

**REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, NOVEMBER 6, 2012, 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, November 6, 2012, at 6:00 p.m. Mayor Maxwell called the meeting to order with the following officials present:

Mayor Robert H. Maxwell  
Mayor Pro Tem 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  
Asst. City Clerk Brenda Reed  
City Attorney Eddie Williams  
City Clerk/Comptroller Robert J. Parker

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Mayor Pro Tem Abston welcomed everyone to the meeting. The invocation was given by Councilman Milstead and the pledge of allegiance was recited before the commencement of business.

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Sandy Overby, representative from the Pascagoula High School Band Parents Association, addressed the Council regarding advertising the resources of the City of Pascagoula through their band trip to Washington, D.C. on May 27, 2013, as they participate in the National Memorial Day Parade. Ms. Overby advised there are approximately 106 band members, staff, and parents planning to attend and they are trying to raise \$100,000.00 for the trip. Mayor Maxwell recommended that the group visit the tomb of the Unknown Soldier and perhaps place a wreath there. It was suggested that some of the band students attend a Council meeting next June to give a report on the trip.

Councilman Corder made a motion to approve advertising the resources of the City of Pascagoula for \$1,500.00 to assist the Pascagoula High School Band with their trip to Washington, D.C. on May 27, 2013, as they participate in the National Memorial Day Parade. The motion was seconded by Councilman Wolverton.

After discussion, Councilman Corder amended his motion to approve advertising the resources of the City of Pascagoula for \$1,500.00 to assist the Pascagoula High School Band with their trip to Washington, D.C. on May 27, 2013, as they participate in the National Memorial Day Parade, and authorize the band to carry the City's flag in the parade. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE".

Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

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

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A property cleanup hearing was held for 3615 Pine Street. This matter was continued from the Council meeting on August 7, 2012. Jaci Turner, Program Manager, gave an update on the lot. Eddie Williams, City Attorney, recommended that staff also look at 3607 Pine Street and 3613 Pine Street.

The Council then considered the following Resolution:

**RESOLUTION**

**WHEREAS**, by order dated June 5, 2012, this Council authorized giving notice to the owners of the parcel of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., July 3, 2012, 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 July 3, 2012, meeting until August 7, 2012; and

**WHEREAS**, this matter was continued at the August 7, 2012, meeting until November 6, 2012; and

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

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

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

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

**SECTION 2.** That, if the parcel 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 the parcel cleaned by removing any dilapidated buildings thereon, removing any standing water, by cutting any excess vegetation thereon, and by removing rubbish and debris. Thereafter, this Council shall adjudicate the actual cost of cleaning the parcel and such costs shall be an assessment against the parcel.

**EXHIBIT A**

<b><u>Tax Parcel Number and Property Address</u></b>	<b><u>Owner(s) and Mailing Address</u></b>	<b><u>Described at the following Jackson County, MS, Deed Books and Pages</u></b>
41700510.000 3615 Pine	Iva Jean Franklin Harrell 3238 Stonegate Circle Gautier, MS 39553 and Billy Dean Franklin 3615 Pine Street Pascagoula, MS 39567 and Joe Wayne Franklin 3615 Pine Street Pascagoula, MS 39567 and Charles Allen Franklin 3615 Pine Street Pascagoula, MS 39567 and Margaret Ann Franklin Wilson 3615 Pine Street Pascagoula, MS 39567	Deed Book 1648, Page 453

The above Resolution was introduced by Councilman Wolverton, seconded by Mayor Maxwell, and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor Pro Tem then declared the Resolution adopted on the 6th day of November, 2012.

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A property cleanup hearing was held for 2011 Pascagoula St., 4515 Cedar, 3311 Ronnie, 1414 Apache, 4607 Fisher, 407 John, and 403 John. Jaci Turner, Program Manager, gave an update on each parcel.

The Council considered the following Resolution:

### **RESOLUTION**

**WHEREAS**, by order dated October 2, 2012, 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., November 6, 2012, 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 the parcels 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 the parcels 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 the parcels.

**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>
41410012.000 2011 Pascagoula	Michael Dickinson P.O. Box 1123 Ocean Springs, MS 39566	Deed Book 702, Page 188
41700715.000 4515 Cedar	Crystal P. Cornelius 4515 Cedar Street Pascagoula, MS 39567 <b>(Footnote 1)</b>	Deed Book 1256, Page 587
41945029.000 3311 Ronnie	Pamela R. Eaves 2503 Old Mobile Hwy, Apt. 312 Pascagoula, MS 39581	Deed Book 1508, Page 253
41335234.000 1414 Apache	Robert E. McCorvey and Schermonique Danielle Taylor 5801 Dr. Martin Luther King Dr. Moss Point, MS 39563	Deed Book 1325, Page 522
41510003.000 4607 Fisher	Sean Matthew Ellington 6427 Airport Blvd., Apt. 84 Mobile, AL 36608	Deed Book 1383, Page 895
40405130.000 407 John	James R. Moore 104 Patriot Place Summerville, SC 29485	Deed Book 1059, Page 908

40405138.000  
403 John

James R. Moore  
104 Patriot Place  
Summerville, SC 29485

Deed Book 1055, Page 525

### **PARTIES WITH INTEREST**

**Footnote 1:** -Preferred Mortgages, Inc., 1625 Hwy 90, Suite A, Gautier, MS 39553  
-Claude E. Griffin, P.O. Box 5466, Moss Point, MS 39563

#### **The following actions were taken by the Council:**

**2011 Pascagoula Street** – Councilman Tillman made a motion to adopt the Resolution as presented above. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor Pro Tem then declared the Resolution adopted on the 6<sup>th</sup> day of November, 2012.

**4515 Cedar Street** - Councilman Milstead made a motion to adopt the Resolution as presented above. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor Pro Tem then declared the Resolution adopted on the 6<sup>th</sup> day of November, 2012.

**3311 Ronnie** - Councilman Corder made a motion to adopt the Resolution as presented above. The motion was seconded by Mayor Maxwell and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor Pro Tem then declared the Resolution adopted on the 6<sup>th</sup> day of November, 2012.

**1414 Apache**- Councilman Stallworth made a motion to adopt the Resolution as presented above. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor Pro Tem then declared the Resolution adopted on the 6<sup>th</sup> day of November, 2012.

**4607 Fisher** - Councilman Milstead made a motion to “DISMISS” the property clean matter for 4607 Fisher as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Dismissed 11-6-12)

**407 John** - Councilman Wolverton made a motion to adopt the Resolution as presented above. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead

“AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor Pro Tem then declared the Resolution adopted on the 6<sup>th</sup> day of November, 2012.

**403 John** - Councilman Milstead made a motion to adopt the Resolution as presented above. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor Pro Tem then declared the Resolution adopted on the 6<sup>th</sup> day of November, 2012.

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Councilman Abston requested that someone check 3409 Ronnie for property cleanup issues. Councilman Stallworth requested they also look at property on Testament Street.

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Eddie Williams, City Attorney, requested that the Broadcast Music, Inc. Music License Agreement (Item U) be removed from the consent agenda and considered separately due to some changes in the language that need to be made to the agreement.

Darcie Crew, Parks & Recreation Director, advised the Music License Agreement with Broadcast Music, Inc. (BMI), Nashville, TN, covers the period from October 1, 2012, to September 30, 2013, at a cost of \$320.00. Ms. Crew recommended allowing the automatic renewal of the agreement as provided in Section 15. The City Attorney advised that Section 4 (Late Payment and Service Charges) should have a change in the wording for payment from 30 days to 45 days. He also stated that Section 9 (Arbitration) should be deleted from the agreement.

Councilman Wolverton made a motion to approve the Music License Agreement with Broadcast Music, Inc. (BMI) for the period of October 1, 2012, to September 30, 2013, in the amount of \$320.00, approve the automatic renewal of the agreement as allowed for in Section 15, change Section 4 (Late Payment and Service Charges) from 30 days to 45 days, delete Section 9 (Arbitration), and authorize the City Manager to execute the related documents after the changes have been made to the agreement. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

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

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**The following consent agenda items were then considered:**

The first item for consideration was the minutes of the recessed regular Council meeting of October 16, 2012, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Tillman made a motion to adopt and approve the minutes of the recessed regular Council meeting of October 16, 2012, as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

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Minutes of the Pascagoula Redevelopment Authority meeting of August 20, 2012, were acknowledged by the Council.

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Minutes of the Main Street Board meetings of September 10 and October 1, 2012, were acknowledged by the Council.

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The next item for consideration was a request from the Mississippi Tobacco Free Coalition for permission to hang a banner for one day on November 15, 2012, to advertise the Great American Smoke-Out as presented by Rebecca Davis, Main Street Manager. This banner will be placed out to the side of the welcome sign.

Councilman Tillman made a motion to approve the request from the Mississippi Tobacco Free Coalition for permission to hang a banner for one day on November 15, 2012, to advertise the Great American Smoke-Out as presented. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

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The next item for consideration was a Resolution to set liens for property cleanup at cases for 4506 Robinhood, 1109 Skip, 4722 Navaho, 4610 Chippewa, 2910 Doby, 2610 Merrywood, 1402 Apache, 1204 Telephone, 4702 Fairmont, 1805 Louise, 4614 Fairmont, 1308 School and 1307 Cherokee as recommended by Eddie Williams, City Attorney.

The Resolution is spread on the minutes as follows:

### **RESOLUTION**

**WHEREAS**, in accordance with Section 21-19-11, Mississippi Code of 1972, this City Council heretofore adjudicated, after lawful notice and hearing, that the parcels of land described hereinafter were in such a state of uncleanness as to be a menace to the public health and safety of this community and authorized them to be cleaned by the City; and

**WHEREAS**, the parcels have been cleaned by the City; and

**WHEREAS**, it is hereby adjudicated that the amount set opposite the parcels listed hereinafter is the actual cost of cleaning of each parcel;

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

**SECTION 1.** That the parcels of land listed below, which are described by reference to deeds recorded at the appropriate pages in the Jackson County, Mississippi, Land Deed Books, are hereby charged with the cost of cleaning of each parcel appearing opposite.

**SECTION 2.** That these amounts are hereby declared to be an assessment and lien against each parcel listed below, which shall be enrolled in the office of the Circuit Clerk of Jackson County, Mississippi, as judgments are enrolled, and the Jackson County Tax Collector, acting as collector of City taxes, is hereby directed to sell each parcel of land to satisfy the liens in the manner provided by law for the sale of land for delinquent taxes, to wit:

**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>	<b><u>Cost of Cleaning</u></b>
41475115.000 2910 Doby	Peter J. Riehm 4708 Gibson Rd. Box 51 Ocean Springs, MS 39564	Deed Book 1272, Page 83	\$1,140.00
41245043.000 4702 Fairmont	Richard T. Hancock 4702 Fairmont Pascagoula, MS 39581	Deed Book 1127, Page 413	\$1,113.00
41410620.000 1308 School	William Howard Patton 3801 Melton, Apt 35A Pascagoula, MS 39581	Deed Book 1121, Page 58	\$1,100.00
41570067.000 4506 Robinhood	Andresa McNair 110 Indian Forest Trail Warner Robbins, GA 31088	Deed Book 1100, Page 679	\$1,106.25
41413021.000 1109 Skip	Augustine Durden 1109 Skip Pascagoula, MS 39567	Deed Book 463, Page 149	\$1,500.00

41335231.000 1402 Apache	Tonya Fountain 3525 Rollins Moss Point, MS 39563	Deed Book 1232, Page 779	\$1,640.00
41335022.000 1805 Louise	Home Dream Capital, LLC 1068 Mallard Marsh Drive Osprey, FL 34229	Deed Book 1576, Page 462	\$1,875.00
41335211.010 4722 Navaho	The Ezell Properties, LLC. 4557 Chamblee-Tucker Road Tucker, GA 30084	Deed Book 1558, Page 219	\$1,492.00
41335010.000 4610 Chippewa	Real Estate Development, LLC 1244 Kensington Drive Biloxi, MS 39530	Deed Book 1634, Page 533	\$1,048.00
41785187.000 2610 Merrywood	Victoria Brown Mixon 2610 Merrywood Pascagoula, MS 39581	Deed Book 1600, Page 96	\$1,108.20
41335254.000 1307 Cherokee	Morris Jep Sumpter and Denise D. Sumpter 1307 Cherokee Pascagoula, MS 39581	Deed Book 1042, Page 834	\$4,333.10
41245042.000 4614 Fairmont	Eddie Louise Wills 4614 Fairmont Pascagoula, MS 39581	Deed Book 1496, Page 224	\$5,421.00
41702754.000 1204 Telephone	Shiloh Equity Group 2201 Shelby Lane Ocean Springs, MS 39564	Deed Book 1564, Page 171	\$4,260.00

The above Resolution was introduced by Councilman Tillman, seconded by Councilman Wolverton, and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor Pro Tem then declared the Resolution adopted on the 6th day of November, 2012.

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The next item for consideration was advertising the resources of the City through the Gulf Coast Council of Garden Clubs 61<sup>st</sup> Annual Spring Pilgrimage 2013 "Diamond Jubilee" in the amount of \$250.00 as recommended by Eddie Williams, City Attorney. The City is given legal authority to provide support to this group by Section 21-17-1, a non-profit corporation that has qualified as a 501 (c) (3).

Councilman Tillman made a motion to approve advertising the resources of the City through the Gulf Coast Council of Garden Clubs 61<sup>st</sup> Annual Spring Pilgrimage 2013 “Diamond Jubilee” in the amount of \$250.00 as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

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The next item for consideration was an Order to determine whether the parcels of land are in such a state of uncleanliness as to be a menace to the public health and safety of this community for 2403 Polk, 4511 Fisher, 4507 Fisher, 1405 School, 1107 School, vacant lot on Ingalls, and 1003 Convent (vacant lot) as recommended by Eddie Williams, City Attorney.

The Order is spread on the minutes as follows:

### **ORDER**

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

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

**THEREFORE, IT IS ORDERED** that the owners of the parcels listed on the exhibit shall be given notice by the City Clerk as provided in Section 21-19-11, Mississippi Code of 1972, that a hearing shall be held by the City Council on December 4, 2012, 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>
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41451086.000 2403 Polk	Frances Taylor 2503 Old Mobile Hwy #517 Pascagoula, MS 39581 <b>(Footnote 1)</b>	Deed Book 160, Page 146
42110121.000 4511 Fisher	Kimble Tolbert Hollingsworth 4511 Fisher Pascagoula, MS 39581 <b>(Footnote 2)</b>	Deed Book 1011, Page 712
42110122.000 4507 Fisher	Robert K. Pierce and Lula L. Pierce 2714 Montclair Avenue Pascagoula, MS 39567 <b>(Footnote 3)</b>	Deed Book 1434, Page 49
41695090.000 1405 School	Audrey McEwen P.O. Box 46355 Tampa, FL 33647 and 23331 Key Largo Loop Land O Lakes, FL 34649 <b>(Footnote 4)</b>	Deed Book 932, Page 44
41695070.000 1107 School	Parrothead Properties, LLC P.O. Box 160 Magee, MS 39111	Deed Book 1618, Page 288
41230182.110 Vacant Lot on Ingalls	Jean Wigington Moore 3613 Riverwood Circle Moss Point, MS 39563	Deed Book 1279, Page 893
41411074.000 1003 Convent (Vacant Lot)	Wallace Benward 6204 Paseo Colina Carlsbad, CA 92009	Deed Book 1400, Page 270

**PARTIES WITH INTEREST**

**Footnote 1:** -United Financial Mortgage Corporation, 815 Commerce Drive, Suite 100, Oak Brook, IL 60523

**Footnote 2:** -Singing River Federal Credit Union, 6006 Hwy 63, Moss Point, MS 39563

**Footnote 3:** -Small Business Administration, 801 Tom Martin Drive, Suite 120, Birmingham, AL 35211

**Footnote 4:** -Southtrust Bank, P.O. Box 2233, Birmingham, AL 35201

The above Order was introduced by Councilman Tillman, seconded by Councilman Wolverton, and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor Pro Tem then declared the Order adopted on the 6th day of November, 2012.

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The next item for consideration was a request to allow Pascagoula Main Street to host two Christmas events and advertise the resources of the City by providing candy and throws in the amount of \$305.88 as recommended by Rebecca Davis, Main Street Manager. The events are as follows:

December 7, 2012 - (Downtown for the Holidays) and  
December 8, 2012 - (Pascagoula Christmas Parade)

Councilman Tillman made a motion to approve the request to allow Pascagoula Main Street to host two Christmas events (December 7, 2012 – Downtown for the Holidays, and December 8, 2012 – Pascagoula Christmas Parade) and advertise the resources of the City by providing candy and throws in the amount of \$305.88 as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

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The next item for consideration was Budget Amendment No. 13.06 in the Forfeiture & Seizure Funds for the purchase of bullet proof vests as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 13.06  
November 6, 2012**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Forfeiture &amp; Seizure Fund</u>	-	-	-



**City of Pascagoula  
Budget Amendment # 13.07  
November 6, 2012**

	<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>Grants:</u></b>			
-     BJA Grant - Police Vests	0	2,888	2,888
<b>Total Revenues</b>	<b>0</b>	<b>2,888</b>	<b>2,888</b>
-	-		-
- <b><u>Expenditures:</u></b>	-		-
- <b><u>General Administration:</u></b>			
- <b><u>Transfers:</u></b>			
-         Transfers to Forfeiture & Seizure Fund	0	2,888	2,888
- <b>Total Expenditures</b>	<b>0</b>	<b>2,888</b>	<b>2,888</b>
<b>Net Change in Fund Balance</b>		-	
<b>To amend the budget of the General Fund to provide expenditure authority to transfer 50% of the cost of bullet proof vests to the Forfeiture &amp; Seizure Fund, and record the corresponding receipt of the Grant from the Bureau of Justice Administration.</b>			

Councilman Tillman made a motion to approve the budget amendment as presented and recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".  
(Approved 11-6-12)

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The next item for consideration was Budget Amendment No. 13.08 in the General Fund for the 2013 DUI Grant as recommended by Bobby Parker, City Clerk/Comptroller. This amendment has effect on the General Fund's fund balance. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 13.08  
November 6, 2012**

	<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>Grants:</u></b>			
-     2013 DUI Grant	-	48,727.00	48,727.00
- <b>Total Revenues</b>	-	48,727.00	48,727.00
<b><u>Expenditures:</u></b>			
- <b><u>Field Services:</u></b>			
- <b>Personal Services:</b>			
-         Overtime - DUI	-	39,970.00	39,970.00
-         Retirement - DUI	-	5,699.29	5,699.29
-         Social Security - DUI	-	2,478.14	2,478.14
-         Medicare - DUI	-	579.57	579.57
- <b>Total Expenditures</b>	-	48,727.00	48,727.00
<b>Net Change in Fund Balance</b>		-	
<b>To amend budget to provide authority for expenditures stemming from the FY 2013 DUI Grant and the related grant revenue awarded by letter received 10/10/12.</b>			

Councilman Tillman made a motion to approve the budget amendment as presented and recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.  
(Approved 11-6-12)

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The next item for consideration was Budget Amendment No. 13.09 in the Forfeiture & Seizure Fund for equipment purchases as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 13.09  
November 6, 2012**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>Forfeiture &amp; Seizure Fund</u></b>	-	-	-
-	-		-
<b><u>Expenditures:</u></b>			
<b><u>Capital Outlay:</u></b>			
Other Furniture & Equipment	-	30,000	30,000
Mobile Equipment	-	35,850	35,850
<b>Total Expenditures</b>	-	<b>65,850</b>	<b>65,850</b>
<b>Net Change in Fund Balance - Forfeiture &amp; Seizure Fund</b>		<b>(65,850)</b>	
<b>To amend budget to provide expenditure authority for equipment purchases as outlined in Chief Johnson's Agenda Request.</b>			

Councilman Tillman made a motion to approve the budget amendment as presented and recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.  
(Approved 11-6-12)

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The next item for consideration was Budget Amendment No. 13.10 in the Community Development Fund for the 2012 Tidelands Grant revenue and related expenses for the Beachfront Promenade Project as recommended by Bobby Parker, City Clerk/Comptroller. This amendment has no effect on the Community Development Fund’s fund balance. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 13.10  
November 6, 2012**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>Community Development Fund</u></b>	-	-	-
- <b><u>Revenues:</u></b>	-		-
- <b><u>Grants:</u></b>	-		-
Tidelands (2012) - Promenade	-	150,000	150,000
<b>Total Revenues</b>	-	150,000	150,000
- <b><u>Expenditures:</u></b>			
- <b><u>Community Development:</u></b>			
- <b><u>Other Services &amp; Charges:</u></b>			
Tidelands (2012) - Promenade	-	150,000	150,000
-			
<b>Total Expenditures</b>	-	150,000	150,000
<b>Net Change in Fund Balance</b>			

<p><b>To amend budget to provide expenditure authority for the Tidelands Beachfront Promenade project and the related grant revenue.</b></p>		-	
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Councilman Tillman made a motion to approve the budget amendment as presented and recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.  
(Approved 11-6-12)

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The next item for consideration was a Resolution granting final approval of tax exemption from ad valorem taxes for a period of 10 years to Huntington Ingalls from and after December 31, 2011, as recommended by Eddie Williams, City Attorney.

The Resolution is spread on the minutes as follows:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASCAGOULA,  
MISSISSIPPI, GRANTING FINAL APPROVAL OF AN AD VALOREM  
TAX EXEMPTION TO HUNTINGTON INGALLS**

**WHEREAS**, Huntington Ingalls On May 31, 2011, filed an application with the City Council for exemption from ad valorem taxes, except school district taxes, for a period of ten (10) years as authorized by Section 27-31-101, Mississippi Code of 1972, which application was approved on August 21, 2012, by the City Council, subject to the approval of the State Tax Commission; and

**WHEREAS**, on October 16, 2012, the State Tax Commission of the State of Mississippi approved said application; and

**WHEREAS**, a copy of the aforesaid approval by the State Tax Commission has been received by the City Council, which reads as follows:



DEPARTMENT OF  
**REVENUE**  
STATE OF MISSISSIPPI

OFFICE OF PROPERTY TAX  
EXEMPTIONS & PUBLIC UTILITIES BUREAU

cc: Eddie - [unclear]  
Case #

October 16, 2012

RECEIVED  
10/18/12

Ms. Brenda Reed, Clerk  
City of Pascagoula  
P.O. Box 908  
Pascagoula, MS 39568-0908

**RE: Ad Valorem Taxation Exemption – Huntington Ingalls**

Dear Ms. Reed:

In accordance with the authority conferred upon the MS Department of Revenue by Miss. Code Ann. Section 27-31-105, the Department hereby certifies that the above named enterprise is eligible for ad valorem tax exemption, and is in compliance with the provisions of the statute.

The exemption of the property is certified for a period of ten years, from and after December 31, 2011, with a total true value of \$9,566,850.

The original application for exemption is enclosed for action by the board of supervisors and/or municipal authorities. A final order is to be placed on the minutes declaring this property is exempt, the true value, and the dates when such exemption commences and expires.

According to Miss. Code Ann. Section 27-31-109, the clerk shall record the application and order approving the exemption and shall send a copy of the final order to the MS Department of Revenue.

Sincerely,

Paul J. Foreman, Director  
Exemptions & Public Utilities Bureau

PJF:rf

Enclosures

cc: Mr. Scott Speights, Office of State Auditor  
Mr. Luther B. Goff, Tax Assessor Jackson County

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pascagoula, Mississippi, that it does hereby finally approve said application of Huntington Ingalls for ad valorem tax exemption, except school district taxes, for a period of ten (10) years from and after December 31, 2011, on the property described in the referenced application, which shows a true value of \$9,566,850.

**BE IT FURTHER RESOLVED** that the City Clerk shall duly record this resolution in the minutes of the City Council and any exemption book of the City and that a certified copy thereof shall be mailed to the State Tax Commission, the Jackson County Tax Assessor, and the State Auditor of Public Accounts.

The above Resolution was introduced by Councilman Tillman, seconded by Councilman Wolverton, and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor Pro Tem then declared the Resolution adopted on the 6th day of November, 2012.

(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 Public Trust Tidelands Lease for Pascagoula River Park with the State of Mississippi as recommended by Darcie Crew, Parks & Recreation Director. The primary term of the lease shall be for forty (40) years, beginning on August 1, 2012, and terminating on July 31, 2052.

Councilman Tillman made a motion to approve a Public Trust Tidelands Lease for Pascagoula River Park with the State of Mississippi as recommended and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

(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 Order to adopt the 2012-2013 Motor Vehicle Assessment Schedule as recommended by Eddie Williams, City Attorney.

The Order is spread on the minutes as follows:

### **ORDER**

**WHEREAS**, the City Council by order dated October 16, 2012, acknowledged receipt of the Motor Vehicle Assessment Schedule for the 2012-2013 fiscal year and ordered that such schedule was available for inspection by any interested taxpayer; and

**WHEREAS**, it was further ordered that on November 6, 2012, at 6:00 P.M. the City Council would convene in a meeting in the City Hall at 603 Watts Avenue to hear and take action on any complaint, filed in writing, objecting to and petitioning for a specified reduction of any portion or portions of said assessment schedule affecting the complainant directly; and

**WHEREAS**, we hereby find and determine that no complaint has been filed in writing;

**NOW, THEREFORE, IT IS ORDERED** that the Motor Vehicle Assessment Schedule for the 2012-2013 fiscal year prepared by the Mississippi State Tax Commission is hereby adopted as the Motor Vehicle Assessment Schedule for the City of Pascagoula.

The above Order was introduced by Councilman Tillman, seconded by Councilman Wolverton, and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor Pro Tem then declared the Order adopted on the 6th day of November, 2012.

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The next item for consideration was a consultant agreement with Brown, Mitchell, and Alexander, Inc., (BMA), Gulfport, MS, for the Hospital Road Improvements Project as recommended by Jen Dearman, Community and Economic Development Director. This project will improve Hospital Road from Denny Avenue (Highway 90) south to Old Mobile Highway (approximately 1,800 feet). BMA will assist the City by providing professional engineering services for the design of the project as well as assistance in the bidding process. The project will be designed in accordance with Mississippi Department of Transportation procedures.

Councilman Tillman made a motion to approve a consultant agreement between the City of Pascagoula and Brown, Mitchell, and Alexander, Inc. for the Hospital Road Improvements Project as recommended and authorize the City Manager to execute the agreement. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

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

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Next to come before the Council was Amendment # 17 to the City of Pascagoula Employees’ Group Health Care Plan as recommended by Brenda Germany, Human Resources Generalist, and the Insurance Committee. This amendment will amend the vision benefit allowance for an annual eye exam and bi-annual eyeglass frames to more current amounts as recommended by the City of Pascagoula Insurance Committee. (Current allowances were established in 2004). The amendment is spread on the minutes as follows:

**CITY OF PASCAGOULA  
Employees Health Care Plan Amendment # 17**

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

Effective January 1, 2013:

**Page 4 - Vision Expense Benefit** is amended to be shown as follows:

<b>Examinations</b>	<b><u>Plan Pays</u></b>
One (1) exam during any twelve (12) consecutive months	100% after \$10 copay
Maximum Benefit	\$100
 <b>Spectacle Lenses</b>	
One pair of lenses during any twelve (12) consecutive months	100% after \$25 copay
 <b>Maximum Benefit</b>	
Single Vision	\$55/Lens
Bifocal	\$75/Lens
Trifocal	\$95/Lens
Lenticular	\$150/Lens
 <b>Frames</b>	
One frame during any twenty-four (24) consecutive months	100% after \$25 copay
Maximum Benefit	\$100

**Contact Lenses**

One prescription during any twelve (12) consecutive months

100% after

\$25 copay

Maximum Benefit

\$105

These changes, as approved by the City of Pascagoula on \_\_\_\_\_ day of \_\_\_\_\_, 2012, are effective January 1, 2013. 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: \_\_\_\_\_

*The City of Pascagoula believes the City of Pascagoula Employees' Health Care Plan to be a "Grandfathered Health Plan" under the Patient Protection and Affordable Care Act.*

Councilman Tillman made a motion to approve Amendment # 17 to the City of Pascagoula Employees' Group Health Care Plan as recommended regarding the vision benefit allowance 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". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

(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 CDBG-R Recovery Grant Funds closeout documents with HUD for sidewalks in the Arlington and Cherokee areas as recommended by Jen Dearman, Community and Economic Development Director.

Councilman Tillman made a motion to approve the CDBG-R Recovery Grant Funds closeout documents with HUD for the sidewalks in the Arlington and Cherokee areas as recommended and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE".

Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

(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 2012 DUI Grant closeout documents for the Police Department as recommended by Jen Dearman, Community and Economic Development Director.

Councilman Tillman made a motion to approve the 2012 DUI Grant closeout documents with the Police Department as recommended and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

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

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Next for consideration was a request to extend Waste Container Service – Annual Bid #280, with Waste Pro (Delta Sanitation), Gautier, MS, for an additional twelve (12) months at the current contract prices as recommended by Steve Mitchell, Operations Manager. The new contract dates are October 21, 2012, through October 20, 2013.

The concurrence letter is as follows:



October 18, 2012

Mr. Tim Callahan  
 Waste Pro (Delta Sanitation)  
 4205 Beasley Road  
 Gautier, MS 39553

**RE: Renewal of Annual Bid #280 for Waste Container Service**

Dear Mr. Callahan:

The annual bid for Waste Container Service will expire on October 20, 2012. We are interested in extending the current contract at the existing contract prices for an additional year. Your bid prices are:

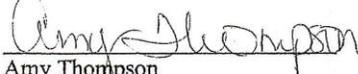
Two (2) Yd	1x wk	\$50.00	2x wk	\$100.00	Monthly	\$50.00
Four (4) Yd	1x wk	\$60.62	2x wk	\$121.24	Monthly	60.62
Six (6) Yd	1x wk	77.94	2x wk	155.88	Monthly	77.94
Eight(8) Yd	1x wk	100.00	2x wk	190.00	Monthly	\$90.00

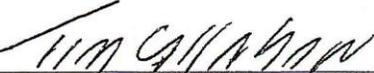
**All garbage or waste shall be taken to the Waste Management Pecan Grove Landfill**

The extension shall be good for a period of twelve months, starting October 21, 2012 continuing through October 20, 2013. If you are in agreement with this extension, please respond in writing on or before Monday, October 29, 2012. Please sign the concurrence line below indicating that you are in agreement and return this document via mail, email and/or fax to me on or before **October 29, 2012**.

If you have questions, please give me a call. The phone and fax numbers are listed below and my email address is [athompson@cityofpascagoula.com](mailto:athompson@cityofpascagoula.com). Your prompt attention is appreciated.

Sincerely,  
**CITY OF PASCAGOULA**

  
 Amy Thompson  
 Purchasing Agent

CONCURRENCE:    
 Waste Pro (Delta Sanitation) Date

City of Pascagoula, Purchasing Department, 630 Delmas Av., (228) 938-6722, Fax (228) 938-6790,  
 E-mail: [athompson@cityofpascagoula.com](mailto:athompson@cityofpascagoula.com)

Councilman Tillman made a motion to approve a request to extend the Waste Container Service – Annual Bid #280, with Waste Pro (Delta Sanitation), Gautier, MS, for an additional twelve (12) months at the current contract prices. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

(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 extend the bid for antiscalant, disperant, antifoulant - Annual Bid #313, with Water & Waste Specialties, Theodore, AL, at the current contract price of \$3,100.00 per 55 gallon drum as recommended by Steve Mitchell, Operations Manager. The new contract dates are November 2, 2012, through November 1, 2013, with a one-year renewal option.

Councilman Tillman made a motion to approve a request to extend the bid for antiscalant, disperant, antifoulant - Annual Bid #313, with Water & Waste Specialties, Theodore, AL, at the current contract price of \$3,100.00 per 55 gallon drum as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

(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 extend Annual Bid #315 – sand with Graham Construction Co., Inc., Escatawpa, MS, at the current contract prices of \$9.49 per yard for 1,000 yards or less and \$9.49 for over 1,000 yards, as recommended by Steve Mitchell, Operations Manager. The new contract dates are November 2, 2012, through November 1, 2013, with a one-year renewal option.

Councilman Tillman made a motion to approve a request to extend Annual Bid #315 – sand with Graham Construction Co., Inc., Escatawpa, MS, at the current contract prices as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

(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 approve a Lease/Purchase Vehicle for the FBI Safe Streets Program for the Police Department as recommended by Kenny Johnson, Police Chief. This would be a lease/purchase of one 2013 Ford SSV F150 truck for \$633.94 per

month for 48 months in place of the previously approved 2013 PPV utility for \$699.81 per month for 48 months. A memorandum regarding this item is spread on the minutes as follows:



## Pascagoula Police Department

P.O. Drawer 385, Pascagoula, MS 39568-1385 VOICE: 228-762-2211 FAX: 228-938-6745

*Kenny Johnson, Chief of Police*

To: Joe Huffman, City Manager

From: Kenny Johnson, Chief of Police

Date: October 18, 2012

Subject: Police Lease Vehicle

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The council approved the Lease/ Purchase of a 2013 Ford PPV Utility vehicle in August. The lease was for forty eight months at \$699.81 per month, this is 100% reimbursed by the HIDTA Grant. We originally priced a Ford F150 that was not on state bid at the time and was unable to get a lease payment for less than \$700.00 per month.

The 2012/2013 state bid has a 2013 Ford SSV F150 police vehicle that we can lease for \$633.94 per month for forty eight months. I would like to request the board to approve the lease of the 2013 SSV F 150 in place of the 2013 PPV Utility.

A forty-eight (48) month lease/purchase for a 2013 Ford SSV F150 will cost \$633.94 per month through Ford Credit. The total cost of this vehicle fully equipped is \$26,826.00. Any additional equipment such as lights, radio, etc. will be funded utilizing Forfeiture and Seizure monies.

If you concur with my recommendation, I would like to go forward with getting Council approval to purchase/lease a 2013 Ford SSV F150 for our officer assigned to the Federal Task Force.

Sincerely,

Kenny Johnson  
Chief of Police



*"To protect and serve"*

Councilman Tillman made a motion to approve a request for a Lease/Purchase Vehicle for the FBI Safe Streets Program for the Police Department for one 2013 Ford SSV F150 truck for \$633.94 per month for 48 months in place of the previously approved 2013 PPV utility for \$699.81 per month for 48 months as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

(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 advertise for the Beach Promenade Project - Phase 1, contingent upon receiving authority from MDOT, as recommended by Jaci Turner, Program Manager.

Councilman Tillman made a motion to authorize the City Clerk to advertise for the Beach Promenade Project - Phase 1, contingent upon receiving authority from MDOT, as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

(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 Change Order #1 to the contract with D & D Construction, Lucedale, MS, for the Magnolia Street Birding Pier Project as recommended by Darcie Crew, Parks & Recreation Director. The change order request adds 20 days of time for delays caused by Hurricane Isaac as well as delays from the wood material supplier and a total monetary increase of \$1,800.00 for unforeseen underground obstructions.

Councilman Tillman made a motion to approve Change Order # 1 to the contract with D & D Construction for the Magnolia Street Birding Pier Project and authorize the City Manager to execute the related documents as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

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

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Next for consideration was the Veterans' Day Parade on November 10, 2012, and a request to advertise the resources of the City by providing candy for throws in the amount of \$103.55 as presented by Joe Huffman, City Manager. The City will have the parade truck in the line-up.

Councilman Tillman made a motion to approve advertising the resources of the City by providing candy for throws in the amount of \$103.55 for the Veterans' Day Parade scheduled on November 10, 2012, as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

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The next item for consideration was a Smoke Free Resolution Inquiry as presented by Jen Dearman, Community and Economic Development Director. Ms. Dearman advised the proposed Letter of Agreement would be between the City and the Mississippi Tobacco Free Coalition of Jackson County and would determine public opinion and the level of interest in having a smoke-free policy for Pascagoula. She further advised that if the community is in favor of such a policy, then a resolution would be developed and presented to the Council. These efforts would be implemented in partnership with the Coalition, and all expenditures would be eligible for reimbursement through the State of Mississippi Department of Health's Technical Assistance Grant for the Community Smoke-Free Policies Program. The Council made several comments regarding this item and then considered the following Letter of Agreement.

**Letter of Agreement Between the municipality of \_\_\_\_\_**

**And the Mississippi Tobacco-Free Coalition of \_\_\_\_\_**

This Letter of Agreement verifies that the municipality of \_\_\_\_\_ will work collaboratively with the Mississippi Tobacco-Free coalition of \_\_\_\_\_ on completion of activities for the Technical Assistance Grant for Community Smoke-Free Policies. The Grantee and the MTFC must agree on the timeline prior to signing this Letter of Agreement.

**Grantee Activities:**

1. Schedule an initial meeting with local MTFC project director and OTC to discuss contractual obligations.
2. Review the model policy provided by the statewide partners and, if applicable, submit a written request to change the policy.
3. Schedule a date for the public comments meeting and prepare an agenda.
4. Partner with the local MTFC to educate the community on the health consequences of secondhand smoke exposure (ex. Public forum). Inform the community that a comprehensive smoke-free policy is being considered and invite public comments.
5. If a municipality is considering a smoke-free policy, place it on the agenda for consideration.
6. If the policy is passed, provide toolkits and signage to businesses and partner with local MTFC to educate on the benefits of smoke-free environments.

**MTFC Responsibilities**

1. Provide technical assistance to the municipality.
2. Provide education and resources.
3. Facilitate communication between the municipality and MSDH.

The undersigned, as authorized representatives of the respective parties, agree to all terms provisions of the agreement.

\_\_\_\_\_  
Name/Title of city official                      Date

\_\_\_\_\_  
Name of MTFC Project Director              Date

Mayor Maxwell made a motion to approve the Letter of Agreement with the Mississippi Tobacco Free Coalition of Jackson County as presented above and authorize the Mayor to execute the related documents to determine public opinion and the level of interest in having a smoke-free policy for Pascagoula. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "NAY", Milstead "AYE", Stallworth "AYE", Tillman "NAY", and Wolverton "AYE". (Approved 11-6-12)

(A copy of the related document 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 letter of support for the City of Pascagoula's 2013 Brownfields Assessment Grant Program application as recommended by Jen Dearman, Community and Economic Development Director. The proposed letter is spread on the minutes as follows:

CITY OF PASCAGOULA  
603 Watts Avenue  
P. O. Drawer 908  
Pascagoula, MS 39568-0908

November 19, 2012

U.S. Environmental Protection Agency, Region IV  
Mr. Philip Vorsatz, EPA Region IV Brownfields Coordinator  
Atlanta Federal Center  
61 Forsyth Street, S.W., 14<sup>th</sup> Floor  
Atlanta, Georgia 30303-8960

Reference: City of Pascagoula Grant Proposal  
DUNS Number: 131064284

Dear Mr. Vorsatz:

The City of Pascagoula, Mississippi is pleased to have this opportunity to pursue funding assistance through the U.S. Environmental Protection Agency's Brownfields Assessment Program. The City of Pascagoula is located on the Mississippi Gulf Coast in southeast Mississippi and serves as the county seat for Jackson County. Pascagoula is one of the primary population and industrial centers of south Mississippi and is home to Ingalls Shipyard, a division of Huntington-Ingalls Industries, which is currently the largest employer in the State of Mississippi. Pascagoula was significantly impacted by Hurricane Katrina and has conducted significant comprehensive and strategic planning activities in recent years that place the City in a position to seek Brownfields funding to allow for continuation of post-hurricane rebuilding efforts.

The City of Pascagoula is applying for an Assessment Grant in the amount of \$200,000 for hazardous contamination assessment activities and \$200,000 for petroleum contamination assessment. A letter indicating the City's commitment to participation is provided with this proposal as an attachment.

Included below is the specific information required for the cover letter as outlined in the 2013 Program Year Proposal Guidelines:

- a. Applicant Identification: City of Pascagoula, Mississippi, Post Office Drawer 908, Pascagoula, Mississippi 39568
- b. Applicant DUNS Number: 131064284
- c. Funding Requested:
  - i. Grant Type: Brownfields Assessment
  - ii. Federal Funds Requested: \$200,000
  - iii. Contamination: \$200,000 hazardous contamination assessment and \$200,000 petroleum contamination assessment
  - iv. Grant Target: Brownfields Assessment Grant
- d. Location: Pascagoula, Mississippi
- e. Site-specific Property Name and Address: Not applicable (community-wide request)
- f. Contacts:
  - i. Project Director:  
Ms. Jennifer Dearman  
Post Office Drawer 908  
Pascagoula, Mississippi 39568-0908  
Office: (228) 938-6639  
Fax: (228) 938-6637 [jdearman@cityofpascagoula.com](mailto:jdearman@cityofpascagoula.com)
  - ii. Chief Executive/Highest Ranking Official: Joseph Huffman, City Manager  
Post Office Drawer 908  
Pascagoula, Mississippi 39568-0908  
Office: (228) 938-6614  
Fax: (228) 938-6749 [jhuffman@cityofpascagoula.com](mailto:jhuffman@cityofpascagoula.com)
- g. Date Submitted: November 19, 2012
- h. Project Period: June 2013- June 2016 (3 Years)
- i. Population:
  - i. General Population: City: 22,392; County: 139,698 (2010 Census Data)
  - ii. Target Area Population: Not applicable (applicant is a general purpose unit of local government).

Once again, the City of Pascagoula is pleased to have this opportunity and looks forward to the opportunity to work as a project partner with you in this endeavor. Should you require additional information or if I can be of service in any manner, please do not hesitate to contact me.

Sincerely,

Robbie Maxwell,  
Mayor

Councilman Corder made a motion to approve the letter of support for the City of Pascagoula's 2013 Brownfields Assessment Grant Program application as recommended and authorize the Mayor to execute the letter. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

(A copy of the related document 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 new job description for an Engineering Technician in the Planning, Inspections and Engineering Department as recommended by Glenda Beal, Human Resources Director. Ms. Beal advised this position was approved in the new budget and has been advertised for applications. After discussion, the Council considered the following job description:

### **Engineering Technician**

<b>DEPARTMENT:</b>	Planning, Inspections and Engineering	<b>LABOR GRADE:</b> 116
<b>EXEMPT(Y/N):</b>	Yes	<b>POSITION CODE:</b>
<b>REPORTS TO:</b>	Director of Planning, Inspections and Engineering	

### **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:**

Support the Engineering department with design and drafting of plans/details for water, sewer, storm drain and paving projects. Inspect construction projects for compliance with plans, progress, and storm water best management practices to minimize sediment transport.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES:**

#### ***Design and Drafting***

- Prepare construction plans for water, sewer, storm drain and paving projects to be completed. Prepare initial plan set and incorporate any mark-ups until construction documents are finalized.
- Incorporate any permitting comments into design drawing.
- Maintain catalog of standard details for construction.
- Maintain and develop standard specifications.
- Coordinate with survey companies and/or crew to ensure accurate base drawings.
- Make recommendations to engineer regarding improvements to design details.
- Monitor current construction methods and materials available to ensure plans are as modern and efficient as possible.
- Maintain current training in CAD software and other appropriate design software/techniques.

**Construction Inspections**

- Complete periodic on-site inspections of ongoing construction efforts within the city of Pascagoula whether in-house design/construction or contract construction.
- Receive any questions regarding field application of the plans and specifications to refer back to City Engineer.
- Communicate clarifications from the Engineer to the on-site contractor.
- Photograph conditions of construction sites and log to electronic file.
- Document personnel, equipment, weather conditions on-site during field inspections.

**Map Maintenance**

- Review and maintain city GIS mapping data for accuracy and to keep current.
- Incorporate as-built conditions of projects into field records of projects as well as city infrastructure maps.
- Provide copies of existing maps to staff as requested

**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:**

None

**EDUCATION and/or EXPERIENCE:**

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

**SPECIAL QUALIFICATIONS:**

## **KNOWLEDGE, SKILLS AND ABILITIES**

- Computer drafting skills
- Mapping development and interpretation
- Utility systems to include, water, sewer, and storm drain
- Understand construction plans with specifications and contracts
- Use drafting/design/mapping software to develop plans
- Ability to translate designs to paper drawings
- Detect potential issues with basic design concepts
- Storm water standards and erosion control
- Infrastructure and layout of city mapping
- Auto CAD software GIS software
- Communicate concerns with storm water management programs to contractors

## **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 and small group setting. The ability to work effectively and efficiently, under stressful conditions, to ensure deadlines are met is essential. Strong interpersonal skills are needed to develop and maintain effective working relationships.

## **WRITTEN COMMUNICATIONS:**

- Ability to prepare draft letters, permit applications, submittal packages, etc., in support of the preparation of in-house designs for review and execution by engineer.
- Interpret comments from permitting agencies as they apply to designs and communicate any needed changes to the engineer for consideration.
- File maintenance to include permits, comments, and design notes for each project.

## **PHYSICAL DEMANDS:**

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

This position is required to be able to stand; walk; use arms, hands, and fingers; see, hear, and speak. Requires the ability to lift and carry program supplies and materials weighing up to 20 pounds. Requires a MS State Driver's License and the ability to drive.

After discussion, Mayor Maxwell made a motion to approve the new job description for an Engineering Technician (labor grade 116) as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

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The next item for consideration was a new job description for an Outdoor Recreation Specialist in the Parks and Recreation Department as recommended by Glenda Beal, Human Resources Director. Ms. Beal advised that this position was approved in the new budget. The Council then considered the following job description:

**Outdoor Recreation Specialist**

<b>DEPARTMENT:</b> Parks and Recreation	<b>LABOR GRADE:</b> 109
<b>EXEMPT(Y/N):</b> Yes	<b>POSITION CODE:</b> 301118
<b>REPORTS TO:</b> Parks and Recreation Director	

**MEETING PERFORMANCE EXPECTATIONS**

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

**SUMMARY:**

**This position is responsible for planning and coordinating special events, special interest programs, and activities held at the city’s recreation centers in accordance with all applicable laws and City of Pascagoula policies and procedures.**

**ESSENTIAL DUTIES AND RESPONSIBILITIES include the following:**

- Develops, plans, and implements outdoor recreation programs for people of all ages and abilities. Promotes activities to attract eco-tourism in Pascagoula.
- Coordinates special interest classes; recruits part-time instructors, camp counselors, volunteers, and event performers.
- Prepares and distributes promotional literature and press releases;
- Monitors City contracts with vendors and concessionaires.
- Monitors programs to ensure programs are cost effective, safe, and meet the needs of the community.
- Directs educational programs, summer nature and adventure camps, and provides outreach to schools, clubs, and organizations desiring marine and wildlife education as needed;

- Assists the City's Grants Coordinator in preparing grant applications for local, state, and federal assistance for advancement of outdoor and nature education; works in obtaining and monitoring solid waste grants related to litter education and anti-litter campaigns
- Oversee the operation of the Scranton Nature Center and Museum.
- Develops and monitors the budget for the museum and the nature center; Responsible for staff supervision, including both regular and volunteer;
- Develops, plans, and implements various events for the museum and nature center.
- Serves as KAB coordinator; prepares yearly litter index for the City; coordinates related events such as Great American Cleanup and Arbor Day.
- Any other duties assigned by the Parks and Recreation Director.

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

### **QUALIFICATION REQUIREMENTS:**

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

#### **SUPERVISORY REQUIREMENT:**

This position directly supervises instructors, summer camp counselors, and various volunteers on a daily basis.

#### **EDUCATION and/or EXPERIENCE:**

A high school graduate; a bachelor's degree in recreation, leisure services, community education, or a related field is required. Past experience developing and supervising leisure activities in a municipal setting or any combination of experience and education that results in the required knowledge, skills, and abilities is required.

#### **SPECIAL QUALIFICATIONS:**

Computer proficiency in MS Word, Excel, Publisher, and Outlook is required; previous experience with MUNIS software is preferred. Thorough knowledge of public relations and promotional methods and procedures is essential. General understanding of budget development and administration is required. A valid Mississippi 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 and small group setting. The ability to work effectively and efficiently, under stressful conditions, to ensure deadlines are met is essential. Strong interpersonal skills are needed to develop and maintain effective working relationships.

### PHYSICAL DEMANDS:

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

This position is required to be able to stand; walk; use arms, hands, and fingers; see, hear, and speak. Requires the ability to lift and carry program supplies and materials weighing up to 20 pounds. Requires a MS State Driver's License and the ability to drive.

### WORKING ENVIRONMENT:

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

The noise level of this position is moderate to loud. The majority of work is performed indoors in a well-lit and adequately ventilated building. Occasionally work is performed outdoors in all types of weather conditions. This position is required to work nights and weekends as dictated by planned events and activities.

After discussion, Councilman Stallworth made a motion to approve a new job description for the Outdoor Recreation Specialist (labor grade 109) as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

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The next item for consideration was the addition of a Flexible Spending Account (FSA) to the current City of Pascagoula Section 125 Cafeteria Plan, effective January 1, 2013, as presented by Glenda Beal, Human Resources Director; Brenda Germany, Human Resources Generalist; and John Lockard, with Lockard & Williams Insurance Services. The administration cost would be paid by a portion of the employer tax savings afforded under the FSA, resulting in a net tax savings of 3.65% of the funds contributed into the FSA. A question and answer session followed.

### CAFETERIA PLAN

This is an agreement between **The City of Pascagoula** (Called the PLAN SPONSOR in this Agreement) and **Lockard & Williams Insurance Services, P.A.** The Plan Service Provider (Called L&W in this Agreement)

For

**Cafeteria Plan Administration**

WHEREAS, the PLAN SPONSOR has established a Cafeteria Plan (called the plan in this agreement) for certain of its employees; and

WHEREAS, the PLAN SPONSOR has requested L&W to act as its agent with regard to the payment of certain benefits of the plan and to furnish services with respect to the plan.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this agreement, the PLAN SPONSOR and L&W agree to the provisions as set forth in this agreement.

### **SECTION 1. PLAN**

As used in this agreement, plan means the Cafeteria Plan set forth in the plan document, together with any and all amendments and supplements thereto.

### **SECTION 2. EFFECTIVE DATE**

This agreement is effective January 1, 2013 through December 31, 2013; with an option for additional years as agreed upon by both parties.

### **SECTION 3. PLAN BENEFITS SUBJECT TO THIS AGREEMENT**

The plan benefits subject to this agreement are employee benefits.

### **SECTION 4. L&W RESPONSIBILITIES**

- (a) L&W will process initial election forms and revocation forms to initiate the process.
- (b) L&W will provide to PLAN SPONSOR reimbursement claim forms with instructions on how to complete and file.
- (c) L&W will issue reimbursement checks to the participants of the plan as eligible claims are received and processed. A check register for all checks that are printed will be provided to the PLAN SPONSOR.
- (d) L&W will provide a reimbursement file to the PLAN SPONSOR which identifies all data pertaining to each check that is issued on each specified check cycle. This information will include employee name, social security number, check number, check amount and benefit account drawn from. This file will be delivered to the PLAN SPONSOR in a time frame agreed upon by both parties.
- (e) L&W will administer discrimination testing and provide interpretation based on information provided by the PLAN SPONSOR.
- (f) L&W will provide contribution reports on an ongoing basis as the plan year progresses.
- (g) L&W will provide forms to the PLAN SPONSOR in communicating participant terminations and family status changes to L&W.
- (h) L&W will prepare Form 5500 annually if needed and requested by PLAN SPONSOR.

- (i) L&W will supply election forms at the end of each plan year for use in making elections for the following plan year as requested.
- (j) L&W will make any amendments necessary to the plan document and summary plan description.
- (k) L&W will provide each participant with a statement of account at a minimum of two times per plan year. We will also attach a memo with the final statement of each plan year for those employees that have a balance remaining in the flexible spending account.
- (l) L&W will provide an annual forfeiture report to the PLAN SPONSOR.
- (m) L&W will provide and initiate any amendments to the plan document or summary plan description that may become necessary during the plan year. This will be done at no charge to the Plan Sponsor.

#### **SECTION 5. PLAN SPONSOR RESPONSIBILITIES**

- (a) The PLAN SPONSOR will report participant terminations and changes of family status to L&W.
- (b) The PLAN SPONSOR will reconcile payroll amounts redirected to the plan based on contribution worksheets provided by L&W.
- (c) If reimbursement checks are provided to the PLAN SPONSOR those checks will be signed by an authorized representative of the PLAN SPONSOR and then distributed to those employees receiving a reimbursement.

#### **SECTION 6. L&W LIABILITY**

- (a) L&W will use care and due diligence in performance of its duties under this agreement.
- (b) In the event an incorrect payment is made by L&W pursuant to this agreement which is a result of the failure of L&W to exercise reasonable care in making the payment, L&W will be considered liable for this mistake. However, if the incorrect payment is the result of incorrect information provided by the PLAN SPONSOR to L&W, L&W will not be liable for the incorrect payment. L&W and the PLAN SPONSOR will make a diligent effort to recover any incorrect excess payment made.

#### **SECTION 7. PLAN SPONSOR LIABILITY**

- (a) The PLAN SPONSOR retains the ultimate responsibility for claims made pursuant to the plan.
- (b) The PLAN SPONSOR is responsible for all expenses incidental to the plan.

#### **SECTION 8. REIMBURSEMENT OF L&W**

Approximately by the 5<sup>th</sup> of each month L&W will submit a statement showing the amount of fees for the previous month. The PLAN SPONSOR will pay L&W the amount within ten (10) days of receipt of the statement.

- (1) Plan Education/Enrollment/Start up fees will be billed at no cost for the initial plan year and each year thereafter.
- (2) Our Monthly fee for administration of the City of Pascagoula's Cafeteria Plan will be 4% of the total contributions into the flexible spending accounts per month.

## **SECTION 9. CONTRACT SEVERABILITY**

If any provision of this agreement is held invalid by law or by a court of law, the invalidity will not affect any other provision of this agreement. The provisions of this agreement are severable. It is provided,

however, that the basic purposes of this agreement must be achieved through the remaining valid provisions.

#### **SECTION 10. CAPTIONS AND HEADINGS**

The captions and headings throughout this agreement are for convenience and reference only. The words of the captions and headings will in no way be held or deemed to define, describe, explain, modify or limit the meaning of any provision, or the scope or the intent of this agreement.

#### **SECTION 11. CONTRACT COMPLIANCE - NONWAIVER**

Failure by the PLAN SPONSOR, L&W or both to insist upon compliance with any term or provision of this agreement at any time or under any set of circumstances will not operate to waive or modify that provision or render it unenforceable at any other time whether the circumstances are or are not the same.

#### **SECTION 12. ASSIGNMENT**

Any assignment of this agreement or of any rights contained in this agreement without prior written consent will be void and of no force or effect.

#### **SECTION 13. AMENDMENT**

This agreement may be amended either by the PLAN SPONSOR or by L&W at any time provided the amendment is agreed to by both parties. A written notice will state the effective date of the amendment and will be given no less than thirty (30) days prior to the effective date.

#### **SECTION 14. TERMINATION**

(a) This agreement may be terminated either by the PLAN SPONSOR or by L&W at any time provided the terminating party gives the other party prior written notice. The written notice will state the effective date of the termination. The written notice will be given no less than one hundred (100) days prior to the date of the termination by L&W and no less than thirty (30) days prior to the date of the termination by the PLAN SPONSOR. If due to a rate increase the notice of termination would be a minimum of 100 days.

(b) This agreement will terminate automatically and immediately as of the date:

(1) The PLAN SPONSOR fails to pay any charges within thirty (30) days after charges are due and payable as provided in this agreement or

(2) The PLAN SPONSOR fails to perform its obligations regarding plan benefit payment in accordance with this agreement. Termination will not relieve the PLAN SPONSOR of its obligation to reimburse L&W for payment of plan benefits or

(3) The PLAN SPONSOR amends the plan regarding plan benefits subject to this agreement without prior written acknowledgment of L&W or

(4) The plan or the plan benefits subject to this agreement are terminated or

(5) The PLAN SPONSOR becomes insolvent or bankrupt or subject to liquidation or receivership.

(c) If the plan or the plan benefits subject to this agreement are terminated, the PLAN SPONSOR and L&W may mutually agree that the provisions of this agreement will continue in

effect solely for the purpose of payment of any claims for which proofs of loss have been received by L&W before the date of termination.

(d) If this agreement is terminated while the plan continues in effect, the PLAN SPONSOR and L&W may mutually agree that the provisions of this agreement will continue in effect solely for the purpose of payment of any claims for which proofs of loss have been received by L&W before the date of termination.

(e) If provisions of this agreement are continued in effect in accordance with subsection (c) or (d) of this section, the PLAN SPONSOR and L&W will mutually determine an appropriate charge to be paid by the PLAN SPONSOR to L&W during the period the provisions of this agreement are continued.

(f) Termination of this agreement will not terminate the rights or obligations of either party arising out of the period during which this agreement was in effect.

IN WITNESS WHEREOF, the PLAN SPONSOR and L&W have caused this agreement to be executed in their names by their undersigned officers, the same being duly authorized to do so.

Lockard & Williams Insurance Services, P.A.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date:

The City of Pascagoula

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

Councilman Corder made a motion to approve the addition of a Flexible Spending Account (FSA) to the current City of Pascagoula Section 125 Cafeteria Plan effective January 1, 2013, as recommended. The motion was seconded by Councilman Stallworth.

After further discussion, Councilman Corder amended his motion to approve the addition of a Flexible Spending Account to the City of Pascagoula's Cafeteria Plan and change the wording in Section 14 (Termination) –(b) (1) to read 45 days for payment of the invoice. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 11-6-12)

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

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Glenda Beal, Human Resources Director, then discussed the proposed Pay and Classification Study as prepared by The John Stennis Institute of Government. Ms. Beal provided background information regarding the study which was initiated in February 2012, and explained the steps involved in this study. She advised that overall the City of Pascagoula is very competitive with other sources of data used in the analysis. A lengthy discussion followed.

Councilman Corder then made a motion to “TABLE” this item for further review. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

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

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(Mayor Maxwell left the meeting at 6:55 p.m.)

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The next items for consideration were LaFont Inn Redevelopment Project expenses and a request from Jaci Turner, Program Manager, for approval to issue manual checks as follows:

- Neel-Schaffer – Professional Services for the period from August 27 to September 30, 2012 - Invoice #1005764 for \$4,126.94; and
- LJ Construction for \$341,995.60 - Payment #10

Councilman Milstead made a motion to approve the LaFont Inn Redevelopment Project expenses and authorize manual checks to:

- Neel-Schaffer – Professional Services for the period from August 27 to September 30, 2012, Invoice #1005764 for \$4,126.94; and
- LJ Construction for \$341,995.60 - Payment #10

The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “ABSENT”. Mayor Pro Tem Abston “AYE”. Councilmen Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 11-6-12)

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

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(Councilmen Milstead and Wolverton left the meeting at 6:56 p.m.)

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The next item for consideration was the Order for the docket of claims as follows:

## ORDER

**WHEREAS**, the attached docket of claims for the period October 12, 2012, through November 2, 2012, 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 Corder, seconded by Councilman Stallworth, and received the following vote: Mayor Maxwell "ABSENT". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "ABSENT", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". The Mayor Pro Tem then declared the Order adopted on the 6<sup>th</sup> day of November, 2012.

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(Mayor Maxwell returned to the meeting at 6:59 p.m.)

\*\*\*\*\*

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

\*\*\*\*\*

Councilman Stallworth made a motion to go into executive session for the purpose of discussing the possible sale of two parcels of land. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "ABSENT", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT".

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Mayor Maxwell made a motion to end the executive session and return to open session. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "ABSENT", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT".

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No action was taken during the executive session.

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There being no further business to come before the Council at this time, Councilman Stallworth made a motion to recess the meeting to Tuesday, November 20, 2012, at 6:00 p.m. to transact such business as may lawfully come before the Council. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Mayor Pro Tem Abston "AYE". Councilmen Corder "AYE", Milstead "ABSENT", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT".

The meeting ended at 7:15 p.m.

**APPROVED:**

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Robert H. Maxwell, Mayor

**ATTEST:**

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Brenda J. Reed, Asst. City Clerk