

**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, APRIL 5, 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, April 5, 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  
Asst. City Clerk Brenda Reed  
City Clerk/Comptroller Robert J. Parker

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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.

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William Odom, Committee Chairman of the Blessing of the Fleet, addressed the Council regarding advertising the resources of the City of Pascagoula for this event which will be held on May 21, 2011. This item was tabled from the Council meeting of March 15, 2011. The City is given legal authority to provide support to this group by Section 17-3-1, Mississippi Code of 1972.

After discussion, Councilman Corder made a motion to approve \$500.00 to advertise the resources of the City of Pascagoula for the 2011 Blessing of the Fleet. 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 4-5-11)

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Frances L. Allsup, Executive Director, and Patricia Davis, representatives of Jackson County CASA, Inc. were in attendance regarding the CASA program. Ms. Allsup gave an overview of the services CASA provides. Councilman Tillman stated he appreciates everything they do and noted his parents served as foster parents several years ago. He has first-hand knowledge of the need for the program.

Councilman Corder then read and presented Ms. Allsup with the following Proclamation:

**P R O C L A M A T I O N**

**WHEREAS**, child abuse is a serious problem for more than 2,000 children in the Jackson County area who suffer from some form of abuse and neglect each year; and

**WHEREAS**, Jackson County CASA, in association with the National Court Appointed Special Advocate (CASA) Association, speaks for the best interests of abused and neglected children who are involved in the youth courts; and

**WHEREAS**, through a national effort entitled “Forgotten Children,” community members are encouraged to join together to raise awareness for those children who have fallen victim to abuse and neglect; and

**WHEREAS**, this effort will give abused and neglected children in our community, and around the country, a chance for a safe and positive future.

**NOW, THEREFORE, I**, Robert H. Maxwell, Mayor of the City of Pascagoula, Mississippi, do hereby proclaim April, 2011, as

*CHILD ABUSE PREVENTION AND AWARENESS MONTH*

and call upon our citizens to focus their time and energy on the prevention of child abuse in our community.

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Robert H. Maxwell  
Mayor

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Councilman Corder read and presented Jamie Cowart, Chairperson of the Live Oak Arts Festival, Inc., with the following Proclamation:

**P R O C L A M A T I O N**

**WHEREAS**, Live Oak Arts Festival, Inc., a local nonprofit organization dedicated to improving the community through the arts and live oak tree preservation has recognized the live oak trees on Front Street as heritage oaks; and

**WHEREAS**, Live Oak Arts Festival, Inc., is celebrating its second year of recognizing and naming our live oak trees; and

**WHEREAS**, The City of Pascagoula is proud of its natural resources and neighborhoods, and seeks to protect and improve our community with the cooperation of citizens, schools, government and businesses; and

**WHEREAS**, The City of Pascagoula recognizes the importance of heritage oaks in our City, and is committed to the preservation and history in our community.

**NOW, THEREFORE, I**, Robert H. Maxwell, Mayor of the City of Pascagoula, Mississippi, do hereby proclaim that the heritage live oaks on Front Street shall be known as the Front Street Oaks, this the 5th day of April, 2011.

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Robert H. Maxwell  
Mayor

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Rodger Bradley addressed the Council regarding permission for a fireworks display to be held at his daughter’s wedding on April 16, 2011, at the Grand Magnolia Ballroom. The fireworks will be discharged by Artisan Pyrotechnics, Wiggins, MS, who is licensed and bonded. Fire Chief Robert O’Sullivan stated that his staff has reviewed the plan and approves of it.

After a brief discussion, Councilman Stallworth made a motion to approve the request by Rodger Bradley for a fireworks display by Artisan Pyrotechnics at his daughter's wedding on Aril 16, 2011, at the Grand Magnolia Ballroom. 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 4-5-11)

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David A. Chamberlain, representing the Pascagoula Elks Lodge Number 1120, addressed the Council on a banner request and parking signs for the Old Scranton Bluegrass Festival which will be held on April 16, 2011. Mr. Chamberlain advised the Elks Lodge would like to place a banner at the Pascagoula welcome sign at the intersection of Pascagoula Street and Cypress Avenue from April 6-16, 2011. They would like permission to place some festival parking signs (2' x 2') on the City right-of-ways on April 16, 2011, only. They would also like to place highway directional signs for the event.

After discussion, Councilman Tillman made a motion to approve the banners, festival parking signs, and highway directional signs for the Old Scranton Bluegrass Festival as requested. 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 4-5-11)

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A property cleanup hearing was held for 2302 14<sup>th</sup> Street. The hearing was continued from the Council meeting of March 1, 2011. Steve Mitchell gave an update on the property. Anthony Lewis, property owner, advised the Code Enforcement Department earlier today that he thought the hearing had been tabled until May 3, 2011, and would not be able to attend tonight's meeting.

The Council then considered the following Resolution:

### **RESOLUTION**

**WHEREAS**, by order dated January 18, 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., 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 April 5, 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**

<b><u>Tax Parcel Number and Property Address</u></b>	<b><u>Owner(s) and Mailing Address</u></b>	<b><u>Described at the following Jackson County, MS, Deed Books and Pages</u></b>
41885105.000 2302 14 <sup>th</sup> Street	Anthony D. Lewis P.O. Box 547 Lumberton, MS 39455 <b>(Footnote 1)</b>	Deed Book 518, Page 529

**PARTIES WITH INTEREST**

**Footnote 1:** J.P. Morgan Chase Bank as Trustee, c/o Residential Funding Corporation, 2255 North Ontario, Suite 400, Burbank, CA 91504-3190

The following action was taken by the City Council:

**COUNCIL ACTION:**

Councilman Wolverton made a motion to “TABLE” the property cleanup hearing until the Council meeting of May 3, 2011, 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”. (Tabled 4-5-11)

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A property cleanup hearing was held for 2605 Criswell, 1117 Mantou, 1002 14<sup>th</sup> Street, 3207 Glacier, 1905 Beach, and 2009 Beach. Steve Mitchell, Operations Manager, gave an update on each parcel.

**2605 Criswell** – Mr. Mitchell advised that some inside work has been done. He has had no contact with the property owner and recommended we move forward with the exterior cleanup.

**1117 Mantou** – Mr. Mitchell advised the lot had high grass and weeds; however, the owner has now cut the grass. He recommended adoption of the Resolution.

**1002 14<sup>th</sup> Street** – Mr. Mitchell stated this property has been a problem since Hurricane Katrina with the grounds unkempt. The owner advised the property was willed to her and placed in her name on January 27, 2011. There is a church group willing to help her with work on the property.

**3207 Glacier** – Mr. Mitchell advised the house has been gutted. There is also a small building on the property. He has not heard from the owner. He recommended adoption of the Resolution.

**1905 Beach** – Mr. Mitchell advised the property cleanup matter has been resolved and recommended the case be dismissed.

**2009 Beach** – Mr. Mitchell advised the main issues with this property are the height of the slab and the lumber with nails exposed on top of it. Michael Whitehead, attorney representing Anna Cumbest, property owner, addressed the Council regarding this property. Ms. Cumbest was not able to attend the meeting tonight since she is currently living with and taking care of her sister due to health conditions. He requested that Ms. Cumbest be allowed to remove the boarding and protrusions on top of the slab. He submitted several pictures and requested they be made a matter of record. A lengthy discussion followed. Councilman Milstead stated he would like to know the long-range plans for the property.

The Council then considered the following Resolution:

**RESOLUTION**

**WHEREAS**, by order dated March 1, 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., April 5, 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**

<b><u>Tax Parcel Number and Property Address</u></b>	<b><u>Owner(s) and Mailing Address</u></b>	<b><u>Described at the following Jackson County, MS, Deed Books and Pages</u></b>
41845105.100 2605 Criswell	Ross C. Hagood 1115 St. Mary Street New Orleans, LA 70130	Deed Book 1424, Page 95
41855034.000 1117 Mantou	Jack R. Northrup and Priscilla Northrup 4409 Washington Avenue Pascagoula, MS 39581	Deed Book 1330, Page 292
42150230.000 1002 14 <sup>th</sup> Street	Tony Zane Grizzard 1002 14 <sup>th</sup> Street Pascagoula, MS 39581	Deed Book 1203, Page 188
41825015.000 3207 Glacier	Kenneth W. Townson and Julia Eloise Townson 3207 Glacier Street	Deed Book 302, Page 88

Pascagoula, MS 39581

41230705.000  
1905 Beach

Paul A. Davison, Jr.  
and  
Karyn B. Davison  
P.O. Box 18196  
Asheville, NC 28814  
**(Footnote 1)**

Deed Book 1326, Page 21

40410062.000  
2009 Beach

Anna Belle Cumbest  
2009 Beach Blvd.  
Pascagoula, MS 39567

Deed Book 738, Page 121

### **PARTIES WITH INTEREST**

**Footnote 1:** -Hancock Bank, 3207 Magnolia Street, Pascagoula, MS 39567  
-South Trust Mortgage Corp., 210 Wildwood Pkwy, Suite 100,  
Birmingham, Al 35209

The above Resolution was adopted with the following amendments:

#### **2605 Criswell -**

Councilman Tillman made a motion to adopt the above Resolution to clean the exterior of 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". (Approved 4-5-11)

#### **1117 Mantou -**

Councilman Tillman made a motion to adopt the above Resolution 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 4-5-11)

#### **1002 14<sup>th</sup> Street -**

Councilman Wolverton made a motion to "TABLE" this matter until the Council meeting of May 3, 2011, as recommended, and proceed to clean the grounds. 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". (Tabled 4-5-11)

#### **3207 Glacier -**

Councilman Abston made a motion to adopt the above Resolution as recommended. 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". (Approved 4-5-11)

#### **1905 Beach -**

Councilman Corder made a motion to "DISMISS" the property cleanup matter at 1905 Beach 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". (Dismissed 4-5-11)

#### **2009 Beach -**

Councilman Tillman made a motion to adopt the above Resolution. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "NAY". Councilmen Abston "AYE", Corder "NAY", Milstead "NAY", Stallworth "NAY", Tillman "AYE", and Wolverton "AYE". (Motion failed)

Councilman Corder then made a motion to “TABLE” this matter until the Council meeting of May 3, 2011, and requested that Ms. Cumbest have a better plan of action and safety for her property at that meeting.

After comments, Councilman Corder amended his motion to “TABLE” this matter until the Council meeting of May 17, 2011, and requested clarification on a possible fence and a plan of action and safety factors relating to this property. 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”. (TABLED 4-5-11)

**The consent agenda was considered as follows:**

The first item for consideration was the minutes of the recessed regular Council meeting which was held on March 15, 2011, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Stallworth made a motion to adopt and approve minutes of the recessed regular Council meeting held on March 15, 2011, 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 4-5-11)

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Minutes of the Main Street Board meeting of March 7, 2011, were acknowledged by the Council.

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The next item for consideration was advertising the resources of the City of Pascagoula through the Mississippi Gulf Coast Blues Commission 20<sup>th</sup> Annual Festival for a \$500.00 full page ad as recommended by Eddie Williams, City Attorney. The event will be held at the Jackson County fairgrounds on September 10, 2011. They are a non-profit corporation that has qualified as a 501(c)(3) group.

Councilman Stallworth made a motion to approve advertising the resources of the City of Pascagoula through the Mississippi Gulf Coast Blues Commission 20<sup>th</sup> Annual Festival for a \$500.00 full page ad 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 4-5-11)

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The next item for consideration was advertising the resources of the City of Pascagoula through the Zonta Club of Pascagoula Area for \$500.00 as recommended by Eddie Williams, City Attorney. The City is given legal authority to provide support to this group, and it is a non-profit corporation that has qualified as a 501(c)(3) tax exempt entity.

Councilman Stallworth made a motion to approve advertising the resources of the City of Pascagoula for \$500.00 through the Zonta Club of Pascagoula Area 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 4-5-11)

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The next item for consideration was a contract with Artisan Pyrotechnics, Inc., Wiggins, MS, for the Fourth of July fireworks show as presented by Carol Groen, Chief Deputy Clerk. The proposal amount was for \$19,000.00 and was approved at a previous meeting.

Councilman Stallworth made a motion to approve the contract with Artisan Pyrotechnics, Inc. for the Fourth of July fireworks show as presented 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

“AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.  
(Approved 4-5-11)

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

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The next item for consideration was permission to advertise for RFP’s for the Transfer Station facilities at the Pascagoula Energy Recovery Facility for hauling and disposal of solid waste to a permitted landfill as recommended by David Groves, Environmental Compliance Enforcement Officer.

Councilman Stallworth made a motion to authorize the City Clerk to advertise for RFP’s for the Transfer Station facilities at the Pascagoula Energy Recovery Facility for hauling and disposal of solid waste to a permitted landfill 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 4-5-11)

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The next item for consideration was an Order authorizing the use of unmarked Police Department vehicles as recommended by Eddie Williams, City Attorney, and Police Chief Kenny Johnson. The Order is spread on the minutes as follows:

**ORDER AUTHORIZING USE OF  
UNMARKED POLICE VEHICLES**

**WHEREAS**, Section 25-1-87 of the Mississippi Code of 1972 requires that vehicles owned by municipalities be marked with the name thereof; and

**WHEREAS**, the aforesaid Section provides that the governing body of a municipality may authorize the use of specified unmarked police vehicles when identifying marks would hinder official criminal investigations by the police; and

**WHEREAS**, the vehicles owned by the City of Pascagoula bearing the following identification numbers are used in undercover narcotics and other criminal investigations; and

ICN	YEAR	MAKE / MODEL	VIN	LOCATION / USE
12058	2006	Ford Explorer	1FMEU63E86UA10180	Criminal Investigations
12059	2006	Ford Explorer	1FMEU63E16UA20503	Criminal Investigations
12060	2006	Ford Explorer	1FMEU62E16UA10927	Criminal Investigations
12061	2006	Ford Explorer	1FMEU62E46UA10842	Criminal Investigations
12062	2005	Ford Explorer	1FMZU62K65UA30824	Criminal Investigations
12143	2005	Ford Explorer	1FMZU73K85UB15572	Criminal Investigations
12144	2005	Ford Explorer	1FMZU73K75UB33593	Criminal Investigations
12483	2006	Ford Crown Vic	2FAFP71W06X148957	Criminal Investigations
12484	2006	Ford Crown Vic	2FAFP71W26X148961	Criminal Investigations
12485	2006	Ford Crown Vic	2FAFP71W46X148962	Criminal Investigations

12609	2006	Ford Expedition	1FMPU15556LA86678	Criminal Investigations
12638	2007	Ford Crown Vic	2FAFP71W97X140258	Criminal Investigations
12929	2007	Ford Explorer	1FMEU63E37UB23164	Criminal Investigations
12930	2006	Ford Explorer	1FMEU62E16UA92500	Criminal Investigations
12931	2007	Ford Explorer	1FMEU63E77UA54818	Criminal Investigations
12932	2006	Ford Explorer	1FMEU62EX6UA20839	Narcotics Investigations
13020	2008	Ford 250SD	1FTSW2138EC52482	Criminal Investigations
14245	2001	Lincoln Navigator	5LMEU27R71LJ24916	Narcotics Investigations
14246	2010	Ford F150	1FTFW1EV9AFB65577	Narcotics Investigations
12814	2003	Ford F150	1FTRW07393KB49473	Narcotics Investigations

**WHEREAS**, if the aforesaid vehicles were marked as police vehicles, such markings would hinder official criminal investigations:

**NOW, THEREFORE, IT IS ORDERED** that the above vehicles shall not be marked and shall be exempted from the marking provisions of Section 25-1-87 of the Mississippi Code of 1972.

**IT IS FURTHER ORDERED**, that the City Clerk shall send a certified copy of this Order to the office of the State Auditor.

The above Order was introduced by Councilman Stallworth, seconded for adoption 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 declared the Order adopted on the 5<sup>th</sup> day of April, 2011.

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The next item for consideration was an Order for property cleanup matters to set a hearing date of May 3, 2011, for a lot on Mantou Street, 3003 10<sup>th</sup> Street, 1708 Mantou Street, a lot on Denny Avenue, and 910 Mantou Street as recommended by Eddie Williams, City Attorney. 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 May 3, 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 uncleanness as to be a menace to the public health and safety of this community.

**EXHIBIT A**

<b><u>Tax Parcel Number and Property Address</u></b>	<b><u>Owner(s) and Mailing Address</u></b>	<b><u>Described at the following Jackson County, MS, Deed Books and Pages</u></b>
41550018.050 Lot on Mantou St	Coastal Consolidated, Inc. P.O. Box 884 Pascagoula, MS 39568 <b>(Footnote 1)</b>	Deed Book 1246, Page 564
41452026.000 3003 10 <sup>th</sup> St	Estate of James Harold Stanley 4811 New Hope Ave. Pascagoula, MS 39581	Deed Book 1171, Page 196
41855167.000 1708 Mantou	David C. Habeck 1708 Mantou Pascagoula, MS 39567	Deed Book 882, Page 433
41703206.020 Lot on Denny Ave	NPC International, Inc. P.O. Box 54310 Lexington, KY 40555	Deed Book 1223, Page 496
41855127.000 910 Mantou St	Max F. Davis 4220 Knowle Ave Moss Point, MS 39562	Deed Book 1026, Page 707

**PARTIES WITH INTEREST**

**Footnote 1:** -Hancock Bank, 1 Hancock Plaza, Gulfport, MS 39501  
-Small Business Administration, 2120 Riverfront Drive, Suite 100,  
Little Rock, AR 72202

The above Order was introduced by Councilman Stallworth, seconded for adoption 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 declared the Order adopted on the 5<sup>th</sup> day of April, 2011.

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The next item for consideration was a request to advertise for bids for riprap replenishment at The Point from damage during Hurricane Katrina as recommended by Jaci Turner, Program Manager. The project is authorized by FEMA as damage to be repaired.

Councilman Stallworth made a motion to authorize the City Clerk to advertise for bids for riprap replenishment at The Point from damage during Hurricane Katrina 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 4-5-11)

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The next item for consideration was a request to authorize members of the Historic Preservation Commission to attend the 2011 Mississippi Heritage Trust State Preservation

Conference in Jackson, MS, on April 28-29, 2011, as recommended by Harry Schmidt, Community Development Director. The members would travel by a City van.

Councilman Stallworth made a motion to authorize members of the Historic Preservation Commission to attend the 2011 Mississippi Heritage Trust State Preservation Conference in Jackson, MS, on April 28-29, 2011, 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 4-5-11)

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Next for consideration was a request for Council approval to update the Mississippi Office of Surplus Property Eligibility Application for City employees to have access to governmental surplus property sales as recommended by Amy Thompson, Purchasing Agent.

Councilman Stallworth made a motion to approve updating the Mississippi Office of Surplus Property Eligibility Application for City employees to have access to governmental surplus property sales 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 "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 4-5-11)

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

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**The following new business items were considered.**

The first item for consideration was authorization of travel and registration for the Council to attend the 2011 Mississippi Municipal League (MML) Annual Conference in Biloxi MS, on June 27-30, 2011, as presented by the City Manager.

After discussion, Councilman Stallworth made a motion to approve travel and registration for the Council to attend the 2011 Mississippi Municipal League (MML) Annual Conference in Biloxi, MS, on June 27-30, 2011. 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 4-5-11)

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Next for consideration was a travel request for the City Council to meet with the congressional delegation in Washington, D.C., on April 12-13, 2011, as presented by the City Manager. Councilman Milstead then led a discussion about whether travel should be made during a non-funding cycle year and expressed concern about the number of attendees planning to make the trip. He made several recommendations for the Council to consider prior to future travel plans being made. He further requested the City Manager to evaluate the need for a lobbyist on the national level to represent the City of Pascagoula.

After comments, Councilman Corder made a motion to authorize travel for the City Council to meet with the congressional delegation in Washington, D.C., on April 12-13, 2011, as presented. 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 4-5-11)

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The next item for consideration was a City Council retreat to be held July 25-26, 2011, as recommended by the City Manager. This will be an open meeting with a facilitator. The proposed agenda will be as follows:

PASCAGOULA CITY COUNCIL RETREAT  
AGENDA

July 25 – July 26, 2011

1. Team Building
2. Mayor/Council & City Manager - Roles & Expectations
3. Values & Beliefs Discussion (Council)
4. Vision Process (Council)
5. Retrospect and Update on projects (Staff)
  - A. Strategic Plan
  - B. Priorities
  - C. Accomplishments
6. Discuss new program and project opportunities (Council & Staff)
  - A. EMT recommendations
  - B. Financing Alternatives
7. General Discussion of upcoming budget (Council & Staff)

Councilman Corder made a motion to approve the City Council retreat on July 25-26, 2011, as presented. 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 4-5-11)

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The next item for consideration was a Resolution regarding the USS Pascagoula as presented by the City Manager. The Resolution is spread on the minutes as follows:

**A RESOLUTION  
BY THE CITY COUNCIL  
OF  
PASCAGOULA**

**WHEREAS**, Pascagoula is the “Singing River” City located beside the Gulf of Mexico and has a deep and rich history that goes back over 300 years; and

**WHEREAS**, Pascagoula, the home to over 25,000 patriotic citizens of the United States of America, has a long tradition of connection to the sea; and

**WHEREAS**, Pascagoula, known as Mississippi’s “FLAGSHIP CITY”, has a long and proud history of association with the United States Navy, including hosting Naval Station Pascagoula; and

**WHEREAS**, Pascagoula is home to shipyards that have provided the United States Navy with fighting ships that served in World War I, World War II, Korea, Vietnam, the Cold War, the Gulf Wars and continue to serve in the War on Terror; and

**WHEREAS**, the United States Navy commissioned a locally built cargo ship as the USS Pascagoula during World War I; and

**WHEREAS**, the United States Navy commissioned the World War II veteran Patrol Craft Escort PCE-874 later renamed the USS Pascagoula; and

**WHEREAS**, there is currently no ship in the United States Navy bearing the name Pascagoula;

**THEREFORE**, Let It Be Resolved, the City Council of Pascagoula requests the Secretary of the Navy designate a Littoral Combat Ship being built for the United States Navy be named and commissioned the “USS Pascagoula”.

Passed unanimously by the City Council of Pascagoula on the 5<sup>th</sup> Day of April in the Year 2011.

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Robbie Maxwell, Mayor

The above Resolution was introduced by Councilman Corder, seconded for adoption 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 5<sup>th</sup> day of April, 2011.

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Next for consideration was an appointment to the Library Board. Geraldine Barnes’ term will expire on April 2, 2011, and she is not eligible to serve a third consecutive term per state law. The two names offered for consideration tonight were Carol Lewis-Jones and Kathleen Patterson.

After brief comments, Councilman Stallworth made a motion to appoint Carol Lewis-Jones to serve on the Pascagoula Library Board for a five-year term. 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 4-5-11)

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The City Attorney requested the item regarding the donation of property located on Ingalls Avenue be removed from the agenda tonight until some issues are resolved.

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The next item for consideration was a Resolution establishing the Pascagoula Redevelopment Authority as presented by the City Attorney. Mr. Williams requested that the Council consider the appointment of five members at the next meeting. The Council made brief comments regarding the Pascagoula Redevelopment Authority. The Resolution is spread on the minutes as follows:

**A RESOLUTION ESTABLISHING THE  
PASCAGOULA REDEVELOPMENT AUTHORITY**

**WHEREAS**, the City of Pascagoula is granted powers for urban renewal and redevelopment under Section 43-35-1, et seq. of the Mississippi Code; and

**WHEREAS**, the City of Pascagoula did by resolution dated the 19<sup>th</sup> day of August, 2008, declare certain property in and around what is commonly known as the “Old Carver Village Site” and the “Riverfront Development Site” to be blighted areas within the meaning of Section 43-35-3(i) of the Mississippi Code and did designate such areas as appropriate for an urban renewal project; and

**WHEREAS**, in addition to the aforesaid area, the City, by the same Resolution, declared numerous other sites, both within and without the Central Business District, to be blighted areas within the meaning of Section 43-35-3(i); and

**WHEREAS**, the City Council adopted the Urban Renewal Plan on the 3<sup>rd</sup> day of March, 2009, which specifically delineated the aforesaid properties as being blighted and subject to redevelopment; and

**WHEREAS**, the City Council has determined that it is in the best interest of the citizens of Pascagoula to have certain urban renewal powers delegated to and exercised by a separate Urban Renewal Authority; and

**WHEREAS**, the City Council finds and determines that it is necessary and proper to commission responsible citizens who will focus specifically on the development and revitalization of all of the aforesaid areas:

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pascagoula, Mississippi, as follows:

**SECTION 1. CREATION.** The City of Pascagoula Redevelopment Authority is hereby created to serve as the urban renewal and redevelopment agency for the City of Pascagoula.

**SECTION 2. APPOINTMENT AND TERMS OF OFFICE.** The Authority shall be composed of five (5) Commissioners appointed by the City Council. The term of office for each Commissioner shall be for five (5) years. The Commissioners who are appointed pursuant to this resolution shall be designated to serve for terms of one (1), two (2), three (3), four (4) and five (5) years, respectively, from the date of their appointment. Thereafter, all terms of office shall be five (5) years from the date of appointment.

**SECTION 3. MEMBERSHIP.** Residents of Pascagoula who are qualified electors and over the age of 21 shall be the only persons eligible for appointment to serve on the Authority.

**SECTION 4. LIMITATIONS.** Excluding initial terms of less than five (5) years, no person shall serve as a member of the Authority for more than two (2) consecutive five (5) year terms, unless the City Council approves such reappointment.

**SECTION 5. OFFICERS.** The officers of the Authority shall be a Chairman, Vice-Chairman and Secretary/Treasurer, who shall be elected by the Authority for one (1) year terms.

After the initial election, the annual election shall be held at the regular meeting in September of each year, and the officers shall take office effective October 1.

**SECTION 6. EXECUTIVE DIRECTOR.** There shall be an Executive Director who will be charged with the duty of carrying out the policies and directives of the Authority. The Executive Director shall be an employee of the City of Pascagoula and shall be appointed by the City Manager. The Executive Director shall attend all meetings of the Authority, shall see to it that accurate minutes are kept of such meetings and shall be responsible for the day-to-day operations of the Authority. The Executive Director's salary shall be paid by the City.

**SECTION 7. MEETINGS.** The Authority shall hold a regular monthly meeting at a place which the Authority may designate and at a regular day and time which the Authority shall establish. The Authority may establish an additional regular meeting or may hold special meetings by notice provided and laws governing municipalities and in accordance with the Mississippi Open Meetings Law. A majority of the Commissioners shall constitute a quorum for the transaction of business. Action may be taken by the Authority upon a vote of a majority of the Commissioners present, unless in any case the by-laws shall require a larger number. Minutes of the meetings shall be approved and adopted by the Authority and copies of the adopted minutes shall be furnished to the Pascagoula City Council and the City Clerk shall keep these minutes as part of the official records of the City of Pascagoula.

**SECTION 8. POWERS.** The Authority shall include all urban renewal project powers, rights, duties and functions of the City as defined in Section 43-35-15 of the Mississippi Code except the following:

- a. the power to determine an area to be a slum or blighted area or combination thereof and to designate such area as appropriate for an urban renewal project and to hold public hearings required with respect thereto; and
- b. the power to approve urban renewal plans and modifications; and
- c. the power to establish a general plan for the locality as a whole; and
- d. the power to formulate a workable program under Section 43-35-9 of the Mississippi Code; and
- e. the power to make determinations and findings provided for in Section 43-35-7, 43-35-11 and 43-35-13(d) of the Mississippi Code; and
- f. the power to issue general obligation bonds; and
- g. the power to appropriate funds, to levy taxes and assessments; and
- h. the power to prepare plans for relocation of persons displaced by an urban renewal project provided in Section 43-35-15(h) of the Mississippi Code.

With the exception of the Executive Director, the Authority may employ technical experts and such other agents and employees, permanent and temporary, as it may require. The Authority may employ or retain its own legal counsel and staff. The Authority shall have such other powers as the City may, from time to time, delegate to it.

**SECTION 9. BUDGET.** Annually, the Authority shall prepare a proposed budget in such form as required by the Pascagoula City Council, which budget shall be submitted to the City Council for acknowledgement. All expenditures made by the Authority shall be in strict accordance with State law.

In addition to an annual budget, the Authority shall file with the City Council, on or before the 15<sup>th</sup> day of October, of each year, a report of for its preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses at the end of such fiscal year. At the time of filing, the Authority shall publish a true and correct copy of such report in a newspaper of general circulation in the City. Publication of this report shall be in accordance with the statutes that govern publication of budgets by municipalities. The fiscal year of the Authority shall be the same as that of the City.

**SECTION 10. BY-LAWS.** The Authority is authorized and directed to establish a set of by-laws not inconsistent herewith, for the effective governance and the operation of the Authority.

**SECTION 11. VACANCIES AND REMOVALS.** When a vacancy shall occur by the expiration of term of office or otherwise, the City Council shall appoint a successor in the manner as provided in Section 2 hereof to serve out the remainder of the term for that post. No successor may vote until confirmed by the City Council and until the provisions of Section 2 hereof have been fulfilled.

Any Commissioner who fails to attend three (3) consecutive regular meetings or who fails to attend five (5) regular or duly called special meetings in any one calendar year shall be automatically suspended and a vacancy shall be declared unless three (3) of the remaining Commissioners shall vote to reinstate such person within thirty (30) days after the suspension is declared.

For inefficiency or neglect of duty or misconduct in office, a Commissioner may be removed only after a hearing and after such Commissioner has been given a copy of the charges

at least ten (10) days prior to such hearing and have had an opportunity to be heard in person or by counsel. Such hearing shall be convened by the City Council and a record thereof shall be made. Any Commissioner who may be aggrieved by Council action shall have the same right of appeal as provided by law for appeals from governmental agencies.

**SECTION 12. EFFECTIVE DATE.** This Resolution shall take effect and be in full force and effect from and after passage.

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 "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 5<sup>th</sup> day of April, 2011.

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The next item for consideration was a Resolution amending the Disposition Plan for the sale of property acquired by the City in the Urban Renewal Project as recommended by the City Attorney. The Resolution is spread on the minutes as follows:

**RESOLUTION AMENDING DISPOSITION PLAN FOR THE  
SALE OF PROPERTY ACQUIRED BY THE CITY IN THE  
CITY OF PASCAGOULA URBAN RENEWAL PROJECT**

**WHEREAS**, the City of Pascagoula has approved and will undertake the City of Pascagoula Urban Renewal Project as provided for in Section 43-35-1 of the Mississippi Code of 1972, as amended; and

**WHEREAS**, the City has prepared and approved an Urban Renewal Plan in accordance with section 43-35-13 of the Mississippi Code of 1972, as amended; and

**WHEREAS**, the Urban Renewal Plan provided for the sale and redevelopment of certain real property acquired for purposes outlined in the Plan; and

**WHEREAS**, the City has prepared a disposition Plan, which provides for a uniform procedure for disposing of real property acquired by the City in the City of Pascagoula Urban Renewal Project, and

**WHEREAS**, the City desires to amend the Disposition Plan to allow the disposition of property to other government entities.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pascagoula as follows:

**SECTION ONE:** The findings, conclusions and statements of fact contained in the preamble are adopted and ratified.

**SECTION TWO:** The Disposition Plan attached hereto and marked as Exhibit “A” is the amended plan and is hereby adopted.

**SECTION THREE:** The Disposition Plan will be in full force and effect from and after its adoption until the City of Pascagoula Urban Renewal Project is completed and all litigation associated therewith has been finalized.

**“EXHIBIT A”**

**DISPOSITION PLAN**

**City of Pascagoula Urban Renewal Project**

Land acquired by the City in accordance with the Urban Renewal Plan and designated for redevelopment may be disposed of to public entities, non-profit organizations and private parties for new development or redevelopment pursuant to Section 43-35-19 of the Mississippi Code of 1972, as amended.

Property designated for redevelopment will be sold at not less than its fair market value for uses in accordance with the Urban Renewal Plan. In determining the fair market value, the City will take into account and give consideration to the uses provided in the Urban Renewal Plan, the restrictive covenants, conditions and obligations assumed by the purchaser and the objectives of the Plan for the prevention of the reoccurrence of slum and blighted areas.

**A. Disposition**

All property acquired by the City of Pascagoula will be disposed of in accordance with the Urban Renewal Plan subject to any covenant, condition or restriction the City deems necessary to carry out the Urban Renewal Plan. Such sale of property may be made only after the City Council approves the Urban Renewal Plan. It is intended that the City of Pascagoula be the beneficiary of the covenants or conditions. It is further intended that the City through the contract for sale will retain such rights and remedies it shall find necessary to protect its interests, including the rights and power to retake or recapture by reversion of title. With the exception of property transferred to a governmental entity any property will be sold subject to the following conditions:

- 1) The purchasers, their successors and assigns shall be obligated to devote the property only to the uses specified in the Urban Renewal Plan and may be obligated to comply with such other requirements as the City may determine to be in the public interest.
- 2) The purchasers, their successors and assigns shall be obligated to begin and complete within a reasonable time, any improvements on the property required by the Urban Renewal Plan. If the purchaser fails to begin and complete any improvements as required by the contract, the City will invoke its right to retake the property by the reversion of title.
- 3) The purchaser may not sell, lease or otherwise transfer the property without the prior written consent and approval of the City of Pascagoula until all construction of any improvements the purchaser has obligated himself/herself to construct have been made and all other obligations of the terms of the sale are met.

The City of Pascagoula will include the above three conditions in the contracts for sale and instruments of conveyance. In addition, all contracts and deeds or other instruments of conveyance will include such other terms and conditions as will be necessary to ensure redevelopment of the area in accordance with the Urban Renewal Plan.

The City may choose to dispose of certain property to other government entities. The City may impose certain conditions on the property so transferred or sold. The

governmental entity may transfer and sell property by any means lawful and shall be subject only to the conditions placed upon the property by the City.

## **B. Disposition Process**

The City of Pascagoula will dispose of any urban renewal property sold to private enterprises by competitive bidding procedures. The transfer or sell of property to another governmental entity will be exempt from the following procedure. The bidding procedures for private enterprise will include the following:

- 1) The City will publish in a newspaper having general circulation a “request for proposals” for development of property to be sold. The request for proposals must be published at least thirty (30) days prior to the date proposals are to be opened. The notice will identify the property to be sold and state that proposals will be accepted within thirty (30) days after the date of the request for proposals is published. The request for proposals shall state the deadline for submission of proposals and the date proposals will be opened. It will also state the address and place where additional information may be obtained.
- 2) Proposals will be submitted on forms prescribed by the City and as a minimum, will include the following:
  - a. Detailed description of the development including cost estimates
  - b. Schematic drawing of improvements
  - c. Site plan
  - d. Documentation indicating financial and legal ability to undertake the development
  - e. Bid price – must be at a minimum fair market value
  - f. Any other relevant information which the bidder believes should be considered
  - g. Intended use
- 3) The City will open all eligible proposals on the date and time specified in the request for proposals. The City will consider all proposals submitted. Criteria for evaluating proposals include but are not limited to the following:
  - a. Financial and legal ability of the bidder to undertake the development in a timely manner
  - b. Price
  - c. Type of development
  - d. Small businesses with less than 100 employees
  - e. Other criteria established by the City

Proposals will be evaluated by a three-person committee of City employees appointed by the City Council. The City may negotiate with any person submitting a proposal. After reviewing and evaluating all proposals and any subsequent negotiations, the committee will recommend to the City Council the proposal it deems to be in the best public interest and in furtherance of the objectives of the Urban Renewal Plan.

- 4) Before the City executes documents officially accepting a proposal, the City Council must state their intention to accept the proposal in an Official Meeting,

said notice being spread upon their minutes, at least (30) days prior to executing the documents.

- 5) After expiration of the thirty (30) day period outlined in paragraph B(4) above, the City may execute the contract and deliver deeds and other instruments and take steps necessary to effectuate such contract.

The City may choose to dispose of property to another governmental entity in any manner that is lawful.

RESOLVED this the \_\_\_\_ day of April, 2011.

City of Pascagoula, Mississippi

The above Resolution was introduced by Councilman Corder, seconded for adoption 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 5<sup>th</sup> day of April, 2011.

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The next item for consideration was Budget Amendment No. 11.48 in the General Fund for the Senior Center as recommended by Bobby Parker, City Clerk/Comptroller.

**City of Pascagoula  
Budget Amendment # 11.48  
April 5, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>General Fund</u></b>	-	-	-
<b><u>Expenditures:</u></b>	-		-
<b><u>Senior Citizen Center:</u></b>			
<b>Personal Services:</b>			
Salaries and Wages	63,608	20,230	83,838
CPI	1,789	341	2,130
Merit	2,735	334	3,069
Health Insurance	21,400	7,134	28,534
Retirement	8,176	2,509	10,685
Social Security	6,447	1,296	7,743
Medicare	1,508	304	1,812
<b>City Clerk:</b>			
<b>Personal Services:</b>			
Salaries and Wages	111,840	(20,230)	91,610
CPI	2,018	(341)	1,677
Merit	3,087	(334)	2,753
Health Insurance	32,100	(7,134)	24,966
Retirement	14,225	(2,509)	11,716
Social Security	7,350	(1,296)	6,054
Medicare	1,719	(304)	1,415

-			
<b>Total Expenditures</b>	<b>278,002</b>	<b>-</b>	<b>278,002</b>
<b>Net Change in Fund Balance</b>		<b>-</b>	
<b>To amend budget to provide expenditure authority under the Senior Citizen Center Department for an employee transferred there from the City Clerk Department.</b>			

Councilman Abston made a motion to approve the budget amendment as presented above and 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". (Approved 4-5-11)

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The next item for consideration was Budget Amendment No. 11.49 in the General Fund for Economic Development as recommended by Bobby Parker, City Clerk/Comptroller.

**City of Pascagoula  
Budget Amendment # 11.49  
April 5, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>General Fund</u></b>	-	-	-
<b><u>Expenditures:</u></b>	-		-
- <b><u>Economic Development:</u></b>			
- <b><u>Other Services &amp; Charges:</u></b>			
- <b>Contract Services</b>	<b>25,000</b>	<b>8,000</b>	<b>33,000</b>
-			
-			
<b>Total Expenditures</b>	<b>25,000</b>	<b>8,000</b>	<b>33,000</b>
<b>Net Change in Fund Balance</b>		<b>(8,000)</b>	
<b>To amend budget to provide expenditure authority for the total amount of the annual commitment made to the Jackson County Economic Development Foundation agreed to and approved by Council on May 6, 2008.</b>			

After discussion regarding the amount of support to the Jackson County Economic Development Foundation, Councilman Corder made a motion to "DENY" the budget amendment as 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”.  
 (Denied 4-5-11)

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The next item for consideration was Budget Amendment No. 11.50 in the Utility Fund for the AMR system as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
 Budget Amendment # 11.50  
 April 5, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>Utility Fund</u></b>	-	-	-
-	-		-
<b><u>Expenditures:</u></b>			
-			
- <b><u>Water Operation &amp; Maintenance:</u></b>			
- <b><u>Capital Outlay:</u></b>			
- <b>Water System Improvemt.- AMR</b>	1,419,500	-70,275	1,349,225
- <b><u>Gas Operation &amp; Maintenance:</u></b>			
- <b><u>Capital Outlay:</u></b>			
- <b>Gas System Improvemt.- AMR</b>	47,460	70,275	117,735
<b>Total Expenditures</b>	<b>1,466,960</b>	-	<b>1,466,960</b>
<b>Net Change in Fund Balance</b>		-	
<b>To amend budget in order to reallocate budget provisions as needed.</b>			

Councilman Corder 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 “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 4-5-11)

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The next item for consideration was Budget Amendment # 11.51 in the Bond Capital Improvement Fund for drainage as recommended by Bobby Parker, City Clerk/Comptroller.

**City of Pascagoula  
 Budget Amendment # 11.51  
 April 5, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
	-	-	-

<b>Bond Capital Improvement Fund</b>	-		-
-	-		-
<b><u>Expenditures:</u></b>			
-			
- <b>Capital Projects:</b>			
- <b>Other Services &amp; Charges:</b>			
- <b>Drainage Improvements</b>	316,630	180,000	496,630
-			
-			
<b>Total Expenditures</b>	316,630	180,000	496,630
<b>Net Change in Fund Balance</b>		(180,000)	
<b>To amend budget to provide additional expenditure authority from bond proceeds on hand for drainage work in the Chipley area, as well as other areas of the City, as required.</b>			

Councilman Stallworth made a motion to approve the budget amendment as presented above and 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 4-5-11)

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The next item for consideration was Budget Amendment No. 11.52 in the General Fund for the Cottage Village Improvements as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 11.52  
April 5, 2011**

	<b><u>Current Budget</u></b>	<b><u>Budget Amendment</u></b>	<b><u>Amended Budget</u></b>
<b><u>General Fund</u></b>	-	-	-
-	-		-
-	-		-
<b><u>Expenditures:</u></b>			
-			
- <b><u>Economic Development:</u></b>			
- <b>Capital Projects:</b>			
- <b>Improvements - Other</b>	-	32,950	32,950
-			
<b>Total Expenditures</b>	-	32,950	32,950
<b>Net Change in Fund Balance</b>		(32,950)	
<b>To amend budget to provide authority for expenditures to convert one unit in the</b>			

<b>Cottage Village to a public restroom facility, the contract for which is to be approved by the Council on April 5, 2011.</b>			
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Councilman Stallworth made a motion to approve the budget amendment as presented above and as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “NAY”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 4-5-11)

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The next item for consideration was Budget Amendment No. 11.53 in the Community Development Fund for the MSDH Fluoridation Grant and approval of a manual check to the contractor, Graham Construction, Inc., for \$34,260.00 as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 11.53  
April 5, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>Community Development Fund</u></b>	-	-	-
- <b><u>Revenues:</u></b>	-		-
- <b><u>Grants:</u></b>	-		-
- <b>Fluoridation Improvement</b>			
<b>Grant - MSDH</b>	-	<b>114,200</b>	<b>114,200</b>
<b>Total Revenues</b>	-	<b>114,200</b>	<b>114,200</b>
- <b><u>Expenditures:</u></b>			
- <b><u>Community Development:</u></b>			
- <b><u>Other Services &amp; Charges:</u></b>			
- <b>Fluoridation Improvement</b>			
<b>Program Outlay</b>	-	<b>114,200</b>	<b>114,200</b>
<b>Total Expenditures</b>	-	<b>114,200</b>	<b>114,200</b>
<b>Net Change in Fund Balance</b>		-	
<b>To amend budget to provide expenditure authority for the Mississippi State Department of Health Fluoridation Improvement project and the related grant revenue as</b>			

approved by Council on November 18, 2008.				
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Councilman Stallworth made a motion to approve the budget amendment as presented above and a manual check for \$34,260.00 to Graham Construction, Inc., contractor, 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 4-5-11)

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The next item for consideration was Budget Amendment No. 11.54 in the Utility Fund for the water treatment plant retaining wall as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 11.54  
April 5, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>Utility Fund</u></b>	-	-	-
<b><u>Expenditures:</u></b>	-		-
-			
-			
- <b><u>Water Operation &amp; Maint:</u></b>			
- <b><u>Capital Outlay:</u></b>			
- <b>Water System Improvements</b>	<b>526,237</b>	<b>110,000</b>	<b>636,237</b>
<b>Total Expenditures</b>	<b>526,237</b>	<b>110,000</b>	<b>636,237</b>
<b>Net Change in Fund Balance</b>		<b>(110,000)</b>	
<b>To amend budget in order to reallocate budget provisions as needed to provide funds for the construction of the retaining wall at the new water treatment plant.</b>			

Councilman Stallworth made a motion to approve the budget amendment as presented above and 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 4-5-11)

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A discussion followed on the Beach Blvd. sand cleanup. Steve Mitchell, Operations Manager, advised he is concerned about safety issues and commented it is more than aesthetics. He needs some guidance about expectations of the Council, the frequency of cleaning the sand, etc. After comments, Mayor Maxwell requested that Mr. Mitchell review the various aspects of the sand cleanup and present recommendations to the Council at the next meeting.

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The next item was a revision to Exhibit A of the Grounds Maintenance Agreements 1 and 2 and the Highly Visible Medians Maintenance Agreement with Turf Masters, Pascagoula, MS, as recommended by Steve Mitchell, Operations Manager. The number of off-season cuts would be reduced which would result in a cost savings to the City of \$18,751.59, including the new Senior Center on Live Oak Avenue.

Councilman Corder made a motion to approve the revision to Exhibit A of the Grounds Maintenance Agreements 1 and 2 and the Highly Visible Medians Maintenance Agreement with Turf Masters as recommended. 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 4-5-11)

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

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Next for consideration was a request for a truck purchase for the Parks & Recreation Department as recommended by Darcie Crew, Parks & Recreation Director. Ms. Crew advised they would like to purchase a one ton, flat/dump bed pickup truck in an amount not to exceed \$29,000.00. This vehicle will replace PR7 which is a 1995 GMC 3500 that is under continual repair and no longer serves the function necessary. The state contract price for the new truck is \$19,552.00 and the flat/dump bed quote is \$8,956.00.

After discussion, Councilman Corder made a motion to approve the request for a truck purchase for the Parks & Recreation Department in an amount not to exceed \$29,000.00 at the discretion of the City Manager following his review of the necessity for the truck. 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 4-5-11)

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

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The next item for consideration was participation in the Criminal Justice Internship Program at the Police Department for Shameka Curry as recommended by Police Chief Kenny Johnson.

To: Joe Huffman, City Manager  
From: Kenny Johnson, Chief of Police  
Date: March 29, 2011  
Subject: Forensic Science Internship Program

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Attached please find a copy of the University of Southern Mississippi Forensic Science Internship Application for Shameka Curry presented by University of Southern Mississippi for our participation. Our department has, in the past years, participated in this type of program with much success. Participation in this program can also be an effective tool in evaluating prospective candidates for future employment.

I consider it an honor that out of all of the departments along the Gulf Coast, ours was chosen. I have reviewed the attached Internship application and student/ participating agency requirements and do not find anything that we could not readily comply with. I feel that this is a very effective program, and I am willing to participate and assist the student in any way we can, as they endeavor to achieve their goal in the Forensic Science Field.

I welcome your thoughts and views on our participation in this program, and if you have any questions or would like to discuss this matter further, I will make myself available at your convenience.

Kenny Johnson  
Chief of Police

Councilman Wolverton made a motion to approve participation in the Criminal Justice Internship Program at the Police Department for Shameka Curry 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 4-5-11)

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The next item for consideration was a contract award to Fletcher Construction, Pascagoula, MS, for the construction of Anchor Square restrooms for \$26,412.00 as recommended by Harry Schmidt, Community Development Director, and Orion Engineering, Inc. Mr. Schmidt advised that a one-bedroom cottage will be converted into a public restroom facility.

After discussion, Councilman Wolverton made a motion to award a contract for \$26,412.00 to Fletcher Construction for the construction of Anchor Square restrooms 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 4-5-11)

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

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Next for consideration were reimbursement payments regarding the Hazard Mitigation Grant Program (HMGP) Residential Elevation Grant through MEMA as recommended by Harry Schmidt, Community Development Director. The following participants have completed elevation construction of their structures and have provided the City with the required construction documentation for reimbursement payments:

\$43,625.90 – Eva M. Austin	Project No. 01 – 4510 Navaho Avenue
\$77,193.00 – James L. and Peggy Waltmon	Project No. 04 – 3306 Brazil Street
\$42,103.00 – Bradford W. Simons	Project No. 12 – 803 Ford Avenue

Councilman Stallworth made a motion to approve the reimbursement payments regarding the Hazard Mitigation Grant Program (HMGP) Residential Elevation Grant through MEMA and approve submittal of the reimbursement request to MEMA for the following participants:

\$43,625.90 – Eva M. Austin	Project No. 01 – 4510 Navaho Avenue
\$77,193.00 – James L. and Peggy Waltmon	Project No. 04 – 3306 Brazil Street
\$42,103.00 – Bradford W. Simons	Project No. 12 – 803 Ford Avenue

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 4-5-11)

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The next item for consideration was the closeout documents for the Hurricane Katrina Relocation of the Round Island Lighthouse Project with J. E. Borries, Inc., Vancleave, MS, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. The closeout documents include Summary Change Order No. 2 for time only and final payment of \$32,852.64 with a manual check request.

Councilman Corder made a motion to approve the closeout documents for the Hurricane Katrina Relocation of the Round Island Lighthouse Project with J. E. Borries, Inc. as recommended, authorize a manual check for \$32,852.64, 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 "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 4-5-11)

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

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The next item for consideration was a preliminary engineering design contract with Brown, Mitchell & Alexander, Inc., Gulfport, MS, for the Beach Promenade Project (Project No. STP-8961-00(006), contingent upon approval from MDOT, as recommended by Jaci Turner, Program Manager. This will replace a portion of the previously executed contract, which will be revised and brought back to Council for approval.

Councilman Stallworth made a motion to approve the preliminary engineering design contract with Brown, Mitchell & Alexander, Inc. for the Beach Promenade Project (Project No. STP-8961-00(006), contingent upon approval from MDOT, and authorize the Mayor to execute the related documents. 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 4-5-11)

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

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Next for consideration was Supplemental Agreement No. 3 for the Hurricane Katrina – Beach Boulevard Lighting Project (ER-8961-00(004) LPA/104784-702000 with Webster Electric Company, Inc. for no change in price and 18 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses the difference in time between the contract execution date and the Notice to Proceed date.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 3 for the Hurricane Katrina – Beach Boulevard Lighting Project (ER-8961-00(004) LPA/104784-702000) with Webster Electric Company, Inc. for no change in price and 18 additional days, contingent upon MDOT approval, as recommended, and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item to be considered was Supplemental Agreement No. 1 for the Hurricane Katrina – Traffic Signal Loops throughout the City and Lighting on Market Street Project (ER-0370-00(021) LPA/105099-701000) with B & B Electrical and Utility Contractors, for an addition of \$9,403.00 and 197 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses field adjustments for final quantities necessary to complete the work.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 1 for the Hurricane Katrina – Traffic Signal Loops throughout the City and Lighting on Market Street Project (ER-0370-00(021) LPA/105099-701000) with B & B Electrical and Utility Contractors, for an addition of \$9,403.00 and 197 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item to be considered was Supplemental Agreement No. 2 for the Hurricane Katrina – Traffic Signal Loops throughout the City and Lighting on Market Street Project (ER-0370-00(021) LPA/105099-701000) with B & B Electrical and Utility Contractors, for no change in price and 50 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses the difference in time between the contract execution date and the Notice to Proceed date.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 2 for the Hurricane Katrina – Traffic Signal Loops throughout the City and Lighting on Market Street Project (ER-0370-00(021) LPA/105099-701000) with B & B Electrical and Utility Contractors, for no change in price and 50 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item to be considered was Supplemental Agreement No. 2 for the Hurricane Katrina – Repairs to Ingalls Avenue from 14<sup>th</sup> Street to Louise Street Project (ER-0370-00(022) LPA/105100-701000) with Gulf Equipment Corporation for an addition of \$33,585.00 and 81 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses field adjustments for curb and erosion control work determined necessary during the progress of the work.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 2 for the Hurricane Katrina – Repairs to Ingalls Avenue from 14<sup>th</sup> Street to Louise Street Project (ER-0370-00(022) LPA/105100-701000) with Gulf Equipment Corporation for an addition of \$33,585.00 and 81 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item for consideration was Supplemental Agreement No. 3 for the Hurricane Katrina – Repairs to Ingalls Avenue from 14<sup>th</sup> Street to Louise Street (ER-0370-00(022) LPA/105100-701000) with Gulf Equipment Corporation for no change in price and 94 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses the differences in time between the contract execution date and the Notice to Proceed date.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 3 for the Hurricane Katrina – Repairs to Ingalls Avenue from 14<sup>th</sup> Street to Louise Street Project (ER-0370-00(022) LPA/105100-701000) with Gulf Equipment Corporation for no change in price and 94 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item for consideration was Supplemental Agreement No. 2 for the Hurricane Katrina – Repairs to Pascagoula Street from Beach Blvd. to Ingalls Avenue Project (ER-7870-00(001) LPA/105107-701000) with SCI, Inc. for an addition of \$90,594.25 and 120 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses the field adjustments for sanitary sewer adjustments determined necessary during the progress of the work.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 2 for the Hurricane Katrina – Repairs to Pascagoula Street from Beach Blvd. to Ingalls Avenue Project (ER-7870-00(001) LPA/105107-701000) with SCI, Inc., for an addition of \$90,594.25 and 120 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item for consideration was Supplemental Agreement No. 3 for the Hurricane Katrina – Repairs to Pascagoula Street from Beach Blvd. to Ingalls Avenue Project (ER-7870-00(001) LPA/105107-701000) with SCI, Inc. for an addition of \$8,174.00 and 60 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses field adjustments for curb and sidewalk work determined necessary during the progress of the work.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 3 for the Hurricane Katrina – Repairs to Pascagoula Street from Beach Blvd. to Ingalls Avenue Project (ER-7870-00(001) LPA/105107-701000) with SCI, Inc., for an addition of \$8,174.00 and 60 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item for consideration was Supplemental Agreement No. 4 for the Hurricane Katrina – Repairs to Pascagoula Street from Beach Blvd. to Ingalls Avenue (ER-7870-00(001) LPA/105107-701000) with SCI, Inc. for no change in price and 28 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses the difference in time between the contract execution date and the Notice to Proceed date.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 4 for the Hurricane Katrina – Repairs to Pascagoula Street from Beach Blvd. to Ingalls Avenue Project (ER-7870-00(001) LPA/105107-701000) with SCI, Inc., for no change in price and 28 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item for consideration was Supplemental Agreement No. 2 with SCI, Inc. for the Hurricane Katrina – Repairs to Pascagoula Street from Ingalls Avenue to Highway 90 Project (ER-6971-00(003) LPA/105110-701000) with SCI, Inc. for an addition of \$23,160.00 and 90 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. These changes address field adjustments for water main conflict and curb work determined necessary during the progress of the work.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 2 for the Hurricane Katrina – Repairs to Pascagoula Street from Ingalls Avenue to Highway 90 Project (ER-6971-00(003) LPA/105110-701000) with SCI, Inc., for an addition of \$23,160.00 and 90 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item for consideration was Supplemental Agreement No. 3 with SCI, Inc. for the Hurricane Katrina – Repairs to Pascagoula Street from Ingalls Avenue to Highway 90 Project (ER-6971-00(003) LPA/105110-701000) for an addition of \$8,126.00 and 60 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses field adjustments for curb and sidewalk work determined necessary during the progress of the work.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 3 for the Hurricane Katrina – Repairs to Pascagoula Street from Ingalls Avenue to Highway 90 Project (ER-6971-00(003) LPA/105110-701000) with SCI, Inc., for an addition of \$8,126.00 and 60 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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The next item for consideration was Supplemental Agreement No. 4 with SCI, Inc. for the Hurricane Katrina – Repairs to Pascagoula Street from Ingalls Avenue to Highway 90 Project (ER-6971-00(003) LPA/105110-701000) for no change in price and 28 additional days, contingent upon MDOT approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change addresses the difference in time between the contract extension date and the Notice to Proceed date.

Councilman Stallworth made a motion to approve Supplemental Agreement No. 4 for the Hurricane Katrina – Repairs to Pascagoula Street from Ingalls Avenue to Highway 90 Project (ER-6971-00(003) LPA/105110-701000) with SCI, Inc., for no change in price and 28 additional days, contingent upon MDOT approval, as recommended and authorize the City Manager to execute the related documents upon approval. 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 4-5-11)

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

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Next for consideration was a proposal for Live Oak site redevelopment activities as presented by Jaci Turner, Program Manager. Arthur Knapp, developer, also briefed the Council on the proposed 80 unit assisted living facility. He advised the units will not be income restricted but will be open market rates. The proposed letter of support for this development is spread on the minutes as follows:

**CITY OF PASCAGOULA  
P. O. DRAWER 908  
PASCAGOULA, MS 39568-0908**

April 6, 2011

Re: Assisted Living Facility at Live Oak Site

To Whom It May Concern:

The City of Pascagoula is pleased to support the development of an Assisted Living Facility on Live Oak Avenue in the City of Pascagoula.

The City has been recognized nationally as a top retirement community, and there is a serious need for quality services and residential support for our citizens as they age. The addition of this sort of facility, which will provide an opportunity for independent living with the support of the on-site staff, will greatly enhance the City's efforts to diversify the housing market and support the needs of our residents.

The City is interested in entering an agreement to sell the land needed to develop this project to RAGS, LLC, and work to support the development as much as possible. This site is optimal for this sort of development because it is immediately adjacent to our new Senior Center, where a large number of programs and activities are available to the senior population.

Please let us know if you need any further information to process this request.

Sincerely,

Robert H. Maxwell, Mayor  
City of Pascagoula

After discussion, Councilman Stallworth made a motion to authorize the Mayor to sign the letter of support for development of an assisted living facility on the Live Oak site, authorize appraisals and a survey in support of that development, and authorize the Mayor and City Manager to pursue removal of the deed restrictions on the site based on the current master plan of the property. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "NAY", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 4-5-11)

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

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Next for consideration was Change Order No. 1 to the contract with Ben Radcliff Contractor, Inc., Mobile, AL, regarding the Hurricane Katrina Mitigation Retaining Wall Project for three water treatment plants to incorporate changes required by FEMA review, escalation of costs associated with the time since receiving bids, and to include decorative finishes at two of three plants (Bayou Casotte and Communy) as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. Ms. Turner gave the Council a revised handout on this item with a corrected change order amount of \$2,580.85. The Bayou Casotte and Communy plants are the most visible ones.

Councilman Stallworth made a motion to approve Change Order No. 1 to the contract with Ben Radcliff Contractor, Inc., Mobile, Al, for \$2,580.85 regarding the Katrina Mitigation Retaining Wall Project for three water treatment plants to incorporate changes required by FEMA review, escalation of costs associated with the time since receiving bids, and to include decorative finishes at two of three plants (Bayou Casotte and Communy) as recommended and authorize 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 4-5-11)

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

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At this time, the Council considered Budget Amendment No. 11.54 in the Utility Fund for the water treatment plant retaining wall as presented by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 11.54  
April 5, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>Utility Fund</u></b>	-	-	-
- <b><u>Expenditures:</u></b>	-		-
-			
- <b><u>Water Operation &amp; Maint:</u></b>			
- <b><u>Capital Outlay:</u></b>			
- <b>Water System Improvements</b>	<b>526,237</b>	<b>110,000</b>	<b>636,237</b>
<b>Total Expenditures</b>	<b>526,237</b>	<b>110,000</b>	<b>636,237</b>
<b>Net Change in Fund Balance</b>		<b>(110,000)</b>	
<b>To amend budget in order to reallocate budget provisions as needed to provide funds for the construction of the retaining wall at the new water treatment plant.</b>			

Councilman Corder made a motion to approve the budget amendment as presented above. 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 4-5-11)

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The next item for consideration was closeout documents for the MDA/CDBG Front Street Reconnection and Redevelopment Site Preparation Package with J. E. Borries, Inc., Vancleave, MS, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. Ms. Turner requested approval of Summary Change Order No. 5 for a decrease of \$57,058.35 and the addition of time associated with weather delays and material delivery delays. The final payment amount is \$336,299.68 and a manual check was requested.

Councilman Stallworth made a motion to approve the closeout documents for the MDA/CDBG Front Street Reconnection and Redevelopment Site Preparation Package with J. E. Borries, Inc. as recommended, authorize a manual check for \$336,299.68, and authorize 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 4-5-11)

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

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At this time, Bobby Parker, City Clerk/Comptroller, requested authorization to issue a manual check to the Jackson County Economic Development Foundation for \$25,000.00 which is the budgeted amount this fiscal year in support of the pledge for JCEDF. Councilman Corder made a motion to approve a manual check for \$25,000.00 to the Jackson County Economic Development Foundation as requested. 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 4-5-11)

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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 March 11, 2011 through April 1, 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 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 5<sup>th</sup> day of April, 2011.

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Councilman Stallworth made a motion to close the meeting to consider going into executive session. 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 4-5-11)

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Councilman Abston made a motion to go into executive session for the purpose of discussing litigation matters regarding annexation and gas rate customers, acquisition of real properties, and a Release from Zurich regarding former Court Clerk, Rhonda Diehl. 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 4-5-11)

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During executive session, Eddie Williams, City Attorney, briefed the Council on a litigation matter regarding Rhonda Diehl, former Court Clerk, and notification received from

Zurich North America about Claim No. 638-0050817. Mr. Williams advised that Zurich has completed their investigation and a settlement has been determined.

After discussion, Councilman Wolverton made a motion to authorize the Mayor to execute the Release and Assignment of Claim submitted by Zurich North America for this litigation matter 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". (Approved 4-5-11)

The document is spread on the minutes as follows:

**ZURICH NORTH AMERICA**

(Fidelity & Deposit Company of Maryland, Colonial American, Mid-Century Insurance Co.)

**Claim No. 638 0050817**

**RELEASE AND ASSIGNMENT OF CLAIM**

**WHEREAS**, Rhonda Diehl, herein called Principal gave Bond No. POB 8978835 to the City of Pascagoula, herein called Obligee with Fidelity and Deposit Company of Maryland, herein called Surety:

**AND WHEREAS**, City of Pascagoula (Claimant) has made a claim on said Bond;

**NOW THEREFORE**, Claimant in consideration of the sum of Six Thousand Seven Hundred and Fifty Five dollars (\$6,755.00), paid by Surety, has sold and by these presents does hereby sell, assign, and set over unto Surety, its successors and assigns, the claim of \$6,755.00, against the Principal. And the Claimant does hereby constitute and appoint Surety, its successors and assigns, its true and lawful attorney irrevocable, with power of substitution and revocation, for the use and at the proper costs and charges of Surety to ask, demand and receive payment, to adjust, settle or compromise and to bring suit and to take all lawful ways for the recovery of the money due or to become due on the claim, and on payment to give full release and discharge of the same.

Claimant does hereby further release Surety from any and all claims and demands of every kind and character that it may have against the Bond, or in anywise growing out of or connected with said Bond.

Signed, sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST/WITNESS:

\_\_\_\_\_  
\_\_\_\_\_

**If Corporation:**

STATE OF \_\_\_\_\_)

) ss:

COUNTY OF \_\_\_\_\_)

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_ to me known, who being duly sworn by me stated that he is the \_\_\_\_\_ of the said Claimant and that he was duly authorized to execute the foregoing assignment and release and attach the corporate seal thereto, which he did for the purposes therein mentioned.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:\_\_\_\_\_

**If Individual:**

STATE OF \_\_\_\_\_

) ss:

COUNTY OF \_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_ to me known, who being duly sworn by me stated that he executed the foregoing assignment and release for the purposes therein mentioned.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_

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(Councilman Stallworth left the meeting at 8:52 p.m.)

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Councilman Wolverton then made a motion to end the executive session and return to open session. The motion was seconded 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". (Approved 4-5-11)

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Councilman Corder made a motion to recess until Tuesday, April 19, 2011, at 6:00 p.m. to transact such business as may lawfully come before the Council. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "ABSENT", Tillman "AYE", and Wolverton "AYE".

The meeting ended at 9:10 p.m.

**APPROVED:**

\_\_\_\_\_  
Robert H. Maxwell, Mayor

**ATTEST:**

\_\_\_\_\_  
Brenda J. Reed, Asst. City Clerk