

**RECESSED REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, APRIL 19, 2011, AT 6:00 P. M.
CITY HALL, PASCAGOULA, MISSISSIPPI**

The City Council of the City of Pascagoula, Mississippi, met at City Hall in a recessed regular meeting on Tuesday, April 19, 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

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

Robby Myrick, Coordinator of the Pascagoula National Day of Prayer, addressed the Council regarding this event which will be held on Thursday, May 5, 2011, at the Jackson County Courthouse from 10:30 a.m. – 1:00 p.m.

Councilman Corder then read and presented Mr. Myrick with the following Proclamation:

PROCLAMATION

WHEREAS, the history of our Nation is indelibly marked with the role that prayer has played in the lives of individual Americans and the United States as a whole; and

WHEREAS, our greatest leaders have always turned to prayer in times of crises; and

WHEREAS, the 60th Annual National Day of Prayer with the national theme “*A Mighty Fortress Is Our God*” will take place on May 5, 2011, when millions will unite in prayer as thousands of events take place from coast to coast; and

WHEREAS, we acknowledge that prayer is a personal experience and the virtues of prayer have a common bond—our hope and aspirations; our sorrows and fears; our remorse and renewed resolve; our thanks and joyful praise; and most importantly, our love toward God.

NOW, THEREFORE, I, Robert H. Maxwell, Mayor of the City of Pascagoula, Mississippi, do hereby declare Thursday, May 5, 2011, as

“DAY OF PRAYER”

in Pascagoula, and encourage our fellow citizens to join in prayer, asking that God’s light may illuminate the minds and hearts of our people and our leaders, so that we may meet the challenges that lie before us with courage, wisdom and justice.

Robert H. Maxwell
Mayor

Councilman Abston read and presented Chantal Miller with the Goodwill Industries Week Proclamation. The Proclamation is spread on the minutes as follows:

PROCLAMATION

WHEREAS, Goodwill Industries is a network of community based, autonomous member organizations that provides services to people with workplace disadvantages and disabilities by providing job training and employment services; and

WHEREAS, since 1902, Goodwill Industries has provided individuals in need the tools to become active and contributing members of our society; and

WHEREAS, Goodwill Industries of South Mississippi, Inc., has been assisting people with disabilities in the six Coastal Counties since 1974 to reach their full potential and become gainfully employed.

NOW, THEREFORE, I, Robert H. Maxwell, Mayor of the City of Pascagoula, Mississippi, hereby proclaim May 1 – 7, 2011, as

GOODWILL INDUSTRIES WEEK

in the City on behalf of the people helped by Goodwill Industries of South Mississippi, Inc.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Pascagoula to be affixed on this the 19th day of April in the year of our Lord two thousand eleven.

Robert H. Maxwell
Mayor

Scott Ratcliff, Mississippi Gulf Coast Sports Commission, addressed the Council regarding the 2010 USTA Mississippi Tennis Championship Recap. Mr. Ratcliff advised the championship event last year was very successful and had a great impact on the coastal economy. There were 63 courts utilized and 46 of them were located in Jackson County. They have been asked to bid on the 2013-2014 adult sectional tournament. Mr. Ratcliff asked the Council to consider being a host site sponsor. After comments, Mayor Maxwell advised the Council will need to review the request and determine what the City of Pascagoula can do to help.

William Odom, Committee Chairman for Blessing of the Fleet, addressed the Council with a request for the sale/consumption/possession of alcohol at River Park at this event which will be held on May 21, 2011. The committee members will serve the beer in cups at the event. There will be two vendor booths there.

After discussion, Councilman Milstead made a motion that the City of Pascagoula require liability insurance for the Blessing of the Fleet event per Section 7 of the policy. 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 4-19-11)

Councilman Corder then made a motion to approve the permit for the Blessing of the Fleet event for the sale/consumption/possession of alcohol at River Park as requested. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "NAY", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 4-19-11)

After further comments regarding the liability insurance, Councilman Corder made a motion to require liability insurance for the Blessing of the Fleet event and continue this matter until the Council meeting of May 3, 2011, to allow Mr. Odom time to obtain information on the insurance and rates. 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 4-19-11)

Michael Shane Devine, 803 McKinley Avenue, addressed the Council with an appeal of the vicious dog ordinance for his Siberian husky and explained the incident. Quinn Gautier, 1402 Roosevelt Avenue, provided the Council with witness information regarding the incident. Drew Musa, Animal Control Officer, stated that he had no comments to add. No one was present in protest.

After discussion, Councilman Corder made a motion not to uphold the decision of the Animal Control Officer regarding a vicious dog at 803 McKinley Avenue. The motion as 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 4-19-11)

Minutes of the Planning Board meeting held on April 13, 2011, are spread on the minutes as follows:

**REGULAR MEETING OF THE PASCAGOULA PLANNING BOARD
WEDNESDAY, APRIL 13, 2011, AT 6:00 P.M.
CITY OF PASCAGOULA, MISSISSIPPI**

The Planning Board of the City of Pascagoula, Mississippi, met at City Hall in a regular meeting on Wednesday, April 13, 2011, at 6:00 P. M.

The following official(s) were present:

Charles Busby
Etienne Melcher
Wesley Smith (Chairman)
Joseph Odom
Mike Gilly
Linda Tillman

The following official(s) not present:

Stephen Parker (Vice-Chairman)

Other officials present:

Eddie Williams, City Attorney
Brian Nelson, Planning Director
Angela Kimbrough, Administrative Assistant
Karen Joplin, Mapping

A. PUBLIC HEARINGS:

1. David Lawrence

Lots 132, 134, and 136 - 22nd Street - The property is zoned Mixed Residential 3. The request is for a Special Use Permit to permit a Club House and Storage for Mardi Gras Floats in an MR-3 zone.

Robert Matthew, a member of Jackson County Carnival Association and Krewe of Niord, was present to explain the application. After hearing Mr. Matthew's request, and there being no protest, the Board raised a number of questions. Mr. Busby asked Mr. Matthew to describe a typical clubhouse meeting, and the frequency of the meeting. Mr. Matthew stated that they meet once a month from 7 pm until approximately 9 pm. Mrs. Melcher inquired about parking for the facility. Mr. Matthew stated that they average 12 to 14 cars and that there are 3 curb cuts for entrance. A discussion ensued concerning the fencing and landscaping which Mr. Matthew will oversee. Mr. Matthew stated that their intention is to place a modular building on the site. Brian Nelson stated that this was permissible as long as it meets all codes. A motion was made by Charles Busby to "APPROVE" the application. The motion was seconded by Linda Tillman and the vote thereupon was as follows: Charles Busby "AYE", Etienne Melcher "AYE", Wesley Smith "AYE", Joseph Odom "AYE", Mike Gilly "AYE" and Linda Tillman "AYE".

The application will go to the City Council with the recommendation to "APPROVE" with the following conditions: Equipment/floats stored shall be less than 10,000 pound gross weight and shall not have more than six wheels; Storage shall be in the rear of the proposed clubhouse; Storage shall be enclosed by privacy fencing and not visible from the street or adjacent residences; Clubhouse operations shall not produce noise or light which would disturb adjacent residences; and All renovation/construction shall be completed to the satisfaction of the Building Official.

COUNCIL ACTION:

Councilman Abston made a motion to "APPROVE" the special use permit for David Lawrence as recommended by the Planning Board with the conditions that (1) equipment/floats stored shall be less than 10,000 pound gross weight and shall not have more than six wheels; (2) storage shall be in the rear of the proposed clubhouse; (3) storage shall be enclosed by privacy fencing and not visible from the street or adjacent residences; (4) clubhouse operations shall not produce noise or light which would disturb adjacent residences; and (5) all renovation/construction shall be completed to the satisfaction of the Building Official. 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 4-19-11)

2. David Lawrence

1912 Martin Street - The property is zoned Mixed Residential 3. The request is for a Special Use Permit to permit the attachment of a 20' awning from an existing building to store a camper trailer and Mardi Gras floats in an MR-3 zone.

Kevin Wagner was present to explain the application. After hearing Mr. Wagner's request, and there being no protest, the Board raised a number of questions. Mr. Smith questioned as to whether the awning would be the length of the building. Mr. Nelson stated that it was his understanding that it would. Mr. Wagner was unsure. Mrs. Melcher recommended that Mr. Wagner get with the City, specifically with Kevin Hall, for assistance with the landscaping around the fencing. A motion was made by Mike Gilly to "APPROVE" the application. The motion was seconded by Joseph Odom and the vote thereupon was as follows: Charles Busby "AYE", Etienne Melcher "AYE", Wesley Smith "AYE", Joseph Odom "AYE", Mike Gilly "AYE" and Linda Tillman "AYE".

The application will go to the City Council with the recommendation to “APPROVE” with the following conditions: At no time shall the camper be utilized for living, or sleeping purposes; Screening (fence/gate) to reduce visibility of the storage area from the street; all construction must be completed to the satisfaction of the Building Official.

COUNCIL ACTION:

Councilman Abston made a motion to “APPROVE the special use permit for David Lawrence as recommended by the Planning Board, with the conditions that (1) at no time shall the camper be utilized for living, or sleeping purposes; (2) screening (fence/gate) shall be provided to reduce visibility of the storage area from the street; and (3) all construction must be completed to the satisfaction of the Building Official. 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 4-19-11)

3. Natalie Karlak

2409 Market Street - The property is zoned Neighborhood Commercial. The request is for a Special Use Permit to permit the parking and operating of a 6’x10’ Duff’s Ice mobile snowball unit during the summer months in an NC zone.

Natalie Karlak was present to explain the application. After hearing Natalie Karlak’s request, and there being no protest, the Board raised a number of questions. Mr. Busby inquired as to whether the permit of this on the owner’s property (specifically Hoops) would be tied to their continued ownership and operation of said business. Mr. Nelson stated that the “Special Use is granted to the applicant as the owner of the primary structure, A change in ownership of the primary business will require a new Special Use Permit with the new owners being in agreement to allow the mobile business.” Mr. Busby also asked about the nature of the building. Mrs. Karlak stated that it is a self-contained unit made specifically for snowball service. Mr. Busby also asked if there will be skirting around the bottom of the mobile unit. Mr. Nelson said that Staff prefers it stay open and “road-ready”. Mrs. Melcher inquired about tables and seating. Ms. Karlak stated that this was not in the plans at the moment.. A motion was made by Mike Gilly to “APPROVE” the application. The motion was seconded by Charles Busby and the vote thereupon was as follows: Charles Busby “AYE”, Etienne Melcher “AYE”, Wesley Smith “AYE”, Joseph Odom “AYE”, Mike Gilly “AYE” and Linda Tillman “AYE”.

The application will go to the City Council with the recommendation to “APPROVE” with the following stipulations: Mobile structure shall be removed when not in use for more than 7 consecutive days; Structure shall be properly registered and maintained in “road ready” condition; Structure shall at no time remain on proposed site for more than 180 consecutive calendar days; Restroom and facilities of the primary structure shall be available for employees and patrons of the proposed accessory structure; All other provisions of Section 4.4 5-9 shall be met and maintained.

COUNCIL ACTION:

Councilman Abston made a motion to “APPROVE the Special Use Permit as recommended by the Planning Board with the following stipulations: (1) mobile structure shall be removed when not in use for more than 7 consecutive days; (2) structure shall be properly registered and maintained in “road ready” condition; (3) structure shall at no time remain on proposed site for more than 180 consecutive calendar days; (4) restroom and facilities of the primary structure shall be available for employees and patrons of the proposed accessory structure; (5) all other provisions of Section 4.4 5-9 shall be met and maintained.. 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 4-19-11)

The consent agenda was considered at this time.

The first item for consideration was the minutes of the regular Council meeting held on April 5, 2011, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Milstead made a motion to adopt and approve minutes of the regular Council meeting held on April 5, 2011, 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 4-19-11)

Minutes of the Recreation Commission meeting of April 6, 2011, were acknowledged by the Council.

The next item for consideration was authorization for the City Clerk to advertise for bids for chlorine (Annual Bid # 210) as recommended by Amy Thompson, Purchasing Agent.

Councilman Milstead made a motion to authorize the City Clerk to advertise for bids for chlorine (Annual Bid # 210) 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 4-19-11)

Minutes of the Historic Preservation Commission meeting of March 23, 2011, were acknowledged by the Council. A correction to these minutes was noted on the members present. Michelle Coats was not present at the meeting.

The next item for consideration was a request to display small temporary political-type signage to promote the ZUMBA classes at the Parks & Recreation Department as recommended by Darcie Crew, Parks & Recreation Director. The signs would be up for three weeks at

Highway 90/Market Street, the Walmart entrance, the 12th Street softball fields, and periodically at the Pascagoula Recreation Center.

Councilman Milstead made a motion to approve the request to display small temporary political-type signage to promote the ZUMBA classes at the Parks & Recreation Department 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 4-19-11)

The next item for consideration was a contract with Terminix, Pascagoula, MS, for the treatment of Formosan termites at the 12th Street softball complex - Field # 2 press box as recommended by Darcie Crew, Parks & Recreation Director. The treatment cost is \$275.00 and the annual renewal will be \$150.00 per year. The damage to the press box is severe enough to warrant demolition/rebuilding. The renewal will cover the repair once the slab is treated and the facility is rebuilt.

After comments, Councilman Milstead made a motion to approve the contract with Terminix for the treatment of Formosan termites at the 12th Street softball complex – Field #2 press box and the annual renewal of \$150.00 per year as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 4-19-11)

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

The next item for consideration was Budget Amendment No. 11.55 in the First Insurance Rebate Fund for the purchase of a lot on the west side of the Central Fire Station on Jackson Avenue as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.55
April 19, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Fire Insurance Rebate Fund</u>	-	-	-
-	-		-
-	-		-
<u>Expenditures:</u>			
-			

- Fire Insurance Rebate			
- Capital Projects:			
- Land - Training Facility.	-	18,100	18,100
-			
Total Expenditures	-	18,100	18,100
Net Change in Fund Balance		(18,100)	
To amend budget to provide authority for expenditures to purchase the lot next to the Central Fire Station for training facility.			

Councilman Milstead made a motion to approve Budget Amendment No. 11.55 as presented above and as recommended and authorize a manual check for the purchase of the vacant lot by the Central Fire Station. 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 4-19-11)

The next item for consideration was the Tyler Munis Software Maintenance and Support Agreement with Tyler Technologies, Inc., Falmouth, ME, as recommended by Bruce Knott, Human Resources Director. The agreement entitles the City to the licensed use, maintenance, support, and service of the Tyler Munis software product and is a requirement for its continued use.

Councilman Milstead made a motion to approve the Tyler Munis Software Maintenance and Support Agreement with Tyler Technologies, Inc., Falmouth, ME, as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 4-19-11)

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

The next item for consideration was a request for authorization to advertise for proposals for a Planning Consultant in support of the TICO effort as recommended by Jaci Turner, Program Manager.

Councilman Milstead made a motion to authorize the City Clerk to advertise for proposals for a Planning Consultant in support of the TICO effort 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 4-19-11)

The next item for consideration was a request for authorization to advertise for bids for the Sewer Rehab and Improvements Projects, including sewer lining, point repairs, pipe replacement, and new sewer on Communy and Emerson Streets as recommended by Jaci Turner, Program Manager. Funding will be a combination of Corps of Engineers 592 Grant, SRF Loan funding, and CIAP Grant funding.

Councilman Milstead made a motion to authorize the City Clerk to advertise for bids for the Sewer Rehab and Improvements Projects, including sewer lining, point repairs, pipe replacement, and new sewer on Communy and Emerson Streets 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 4-19-11)

The next item for consideration was the Distribution Agreement with Hometown Productions, Arlington, TX, for the 2011 community maps as recommended by the City Manager. The maps will be free to the community.

Councilman Milstead made a motion to approve the Distribution Agreement with Hometown Productions for the 2011 community maps as recommended and authorize the City Manager to execute the related document. 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 4-19-11)

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

The financial reports for the month of March 2011 were filed by the City Clerk and acknowledged by the City Council.

The following new business items were considered at this time.

The first item for consideration was the appointment of five commissioners to serve on the Pascagoula Redevelopment Authority which was created on April 5, 2011, by the City Council. The commissioners who are appointed shall be designated to serve for terms of one, two, three, four, and five years, respectively, from the date of their appointment. Thereafter, all terms of office shall be five years from the date of appointment.

After brief comments, Councilman Stallworth made a motion to appoint the following individuals to the Pascagoula Redevelopment Authority:

<u>NAME</u>	<u>TERM</u>
Jackie Grimes	5 year initial term
Jim Estabrook	4 year initial term
Alan Sudduth	3 year initial term
Alice Walker	2 year initial term
Henry Fox	1 year initial 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 4-19-11)

The following letter will be sent to each member:

April 20, 2011

Name

Address

City/State/Zip

Dear _____:

On behalf of the Pascagoula City Council, I want to congratulate you on your appointment to the Redevelopment Authority. We believe our community has a very bright future, and we are excited that you will be helping us realize our potential.

I am enclosing a copy of the resolution establishing the Redevelopment Authority and a list of members and their terms. The City Manager has appointed Harry Schmidt as the Executive Director of the Authority. Mr. Schmidt will be contacting you to schedule a meeting in the very near future.

Thank you for your willingness to serve. I look forward to working with you in the coming years.

Sincerely,

*Robbie Maxwell
Mayor*

Enclosures

The next item for consideration was Budget Amendment No. 11.56 in the General Fund for training for the new Purchasing Agent as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.56
April 19, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>	-	-	-
-	-		-
-	-		-
<u>Expenditures:</u>			
-			
- <u>Purchasing:</u>			
- <u>Other Services & Charges:</u>			
- Travel	200	800	1,000
- Seminars & Conferences	700	800	1,500
-			
Total Expenditures	900	1,600	2,500
Net Change in Fund Balance		(1,600)	
To amend budget to furnish authority for expenditures to provide necessary training for new Purchasing Agent.			

Councilman Corder 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 4-19-11)

The next item for consideration was Budget Amendment No. 11.57 in the General Fund for the preparation of a grease ordinance by Eco-Systems, Inc., as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.57
April 19, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>	-	-	-
-	-		-
-	-		-
<u>Expenditures:</u>			
-			
<u>Code Enforcement:</u>			
Other Services & Charges:			
Contract Services	500	3,500	4,000
-			
Total Expenditures	500	3,500	4,000
Net Change in Fund Balance		(3,500)	
To amend budget to provide expenditure authority for the contract with Eco-Systems, Inc. to develop a Grease Ordinance as approved by Council on March 15, 2011.			

Councilman Stallworth made a motion to approve the budget amendment as presented above and 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 4-19-11)

The next item for consideration was a revised job description and labor grade increase of 123 for the Community and Economic Development Director as recommended by Bruce Knott, Human Resources Director. Mr. Knott gave a brief explanation about the job description.

Councilman Corder suggested that we look at the economic development consulting work by Tripp Muldrow and possibly limit some of their visits to Pascagoula in an effort to save money. Councilman Milstead reminded the City Manager to review the representation services by Adams and Reese prior to budget time to see if there is still a need for their services.

The job description is spread on the minutes as follows:

Community and Economic Development Director

DEPARTMENT: Community Development	LABOR GRADE: 123
EXEMPT(Y/N): Yes	POSITION CODE:
REPORTS TO: City Manager	

MEETING PERFORMANCE EXPECTATIONS

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

SUMMARY:

This position is responsible for developing, funding and implementing comprehensive community and economic development plans, programs and services in accordance with all applicable laws and City of Pascagoula policies and procedures.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following:

- Serves as the City’s economic and community development strategist and provides assistance to the City Manager in the development of short and long-term economic and community development plans, as well as collecting data and preparation of studies, reports and recommendations to achieve such goals.
- Assists in developing an overall vision for the City’s economy consistent with and supportive of the City Councils economic development goals and Strategic Plan.
- Assists in identifying and prioritizing economic development opportunities for the City.
- Serves as Executive Director of the Pascagoula Redevelopment Authority (PRA) including facilitation of regular meetings, oversight of Authority budget, and preparation of annual public report.
- Develops an ongoing process to measure progress on key economic development priorities.
- Prepares and monitors departmental and project budgets; ensures that all purchases are within budgetary constraints.
- Plans, organizes, and prioritizes workloads and staff assignments; trains, motivates and evaluates assigned staff; reviews progress and directs changes as necessary

- Researches and prepares grant applications; provides support assistance in the implementation and monitoring of funded projects.
 - Provides accountability and control systems for progress payments, reports, reimbursement requests, file maintenance, contract compliance and closeout procedures.
 - Provides specific oversight to the CDBG program.
 - Provides for professional planning and development advice in support of the City's Strategic and Comprehensive Plan.
-
- Coordinates and communicates with the City Council, administration, other departments, private businesses, individuals, and groups to determine grant needs; researches possible funding sources.
 - Acts as a liaison with state, and federal agencies engaged in related activities.
 - Monitors pending legislation or ordinances that may affect the Community Development department; takes appropriate action as needed.
 - Negotiates and coordinates professional service contracts.
 - Attends professional development workshops and conferences to keep abreast of trends and developments in the field of community development.
 - Supervises the Pascagoula Main Street Program.
 - Coordinates with City staff and developers to include the preparation of development agreements, develop and execute marketing and business development efforts, coordinate with other County and City agencies, and follow-up on business leads/interested parties.
 - Any other duties assigned by the City Manager.

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

QUALIFICATION REQUIREMENTS:

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

SUPERVISORY REQUIREMENT:

This position directly supervises the Grants Accounting Specialist, Grants Administrator, Main Street Director, and Information Center Coordinator on a daily basis, as well as any staff assigned to or hired by the PRA.

EDUCATION and/or EXPERIENCE:

A high school graduate or its equivalent and Master's degree in Public Administration, Planning or a closely related field, with a minimum of five (5) years substantial technical and managerial experience in urban development, planning and grant writing is required. An equivalent combination of a related bachelor's degree and extensive progressively responsible experience fulfilling the requirements that results in the required knowledge, skills, and abilities can be substituted.

SPECIAL QUALIFICATIONS:

Computer proficiency in MS Word and MS Excel is required; previous experience with MUNIS software is preferred. Thorough knowledge of modern theories, principles and practices of urban planning and development, federal and state grant application administration and management, and public administration is essential. A thorough knowledge of the community, its needs, growth potential and resources is vital. Certified Economic Developer (CED) and Certified Economic Development Finance Professional (EDFP) are preferred. A valid driver’s license is required.

LANGUAGE AND REASONING SKILLS:

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

PHYSICAL DEMANDS:

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

This position is requires periods of sustained sitting, standing, and walking and the ability to see, speak, and hear. Work requires physical activity, and occasional light lifting is required. Requires the use of hands and fingers to input data into computer and move materials for special events.

WORKING ENVIRONMENT:

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

This position typically performs work in a well-lit, climate controlled, and adequately ventilated office environment and requires observance of safe work practices, fire regulations, and avoidance of falls, trips, and similar office work hazards. Occasionally, outdoor work is required when attending special events and functions.

Councilman Corder made a motion to approve the revised job description and labor grade increase of 123 for the Community and Economic Development Director 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 4-19-11)

The next item for consideration was Amendment #15 to the Group Health Plan for the City of Pascagoula as recommended by Bruce Knott, Human Resources Director. A brief discussion followed. The memorandum from Mr. Knott regarding this item is spread on the minutes as follows:

INTEROFFICE MEMORANDUM

To: Joe Huffman
Council Members
From: Bruce E. Knott
Subject: Preventive screenings
Date: April 19, 2011

Preventive care is one of the most important ways to improve the health of individuals and control rising healthcare costs. Disease, injury and even premature death can often be avoided if preventive screenings are delivered as recommended. Healthcare costs can be controlled by shifting spending from high-cost disease treatment to low-cost early detection or intervention.

While most people understand and agree with the benefits of preventive screenings you can see by the attached Compliance Report that many of our employees are not taking advantage of this benefit. I spoke to several employees about the issue and found a common answer – money.

Currently our wellness benefit covers the first \$500 of age specific screenings recommended in the iHealth Wellness Guideline. The employees I spoke to are then overwhelmed by the costs remaining. For example, the average colonoscopy costs about \$2,000. Some employees assume that they will be responsible for the remaining \$1,500. In fact, the plan will pick up 80% of that cost leaving the employee with \$300 to pay.

I propose removing that deterrent completely and having the plan pick up 100% of the contract allowable amount of Wellness/Preventative services incurred during the calendar year from Preferred Providers.

The amendment is spread on the minutes as follows:

City of Pascagoula Employee Health Care Plan Amendment #15

The City of Pascagoula hereby amends the City of Pascagoula Health Care Plan effective _____ as follows:

Page 3 -SCHEDULE OF BENEFITS- Wellness Benefit is amended to read as follows:

Wellness Benefit 100% N/A

100% of the contract allowable amount for services recommended in the iHealth Wellness Guidelines.

Page 20 – MEDICAL EXPENSE BENEFITS- Wellness Benefits is amended to read as follows:

WELLNESS/PREVENTATIVE SERVICES

Covered expenses shall include office visits, pap smears, mammograms, prostate screening, gynecological exams, routine physical exams, x-rays, laboratory tests, immunizations and services as defined and/or recommended in the iHealth Wellness Guidelines. The frequency of these services shall be based on the recommendations contained in iHealth Wellness Guidelines. The *Plan* pays 100% of the contract allowable amount of Wellness/Preventative services incurred during the calendar year from Preferred Providers.

These changes, as approved by the City of Pascagoula on the _____ day of _____, _____, are effective _____. By signature of its duly authorized representative below, the Plan Administrator agrees to be bound by the terms and provisions of the above amendment on or after the effective date hereof.

City of Pascagoula

By:_____

Title:_____

Date:_____

Councilman Corder made a motion to approve Amendment #15 to the Group Health Plan for the City of Pascagoula as recommended and authorized the City Manager to execute the related document. 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 4-19-11)

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

Next for consideration was an Amendment to the Wellness Plan for the City of Pascagoula as recommended by Bruce Knott, Human Resources Director. The memorandum from Mr. Knott regarding this item is spread on the minutes as follows:

INTEROFFICE MEMORANDUM

To: Joe Huffman
Council Members
From: Bruce E. Knott
Subject: Gym memberships
Date: April 19, 2011

According to Partnerships for a Healthy Workforce, employees are “more likely to be attracted to, remain with, and value a company that obviously values them.” A recent Smart Business article states that, “Organizations that value and promote a healthy lifestyle may have an edge when it comes to attracting and retaining key people. In addition, their employees may be more alert and more productive.”

Workers with unhealthy weights had 143% higher hospital inpatient utilization than those with healthy weights. Study after study supports organizations promoting health and wellness through proactive measures. Each of these studies reflect that healthy employees have:

- Lower health care claims costs
- Reduced absenteeism
- Lower prescription drug costs
- Increased productivity
- Healthier, happier employees

I propose that the City offer a gym/fitness center reimbursement program for employees that workout at least 10 times per month. This would be limited to \$25 per month and reimbursed on a quarterly basis (in arrears). Health and wellness experts state that for every dollar an organization contributes to health and wellness experts, they can expect to see a return of three dollars in decreases on their group health insurance plans.

The proposed amendment regarding this item is spread on the minutes as follows:

City of Pascagoula, MS Wellness Program

The City of Pascagoula believes that it is in the best interest of the City and its employees to promote and encourage its employees and their dependents to lead as healthy a lifestyle as is possible.

To that end, the City has 1) Amended the coverage afforded to its eligible employees and dependents so that *Wellness and Preventative Services* as outlined in the *iHealth Wellness Guidelines* are paid for at the highest percentage available under the benefits of the Plan. 2) Established a reimbursement program for Gym and Health Club memberships. The City will reimburse any eligible City employee up to \$25.00 per month for their Gym and Health Club membership provided the employee documents to the City the following: 1) Proof of payment of

the membership and 2) Proof that they entered the Gym and/or Health Club on at least 10 separate occasions in each calendar month for which reimbursement is requested.

After discussion regarding the use of local gyms, Councilman Wolverton made a motion to approve the amendment to the Wellness Plan with the stipulation that employees must use a gym located in Pascagoula, MS. 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 4-19-11)

Steve Mitchell, Operations Manager, discussed the sand cleanup on Beach Boulevard with the Council. A short video was shown of a Goossen debris blower which would attach to a tractor and blow the sand away. Mr. Mitchell advised he would like to wait on a representative to bring the debris blower here for an actual demonstration before making a recommendation. The staff has looked at several options regarding the sand cleanup including working with Jackson County.

The next item for consideration was a request to purchase one new truck for the Gas Department and one new truck for the Sewer Department as requested by Steve Mitchell, Operations Manager. Mr. Mitchell stated both vehicles are on state contract and we will check with the local vendors also for prices prior to the purchase.

After discussion, Councilman Corder made a motion to approve the purchase of one new truck for the Gas Department and one new truck for the Sewer Department as requested. 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 4-19-11)

The next item for consideration was the MEMA Hazard Mitigation Grant Program Agreement in the amount of \$45,000.00 for preparation of a new Hazard Mitigation Plan as recommended by Harry Schmidt, Community Development Director. There is a 25% match required in the amount of \$15,000.00.

Councilman Corder made a motion to approve the MEMA Hazard Mitigation Grant Program Agreement in the amount of \$45,000.00 for preparation of a new Hazard Mitigation Plan as recommended and authorize the Mayor to execute the related documents. 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 4-19-11)

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

The next item for consideration was the 2011 Urban Youth Corps Grant Memorandum of Understanding as recommended by Harry Schmidt, Community Development Director. The grant is for \$35,000.00 with a 20% match provided through in-kind employee salary contribution. This is to hire students to help the Landscaping Department provide new landscaping along North Hospital Road and along the service road next to Highway 90.

Councilman Abston made a motion to approve the 2011 Urban Youth Corps Grant Memorandum of Understanding as recommended and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 4-19-11)

The Memorandum of Understanding is spread on the minutes as follows:

**MEMORANDUM OF UNDERSTANDING
AND THE
CITY OF PASCAGOULA**

This Agreement is made by and between the Mississippi Transportation Commission (hereinafter "the Commission"), by and through the duly authorized Executive Director of the Mississippi Department of Transportation (hereinafter "MDOT") and the City of Pascagoula, Jackson County, Mississippi, hereinafter the Local Public Agency("LPA"), for the purpose of establishing the agreed conditions under which the LPA may utilize special Federal Surface Transportation Program-Transportation Enhancement Funds (STP-TE) provided by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and subsequent acts to complete the proposed project as described below:

PROJECT DESCRIPTION: (Project # STP-9999-00(915)LPA/106195) 2011 Urban Youth Corps to do landscape maintenance and tree planting along Hwy 90 service road and North Hospital Road , (hereinafter referred to as "the Project").

WHEREAS, the LPA has been selected by the Commission for an URBAN YOUTH CORPS TRANSPORTATION ENHANCEMENT PROJECT and allocated a maximum of \$35,000 in (STP-TE) federal funds for the Project; and

WHEREAS, the LPA desires assistance from the MDOT in the development and implementation of a Summer Youth Employment Program (Urban Youth Corps Program) to provide meaningful transportation enhancement related work experience to youths; and

WHEREAS, the LPA has submitted a project proposal to the MDOT describing the project scope and budget which is herein incorporated and made a part of this Agreement as “Attachment A;” and

WHEREAS, the Commission is a body corporate under the laws of the State of Mississippi with the authority to enter into contracts necessary for the proper discharge of its functions and duties, whose orders and policies are carried out by MDOT; and

WHEREAS, the LPA is a body public with all the rights and privileges of such including the power to contract as a necessary and incidental power to carry out the LPA’s functions covered under this Agreement; and

WHEREAS, the LPA certifies that they know of no legal impediments to the completion of the project; and

WHEREAS, it is understood that conditions presented herein are general in nature with details and specific requirements contained in MDOT Standard Operating Procedures and the Federal Aid Policy Guide adopted by the Federal Highway Administration (hereinafter “FHWA”).

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

SECTION 1. THE LPA WILL:

- (a) be responsible for the planning, coordination, and implementation of the Urban Youth Corps Program (Transportation Enhancement) Project.
- (b) be responsible for the recruitment, hiring, training, supervision, and payroll for the youths.
- (c) be responsible for preparing all necessary landscaping design, drawing, and design plans for the proposed Project.
- (d) be responsible for coordinating the Urban Youth Corps project with MDOT’s district Resident/Maintenance Engineers (through the MDOT district’s District Engineer) if the Project includes work on highway rights-of-way.
- (e) obtain all required permits.
- (f) be responsible for purchasing all supplies, plant materials, shrubbery, trees, etc. necessary for the project.
- (g) be responsible for traffic control for work zone areas.
- (h) be responsible for the transportation to be used for transporting the youths to and from the worksite.
- (i) be responsible for all equipment, site preparation, water tanks, etc.
- (j) be responsible for having life skills training sessions that will require a minimum of 10% of the participants work time, to improve the youths’ communication skills, work ethics, attitude, and ecology/environmental awareness.

- (k) be responsible for providing training in all aspects of safety including orientation on the safe use of appropriate tools and equipment necessary for the implementation of the Project.
- (l) be responsible for submitting an itemized budget for the Project;
- (m) be responsible for submitting a final report on the accomplishments, with recommendations for future improvement in the implementation of the program.
- (n) if requested, arrange with the MDOT for, and conduct, a final inspection of the Project.
- (o) include as an attachment to the LPA's final invoice a certification that all required services have been completed in accordance with the terms of this Agreement;
- (p) provide to the MDOT upon request copies of all basic notes, sketches, charts, plans, correspondence, and other data prepared, furnished, or obtained by or for the LPA or its agent under the terms of this Agreement;
- (q) retain all records dealing with the Project for three (3) years after final payment or until final audit findings have been resolved, whichever is longer, and such records will be made available to the MDOT upon request;
- (r) to the extent permitted by existing Mississippi law, the LPA hereby assumes complete responsibilities for any loss resulting from bodily injuries (including death) or damages to property, arising out of any act or failure to act on the LPA's part, or the part of any employee or agent of the LPA in performance of the work undertaken under this Agreement.
- (s) acknowledge MDOT and FHWA for their participation in the Project in any news releases or other promotional material for the Project, the project sponsor should also notify the Outreach Division of MDOT of any ceremonies related to the opening of the facility, and a plaque or sign identifying the FHWA and MDOT as providing funding for the Project will be required during construction of the facility.
- (t) comply with Senate Bill 2988 from the 2008 Session of the Mississippi Legislature entitled "The Mississippi Employment Protection Act," as published in the General Laws of 2008 and codified at Section 71-11-3 of the Mississippi Code of 1972, as amended, and any rules or regulations promulgated by the Commission, the Department of Employment Security, the State Tax Commission, the Secretary of State, or the Department of Human Services in accordance with the Mississippi Administrative Procedures Law (Section 25-43-1, *et seq.*, Mississippi Code of 1972, as amended) regarding compliance with the Act. Under this Act, the LPA and every sub-recipient or subcontractor shall register with and participate in a federal work authorization program operated by the United States Department of Homeland Security to electronically verify information of newly hired employees pursuant to the Immigration Reform and Control Act of 1986, Pub.L.99-603, 100 Stat. 3359, as amended.

SECTION 2. THROUGH MDOT THE COMMISSION WILL:

- (a) provide funding for the Project as set forth by this agreement.
- (b) reimburse the LPA for 80% percent of all allowable expenditures for the Project, up to the amount of federal funds awarded by Commission.

- (c) assist the LPA in identifying and selecting appropriate projects in the participant's community.
- (d) at its sole election, waive the encroachment permits required for landscaping on MDOT rights-of-way (not to include erecting of permanent signs).
- (e) assist with any required environmental documents.

SECTION 3. ENROLLMENT CRITERIA FOR MEMBERS OF YOUTH CORPS

Youths who are enrolled in this program must be from 16 to 25 years of age, inclusive, at the time the individual begins the term of service. Participating youths must also be citizens or nationals of the U.S. or lawful permanent resident aliens of the U.S. and must be enrolled in high school or college or have agreed to enroll for a high school diploma or its equivalent and/or college.

SECTION 4. DEADLINE FOR EXPENSES INCURRED

MDOT will not reimburse expenses incurred by the LPA, for this Project, after October 31, 2011. MDOT will consider written requests submitted by the LPA for an extension of this deadline.

SECTION 5. URBAN YOUTH CORPS PROJECT

An Urban Youth Corps Project is a youth employment and training service program that: (1) offers meaningful and productive summer work in urban public works or transportation settings; (2) gives the participants a mix of work experience and on-the-job training that includes a minimum of 10% of the participants' time for basic and life skills, education, training, etc.; and (3) provides the youths with an opportunity to develop citizenship values and skills through service to their communities and the State of Mississippi.

SECTION 6. PAYMENT BY THE STATE

The MDOT will make payment to the LPA for a maximum of 80% percent of eligible reasonable costs incurred by the LPA, up to MDOT's maximum funding for the Project based on a valid invoice submitted by the LPA to the MDOT. A valid invoice is considered an invoice from the LPA to MDOT and supported by suppliers' invoices and LPA financial records. Such invoices will be certified as true and correct by LPA and submitted to the MDOT. The LPA will submit only a final invoice for payment with all necessary documentation to establish proper payment by the MDOT. From this final invoice the MDOT will deduct the LPA's share of not less than 20%. For payment-in-kind which the LPA wishes to apply to the LPA's share, the LPA must include all necessary documentation with this final invoice.

SECTION 7. AUDIT AND INSPECTION

The LPA shall maintain proper accounting records, payrolls, documents, papers and other necessary data to support the cost incurred for services provided. Such records shall be available at all reasonable times during the Project period, and for three (3) years from the date

of payment of final estimate. All work, documents and data will be available for inspection and auditing by the MDOT, or any authorized representative of the Federal Government, and copies thereof will be furnished if requested.

SECTION 8. ASSIGNMENT OF INTEREST

No interest in the Agreement shall be assigned to any individual or agency not a party hereto without prior approval of the MDOT.

SECTION 9. CHANGES

Any changes in the provisions of this Agreement shall be approved by the MDOT and may be subject to prior approval of FHWA. Any changes in the maximum compensation shall be approved by MDOT before the LPA incurs any cost above the amount of maximum compensation stated herein.

SECTION 10. DISPUTES

Any dispute concerning a question of fact that cannot be resolved by the LPA and the MDOT shall be submitted to the Executive Director of MDOT or his/her duly authorized representative for a decision. Obtaining a decision from the Executive Director shall be an administrative remedy, and a prerequisite for any legal action. The parties agree that the decision of the Executive Director shall take effect immediately and continue until reversed or abated by legal action unless the parties at the time mutually agree to postponement of its effect pending the outcome of legal action.

SECTION 11. NONDISPLACEMENT

Participating municipalities shall not displace an employee or a position or supplant the hiring of workers by using participants in an Urban Youth Corps Program, nor use Urban Youth Corps participants to prevent an employee from getting a promotion or from performing normally assigned duties.

SECTION 12. CIVIL RIGHTS

During the performance of this AGREEMENT, the LPA and MDOT agree as follows:

- (a) Compliance with Regulations: The LPA and the MDOT shall comply with Title VI of the Civil Rights Act of 1964, as amended, and nondiscrimination in programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, 23 CFR 710.405(b) (hereinafter referred to as “the Regulations”), which are herein incorporated by reference and made a part of this Agreement.
- (b) Nondiscrimination: The LPA with regard to the work performed by them afterward and prior to completion of the Agreement, shall not discriminate on the

grounds of race, color, national origin, sex, age, or handicap/disability, in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The LPA shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set for in Appendix B of the Regulations.

- (c) **Solicitations for Subcontract, Including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the LPA for procurement of materials and equipment, each potential subcontractor or supplier shall be notified by the LPA of the applicant's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or handicap/disability.
- (d) **Information and Reports:** The LPA shall provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and shall permit access to its books, records, accounts, and other sources of information, and its facilities as may be determined by the MDOT or FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the applicant is in the exclusive possession of another who fails or refuses to furnish this information, the LPA shall so certify to the MDOT, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (e) **Sanctions for Noncompliance:** In the event of the LPA's noncompliance with the nondiscrimination provisions of this Agreement, MDOT shall impose such sanctions as it or FHWA may determine to be appropriate, including but not limited to:
 - (1) withholding the payment to the LPA under the Agreement until the LPA complies; and/or
 - (2) cancellation, termination or suspension of the Agreement, in whole or in part.
- (f) **Incorporation of Provisions:** The LPA shall include the provisions of paragraph (a) through (e) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, orders, or instructions issued pursuant thereto. The LPA shall take such action with respect to any subcontractor or procurement as the MDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event litigation with a subcontractor or supplier as a result of such direction, the LPA may request the MDOT to enter into such litigation to protect the interests of the MDOT and, in addition, the LPA may request the FHWA to enter into such litigation to protect the interest of FHWA.

SECTION 13. EQUAL EMPLOYMENT OPPORTUNITY

In connection with the execution of the Agreement, the LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin. The LPA shall comply with Executive Order 11246 as appended by Executive Order 11375, and as supplemented by DOT regulations (41 CFR, Part 60) and shall take affirmative action to insure the applicants are employed, and that employees are treated without bias during their employment with regard to their race, religion, color, sex, or national origin.

SECTION 14. HANDICAP NONDISCRIMINATION

The MDOT and the LPA will comply with the United States Department of Transportation regulations under Section 504 of the Rehabilitation Act of 1973. The MDOT Assurance concerning nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance is by reference made a part of this AGREEMENT.

SECTION 15. INTEREST OF MEMBERS OF OR DELEGATES TO CONGRESS

No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.

SECTION 16. PROHIBITED INTEREST

No member, officer or employee of the LPA or MDOT or any local public body during his tenure or one (1) year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof other than those interests set forth herein.

SECTION 17. CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certify to the best of his or her knowledge and belief that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract,

grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the requested certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

SECTION 18. CERTIFICATION OF DOCUMENTS

All reports, maps, and other documents completed as a part of this Agreement, other than documents exclusively for internal use by the parties hereto, shall carry the following notation on the front cover or a title page:

The preparation of this report has been financed in part through the U.S. Department of Transportation, Federal Highway Administration. (Followed by the current State Project Number).

SECTION 19. ENVIRONMENTAL REGULATIONS

The LPA agrees to comply with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h), Section 508 of the Clean Water Act (33 U.S.C. 1368), and Environmental Protection Agency regulations (40 CFR, Part 15). All violations shall be reported to the MDOT and to the U. S. Environmental Protection Agency Assistant Administrator for Enforcement.

SECTION 20. ENERGY EFFICIENCY

The LPA agrees to recognize mandatory standards and policies relating to energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94165).

SECTION 21. GENERAL PROVISIONS

MDOT and the Commission have no responsibility under this Agreement except those explicitly agreed to herein. In particular MDOT and the Commission have no responsibility regarding the interviewing, selecting, training, supervising, or discharging of any participant or any employee or official of the LPA.

The LPA, the employees and officials of the LPA, and all participants are independent contractors of the Commission, and will conduct themselves according to that status. No participant or employee or official of the LPA, will claim under any provision of this Agreement any right or benefit which might inure to an employee of MDOT, including workers' compensation, insurance, retirement benefits, or any other benefit whatsoever.

No provision of this Agreement is intended, nor shall it be construed, to grant any right, title, or interest to any person or entity not a signatory hereto.

SECTION 22. TERMINATION

MDOT shall have the right to terminate this Agreement with fifteen (15) days written notice if the LPA fails to comply with their obligations as provided herein. The LPA shall have the right to terminate this Agreement with fifteen (15) days written notice if circumstances beyond the control of the LPA prohibit the LPA from complying with their obligations as provided herein. The Agreement may be terminated at any time by mutual written consent of the LPA and MDOT.

IN WITNESS WHEREOF, the parties have affixed their signatures.

APPLICATION OF _____,
(City)

LOCATED IN THE COUNTY OF _____,

MAYOR

DATE

Authorized on the ____ day of _____, 2011, Minute Book ____, and Page No. __.

ATTEST: _____

MISSISSIPPI TRANSPORTATION COMMISSION ACTING BY AND THROUGH THE
DULY AUTHORIZED EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEPARTMENT OF
TRANSPORTATION

Executive Director

DATE: _____

Authorized on the ____ day of _____, 2011, Minute Book _____, and Page No. ____.

ATTEST: _____
Secretary, Transportation Commission

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

Next for consideration was the MDEQ Solid Waste Grant Application for FY 2011 as recommended by Harry Schmidt, Community Development Director. The amount is \$5,000.00 - (\$1,500.00 for illegal dump site cleanup and \$3,500.00 for educational materials for the public).

Councilman Abston made a motion to approve the MDEQ Solid Waste Grant Application for FY 2011 as recommended and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 4-19-11)

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

Next for consideration was a low quote submitted by Gill Contractors, LLC, Ocean Springs, MS, for \$43,698.00 for the renovation of the old Pascagoula Senior Center to a downtown Arts Education Facility and a contract as recommended by Harry Schmidt, Community Development Director, and Compton Engineering, Inc. Quotes were received on Friday, April 8, 2011, as follows:

<u>NAME</u>	<u>QUOTE</u>
Gill Contractors, LLC	\$43,698.00
Orion Engineering	\$46,520.00
DCD Construction, Inc.	\$79,000.00

Councilman Wolverton made a motion to approve the low quote of \$43,698.00 from Gill Contractors, LLC, for the renovation of the old Pascagoula Senior Center to a downtown Arts Education Facility as recommended, after engineer review, and authorize the Mayor or City Manager to execute the contract. 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 4-19-11)

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

The next item for consideration was a request for a manual check for the Historic Preservation Committee members (Liz Ford, Kevin Hall, and Barry McIlwain) to attend the 2011 Mississippi Historic Preservation Conference in Jackson, MS, on April 28-29, 2011, as requested by Harry Schmidt, Community Development Director. The manual checks needed are as follows:

<u>VENDOR</u>	<u>CHECK AMOUNT</u>
Old Capitol Inn	\$417.00 for lodging (\$139.00 each)
MS Heritage Trust	\$330.00 for conference registration fee (\$110.00 each)

Councilman Milstead made a motion to approve the two manual checks as listed above. 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 4-19-11)

The next item for consideration was closeout documents for the Riverfront Redevelopment Parking Garage Project with Benning Construction Company, Smyrna, GA, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This includes final payment of \$8,499.94 and a request for a manual check.

Councilman Stallworth made a motion to approve the closeout documents for the Riverfront Redevelopment Parking Garage Project with Benning Construction Company as recommended, authorize the City Manager to execute the related documents, and approve a manual check for \$8,499.94 for final payment. 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 4-19-11)

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

The next item for consideration was Change Order No. 2 to the contract with GT Development & Contracting, LLC, Pascagoula, MS, on the Riverfront Final Surfacing Package as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This change order is for a net zero change to the contract price and an addition of 37 working days to accommodate time delays associated with unforeseen underground conditions. The change order authorizes field changes necessary to adjust utilities to suit field conditions by adjusting quantities of contracted items accordingly.

Councilman Abston made a motion to approve Change Order No. 2 to the contract with GT Development & Contracting, LLC, 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 4-19-11)

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

The next item was the Order for the docket of claims. The City Manager requested Invoice # 45648 to Columbia Southern University for tuition/R. Wood in the amount of \$974.00 be removed from the docket tonight.

ORDER

WHEREAS, the attached docket of claims for the period of April 1, 2011, through April 15, 2011, has been presented to the City Council for allowance and approval; and

WHEREAS, the below claim numbers 03-11-01, 03-18-02, and 03-03 have also been presented to the City Council for allowance and approval:

<u>March 4, 2011</u>		<u>Claim # 03-04-01</u>
010	General Fund	\$ 444,794.34
180	Code Enforcement Grant	2,296.47
400	Pascagoula Utilities	25,348.19
475	Transfer Station	11,674.80
480	Solid Waste Mgmt.	<u>500.29</u>
	Total	<u>\$ 484,614.09</u>
 <u>March 18, 2011</u>		 <u>Claim # 03-18-02</u>
010	General Fund	\$ 424,016.13
180	Code Enforcement Grant	4,668.59
400	Pascagoula Utilities	26,181.30
475	Transfer Station	11,124.55
480	Solid Waste Mgmt.	<u>500.29</u>
	Total	<u>\$ 466,490.86</u>
 <u>Miscellaneous Claim</u>		 <u>Claim # 03-03</u>

1000	City Share FICA	\$ 47,230.21
1100	City Share Medicare	11,045.86
7000	City Share PERS	<u>92,761.26</u>
	Total	\$ <u>151,037.33</u>

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

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

Councilman Corder made a motion to adopt the Order for the docket of claims, excluding Invoice # 45648 to Columbia Southern University for tuition/R. Wood in the amount of \$974.00. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted, as amended, on the 19th day of April, 2011.

Councilman Wolverton made a motion to close the meeting to consider going into executive session. 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".

Councilman Abston made a motion to go into executive session for the purpose of discussing litigation matters regarding annexation, certain industrial gas rate customer suits, a potential suit regarding the Shortcut Road project, an EEOC claim, the demolition of property at 1916 McVey Court and owned by Nathan Gray, a Notice of Claim for property cleanup at 902 Lafayette Street, and the BP Oil matter. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor announced to the public and those in attendance that the Council had voted to hold an executive session for the purpose stated above. The Council then began the executive session.

During executive session and after discussion regarding a Notice of Claim on a house at 902 Lafayette Street, Councilman Stallworth made a motion to authorize the City Attorney to negotiate the release of a lien filed on property at 902 Lafayette Street for cleanup. 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 4-19-11)

During executive session and after discussion regarding the certain industrial gas rate customer suits, Councilman Corder made a motion to retain Bill Reed, attorney, to represent the City of Pascagoula in these suits. 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 4-19-11)

Councilman Abston then made a motion to end the executive session and return to open session. 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".

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

The meeting ended at 7:47 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed, Asst. City Clerk