

**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, MAY 3, 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, May 3, 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 event, addressed the Council regarding liability insurance. This matter was tabled from the Council meeting of April 19, 2011. The event will be held on May 21, 2011. Mr. Odom advised the liability insurance is expensive and the committee does not feel it can afford to obtain coverage for the one-day event. He requested a waiver of No. 7 and No. 8 of the policy rules and regulations. A discussion was held regarding the City's coverage through the Mississippi Municipal Liability Plan and coverage under that policy.

Councilman Corder made a motion to waive No. 7 and No. 8 of the policy rules and regulations for the Blessing of the Fleet event. The motion was seconded by Councilman Stallworth. Additional comments were made regarding the additional security. Police Chief Kenny Johnson stated he has met with Mr. Odom and recommended that the Police Department handle this event the same as other public events. He does not feel there is a need for additional patrol. Councilman Corder amended his motion to waive No. 7 of the policy rules and regulations for the Blessing of the Fleet event regarding insurance. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "NAY", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 5-3-11)

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Councilman Corder then made a motion to accept Police Chief Kenny Johnson's recommendation not to pay for additional manpower from the Police Department for security at the Blessing of the Fleet insurance. 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 5-3-11)

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A property cleanup hearing was held for a lot on Mantou Street, 3003 10<sup>th</sup> Street, a lot on Denny Avenue, and 910 Mantou Street. Steve Mitchell, Operations Manager, gave an update on each parcel.

**Lot on Mantou Street** - Mr. Mitchell advised this is actually two parcels. He recommended adoption of the Resolution tonight on the rear parcel. The front parcel was handled on a previous Resolution but it is in need of cutting again. Mr. Mitchell stated the City can post notice as required by law for the need to cut the property and we can cut both parcels at the same time.

**3003 10<sup>th</sup> Street** – Mr. Mitchell advised this heir property needs to be cleaned. The house has already been demolished.

**1708 Mantou Street** – Mr. Mitchell advised the property is grown up and needs to be cleaned. The house has already been demolished.

**Lot on Denny Avenue** – Mr. Mitchell advised the lot needs to be cleaned and recommended adoption of the Resolution.

**910 Mantou Street** – Mr. Mitchell advised the lot needs cleaning on the back part of the property. He recommended adoption of the Resolution.

The Council then considered the following Resolution:

### **RESOLUTION**

**WHEREAS**, by order dated April 5, 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., May 3, 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>
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	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 following actions were taken by the City Council:

**Lot on Mantou Street**

Councilman Corder made a motion to adopt the 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”. The Mayor then declared the Resolution adopted on the 3<sup>rd</sup> day of May, 2011.

**3003 10<sup>th</sup> Street**

Councilman Milstead made a motion to adopt the Resolution 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”. The Mayor then declared the Resolution adopted on the 3<sup>rd</sup> day of May, 2011.

**1708 Mantou Street**

Councilman Milstead made a motion to adopt the 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”. The Mayor then declared the Resolution adopted on the 3<sup>rd</sup> day of May, 2011.

**Lot on Denny Avenue**

Councilman Stallworth made a motion to adopt the Resolution 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”. The Mayor then declared the Resolution adopted on the 3<sup>rd</sup> day of May, 2011.

**910 Mantou Street**

Councilman Milstead made a motion to adopt the Resolution 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”. The Mayor then declared the Resolution adopted on the 3<sup>rd</sup> day of May, 2011.

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A property cleanup hearing was held for 1002 14<sup>th</sup> Street. This item was tabled from the Council meeting of April 5, 2011. Steve Mitchell, Operations Manager, gave an update on the property. The grass has been cut; however, there has been no contact with the owner since the last meeting.

**RESOLUTION**

**WHEREAS**, by order dated March 1, 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., April 5, 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 April 5, 2011, meeting until May 3, 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 said 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>
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

Councilman Wolverton made a motion to adopt the Resolution, with an amendment that Steve Mitchell, Operations Manager, review the case prior to demolition. 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 5-3-11)

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A property cleanup hearing was held for 2302 14<sup>th</sup> Street. This item was continued from the Council meeting of April 5, 2011. Steve Mitchell, Operations Manager, gave an update on the property.

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**, this matter was continued at the April 5, 2011, meeting until May 3, 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>Tax Parcel Number and <u>Property Address</u></b>	<b>Owner(s) and <u>Mailing Address</u></b>	<b>Described at the following Jackson County, MS, <u>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 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 3<sup>rd</sup> day of May, 2011.

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**The consent agenda was considered at this time.**

The first item for consideration was the minutes from the recessed regular Council meeting held on April 19, 2011, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Corder made a motion to approve and adopt the minutes from the recessed regular Council meeting of April 19, 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 5-3-11)

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The next item for consideration was a banner request for "Blues on the Beach" as recommended by Rebecca Davis, Main Street Director. The banner was requested by Emerge Pascagoula (a Jackson County Chamber group). They would like to hang the banner on the Pascagoula welcome sign at the corner of Pascagoula Street and Highway 90 two weeks prior to the event which will be held on May 13, 2011, at Beach Park from 5:30 p.m. – 7:30 p.m.

Councilman Corder made a motion to approve the banner request for "Blues on the Beach" as recommended. The motion as 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 5-3-11)

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Minutes of the Strategic Plan Steering Committee meeting of April 21, 2011, were acknowledged by the Council.

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The next item for consideration was an Order for property cleanup matters at 4412 Shadowwood, 4807 Mohawk, 4708 River Road, and 1315 Krebs as presented by Eddie Williams, City Attorney. The hearing date is June 7, 2011.

The Order is spread on the minutes as follows:

**ORDER**

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

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

**THEREFORE, IT IS ORDERED** that the owners of the parcels listed on the exhibit shall be given notice by the City Clerk as provided in Section 21-19-11, Mississippi Code of 1972, that a hearing shall be held by the City Council on June 7, 2011, in the City Hall of the City at 6:00 P.M. to determine whether the parcels of land as shown on the exhibit are in such a state of uncleanliness as to be a menace to the public health and safety of this community.

**EXHIBIT A**

<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>
41948014.000 4412 Shadowwood	Pikco Finance, Inc. 352 Rawls Drive McComb, MS 39648 <b>(Footnote 1)</b>	Deed Book 1594, Page 268
41335142.000 4807 Mohawk	David Cook 4803 Mohawk Avenue Pascagoula, MS 39581	Deed Book 1507, Page 606
40401062.000 4708 River Road	Tommy Hegwood 4710 River Road Pascagoula, MS 39567	Deed Book 661, Page 368
40407022.000 1315 Krebs	International Longshoremen's Association, Local #1752	Deed Book 278, Page 204

P.O. Box 1264  
Pascagoula, MS 39568

### **PARTIES WITH INTEREST**

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

The above Order 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 Order adopted on the 3<sup>rd</sup> day of May, 2011.

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The next item for consideration was a request to submit the 2012 application for DUI Grant funds to the Department of Public Safety as recommended by Brent Gager, Police Department. The 2012 funding cycle runs from October 1, 2011, to September 30, 2012. Funding will be up to \$75,000.00 and no match is required.

Councilman Corder made a motion to approve the request to submit the 2012 application for DUI Grant funds to the Department of Public Safety 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 5-3-11)

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Next for consideration was a request for approval of invoices regarding the flood and property insurance through Ross King Walker as recommended by Jeane Bull, Assistant Comptroller. Ms. Bull advised there was a difference in the quoted amount of increase in flood coverage for three lift stations due to FEMA requirements and one invoice for stamping and taxes omitted from the renewal of property insurance. Ms. Bull also requested a manual check for \$451.00.

Councilman Corder made a motion to approve invoices regarding the flood and property insurance through Ross King Walker as recommended and authorize a manual check for \$451.00. 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 5-3-11)

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The next item for consideration was Budget Amendment No. 11.59 in the General Fund for the Parks and Recreation Department as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 11.59  
May 3, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>General Fund</u></b>	-	-	-
- <b><u>Revenues:</u></b>	-		-
- <b><u>Miscellaneous:</u></b>			
- <b>Donations from Private Sources</b>	<b>25,150</b>	<b>3,150</b>	<b>28,300</b>
<b>Total Revenues</b>	<b>25,150</b>	<b>3,150</b>	<b>28,300</b>
<b><u>Expenditures:</u></b>			
- <b><u>Parks &amp; Recreation:</u></b>			
- <b><u>Supplies:</u></b>			
- <b>Field &amp; Court Supplies</b>	<b>50,300</b>	<b>3,150</b>	<b>53,450</b>
<b>Total Expenditures</b>	<b>50,300</b>	<b>3,150</b>	<b>53,450</b>
<b>Net Change in Fund Balance</b>		-	
<b>To amend budget to provide authority for increased P &amp; R expenditures financed by private contributions.</b>			

Councilman Corder made a motion to approve the budget amendment as recommended and 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 5-3-11)

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The next item for consideration was Budget Amendment No. 11.61 in the Utility Fund for large commercial meters as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 11.61  
May 3, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>Utility Fund</u></b>	-	-	-
- <b><u>Revenues:</u></b>	-		-
- <b><u>Charges For Services:</u></b>			
- <b>Service Charge - Water</b>	110,500	17,800	128,300
<b>Total Revenues</b>	110,500	17,800	128,300
<b><u>Expenditures:</u></b>			
- <b><u>Water Operation &amp; Maint:</u></b>			
- <b><u>Supplies:</u></b>			
- <b>Water Meter R/R</b>	28,500	17,800	46,300
<b>Total Expenditures</b>	28,500	17,800	46,300
<b>Net Change in Fund Balance</b>		-	
<b>To amend budget to provide authority for increased meter purchases funded by the sale of large meters to commercial customers.</b>			

Councilman Corder made a motion to approve the budget amendment as recommended and 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 5-3-11)

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The next item for consideration was the Emergency SRF Loan Agreement for \$250,000.00 with the State of Mississippi Local Governments and Rural Water Systems Improvement Board acting through the Mississippi State Department of Health and the City of Pascagoula as recommended by Jaci Turner, Program Manager. This is for a new well at the Communy Street water treatment plant.

Councilman Corder made a motion to approve the Emergency SRF Loan Agreement for \$250,000.00 with the State of Mississippi Local Governments and Rural Water Systems Improvement Board acting through the Mississippi State Department of Health and the City of Pascagoula 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 5-3-11)

(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 the closeout documents for the Hurricane Katrina Emergency Repairs to the Police Training Academy Construction Project with Flagstar Construction Co., Inc., Gulfport, MS, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. Ms. Turner also requested approval of a manual check for \$2,912.00.

Councilman Corder made a motion to approve the closeout documents for the Hurricane Katrina Emergency Repairs to the Police Training Academy Construction Project as recommended, authorize the City Manager to execute the related documents, and issue a manual check for \$2,912.00. 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 5-3-11)

(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 request to ratify a letter of support for Habitat for Humanity which was signed by Mayor Maxwell for their proposal for the Neighborhood Home Program as recommended by Harry Schmidt, Community & Economic Development Director. The letter is spread on the minutes as follows:

April 25, 2011

Mississippi Development Authority  
P. O. Box 849  
Jackson, MS 39205

To Whom it May Concern:

Habitat for Humanity of the Mississippi Gulf Coast and Roy Anderson Corporation are two well respected organizations in our community, and I was pleased to learn the two organizations were joining together in partnership for the Neighborhood Home program.

Habitat for Humanity of the Mississippi Gulf Coast has been a great partner for the City of Pascagoula. Since late 2006, HFHMGC has built, rehabbed and repaired over 400 homes on the Gulf Coast, proving they have the capabilities to complete the Neighborhood Home program. Many of these projects have occurred within the City of Pascagoula. Notably, during the 2008 Jimmy and Rosalynn Carter Work Project, HFHMGC proved it could handle large scale projects as 30 homes were built, another 45 house frames constructed, and 32 homes were rehabbed over a one week period. The materials and resource management systems that were implemented by HFHMGC brought the entire project in under budget and on time.

Roy Anderson Corporation has been a mainstay on the Mississippi Gulf Coast since 1955. RAC has grown their company to be an industry leader in the construction industry. Performance has been a guiding principle with RAC. Clients continue to turn to RAC again and again for projects throughout the southeast United States. It is a commitment to deliver superior quality construction that has made RAC one of the premier construction firms in the region, with thousands of successful projects to its credit. Their construction management experience and their ability to complete large projects on time and on budget make RAC the natural choice for this partnership and the Neighborhood Home program.

The City of Pascagoula commits its support to the partnership of Roy Anderson Corporation and HFHMGC for the Neighborhood Home program. Both of these organizations are highly qualified, and I am confident that they will provide quality home rehabilitation to our residents.

Sincerely,

Robbie Maxwell  
Mayor

Councilman Corder made a motion to ratify the letter of support for Habitat for Humanity 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 5-3-11)

(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 Resolution authorizing a licensed real estate broker to negotiate leases for Anchor Square units as recommended by Eddie Williams, City Attorney.

The Resolution is spread on the minutes as follows:

### **RESOLUTION**

**WHEREAS**, the City of Pascagoula is the owner of a retail cottage village known as “Anchor Square” and which is located at the intersection of Frederic Street and Delmas Avenue; and

**WHEREAS**, the City Council has been advised that the majority of the units available at this property have potential tenants who are seeking leases on the individual units; and

**WHEREAS**, time is of the essence inasmuch as these prospective tenants wish to open their businesses during the month of June, 2011; and

**WHEREAS**, the City is authorized, pursuant to Section 21-17-1 (2)(b)(ii) to contract with a licensed real estate broker for the lease of such property; and

**WHEREAS**, the City Council has employed the services of John Jones on a number of occasions in the past and Mr. Jones has rendered satisfactory results to the City on the endeavors entrusted to him:

#### **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1.** The City Council does hereby appoint Mr. John Jones to serve as the leasing agent for the units comprising “Anchor Square” and is authorized by the City Council to begin leasing individual units as soon as possible.

**SECTION 2.** Mr. Jones shall be entitled to reasonable compensation not to exceed the usual and customary compensation for similar services within this City to be paid from the rental proceeds of the individual units until further order of this Council.

**SECTION 3.** The City Attorney is authorized and directed by the Council to prepare the individual leases which shall be executed for and on behalf of the City by the City Manager, or his designee.

The above Resolution was introduced by Councilman Abston, 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 3<sup>rd</sup> day of May, 2011.

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The next item for consideration was a Resolution declaring surplus property at Anchor Square and authorizing the removal by International Relief & Development, Inc. in return for repair services. The Resolution is spread on the minutes as follows:

### **RESOLUTION**

**WHEREAS**, the City of Pascagoula is the owner of 16 former MEMA Cottages now located in an area of the City referred to as "Anchor Square", which Cottages are being offered for rent as retail space; and

**WHEREAS**, a number of applicants have applied for the rental of these Cottages; and

**WHEREAS**, the Cottages were originally outfitted as temporary homes for victims of Hurricane Katrina and have therein certain amenities that are not conducive to retail use, such as kitchens, cabinets and various appliances; and

**WHEREAS**, the City of Pascagoula has no use for these amenities, a detailed list of which is attached hereto as an exhibit to this Resolution; and

**WHEREAS**, the International Relief and Development, Inc. (IRD), a non-profit group, has expressed an interest in acquiring a number of the aforesaid amenities; and

**WHEREAS**, IRD has offered to remove the unneeded cabinets, appliances and furnishings set forth on the attached list so as to make the units in Anchor Square more amenable to a retail use; and

**WHEREAS**, IRD has agreed, in return for being allowed to remove these items, to effect repairs to walls, floors and ceilings of any damages that may be caused by the removal thereof and to paint the interior of the Cottages to the prospective renters' specifications; and

**WHEREAS**, the City Council does hereby find that the items on the attached list have little or no economic value to the City and that the best use thereof would be to allow their removal by IRD in return for IRD's services in repairing and painting the interiors of the Cottages:

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**SECTION 1.** The City Council does hereby declare that the items on the attached list are surplus property of little or no economic value to the City.

**SECTION 2.** The City Council finds that it would be in the best interest of the citizens of this community that IRD be allowed to take possession of the items on the attached list in return for the repair and painting of the Cottages in preparation for the same being converted to retail space for the renters to be assigned thereto.

**SECTION 3.** The City Manager, or his designee, is directed to meet with officials of IRD to establish a timeline for the removal of the items and to effect the repairs necessitated by such removal, subject to final approval by the City Manager, or his designee.

**SECTION 4.** The City Manager is authorized to enter into a Memorandum of Understanding with IRD to effectuate the full intent of this Resolution.

**Cottage Inventory**

<b>Quantity New</b>	<b>Quantity Used</b>	<b>Item</b>	<b>Unit Designation</b>
10	4	kitchen cabinets	a,b,c,d,e,g,h,I,j,l,m,n,o
7	4	microwave	a,b,c,g,I,j,k,l,m,n
10	4	stove	a,b,c,d,e,g,h,I,j,k,l,m,n,o
10	4	fridge	a,b,c,d,e,g,h,I,j,k,l,m,n,o
3	1	island	a,e,h, i
10	1	4 dining rm table chairs	a,b,c,d,e,g,I,j,k,l,m,o      cottage e - 3 chairs
10	4	bathroom cabinet	a,b,c,d,e,g,h,I,j,k,l,m,n
6	6	kitchen sink	a,b,c,d,g,h,I,j,k,l,m,o
11	4	lg closet shelves	a,b,c,d,I,j,k,m,n
4	4	sm closet shelves	a,c,I,m
9	4	ceiling fan	a,b,c,d,g,h, I,j,l,m,n,o
10	4	bathroom sink	a,b,c,d,e,g,h,I,j,k,l,m,n,o
9		couch/bed	b,d,g, I,j,k,l,o
8	1	dining room table	b,d,j,k,l,o
8		full size mattress/boxspring	b,d,g,I,j,k,l,o
2		closet-dresser drawers	b,d,g,k,o
2		set sheets	g,I,
2		1 bx plates (set of 16)	g,I,
4		pillows	g,I,
2		set towels	g,I,
2		set kitchen towels/oven mits	g,I,

2	measuring cups	g,I,
2	set pots/pans	g,I,
2	set kitchen utensils	g,I,
2	blankets	g,I,
2	salt/pepper shaker	g,I,
2	set silverware with tray	g,I,
2	box trash bags	g,I,
2	twin mattress/box spring	i,l

The above Resolution was introduced by Councilman Wolverton, seconded for adoption by Councilman Corder, and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 3<sup>rd</sup> day of May, 2011.

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The next item for consideration was revised rules and regulations for the sale, consumption, or possession of alcohol on City property as recommended by Eddie Williams, City Attorney. They are spread on the minutes as follows:

**RULES AND REGULATIONS FOR THE SALE, CONSUMPTION  
OR POSSESSION OF ALCOHOL ON CITY PROPERTY**

On December 8, 2010, the City Council for the City of Pascagoula amended Section 58-62 of the Code of Ordinances which theretofore had prohibited the sale, consumption or possession of alcoholic beverages on City property. Pursuant to the amendment to the aforesaid section, the City Council has reserved unto itself the right to issue permits for the sale, consumption or possession of alcoholic beverages on City property on a case-by-case basis. Permits may be issued to individuals, or to organizations, subject to the following rules and regulations:

1. No permits will be issued to any individuals or organizations (applicants) for the sale or consumption of alcoholic beverages on any youth athletic field in the City of Pascagoula when any youth sport events are in session. No permits will be issued for the 12<sup>th</sup> Street softball fields and the Tucker Street baseball fields.
2. Applicants desiring a permit for the sale, consumption or possession of alcohol on any City property not listed hereinabove, shall complete an application in the form attached hereto as Exhibit A and incorporated into these rules by reference.
3. Any Applicant seeking a permit shall complete the aforesaid application and submit the same to the City Clerk in time for its presentation to the City Council not less than 30

days prior to the proposed event or activity. It is recommended that the Applicant submit the application to the Clerk 45 days prior to the event so that the Council presentation can be scheduled 30 days before the event.

4. Applicants shall appear in person before the City Council not less than 30 days prior to the proposed event in order to present the application and be heard on the request for the permit. Should the Applicant fail to appear at the Council meeting, the permit shall summarily be denied.
5. Permits, once issued by the City Council, shall not be transferrable to any third party unless specifically approved by the City Council.
6. Permits shall be for a specified period of time only and for a specific event or activity. No permits will be issued that will be open-ended, or not confined to a specific time period.
7. Applicants requesting a permit shall be required to execute a waiver of liability and a hold harmless agreement in favor of the City in the form attached hereto as Exhibit B. The original of the waiver and hold harmless agreement shall be retained by the City Clerk and a copy shall be given to the Applicant. It shall be within the discretion of the Council as to whether or not a policy of liability insurance will be required from the Applicant for the event in question.
8. The Applicant shall be required to hire off-duty law enforcement officers, or reserve officers, for security during the event. The number of security officers required shall be determined by the Police Chief, or his designee, and his determination on the issue of security shall be final.
9. Unless authorized by the City Council, anyone obtaining a permit shall not allow attendees at the event to bring alcohol onto the premises, or to take alcohol from the premises. The Applicant shall be responsible for furnishing sufficient waste containers for disposal of non-reusable alcohol containers. If a permit is issued for events to take place at Point Park, River Park, Beach Park, or on any athletic field, then in such event, no glass containers of alcohol shall be permitted at such locations. It shall be the responsibility of the Applicant to comply with all ABC regulations and all other ordinances or state laws affecting the sale and consumption of alcoholic beverages. Under no circumstances shall the Applicant allow the sale to, or consumption of, alcohol by obviously intoxicated individuals or minors.

10. In addition to the requirements specifically set forth in this policy, the Applicant must agree to abide by all rules and regulations currently in force and affecting the use of property belonging to the City.
11. Signs must be posted at all exits to and from the venue in question stating that no alcoholic beverages may be brought in or taken from that venue during the event.
12. Failure of the Applicant to abide by any of the rules and regulations set forth herein, or any other rules and regulations endorsed or enforced pursuant to the ordinances of the City, shall result in the immediate revocation of any permit granted by the City Council hereunder.
13. The Applicant, by his signature on the application, acknowledges having received a copy of these rules and regulations and further acknowledges his full and complete understanding thereof.
14. Upon the granting of a permit pursuant to these policies, the Applicant shall be required to deposit with the City Clerk the sum of \$500.00 to cover the costs of cleaning the premises. This sum shall be refunded to the Applicant only upon the recommendation of the City Manager, or his designee, after an inspection of the premises to determine whether or not the same have been satisfactorily cleaned by the Applicant.
15. The City Council reserves the right to impose any other terms and conditions upon the Applicant that it deems necessary in order to protect the property of the City and the best interest and welfare of the citizens. The Applicant agrees to be bound by all rules and regulations set forth herein and any other conditions that may be imposed upon the issuance of a permit by the City Council.

**APPLICATION FOR THE SALE, CONSUMPTION OR POSSESSION  
OF ALCOHOL ON CITY PROPERTY**

1. Full name of applicant \_\_\_\_\_ of
2. Physical address of applicant \_\_\_\_\_ of
3. If the applicant is an organization then provide the following information:
  - a. Name, address and telephone number of each principal of the organization.  
\_\_\_\_\_

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b. Name, address and telephone number of the person who will be presenting the application on behalf of the organization. \_\_\_\_\_

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4. Location of event for which the permit is being requested.

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5. Date and times for which the permit is being requested.

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6. Nature of event to be staged at the location.

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7. Person or parties responsible for the sale or distribution of alcoholic beverages at the proposed event.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

8. If it is anticipated that alcoholic beverages will be sold at the event, then attach to this application copies of the ABC permits of the persons or parties who will be selling the alcoholic beverages. If copies of such permits are not presently available, please provide an explanation in the space below. Copies of ABC permits must be filed with the City Clerk prior to the issuance of any permit for the sale, consumption or use of alcohol on City property.

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9. Number of people expected to attend the event. \_\_\_\_\_

10. Names, addresses and telephone numbers of persons responsible for post-event cleanup.

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The applicant certifies that he/she is over the age of 21 and that he/she has been provided with and has read all of the rules and regulations pertaining to the sale, consumption or possession of alcoholic beverages on City property and fully understands the same and agrees to

be bound thereby. Applicant further certifies that he/she is authorized by \_\_\_\_\_ (name of organization) to make this application and to bind the organization to the observance of the rules and regulations set forth by the City Council for the sale, consumption and possession of alcoholic beverages, and/or the use of the premises in question. The applicant further understands that there shall be no sale of alcoholic beverages at the event to any minors or to any persons who are obviously intoxicated and no sales of alcoholic beverages shall be allowed after 12:00 midnight. The applicant further acknowledges that a violation of any of the aforesaid rules and regulations shall result in the immediate revocation of any permit issued by the City Council and the cancelation of any right to host the event at the designated location. The applicant further acknowledges that he/she has full and complete authority to execute the waiver and hold harmless agreement submitted on the even date herewith to the applicant.

Witness my signature on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

**STATE OF MISSISSIPPI  
COUNTY OF JACKSON**

**WAIVER AND HOLD HARMLESS AGREEMENT**

Personally came and appeared before me the undersigned notary public in and for the jurisdiction aforesaid, \_\_\_\_\_, who on his/her oath stated that he/she is over the age of 21 years and that he/she is acting in his/her individual capacity, or in a representative capacity on behalf of \_\_\_\_\_ and acknowledged that he/she has fully familiarized himself/herself with the rules and regulations promulgated by the City Council of the City of Pascagoula for the sale, consumption or possession of alcoholic beverages on City property and all other rules and regulations pertinent to the use of the premises in question, and agrees to be bound thereby for the duration of the

event for which the application has been filed. The applicant further acknowledges that he/she, in his/her individual capacity, or as representative of \_\_\_\_\_ (name of organization) waives any and all claims against the City of Pascagoula for damages, injuries to person or property, or causes of action that may arise as a result of the applicant's use of the City property in question during the period of the event. The applicant, in his/her individual capacity, or as representative of \_\_\_\_\_ (name of organization), further agrees to indemnify and hold harmless the City of Pascagoula, its agents, servants and employees, from any and all claims, damages, causes of action, assessments, attorney fees, or litigation expenses of any type arising out of applicant's use of the premises during the period in question and at which time alcoholic beverages are being sold, consumed or possessed thereon by applicant's agents, servants, employees, invitees and guests.

Witness the signature of the applicant on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Applicant

Sworn to and subscribed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

S E A L

Councilman Corder made a motion to approve the revised rules and regulations for the sale, consumption, or possession of alcohol on City property as recommended. The motion was seconded by Councilman Wolverson and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "NAY", Stallworth "AYE", Tillman "AYE", and Wolverson "AYE". (Approved 5-3-11)

(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 an Inter-Local Governmental Cooperation Agreement between the City of Pascagoula and Singing River Health System as recommended by Eddie Williams, City Attorney.



### **INTER-LOCAL GOVERNMENTAL COOPERATION AGREEMENT**

This Inter-Local Governmental Cooperation Agreement (the “Agreement”), made and entered into as of the \_\_\_\_\_ day of May, 2011 by and between the City of Pascagoula, Mississippi [hereinafter referred to as the “City”), and Singing River Health System, by and through its Board of Trustees (hereinafter referred to as the “SRHS”).

#### **RECITALS**

A. WHEREAS, SRHS, and the City, desire to enter into this Inter-local Agreement for the purpose of assistance of and cooperation by the parties' Police and Fire departments in relation to the operations of the SRHS's Pascagoula Campus located within the municipal boundaries of the City; and

B. WHEREAS, SRHS is a community hospital, organized in accordance with the community hospital statutes of the State of Mississippi. MISS. CODE ANN. § 41-13-1 et seq; and

C. WHEREAS, SRHS has in place a Campus Police Department at its Pascagoula Campus operating pursuant to the authority granted to it under Mississippi Statutory Law, including but not limited to Mississippi Code Annotated 1972, Statute 45-6-3 (c); and

D. WHEREAS, the City is a duly formed and incorporated municipality under Mississippi Law and the City operates both Police and Fire Departments within its municipal boundaries as provided by Mississippi Law; and

E. WHEREAS, SRHS and the City desire to enter into this Inter-local Agreement for the purpose of providing for the assistance and cooperation between SRHS and the City in providing police and fire protection to SRHS' Pascagoula Campus; and

F. WHEREAS, pursuant to Mississippi Code Annotated 1972, As Amended, Section 17-13-1, *et seq*, SRHS and the City request the office of the Attorney General of the

State of Mississippi to approve the terms and conditions of this Agreement as being in proper form and compatible with the laws of the State of Mississippi.

In consideration of the foregoing premises and pursuant to the terms and conditions described below, SRHS and the City agree as follows:

### ***Article I. PURPOSE OF THE AGREEMENT***

The purpose of this agreement is to provide for the assistance and cooperation between SRHS and the City in providing police and fire protection to the SRHS Pascagoula Campus, and thereby providing improved access to police and fire protection services and facilities in a manner pursuant to forms of existing governmental organization that accords best with the geographic, economic, population and other factors influencing the needs and development of the City and SRHS.

### ***Article II. RESPONSIBILITIES OF THE PARTIES***

**2.1 Upon request by SRHS, the City's Police Department will respond to reports of criminal activity occurring at the Campus and will assist the Campus Police through investigating and enforcing the criminal laws at the Campus. Investigation activities will include, but are not limited to: interviewing persons involved; making reports; gathering evidence; arresting persons charged; transporting persons charged; filing appropriate charges; housing persons charged; and all other things necessary to assist in the prosecution of criminal activity occurring upon the Campus.**

**2.2 In the event criminal activity occurring on the Campus is believed to constitute a felony violation, as opposed to a misdemeanor, the City will be the law enforcement 'agency in charge' for such incident during the investigation and prosecution of such activity. Otherwise, the Campus Police Department will be considered the 'agency in charge' for all other criminal activity unless otherwise agreed.**

**2.3 In the event of the need for emergency assistance for fire, accidents with injuries, or any other medical emergencies, the City agrees its Fire and emergency services will be provided and will cooperate with the Campus Police Department in responding to reports of such emergency situations and the Fire Department will be the 'agency in charge' in the handling of such emergency situations upon its personnel's arrival on the Campus.**

**2.4 This Agreement will apply to the enforcement of any and all criminal laws of the State of Mississippi involving violations thereof within the confines and boundaries of the SRHS' Campus located in the City.**

***Article III. TERM AND TERMINATION***

**3.1 Term.** The term of this Agreement will be two (2) years beginning May 3, 2011 and ending May 2, 2013. In no event will this Agreement exceed five (5) years' duration.

**3.2 Termination by Agreement.** In the event the governing authorities of the City and SRHS mutually agree in writing, the Agreement may be terminated on the date specified in the written agreement.

**3.3 Effects of Termination.** Upon termination of this Agreement, as hereinabove provided, neither party will have any further obligations hereunder.

***Article IV. NEGLIGENCE LIABILITY***

**4.1** SRHS is a community hospital organized in accordance with the community hospital statutes of the State of Mississippi, Miss. Code Ann. § 41-13-1 et seq. Under the statute, SRHS is a political subdivision of the State of Mississippi and Jackson County Mississippi, with sovereign immunity as modified by Miss. Code Ann. § 11-46-1 et seq. (Mississippi Tort Claims Act). Currently, the limits of liability under the act are \$500,000.00 with no punitive damages. Further, no employee of SRHS acting in the course and scope of their employment can be held personally liable under the Act, Miss. Code Ann. § 11-46-7 et seq. SRHS agrees to comply with the rules and regulations of the Mississippi Tort Claims Board for the maintenance of insurance/self-insurance in order to maintain its status as a community hospital covered under the Tort Claims Act.

**4.2** Each party agrees to be responsible for the negligent acts of its employees. It is the intention of the parties hereto that neither party will incur costs or expenses as a result of the negligence and resulting damage of employees of the other. Further, each party will be responsible for any obligations assumed by a party under this contract and to that extent any such costs or expenses will be borne by that party.

**Article V. GENERAL PROVISIONS**

**5.1 Counterparts. This Agreement may be executed in multiple counterparts, each of which will be deemed an original and all of which together will be deemed one and the same instrument.**

**5.2 Entire Agreement. This Agreement constitutes the entire agreement between the parties. Any oral representations or modifications concerning this Agreement will be of no force and effect.**

**5.3 Governing Law. This Agreement will be governed by and interpreted, enforced and construed in accordance with the law of Mississippi.**

**5.4 Notices. All notices or other communications under this Agreement will be sent to the parties by certified mail, return receipt requested, or by personal delivery at the address below:**

SRHS: Chief Executive Officer  
2101 Hwy 90  
Gautier, MS 39553  
FAX: (228) 497-7927

With copy to: Chief Compliance Officer  
2012 Hwy 90, Suite 36  
Gautier, MS 39553  
FAX: (228) 497-7568

Pascagoula Police Department:  
Kenny Johnson, Chief of Police  
P.O. Box 908  
Pascagoula, MS 39568-0908  
FAX: (228)938-6745

Pascagoula Fire Department:  
Robert O’Sullivan, Fire Chief  
P.O. Box 908  
Pascagoula, MS 39568-0908  
FAX: (938-6793)

**5.5 Severability.** If any term, provision, covenant or condition of this agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will continue in full force and effect and will in no way be affected, impaired or invalidated.

**5.6 Attorney Fees.** In any lawsuit, action, or proceeding arising out of or related to this Agreement each party will be responsible for their own costs, attorneys' fees and expenses through litigation or any appellate review.

**5.7 Waiver.** Any failure of a party to insist upon strict compliance with any term, undertaking or condition of this Agreement will not be deemed to be a waiver of such term, undertaking or condition. To be effective, a waiver must be in writing and signed by both parties.

**5.8 Third Party Beneficiaries.** This Agreement is entered into for the sole benefit of SRHS and City. Nothing contained herein, or in the parties' course of dealings, will be construed as conferring any third party beneficiary status on any person or entity not a party to this Agreement.

**5.9 Approvals.** Neither this Agreement nor any amendment or modification will be effective or legally binding upon the parties, unless and until it has been reviewed and approved in writing by the Singing River Health System Board of Trustees and has been approved by the City by order or resolution and recorded within the minutes maintained by the governing authority for the City.

**5.10 Relationship of the parties.** The parties expressly agree there will be no separate legal or administrative entity created by this Agreement. Further, the parties agree there will be no joint acquisition, holding or disposition of real or personal property under this Agreement.

**5.11 No Budgeting Required.** The parties expressly agree there will be no financing and/or budgeting required by the terms of this Agreement.

**5.12 Amendment by Agreement.** The Agreement may be amended upon mutual agreement of the governing authorities of the City and SRHS.

**5.13 Filings Related to this Agreement.** The parties agree to the following upon execution and approval by the governing board of the parties:

A. The Agreement will be filed in the Chancery Clerk's Office of Jackson County, Mississippi, and with the Office of the Mississippi Secretary of State to be preserved as a public record, being indexed and docketed separate and apart from all other records in said offices.

**B. The Agreement will be filed with the Mississippi State Department of Audit within sixty (60) days of the effective date of the agreement.**

**IN WITNESS WHEREOF**, the parties, through their duly authorized representatives, have executed this Agreement as of the day and year first above written.

SINGING RIVER HEALTH SYSTEM

CITY OF PASCAGOULA

BY: \_\_\_\_\_

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

ITS: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Councilman Abston made a motion to approve the Inter-Local Governmental Cooperation Agreement between Singing River Health System and the City of Pascagoula 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 5-3-11)

(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 Resolution seeking resort status for 702 Delmas Avenue as presented by Eddie Williams, City Attorney. The business owner made brief comments.

The Resolution is spread on the minutes as follows:

**RESOLUTION PURSUANT TO REGULATION 18 OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE MISSISSIPPI STATE TAX COMMISSION TO DESIGNATE A RESORT AREA CLASSIFICATION IN THE CITY OF PASCAGOULA, MISSISSIPPI, LOCATED AT 702 DELMAS AVENUE**

**WHEREAS**, the electorate of Jackson County on July 29, 1966, voted in favor of coming out from under the prohibition laws and in favor of the manufacture, sale, distribution and possession of alcoholic beverages in Jackson County to the extent and in the manner permitted by the Laws of the State of Mississippi; and

**WHEREAS**, the law permits the designation of certain areas as “qualified resort areas”;  
and

**WHEREAS**, regulations have been adopted by the Alcoholic Beverage Control Division of the Mississippi State Tax Commission, establishing, among other things, the procedure by which qualified resort areas may be designated by the State Tax Commission; and

**WHEREAS**, the tourist industry of Jackson County, and particularly in Pascagoula, has grown steadily and has become ever more an important part of the economy of the entire Gulf Coast.

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

**FIRST:** That tourists, vacationers and other transients are regularly and customarily attracted to the City of Pascagoula, Mississippi, by its historical, scenic and recreational facilities and attractions.

**SECOND:** Certain areas of the City have a more direct impact upon the tourism industry of the City and are more a part of the tourism industry and do more to attract vacationers and other transients to stop and to remain in Pascagoula overnight than do other areas of the City.

**THIRD:** Under the laws of State of Mississippi, the City Council has neither the right nor the duty to determine what is or is not a resort area within the meaning of the law, but under the Regulations of the Alcoholic Beverage Control Division of the State Tax Commission, the City Council may make application to the Commission to have the Commission determine whether or not certain locations within the City are resort areas within the meaning of the law.

**FOURTH:** In an effort to comply with the terms of Regulation 18 the City Council does hereby authorize and direct the City Clerk to submit an application to the Alcoholic Beverage

Control Division of the State Tax Commission for the designation of the area hereinafter described as a qualified resort area within the meaning of Chapter 1 of Title 67, Mississippi Code of 1972, more particular described as follows:

Beginning at the intersection of the South margin of Delmas Avenue with the East margin of Canty Street and run thence South 78 degrees East 39 Feet; thence run South 12 degrees West 100 feet; thence run North 78 degrees West 39 feet to the East margin of Canty Street; thence run North along the East margin of Canty Street to the point of beginning, being the same property acquired from Sylvia Wilson Feldman by deed recorded in Deed Book 699, Page 239, Land Deed Records of Jackson County, Mississippi. Said property being located at 702 Delmas Avenue and occupied by a business known as "Frets".

**FIFTH:** The City Clerk is hereby directed to publish once each week for two consecutive weeks the following legal notice in THE MISSISSIPPI PRESS, a newspaper having a general circulation throughout all of Jackson County and in the area that is the subject of the application:

**LEGAL NOTICE UNDER REGULATION 18  
ALCOHOLIC BEVERAGE CONTROL  
DIVISION, STATE TAX COMMISSION  
STATE OF MISSISSIPPI**

Notice is hereby given pursuant to Regulation 18 of the Alcoholic Beverage Control Division of the State Tax Commission of the State of Mississippi that an application for classification as a resort area is being filed for an area located in Pascagoula, Mississippi, and more particularly described as follows:

Beginning at the intersection of the South margin of Delmas Avenue with the East margin of Canty Street and run thence South 78 degrees East 39 Feet; thence run South 12 degrees West 100 feet; thence run North 78 degrees West 39 feet to the East margin of Canty Street; thence run North along the East margin of Canty Street to the point of beginning, being the same property acquired from Sylvia Wilson Feldman by deed recorded in Deed Book 699, Page 239, Land Deed

Records of Jackson County, Mississippi. Said property being located at 702 Delmas Avenue and occupied by a business known as "Frets".

As is required by Regulation 18, the contents of the application shall include the following: (1) a map of the above described area clearly marked to indicate the specific area under consideration; (2) reasons why the particular area should be classified as a resort area to include the fact that Pascagoula, Mississippi, is an area that attracts tourists and vacationers because of its historical and scenic attractions and facilities and the area designated herein serves the tourists and vacationers to a very high degree; (3) endorsement from civic organizations in the area and assurances that the Chief of Police, along with other local law enforcement officials, will enforce the Local Option Alcoholic Beverage Control Law of the State of Mississippi and rules and regulations of the Alcoholic Beverage Control Division in such area; and (4) a certified copy of the resolution as adopted by the City Council of the City of Pascagoula, Mississippi.

Request is hereby made pursuant to Regulation 18 for an expression of public opinion from residents in the above described area under consideration, which shall be filed with the City Clerk of the City of Pascagoula, Mississippi, in the City Hall at 603 Watts Avenue, Pascagoula, Mississippi, on or before the next day following the second publication of this notice. In that connection, notice is hereby given that approval of the application will permit the operation of open bars in the area by persons licensed by the State of Mississippi and that the decision on the application rests not with the City Council of the City of

Pascagoula, Mississippi, but with the State Tax Commission of the State of Mississippi, pursuant to the laws of the State of Mississippi.

Witness my signature and the seal of the City of Pascagoula, Mississippi, this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

---

Robert J. Parker, City Clerk

**SIXTH:** The owner of the herein described real property shall bear all costs of publication.

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 3<sup>rd</sup> day of May, 2011.

\*\*\*\*\*

The next item for consideration was the award of a design contract with Christian Preus, landscape architect, Gulfport, MS, for landscape architectural services on the Pascagoula River Bridge Environmental Trail Project as recommended by Harry Schmidt, Community & Economic Development Director. The lump sum fee will be \$9,160.00.

Councilman Stallworth made a motion to award a design contract with Christian Preus for landscape architectural services on the Pascagoula River Bridge Environmental Trail Project as recommended and authorized the Mayor to execute the proposal letter. 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 5-3-11)

(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 approval of the Mississippi Development Authority Energy Efficiency Conservation Block Grant for \$100,000.00 as recommended by Harry Schmidt, Community & Economic Development Director. The grant would be used to convert stoplights in the City to more energy efficient LED lights and was funded by ARRA "stimulus" funding. A memo from Mr. Schmidt regarding this matter is spread on the minutes as follows:

## MEMO

To: City Council  
From: Harry Schmidt  
Date: April 27, 2011  
Re: Energy Efficiency Block Grant LED light conversion grant

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The City of Pascagoula received a \$100,000 grant from the Mississippi Development Authority to convert stoplights in the city to more energy efficient LED lights. The grant was funded by ARRA "stimulus" funding. One of the requirements of the funding was that the product purchased meet "Buy American" requirements. The city took quotes for the purchase, and the selected vendor, Traffic Parts, Inc., assured the city that their product met "Buy American" requirements. The city provided the vendor with certification forms required by MDA. The vendor completed the form, offering an explanation of their product. Upon receipt of the vendor's paperwork, the city placed an order for \$29,000 in materials. The city later ordered \$30,000 in additional materials. In March, MDA notified the City that it refused to accept the vendor's response/form because it is not MDA's original form. City staff has engaged in extensive conversations with MDA and the vendor. Neither will accept the other's paperwork.

UP crews have assembled and/or installed approximately \$38,000 in product received from the vendor. The stoplight maintenance budget contains approximately \$40,000, and \$10,000 of that was pledged as a match to this grant.

After consultation between Operation, Community Development, Purchasing, and the City Attorney, staff recommends terminating this grant. The product which has been purchased to date will be paid for with budgeted "stoplight maintenance" funds. Staff further requests that the remainder of the equipment (approx. \$20,000) be paid for from existing budgeted funds from the Operations department. Otherwise, the city will return this equipment to the vendor.

LED lights operate at 10-12% the energy consumption level as traditional lights. Therefore the power bills for the intersections are significantly less than with the older stoplights, resulting in a significant cost savings for the city.

Mr. Schmidt provided the Council with a new update on this project. He advised the City can back out of the grant and pay for it out of funds budgeted for stoplight maintenance, etc. MDA has offered to fund a different project for us, and we would still receive \$100,000.00 worth of efficiency products with no match for the project. MDA would change the purpose of this grant, and the City would agree to pay for the products we have installed thus far that cannot be returned. Mr. Schmidt advised that approximately \$59,000.00 worth of materials have been purchased and approximately \$23,000.00 of the materials can be returned. Two options were considered and they are as follows:

**Option A:** the City would pay for the product we cannot return by reallocating \$3,000.00 in the budget, and we would return the remainder of the product.

**Option B:** the City could keep all of the product received and reallocate \$26,000.00 to cover the cost and complete the project.

Mr. Schmidt stated the City will work with MDA on the \$100,000.00 for a new grant project. No time line on the grant has been specified yet.

After discussion, Councilman Milstead made a motion to approve Option B on the MDA Energy Efficiency Block Grant LED light conversion project which would allow the City to keep the products we have on hand and pay an additional \$26,000.00 to complete the project. 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 5-3-11)

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The next item for consideration was Change Order No. 1 to the contract with DCD Construction, Inc., Ocean Springs, MS, for new sidewalks construction and ADA Enhancements for Cherokee and Arlington Elementary Schools and the Eastlawn Subdivision as recommended by Harry Schmidt, Community & Economic Development Director, and Compton Engineering, Inc. The change order amount is \$28,536.90 to adjust quantities of sidewalks as determined most appropriate in the field.

Councilman Corder made a motion to approve Change Order No. 1 to the contract with DCD Construction, Inc., Ocean Springs, MS, for new sidewalks construction and ADA Enhancements for Cherokee and Arlington Elementary Schools and the Eastlawn Subdivision 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 5-3-11)

(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 Budget Amendment No. 11.58 in the Utility Fund for vehicle maintenance as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 11.58  
May 3, 2011**

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

<u>Utility Fund</u>	-		-
- <u>Expenditures:</u>	-		-
- <u>Metering Services:</u>			
- <u>Other Services &amp; Charges:</u>			
Vehicle Maintenance	2,000	1,000	3,000
- <b>Total Expenditures</b>	<b>2,000</b>	<b>1,000</b>	<b>3,000</b>
<b>Net Change in Fund Balance</b>		<b>(1,000)</b>	
<b>To amend budget to provide expenditure authority for the increased cost of repairs to metering vehicles as needed.</b>			

Councilman Stallworth 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 5-3-11)

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The next item for consideration was Budget Amendment No. 11.60 in the General Fund for workers compensation insurance as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 11.60  
May 3, 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>General Administration:</u></b>			
<b><u>Other Charges:</u></b>			
<b>Workers Comp Insurance</b>	240,000	38,500	278,500
- <b>Total Expenditures</b>	240,000	38,500	278,500
<b>Net Change in Fund Balance</b>		(38,500)	
<b>To amend budget to provide additional expenditure authority for the increased costs stemming from the rise in rates.</b>			

Councilman Stallworth made a motion to approve the budget amendment as presented above and 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 5-3-11)

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Bobby Parker, City Clerk/Comptroller, requested approval of a manual check for \$467,576.00 to Cumbest, Cumbest, Hunter & McCormick, PA, for the purchase of property owned by John A. Templet, Jr. on Beach Blvd. (Parcel No. 41715004.050).

Councilman Stallworth made a motion to approve a manual check for \$467,576.00 to Cumbest, Cumbest, Hunter & McCormick, PA, for the purchase of property owned by John A. Templet, Jr. and located at the west end of Beach Blvd. and south of the existing seawall (Parcel No. 41715004.050) 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 5-3-11)

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

**ORDER**

**WHEREAS**, the attached docket of claims for the period April 15, 2011, through April 29, 2011, has been presented to the City Council for allowance and approval.

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

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

The above Order was introduced by Councilman Wolverton, seconded for adoption by Councilman 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 Order adopted, as amended, on the 3rd day of May, 2011.

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Councilman Abston reminded the Council of Senior Class Night on Tuesday, May 10, 2011, at 6:30 p.m. at the Pascagoula High School gym.

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Councilman Corder reminded the Council of the National Day of Prayer event on Thursday, May 5, 2011, from 11 a.m. – 1 p.m. at the Jackson County Courthouse. He also announced that gift cards for Smithville, MS, are being collected at this time and will be delivered to these tornado residents on May 18, 2011. He invited members of the Council to go on the trip when they are delivered.

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Councilman Tillman congratulated the Pascagoula High School baseball team for a very successful season.

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Police Chief Kenny Johnson advised some of his employees will be assisting Smithville, MS, through a statewide program that helps communities in disasters. He also announced recent promotions at the Police Department which are as follows:

Sergeant – Terry Scott, Corey Thompson, and Calvin Hutchins  
Lieutenant – Vernon Smith and Chris Blythe  
Captain – Davy Davis  
Deputy Police Chief – Matt Chapman

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The next item for consideration was the possible hiring of Amy Whitten to serve as a consultant and facilitate the Council retreat scheduled for July as presented by the City Manager. Mr. Huffman advised the fee to use Ms. Whitten would be an amount not to exceed \$5,000.00.

After a brief discussion, Councilman Stallworth made a motion to hire Amy Whitten to serve as a consultant and facilitate the Council retreat in July at a rate not to exceed \$5,000.00. 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 5-3-11)

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The City Manager reminded the Council of the citywide tour at 9:00 a.m. on Wednesday, May 4, 2011, to look at various projects.

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There being no further business to come before the Council at this time, Councilman Corder made a motion to recess until Tuesday, May 17, 2011, at 6:00 p.m. to transact such business as may lawfully come before the Council. 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 6:48 p.m.

**APPROVED:**

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Robert H. Maxwell, Mayor

**ATTEST:**

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Brenda J. Reed, Asst. City Clerk