directives, are automatically incorporated into this agreement on the date designated by law, regulation or directive.
- viii) Addendum: Contract duration may be extended or shortened; funds may be added or subtracted via an addendum signed by a representative from the Grantee and the Sub recipient indicating the exact changes.
- ix) Hold Harmless: To the fullest extent permitted by law, the Sub recipient agrees to indemnify, pay in behalf of, and hold harmless the Grantee, its elected and appointed officials, employees, volunteers, boards, commissions and others working in behalf of the Grantee, against any and all claims, demands, suits, losses, including all costs connected therewith for any damages which may be asserted, claimed or recovered against or from the Grantee, by reason of personal injury, including bodily injury and death, and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with the activity authorized by this contract.
- x) Confidentiality: The use or disclosure of information by the Grantee concerning services, applicants or recipients obtained in connection with the performance of the agreement shall be restricted to the purposes directly connected with the administration of the services provided under this agreement. Such information shall not be used for any other purpose unless required by law, statute or other legal process.
- xi) Copeland "Anti-Kickback" Act: The Sub recipient shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C.874) as supplemented in Department of Labor regulations (29 CFR part 3). (Applies to contracts and sub grants for construction or repair)
- xii) Reporting/Monitoring Requirements: The Grantee shall monitor the operations of vendor activities under this contract to assure compliance with applicable Federal requirements, contract provisions and that performance goals are being achieved on an annual basis.

F. Contract Acceptance

The undersigned indicate by their signatures that they are authorized to act on behalf of their respective party in this capacity.

IN WITNESS WHEREOF, the Parties have executed this contract as of the date first written above.

Grantee,
City of Pascagoula

Subrecipient

By: _____
MAYOR

By: _____
Title: _____

Fed.I.D.# _____

Councilman Stallworth made a motion to authorize the Mayor to execute the annual CDBG contract between the City of Pascagoula and Our Daily Bread as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

(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 bid award for chlorine (Annual Bid #307) to the lowest bidder, DPC Enterprises of Chickasaw, AL, for \$67.50 per 150 lb. cylinder as recommended by Steve Mitchell, Operations Manager.

Councilman Stallworth made a motion to award the lowest bidder, DPC Enterprises, of Chickasaw, AL, the chlorine (Annual Bid #307) as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

The next item for consideration was a Public Trust Tidelands Lease between the Mississippi Secretary of State and the City of Pascagoula, MS, for the Utility Project to serve the Point as recommended by Jaci Turner, Program Manager. This lease covers the land west of the existing end of Washington Avenue, where pipes will be installed to serve water and sewer to the Point.

Councilman Stallworth made a motion to authorize the Mayor to execute the Public Trust Tidelands Lease between the Mississippi Secretary of State and the City of Pascagoula, MS, for the Utility Project (Point Park Improvements, Lake Yazoo) as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

(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 Amendment #1 to the Agreement between City of Pascagoula, MS, and Waste Management of MS, Inc. for solid waste transfer and disposal services as recommended by Eddie Williams, City Attorney. The agreement will be extended for an additional forty-two (42) day period beginning June 19, 2011, and ending on July 31, 2011.

The amendment is spread on the minutes as follows:

**FIRST AMENDMENT TO
AGREEMENT BETWEEN
CITY OF PASCAGOULA, MISSISSIPPI
AND
WASTE MANAGEMENT OF MISSISSIPPI, INC.
FOR SOLID WASTE TRANSFER AND DISPOSAL SERVICES**

THIS FIRST AMENDMENT, made this 7th day of June, 2011, to the agreement dated June 7, 2005, (the "Agreement") by and between the City of Pascagoula, Mississippi (the "City"), and Waste Management of Mississippi, Inc., a Mississippi corporation (the "Contractor").

WHEREAS, the City and Contractor desire to extend the Agreement in order to give the parties time to negotiate and prepare a new agreement based upon the City's April 29, 2011 Request for Proposals ("RFP"); and

WHEREAS, the City and Contractor desire to acknowledge this extension in writing;

NOW, THEREFORE, the City and Contractor agree as follows:

Section 1. Term. The Agreement shall be extended for an additional forty-two (42) day period beginning June 19, 2011, and ending on July 31, 2011, in order to give the parties time to negotiate and prepare a new agreement based upon the City's April 29, 2011 RFP and the Contractor's May 23, 2011 proposal in response thereto. The term of this Agreement may be further extended by the mutual agreement of the parties expressed in writing prior to the expiration of the current term so long as such extension does not contravene Mississippi law.

Section 2. Rates. The current rates pursuant to the Agreement shall remain in effect through July 31, 2011.

Section 3. Modification of Contract. Except as expressly set forth herein or as necessary to carry out the terms of this Amendment and the Agreement, no amendment of the terms of the Agreement is intended hereby and the Agreement and all its terms and conditions shall remain in full force and effect.

Section 4. Entirety. This Amendment is hereby incorporated into the Agreement and together therewith they contain the entire Agreement between the parties as to the matters contained therein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands as of this _____ day of _____, 2011.

CITY OF PASCAGOULA, MISSISSIPPI

ATTEST:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

WASTE MANAGEMENT OF
MISSISSIPPI, INC.

ATTEST:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Councilman Stallworth mad a motion to approve Amendment #1 to the Agreement between the City of Pascagoula, MS, and Waste Management of MS, Inc. as recommended and authorized the Mayor to execute the related documents. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen

Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 6-7-11)

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

The next item for consideration was approving a name for the new Arts Center located at 618 Delmas, Avenue as presented by Harry Schmidt, Community & Economic Development Director. This is the old Senior Center. Name choices for the new Arts Center are: Art Spot, Arts on the Avenue, Art !Point, Art Port, and Studio six-one-eight.

After discussion, Councilman Corder made a motion to table this item until the Council meeting of June 21, 2011. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Tabled 6-7-11)

The next item for consideration was authorization for the Mayor to sign the leases for Anchor Square once the work has been completed as recommended by Harry Schmidt, Community & Economic Development Director.

Councilman Stallworth made a motion to authorize the Mayor to sign the leases for Anchor Square as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 6-7-11)

(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 Budget Amendment No. 11.64 in the General Fund for the Live Oak water line upgrade as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.64
June 7, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Utility Fund</u>	-	-	-
<u>Expenditures:</u>	-		-
-			
- <u>Water Operation & Maint:</u>			
- <u>Capital Outlay:</u>			
- Water System Improvements	774,237	244,000	1,018,237
Total Expenditures	774,237	244,000	1,018,237
Net Change in Fund Balance		(244,000)	

To amend budget to provide expenditure authority for the cost of upgrading the water line on Live Oak to a 12" line as per discussion at the 5/17/11 Council meeting.				
--	--	--	--	--

Councilman Stallworth made a motion to approve the budget amendment as recommended and presented above. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

The next item for consideration was Budget Amendment No. 11.68 in the G.O. Debt Service Fund for SCDL payment as recommended by Bobby Parker, City Clerk/Comptroller and authorize a manual check. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.68
June 7, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Obligation Debt Serv. Fund</u>	-	-	-
<u>Expenditures:</u>	-		-
- <u>General Obligation Debt:</u>			
- <u>Debt Service:</u>			
- SCDL - Interest	482,745	58,521	541,266
Total Expenditures	482,745	58,521	541,266
Net Change in Fund Balance		(58,521)	
To amend budget to provide expenditure authority for the balance of the first payment on the General Oblig. Special Community Disaster Loan made after Hurricane Katrina.			

Councilman Stallworth made a motion to approve the budget amendment as presented above and authorize a manual check 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 "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-7-11)

The next item was the Order for the docket of claims. The Order is spread on the minutes as follows:

ORDER

WHEREAS, the attached docket of claims for the period May 13, 2011, through June 3, 2011, has been presented to the City Council for allowance and approval.

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 Wolverton, seconded for adoption by Councilman Corder, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 7th day of June 2011.

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

Councilman Abston then made a motion to go into executive session for the purpose of discussing pending and threatened litigation matters and a real estate development issue. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then announced to the public and those in attendance at the meeting that the Council had voted to hold an executive session for the purposes stated above.

The first item for consideration during the executive session was certain litigation now pending between the City of Pascagoula, Mallette Brothers Construction Company and Pandle, Inc., and involving errors made in billing the gas accounts for these Plaintiffs which resulted in significant under-charges over an extended period of time. Attorney Bill Reed, who is representing the City in these matters, made a brief presentation and a status report on settlement negotiations. After much discussion, Councilman Stallworth made a motion to authorize Mr. Reed, on behalf of the City, to enter into non-binding mediation with Mallette Brothers Construction and Pandle, Inc. in an attempt to settle the matters now pending between the parties in the Chancery Court of Jackson County, MS. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The second matter for discussion during the executive session was potential litigation against Singing River Health Systems and Rolls Royce and arising out of the City's erroneous billing of their gas accounts over an extended period of time. Mr. Williams, the City Attorney, advised the Council that a tentative settlement offer had been made on behalf of these potential litigants to pay the City 50% of the amounts that were mis-billed. After much discussion, Councilman Stallworth made a motion to authorize the City Attorney to continue the negotiations with Singing River Health Systems and Rolls Royce using their offer of 50% as a basis for continued discussions in order to avoid litigation. Councilman Abston seconded the motion and the same received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". Mr. Reed thereupon exited the Council Chambers.

The next item for discussion during executive session was pending litigation in the Circuit Court of Jackson County, MS, between Anna Belle Cumbest and the City of Pascagoula and arising out of the Council's action on May 17, 2011, directing the City Manager to demolish a slab located on her property at 2009 Beach Blvd. Ms. Cumbest, appearing through her attorney Mr. Mike Whitehead, had offered a settlement of the litigation by agreeing to construct a six-foot white vinyl privacy fence six-feet from the perimeter of the slab on all sides, placing additional no trespassing signs thereon, with construction of the fence to be completed no later than 21 days following the entry of an agreement with the City to settle the matter along these terms. In return she asked that the Council rescind its May 17 order. After much discussion, Councilman Wolverton made a motion to authorize the City Attorney to enter into the aforesaid agreement on behalf of the City subject to Ms. Cumbest agreeing to be responsible for the maintenance and upkeep of the fence on the property. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The next order of business to be discussed during the executive session was threatened litigation by Jay Bearden Construction Company arising out of excessive delays of the Shortcut Road Project. Mr. Williams, the City Attorney, advised that Bearden is now represented by the firm of Watkins, Ludlum, Winter and Stennis in Jackson, MS, and that negotiations have been ongoing between Mark Herbert of that firm and Mr. Williams in an attempt to settle the claim. Mr. Williams further advised the Council that the sum of \$185,000 remained available from the funding source for the Shortcut Road project which could be offered as a settlement and be reimbursed to the City by the funding source. After much discussion, Councilman Corder made a motion to authorize the City Attorney to offer the amount of \$185,000 as a settlement of Bearden's claims and to give Bearden until June 14 at 5:00 P.M. to accept the offer, or otherwise the funds would be allocated to other projects within the City to be spent before the expiration of the grant on June 30, 2011. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The next item to be discussed in executive session involves certain litigation now pending in the Circuit Court of Jackson County, MS, styled William Lobrano & Patricia Lobrano vs. The City of Pascagoula, Mississippi, & John Does 1-10, Cause No. 2011-00029(2), wherein the Plaintiff is seeking to recover damages from the City for demolishing a house previously owned by the Plaintiffs at 810 Lafayette Avenue. Mr. Williams advised the Council that Dogan & Wilkinson, the firm representing the City in this matter, has stated that the insurance company was willing to pay the Plaintiffs the sum of \$8,000 as a settlement of their claim if the Council would agree to release the lien of \$5,930 imposed against this property and arising out of the charges to the City by the contractor who had demolished the house. After much discussion, Councilman Wolverton made a motion to authorize the City Attorney to offer as partial settlement of this case the release of the City's cleanup lien in the amount of \$5,930. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The next item of business to be discussed in executive session was a settlement of certain litigation now pending in the Special Court of Eminent Domain and involving Daniel Sussman, the owner of certain property immediately adjacent to a canal on Washington Avenue, a part of which has already been taken by the City as an easement for the maintenance and upkeep of the bulkhead along the canal. There is pending in that litigation a counter-claim by the owner seeking a total buy-out of his property based on the allegation that the taking of the easement has rendered the remainder of the property unfit for any purpose whatsoever. Mr. Williams advised the Council that FEMA, through its Hazard Mitigation Grant Program, has agreed to pay Mr. Sussman the appraised value of the property, the same being \$47,500. In addition, Mr. Sussman is making demand for \$5,000 from the City to settle the pending litigation. After much discussion, Councilman Stallworth made a motion to authorize the City Attorney to offer the

additional \$5,000 on behalf of the City needed to settle the litigation in conjunction with the FEMA Hazard Mitigation Grant Program buy-out. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

There being no further business to conduct in the executive session, Councilman Abston made a motion to return to regular session which was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The executive session ended at approximately 8:00 P.M.

There being no further business to come before the Council at this time, Councilman Abston made a motion to recess until Tuesday, June 21, 2011, at 6:00 p.m. to transact such business as may lawfully come before the Council. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The meeting ended at 8:03 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Carol Groen, Chief Deputy City Clerk