

**RECESSED REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, JUNE 19, 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 recessed regular meeting on Tuesday, June 19, 2012, 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. The invocation was given by Councilman Milstead and the pledge of allegiance was recited before the commencement of business.

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Bernie O'Sullivan addressed the Council and requested approval of an alcohol permit application for her son's wedding rehearsal dinner at the Pascagoula Senior Center on Friday, July 6, 2012, between the hours of 6:00 p.m. and 11:00 p.m. An alcohol permit has already been approved for the wedding reception on July 7, 2012, at the same location.

Councilman Stallworth made a motion to approve the alcohol permit application from Bernie O'Sullivan for her son's wedding rehearsal dinner at the Pascagoula Senior Center on Friday, July 6, 2012, between the hours of 6:00 p.m. and 11:00 p.m. with the following stipulations:

Rules 3 and 4 – waived with respect to appearing in person before City Council not less than 30 days prior to the proposed event

Rule 14 – waived as to any additional deposit for this permit since a deposit is required for rental of the facility

With respect to Rule 8: requirement to have two (2) security officers present at all times during the event

The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "NAY", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

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

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Stacey Myers addressed the Council with a status report on the services provided by the Gulf Coast Women's Center for Nonviolence's satellite shelter, Adrienne's House, which opened on October 3, 2011. They have served many adults and children at this facility. Ms. Myers thanked the Council for its funding support and requested consideration again this budget year. They have a good working relationship with the Pascagoula Police Department.

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Gentry Williams gave the Council an update regarding the hotel project at Highway 90 and Hospital Road and provided tentative timelines and completion dates. They have been approved for a construction loan and are working with the bank on some due diligence points at this time. Mr. Williams hopes to start construction in July and assured the Council that things will work in a positive manner for construction of the Hilton Garden Inn in Pascagoula. The Council thanked Mr. Williams for providing an update on the project.

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Minutes of the Planning Board meeting held on June 13, 2012, are spread on the minutes as follows:

**REGULAR MEETING OF THE PASCAGOULA PLANNING BOARD  
WEDNESDAY, JUNE 13, 2012 AT 6:00 PM  
CITY OF PASCAGOULA, MISSISSIPPI**

The Planning Board of the City of Pascagoula, Mississippi, met at City Hall in a regular meeting on Wednesday, June 13, 2012, at 6:00 P. M.

**The following official(s) were present:**

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

**Official(s) not present:**

Steven "Matt" Parker (Vice-Chairman)  
Alan Wiley

**Other officials present:**

Eddie Williams, City Attorney

Jaci Turner, Program Manager/City Planner  
Angelia Kimbrough, Administrative Assistant  
Mark Savasta, Building Inspector

**A. PUBLIC HEARINGS:**

**1. Roger Templet & Rhonda Wilder**

**1811 Prospect Ave.** The property is zoned Community Commercial (CC). The request is for a Special Use permit to permit the Operation of an Auto wrecker service in a Community Commercial zone and a dimensional variance regarding separation from residential zones or uses.

Rhonda Wilder & Roger Templett were present to explain the application. The staff's recommendation presented by Jaci Turner was to "APPROVE" the request for the Special Use Permit and the dimensional variance request. After hearing Ms. Wilder's request, and there being no protest, Ms. Etienne Melcher had questions about the hours of operation. Ms. Wilder and Mr. Templett assured her that they would take into consideration the noise factor due to there being some residential properties around. With no further questions, a motion was made by Mike Gilly to "APPROVE" the application. The motion was seconded by Linda Tillman and the vote thereupon was as follows: Linda Tillman "AYE", Mike Gilly "AYE", Wesley Smith "AYE", Joseph Odom "AYE", Etienne Melcher "AYE".

The application will go to the City Council with the recommendation to "**APPROVE**".

**COUNCIL ACTION:**

Eddie Williams, City Attorney, opened the floor for a public hearing on this matter.

After comments from Jaci Turner, Program Manager, Councilman Wolverton made a motion to "APPROVE" the request of Roger Templet & Rhonda Wilder for a special use permit and a dimensional variance regarding separation from residential zones or uses as recommended by the Planning Board. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

**2. Kathy Johnson**

**4508 Cauley Lane.** The property is zoned Single Family Residential 6 (SFR 6). The request is for a Special Use permit to operate a home occupation, which would consist of "Operating an office cleaning business". The home occupation will employ only Ms. Johnson and her immediate family, with majority of the business done by telephone and computer. There will be no customers coming to the residence.

Kathy Johnson was present to explain the application. The staff's recommendation presented by Jaci Turner was to "APPROVE" the special use permit request. Upon hearing the request, Mike Gilly asked to be excused from the board due to Ms. Johnson

being his neighbor. After hearing Ms. Johnson's request, and there being no protest, a motion was made by Etienne Melcher to "APPROVE" the application. The motion was seconded by Linda Tillman and the vote thereupon was as follows: Linda Tillman "AYE", Wesley Smith "AYE", Joseph Odom "AYE", Etienne Melcher "AYE".

The application will go to the City Council with the recommendation to "**APPROVE**".

**COUNCIL ACTION:**

Eddie Williams, City Attorney, opened the floor for a public hearing on this matter.

After comments from Jaci Turner, Program Manager, Councilman Corder made a motion to "APPROVE" the request of Kathy Johnson for a special use permit to operate a home occupation as recommended by the Planning Board. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

**3. City of Pascagoula**

A Text Amendment to the Unified Development Ordinance (UDO) to add Mobile Food Units as a permitted or special use in certain zones and under certain conditions. The change would involve multiple zones and areas within the City.

Upon hearing the request Eddie Williams, City Attorney, made a comment to the board stating that this would be something the board would be seeing frequently as we are going thru and finding some problems with the (UDO) Unified Development Ordinance and trying to correct those by trying to do what is called a text amendment. Mr. William's stated that this is a very different ordinance than what we had in the past. Mr. William's, also stated that we do have a built in procedure in this ordinance for doing text amendments in this manner. Mr. Williams stated that he and Ms. Turner have discussed this at some point depending on how many of these text amendments we accumulate we would have the ordinance reprinted with the amendments incorporated at some later date. Jaci Turner added additional information that she does anticipate having the on-line version updated based on the text amendment so that you can always refer there if your hard copy is not up to date. After hearing Ms. Turner's request and recommendation to "APPROVE", the text amendment as presented, and there being no protest, a motion was made by Mike Gilly to "APPROVE" the application. The motion was seconded by Joseph Odom and the vote thereupon was as follows: Linda Tillman "AYE", Mike Gilly "AYE", Wesley Smith "AYE", Joseph Odom "AYE", Etienne Melcher "AYE".

The application will go to the City Council with the recommendation to "**APPROVE**".

**COUNCIL ACTION:**

Eddie Williams, City Attorney, opened the floor for a public hearing on this matter.

After comments from Jaci Turner, Program Manager, Councilman Stallworth made a motion to "APPROVE" the request of the City of Pascagoula for a Text Amendment to

the Unified Development Ordinance (UDO) to add Mobile Food Units as a permitted or special use in certain zones and under certain conditions as recommended by the Planning Board. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

**4. City of Pascagoula**

The request is to rezone certain land lying generally in the area of 14<sup>th</sup> Street, Hospital Road, Amonett Street, Shortcut Road, Telephone Road, and Catalpa Avenue from NC and RC to a CC zone.

Jaci Turner was present on behalf of the City to explain the application. The staff's recommendation was to "APPROVE", the map amendment as presented. After hearing Ms. Turner's request, and there being no protest, a motion was made by Etienne Melcher to "APPROVE" the application. The motion was seconded by Mike Gilly and the vote thereupon was as follows: Linda Tillman "AYE", Mike Gilly "AYE", Wesley Smith "AYE", Joseph Odom "AYE", Etienne Melcher "AYE".

The application will go to the City Council with the recommendation to "**APPROVE**".

**COUNCIL ACTION:**

Eddie Williams, City Attorney, opened the floor for a public hearing on this matter.

After comments from Jaci Turner, Program Manager, Councilman Stallworth made a motion to "APPROVE" the request of the City of Pascagoula to rezone certain land lying generally in the area of 14<sup>th</sup> Street, Hospital Road, Amonett Street, Shortcut Road, Telephone Road, and Catalpa Avenue from NC and RC to a CC zone. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

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

The first item for consideration was the minutes of the Council meeting of June 5, 2012, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Milstead made a motion to adopt and approve the minutes of the Council meeting of June 5, 2012, 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 6-19-12)

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The next item for consideration was a request for permission to hang a 4<sup>th</sup> of July banner at the corner of Market and Highway 90 for two (2) weeks prior to the event announcing the fireworks show at Beach Park as recommended by Darcie Crew, Parks & Recreation Director.

Councilman Milstead made a motion to approve the request to hang a 4<sup>th</sup> of July banner at the corner of Market and Highway 90 for two (2) weeks prior to the event announcing the fireworks show at Beach Park 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 6-19-12)

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The next item for consideration was a request for permission to hang a banner at the Pascagoula welcome sign advertising the Pascagoula Farmer's Market during the 2012 market season from June to October (when the space is available) as recommended by Jen Dearman, Grants Administrator.

Councilman Milstead made a motion to approve the request to hang a banner at the Pascagoula welcome sign advertising the Pascagoula Farmer's Market during the 2012 market season from June to October (when the space is available) 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 6-19-12)

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Next for consideration was a Resolution setting liens on a lot on Denny Avenue (Parcel #41703206.020), a lot on Krebs Avenue (Parcel #40407020.000), 1308 School, 2303 Lewis, 3017 Magnolia, 2415 Canty, 1805 Louise, and 4722 Navaho 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 uncleanliness 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>
41703206.020 Lot on Denny Ave	NPC International, Inc. P.O. Box 54310 Lexington, KY 40555	Deed Book 1223, Page 496	\$1,643.75
40407020.000 Lot on Krebs	Frances C. Allen 1710 Desoto Street Pascagoula, MS 39567	Deed Book 113, Page 45	\$2,925.00
41410620.000 1308 School	William Howard Patton 3801 Melton, Apt 35A Pascagoula, MS 39581	Deed Book 1121, Page 58	\$1,100.00
41780338.000 2303 Lewis	Willie D. Martin 2303 Lewis Avenue Pascagoula, MS 39567	Deed Book 123, Page 456	\$5,079.08
41595008.000 3017 Magnolia	Deborah A. Thompson 238B Courthouse Road Gulfport, MS 39507	Deed Book 1356, Page 615	\$962.50

41360098.000 2415 Canty	Robert L. Berryhill 2415 Canty Street Pascagoula, MS 39567	Deed Book 954, Page 684	\$2,700.00
41335022.000 1805 Louise	Home Dream Capital, LLC 1068 Mallard Marsh Dr. Osprey, FL 34229	Deed Book 1576, Page 462	\$1,237.50
41335211.010 4722 Navaho	The Ezell Properties, LLC. 4557 Chamblee-Tucker Road Tucker, GA 30084	Deed Book 1558, Page 219	\$1,492.00

The above Resolution was introduced by Councilman Milstead, seconded by Councilman Stallworth, and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 19<sup>th</sup> day of June, 2012.

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The next item for consideration was a request to allow residents to place in their yards or in front of businesses, or on private property, a small sign to promote the Pascagoula Farmer’s Market during the 2012 market season from June to October as requested by Jen Dearman, Grants Administrator.

Councilman Milstead made a motion to approve the request to allow residents to place in their yards or in front of businesses, or on private property, a small sign to promote the Pascagoula Farmer’s Market during the 2012 market season from June to October 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”.

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The next item for consideration was Budget Amendment 12.38 in the General Fund for Police training as recommended by Bobby Parker, City Clerk/Comptroller. This amendment has no effect on the General Fund’s fund balance. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 12.38  
June 19, 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>Miscellaneous:</u></b>			-
- <b>Miscellaneous</b>	15,000	1,550	16,550
<b>Total Revenues</b>	15,000	1,550	16,550
<b><u>Expenditures:</u></b>			
- <b><u>Police Training:</u></b>			
- <b><u>Other Services &amp; Charges:</u></b>			
- <b>Training - Other</b>	3,750	1,550	5,300
<b>Total Expenditures</b>	3,750	1,550	5,300
<b>Net Change in Fund Balance</b>		-	
<b>To amend budget to provide authority for increased training expenditures financed by a reimbursement by the state.</b>			

Councilman Milstead made a motion to approve the budget amendment as recommended and presented above. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

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The next item for consideration was Budget Amendment 12.39 in the General Fund for the 2012 MDOT Urban Youth Grant as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula  
Budget Amendment # 12.39  
June 19, 2012**

	<u>Original Appropriation</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<b><u>General Fund</u></b>	-	-	-
<b><u>Expenditures:</u></b>	-		-
- <b><u>Beautification:</u></b>			
- <b><u>Personal Services:</u></b>			
-     2011 Urban Youth Temp Help		6,540	6,540
-     2011 Urban Youth Social Security		891	891
-     2011 Urban Youth Medicare		209	209
-     2011 Urban Youth General		1,500	1,500
- <b><u>Supplies:</u></b>			
-     Tree Planting - 2011 Urban Youth		11,937	11,937
-			
<b>Total Expenditures</b>	<b>0</b>	<b>21,077</b>	<b>21,077</b>
<b>Net Change in Fund Balance -</b>			
<b>General Fund</b>		<b>(21,077)</b>	
<b>To amend budget to provide for expenditure authority for the portion of the 2012 MDOT Urban Youth Corps Grant not carried over in the original budget.</b>			

Councilman Milstead made a motion to approve the budget amendment as recommended and presented above. The motion was seconded by Councilman Stallworth and received the

following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

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Next for consideration was the Tidelands Trust Fund Program 2014 request for funding proposals as recommended by Jen Dearman, Grants Administrator. The City is seeking \$100,000.00 for the Round Island Lighthouse, \$100,000.00 for the Point Development, and \$150,000.00 for the Beachfront Promenade.

Councilman Milstead made a motion to authorize the City Manager to execute the Tidelands Trust Fund Program 2014 request for funding proposals seeking \$100,000.00 for the Round Island Lighthouse, \$100,000.00 for the Point Development and \$150,000.00 for the Beachfront Promenade 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 6-19-12)

(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 contract with AMEC Environmental & Infrastructure for the CRS Component of the Hazard Mitigation Plan as recommended by Steve Mitchell, Operations Manager.

Councilman Milstead made a motion to approve the contract with AMEC Environmental & Infrastructure for the CRS Component of the Hazard Mitigation Plan as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

(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 approval of a letter to the Mississippi Development Authority (MDA) authorizing the City Manager to sign documents related to the Energy Efficiency and Conservation Block Grant (EECBG) as recommended by Jen Dearman, Grants Administrator. This funded the HVAC replacements and upgrades in the Community Development, Utilities, and Arts on the Avenue buildings.

Councilman Milstead made a motion to authorize the Mayor to submit a letter to the Mississippi Development Authority (MDA) authorizing the City Manager to sign documents related to the Energy Efficiency and Conservation Block Grant (EECBG) which funded the

HVAC replacements and upgrades in the Community Development, Utilities and Arts on the Avenue buildings 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 6-19-12)

(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 No. 2 to the contract with Precision Products, Inc., Moss Point, MS, for the Round Island Lighthouse Restoration Project as recommended by Jen Dearman, Grants Administrator, and Compton Engineering, Inc. The City Manager noted a correction changing the ready for final payment date from July 20, 2012, to August 19, 2012.

Councilman Milstead made a motion to authorize the City Manager to execute Change Order No., 2 with Precision Products, Inc., for the Round Island Lighthouse Restoration to extend the contract time only. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”.  
(Approved 6-19-12)

(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 Budget Modifications – Front Street and Riverfront Phase II. Budget Modification #7 for Front Street/Streetscape (R 103-290-01KCR) and Budget Modification #8 for Riverfront Phase II (R 109-290-04KCR) as recommended by Jen Dearman, Grants Administrator.

Councilman Milstead made a motion to approve Budget Modification #7 for Front Street/Streetscape (R 103-290-01KCR) to increase the Architect/Engineer line item by \$21,017.20 and decrease the Site Improvements by the same amount. Approve Budget Modification #8 for Riverfront Phase II (R 109-290-04KCR) to increase the Architect/Engineer line item by \$33,586.65 and decrease the Site Improvements line item by the same amount. Several line items with small amounts have been combined to one line item to more efficiently expedite close outs. Authorize City Manager to execute documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 6-19-12)

(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 Supplemental Agreement No. 1 for Shortcut Road Project with Gulf Equipment Corporation for an addition of \$10,900.20 and 113 days to contract as recommended by Jaci Turner, Program Manager.

Councilman Milstead made a motion approve Supplemental Agreement #1 (SA1) with Gulf Equipment Corporation for an addition of \$10,900.20 and 113 days to the contract. The changes are based on erosion control requirements changing, substitution of asphalt mix material, a damaged control panel and delays associated with relocation of City and MS Power utilities. Funding will be 80% MDOT and 20% local city match. The approval would be contingent on MDOT's approval and signatures. Authorize City Manager to execute documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

(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 Amendment No. 2 for Front Street Design Contract and Amendment No. 2 for Riverfront Redevelopment Design Contract as recommended by Jaci Turner, Program Manager.

Councilman Milstead made a motion to approve Amendment No. 2 with Compton Engineering for design services associated with Front Street Reconnection and Development and approve Amendment No. 2 with Compton Engineering associated with Riverfront Redevelopment. The addition for Front Street is \$21,050.00 and the addition for Riverfront is \$33,590.00. Funding will be 100% reimbursable through MDA. Authorize City Manager to execute documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

(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 MDA EECBG HVAC Grant Closeout Documents submitted to MDA for the EECBG Grant for HVAC and electrical upgrades to the Community

Development/Utilities Building and Arts on the Avenue.as recommended by Jaci Turner, Program Manager.

Councilman Milstead made a motion to authorize City Manager's signature on closeout documents submitted to MDA for the EECBG Grant for HVAC and electrical upgrades to the Community Development/Utilities Building and Arts on the Avenue. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

(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 2012 BJA Bullet Proof Vest Grant application and will be for approximately \$5,800.00 and has a 50% match which will come from drug forfeiture money as in the past as recommended by Brent Gager, Police Department. This will be used to purchase approximately 10 new vests.

Councilman Milstead made a motion for approval to apply for the 2012 BJA Bullet Proof Vest Grant. Application will be for approximately \$5,800.00 and has a 50% match which will come from drug forfeiture money as in the past. This will be used to purchase approximately 10 new vests. Authorize City Manager to execute-application is submitted through the Justice Assistance website. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

(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 Renewal for After School/ Summer Camp Liability Policy through Nautilus Insurance Company for the period of June 27, 2012 thru June 27, 2013. This is at a cost of \$3,510.20, an increase of \$153.35 over last year due to an increase in the number of children enrolled as recommended by Jeane Bull, Assistant Comptroller.

Councilman Milstead made a motion a motion for approval of renewal for After School/Summer Camp Liability Insurance through Nautilus Insurance Company for the period of June 27, 2012 thru June 27, 2013. This is at a cost of \$3,510.20, an increase of \$153.35 over last year due to an increase in the number of children enrolled. Request for manual check for timely

payment and authorize City Manager to execute documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

(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 renewal of Property Insurance for the period of June 22, 2012 to June 22, 2013, from Landmark American Insurance Company as recommended by Jeane Bull, Assistant Comptroller. The quote is \$247,360.00, which is an increase from last year of \$11,705.56.

Councilman Milstead made a motion to approve attached quote for renewing the Property Insurance for the period of June 22, 2012 to June 22, 2013, from Landmark American Insurance Company. The quote is \$247,360.00, which is an increase from last year of \$11,705.56. A list of other companies that were asked to quote on this renewal is also attached. Request a manual check in order to make a timely payment. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

(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 renewal of flood insurance with Fidelity National Indemnity for 51 City locations at a cost of \$34,530.00 for Option A or Option B at a cost of \$35,567.00 for a coverage increase of \$229,200.00 as presented by Jeane Bull, Assistant Comptroller. Councilman Abston recommended Option B for increased coverage.

After discussion, Councilman Abston made a motion to approve Option B for flood insurance with Fidelity National Indemnity for 51 City locations and authorize a manual check for a timely payment. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

(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 Anchor Square Tenant Leases (8) as recommended by Lalinda Grace, Community Development. The name and unit of the leases are: (1) Lisa Catchot – Unit N, (2) Norman Nelson dba D’Vine Soul Food & Catering – Unit M, (3) Alan Hinkel dba Alan Hinkel Photography – Unit A, (4) Sophia McClain – Unit K, (5) Sharon Stennis dba Community Hair Salon – Unit P, (6) Bridgitte Dueitt dba Brigitte’s Bavarian Café – Unit E, (7) Tanya Taylor dba TaylorMade Boutique – Unit I and (8) Linda Dunning Ruffin dba Paradise Gardens – Unit H.

Councilman Milstead made a motion to authorize Mayor to execute leases for tenants at Anchor Square. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 6-19-12)

(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 for travel in a City vehicle and funding for up to seven people to attend the Main Street awards ceremony in Jackson, MS, June 21, 2012, as recommended by Rebecca Davis, Main Street Director.

Councilman Milstead made a motion to approve travel in a City vehicle and funding for up to seven people to attend the Main Street awards ceremony in Jackson, MS, on June 21, 2012, at a cost of \$40.00 per person 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 6-19-12)

(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 financial reports for May 2012 were filed by the City Clerk and acknowledged by the Council.

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

The first item for consideration was the donation of office space in the L&N Depot (Jolly McCarty Historic Depot) to support the Mississippi Small Business Development Center business counseling services for Jackson County for one year (through June 2013) as recommended by Rebecca Davis, Main Street Director. She introduced Sher Graham, Business Counselor with the Small Business Development Center for Jackson County, who would be utilizing the office space. Ms. Graham briefed the Council on the services they provide. She works part time (20 hours weekly) on Monday and Wednesday (full-time) and on Friday

mornings in the communities of Ocean Springs, Gautier, and Pascagoula at the libraries. This would change if Ms. Graham adds the Moss Point library (if possible) to the Friday schedule. Councilman Corder stated new businesses need someone to walk them through the correct process to help them be successful.

After discussion, Councilman Wolverton made a motion to approve the request to donate office space in the L&N Depot (Jolly McCarty Historic Depot) to support the Mississippi Small Business Development Center business counseling services for Jackson County for one year (through June 2013) as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".  
(Approved 6-19-12)

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The next item for consideration was a request from Huntington Ingalls, Inc. for a tax exemption from ad valorem taxes for 2011 for Huntington Ingalls, Inc. as presented by Eddie Williams, City Attorney. Mr. Williams advised the City can only grant this tax exemption for a nine year period.

Sam Alsgood and Jim McIngvale, representatives from Huntington Ingalls, Inc., addressed the Council regarding the request and gave a brief presentation. The City Manager noted the City has also received a tax exemption request for 2012 from Huntington Ingalls, Inc. and recommended that this item be placed on a consent agenda for a future Council meeting after review.

The Council then considered the following Resolution:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PASCAGOULA, MISSISSIPPI, GRANTING TAX EXEMPTION  
FROM AD VALOREM TAXES FOR A PERIOD OF  
NINE (9) YEARS TO HUNTINGTON INGALLS, INC.**

**WHEREAS**, on May 31, 2011, Huntington Ingalls Inc., submitted in triplicate with this Council, its application for exemption from ad valorem taxation for new additions to the Company's facilities and equipment located in the City of Pascagoula, Jackson County, Mississippi; and

**WHEREAS**, Huntington Ingalls Inc. has provided documentation to this Council as to its application in regard to the true value of the prayed for exemption in the amount of \$18,817,984, and a completion date of the improvements being December 31, 2010; and

**WHEREAS**, the Tax Assessor has issued his position statement, a copy of which is attached as Exhibit "A", determining that the true value of the property which qualifies for consideration of exemption from taxation totals \$18,817,984; and

**WHEREAS**, this Council finds as a fact that the property described in the aforesaid application constitutes new additions to, replacements or expansions of the ship construction, overhaul repair and modernization facilities and properties of Huntington Ingalls Inc. located in the City of Pascagoula, Jackson County, Mississippi, which is subject to exemption from ad valorem taxation, with the exception of ad valorem taxes for school district purposes, and is qualified for the exemption stated herein for a period of nine (9) years beginning December 31, 2011, through December 31, 2020, in accordance with Section 27-31-101, et seq., of the Mississippi Code, subject to approval and certification by the Mississippi State Tax Commission:

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

**SECTION 1.** That the application for ad valorem tax exemption by Huntington Ingalls Inc. for a period of nine (9) years beginning December 31, 2011, through December 31, 2020, on the new additions to Huntington Ingalls facilities and equipment in the amount of \$18,817,984 be and the same is hereby approved subject to approval and certification by the Mississippi State Tax Commission.

**SECTION 2.** The City Clerk is hereby directed to spread a copy of this resolution on the minutes of this City Council and the Clerk shall forward the original and three certified copies of the application and a certified copy of the transcript for this resolution approving the application to the Mississippi State Tax Commission for its approval and certification; and the Clerk shall also forward one certified copy to the Tax Assessor of Jackson County and obtain a certificate of the Tax Assessor stating that the property as itemized in Exhibit “B” to this resolution and the application have been placed on the appropriate tax roll as “non-taxable”, except for school district ad valorem taxes, for the duration of the exemption.

The above Resolution was introduced by Councilman Stallworth, 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 19<sup>th</sup> day of June, 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 Resolution setting forth policies for the operation of Anchor Square as recommended by Eddie Williams, City Attorney. The Resolution is spread on the minutes as follows:

**RESOLUTION**

**WHEREAS**, the City Council has heretofore established a retail sales complex as part of the City’s Riverfront Addition and which is now known as “Anchor Square”; and

**WHEREAS**, Anchor Square consists of 16 former MEMA cottages that were donated to the City for the creation of the retail complex; and

**WHEREAS**, 14 of those units are now occupied by various retailers, all of whom have leases with the City of Pascagoula for the rental of their respective units; and

**WHEREAS**, at its meeting on the 15<sup>th</sup> day of May, 2012, the City Council approved a new form of lease for renewals by the existing tenants; and

**WHEREAS**, a number of questions have arisen among the tenants as to the intent of the City Council with respect to the management of the complex known as Anchor Square and some of the terms and conditions set forth in the new leases as well as in the covenants that are attached to the new leases; and

**WHEREAS**, it is the intent of the City Council that the tenants of Anchor Square should enjoy the greatest success possible in their retail endeavors so as to enable them at some point to transition from the cottages to larger retail spaces available for rent throughout the City of Pascagoula; and

**WHEREAS**, it is the intent of the City Council that the Community Development Department and Main Street continue to work closely with the tenants to ensure their success and an orderly transition from the Anchor Square project to other venues in the City that will accommodate the growth of their respective businesses:

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

**SECTION 1.** It is declared to be the policy of the City Council, with respect to the leases and covenants recently adopted and approved that, within the limits of the law, the Main Street and Community Development Departments of the City shall work with the individual tenants to avoid any defaults under the terms of the leases and the covenants attached thereto.

**SECTION 2.** It is further the policy of the City, within the limits allowed by law, to allow sufficient flexibility in the enforcement of the lease terms and the covenants so as to

enhance the viability of the Anchor Square businesses and to promote those businesses to the fullest extent possible.

**SECTION 3.** To achieve these policies, the City Manager or his designee, is authorized and directed by the Council to waive, within the limits set by law, any of the provisions of the lease or covenants which, in the City Manager's discretion is necessary and appropriate to promote the purpose of Anchor Square and to enhance the success of the various tenants now located at Anchor Square, or to be located there in the future.

**SECTION 4.** The authority herein granted to the City Manager, or his designee, shall be exercised with utmost discretion keeping in mind the best interests of the City in its promotion of Anchor Square as a viable retail center, as well as the best interests of all the tenants thereof.

**SECTION 5.** Certified copies of this resolution shall be served upon the existing and all future tenants of Anchor Square.

The above Resolution was introduced by Councilman Milstead, 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 19<sup>th</sup> day of June, 2012.

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The next item for consideration was a Public Trust Tidelands Lease with the Mississippi Secretary of State, Public Lands Division, (lessor) and the City of Pascagoula (lessee) for a concrete promenade on a sand beach as recommended by Eddie Williams, City Attorney.

After a brief discussion, Councilman Corder made a motion to approve the Public Trust Tidelands Lease with the Mississippi Secretary of State as recommended and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".  
(Approved 6-19-12)

(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 Public Trust Tidelands Sub-lease for Clark Seafood Company, Inc. (sub-lessee), Mississippi Secretary of State (lessor), and City of Pascagoula (sub-lessor) as recommended by Eddie Williams, City Attorney.

After a brief discussion, Councilman Wolverton made a motion to approve the Public Trust Tidelands Sub-lease for Clark Seafood Company, Inc. (sub-lessee), Mississippi Secretary of State (lessor), and City of Pascagoula (sub-lessor) as recommended and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".  
(Approved 6-19-12)

(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 City Attorney requested approval of an Interlocal Agreement between the City of Pascagoula, MS, and the Pascagoula School District to construct and develop recreation facilities at the Colmer Middle School located within Pascagoula. The related documents are spread on the minutes:

**RESOLUTION OF THE PASCAGOULA SCHOOL DISTRICT BOARD OF TRUSTEES  
APPROVING INTERLOCAL AGREEMENT WITH THE  
CITY OF PASCAGOULA, MISSISSIPPI FOR THE CONSTRUCTION AND  
DEVELOPMENT OF RECREATIONAL FACILITIES  
AT COLMER MIDDLE SCHOOL**

WHEREAS, the Pascagoula School District and the City of Pascagoula are desirous of entering into an interlocal governmental agreement to construct and develop recreation facilities at the Colmer Middle School located within the City of Pascagoula.

BE IT, THEREFORE, RESOLVED that the Pascagoula School District Board of Trustees hereby Approves the *Interlocal Agreement Between the City of Pascagoula, Mississippi and the Pascagoula School District*, a copy of which is attached and made a part hereof, subject to final approval by the Attorney General of the State of Mississippi.

The motion to approve the foregoing resolution was made by Jennifer Colmer, seconded by Sonny Backs, and the following vote was recorded:

Dan Marks	<u>Yea</u>
Mike Concannon	<u>Yea</u>
Sonny G. Backs	<u>Yea</u>
Jennifer Colmer	<u>Yea</u>
Michael Phillips	<u>Yea</u>

RESOLVED, this the 11 day of June, 2012

PASCAGOULA SCHOOL DISTRICT  
BOARD OF TURSTEEES

By: Dan Marks  
President

Mike Concannon  
Secretary

**INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF PASCAGOULA, MISSISSIPPI  
AND THE PASCAGOULA SCHOOL DISTRICT**

This interlocal cooperation agreement (“Agreement”) is made and entered into this 11<sup>th</sup> day of June, 2012 by and between the City of Pascagoula, Mississippi (the “City”) and the Pascagoula School District (the “District”).

WITNESSETH

**WHEREAS**, this Agreement is made under the authority of Sections 17-13-1 et seq., Mississippi Code of 1972, as amended;

**WHEREAS**, state law authorizes municipalities and school districts to jointly maintain and operate recreational facilities;

**WHEREAS**, the City has the authority to establish, construct, and fund public parks and recreations centers under § 17-1-3 and § 55-9-1 and the District has the authority to spend funds for athletic fields, recreational facilities and playgrounds pursuant to § 37-59-3; and

**WHEREAS**, the City and the District (individually referred to as “Party” and collectively referred to as the “Parties”) are desirous of constructing and developing recreational facilities for use by all citizens of the City (“the Public”) and by all students of the District on property owned by the District, in particular, real property adjacent to Colmer Middle School.

**NOW THEREFORE**, in consideration of the premises and in consideration of the mutual benefits and mutual covenants and agreements between the Parties, the Parties hereby agree as follows:

1. **Property.** Reference in this Agreement to “Property” shall mean the following described real property which is part of that property described in the Deed recorded at Jackson County, Mississippi, Land Deed Book 221, Page 11:

Starting at a point 29.0 feet west of the Northwest corner of Lot 55 of the Baptist tract of land, per plat thereof recorded in Book 6, Pages 606-607 of the Land Deed Records of Jackson County, Mississippi in Claim Section 30, Township 8 South, Range 5 West, Jackson County, Mississippi, and thence run south along the West margin of Chicot Street 425.5 feet to the point of beginning, thence run west and parallel with the northern line of said Lot 55 for 740 feet; thence run south parallel with the West margin of Chicot Street 425.5 feet to the south boundary of that land described in said Deed recorded at Jackson County Land Deed Book 221, Page 11; thence run east along said south boundary 566 feet; thence run north 90.0 feet; thence run east 174.0 feet to the west margin of Chicot Street; thence run north along the West margin of Chicot Street 335.5 feet to the point of beginning, less and except any school buildings thereon, and generally describing the soccer fields on the east side of Colmer Middle School.

**2. Duration.** The duration of this Agreement shall be for an initial term of ten (10) years, and shall be renewable for an additional ten (10) year term by amendment to this Agreement or by appropriate orders entered by the City Council of the City and the Board of Trustees of the District, unless earlier terminated as provided herein in Section 9. Unless so renewed or earlier terminated, this Agreement will terminate by its own terms ten (10) years after its execution.

**3. Construction and Development.** The Parties may cooperatively construct and develop recreational fields and facilities (“Recreational Improvement(s)”) on the Property. Prior to commencing construction and development of any Recreational Improvement, the Parties shall, submit final plans and specifications (“Plans”) to the District’s authorized representative for approval. The Plans shall detail the layout and location of each proposed Recreational Improvement. Upon approval of the Plans by the District, the Parties may commence construction and development of the Property in accordance with the specifications of the approved Plans; however, in the event that the District does not approve the Plans, no construction or development of the Property shall be permitted.

**4. Maintenance.** The Parties shall cooperatively maintain Recreational Improvements on the Property, including any and all equipment associated therewith, in a good state of repair for their intended use for so long as the joint use of the Property by the Public and the District continues in accordance with this Agreement.

**5. Utilities.** The City shall provide such utilities as may be necessary for the use of the Recreational Improvements until such time that the Recreational Improvements may cease to be used jointly by the Public and the District in accordance with this Agreement; however, in the event that an exclusive District activity requiring electrical power for lighting is carried out after school hours, the District shall be solely responsible for the cost of such electrical power.

**6. Funding.** The Parties shall share the cost of the construction, development, and maintenance of any and all Recreational Improvements on the property. Each Party shall designate an official to account for any and all funds received and/or dispersed in connection with this Agreement and the officials for each Party shall share and coordinate such records as is reasonably required throughout the duration of this Agreement.

**7. Title.** The District shall retain title to the Property. The City shall retain title to all equipment and facilities provided or constructed by the City on the Property, such as lights, light poles, fences, buildings, and similar structures. In the event that equipment or facilities are purchased with District funds, purchased by a school organization, or donated or leased to the District, and placed on the Property, then title to such equipment and facilities shall remain with the District.

**8. Use and Administration.** The Recreational Improvements constructed by the City under this Agreement shall be open for use by the Public at all times designated by the City, except during school hours and during scheduled school activities. The District shall have exclusive use of such Recreational Improvements during school hours and during scheduled school activities. The District and the City shall each designate an officer (“Coordination Officer”) to administer

the joint use of the Recreational Improvements by the Public and the District. Together, the Coordination Officers shall coordinate use of the Recreational Improvements outside of regular school hours in a manner intended to maximize use of the Property by the District and the Public.

9. **Termination.** The District may construct school facilities on the Property, or any part thereof, or put the Property to exclusive District use upon six (6) months written notice to the City prior to any such construction or exclusive use. Upon receipt of such written notice from the District, the City shall have six (6) months within which to remove any equipment, facilities, and removable property titled in the City. In the event that the City fails to remove any equipment, facilities, and removable property titled in the City within six (6) months, the District shall remove and return same to the City, and the City shall be liable for the cost of such removal.

10. **Insurance.** The Parties agree that each party will purchase insurance to the extent necessary, in the event governmental immunity is abolished, to cover any liability which may be charged or attributed to the respective Parties for negligent acts of omission or commission in connection with the Property, the Recreational Improvements, or the use or supervision of the Property or the Recreational Improvements.

11. **Miscellaneous.** Nothing in the performance of this Agreement shall impose any liability for claims against the District or City other than claims for which liability may be imposed by the Mississippi Tort Claims Act. Each party to this Agreement will be responsible for its own actions in the performance of this Agreement and will not be liable for any civil liability that may arise from the performance by the other party. The parties do not intend to create any obligations, express or implied, other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

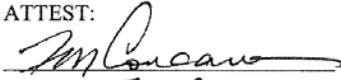
12. **Effective Date.** This Agreement shall be in force and effect from and after its approval by the Attorney General, pursuant to Section 17-13-11 of the Mississippi Code of 1972, as amended, and the filing of the Agreement with the Chancery Clerk at Jackson County, Mississippi and Secretary of State of Mississippi.

[Rest of page intentionally left blank]

SIGNED as of the date of the respective acknowledgements hereto.

PASCAGOULA SCHOOL DISTRICT

  
By: Dan Marks, President

ATTEST:  
  
Printed: T.M. CONCAUNON

CITY OF PASCAGOULA, MISSISSIPPI

\_\_\_\_\_  
By: Robbie Maxwell, Mayor

ATTEST:  
\_\_\_\_\_  
Printed: \_\_\_\_\_

STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above jurisdiction, DAN MARKS, who acknowledged that as President of the Board of Trustees of the Pascagoula School District, he signed and delivered the foregoing instrument after having been authorized to do so.

WITNESS my signature and seal of office this 11<sup>th</sup> day of June, 2012.

*Debra Jo Ruemennapp*  
NOTARY PUBLIC

My Commission Expires:

August 24, 2012



STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above jurisdiction, ROBBIE MAXWELL, who acknowledged that as Mayor of the City of Pascagoula, Mississippi, he signed and delivered the foregoing instrument after having been authorized to do so.

WITNESS my signature and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

My Commission Expires:

Councilman Corder made a motion to approve the Interlocal Agreement between the City of Pascagoula, MS, and the Pascagoula School District as recommended regarding the Colmer Middle School property and authorized Mayor Maxwell to execute the related documents. 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 6-19-12)

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

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Jen Dearman, Grants Administrator, gave the Council an update on the Farmers Market. The first one was held last Saturday with nine vendors. Many products were available and the vendors sold out quickly. The City Manager felt it was a big success.

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Jen Dearman, Grants Administrator, gave the Council an update on the Round Island Lighthouse Project. Precision Products is working on the project. Bids are out for Phase 3 of the restoration/reconstruction of the lighthouse. They are also continuing the fundraising efforts.

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Jaci Turner, Program Manager, gave the Council an update on the Promenade Project. She provided a handout and advised we are looking at two pedestrian bridges for the area. A brief discussion followed.

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(Mayor Maxwell left the meeting at 6:50 p.m.)

\*\*\*\*\*

Next for consideration were LaFont Inn Redevelopment expenses and a request for approval to issue manual checks to pay two (2) invoices; one to LJ Construction for \$49,038.69 and one to Neel-Schaffer for \$13,058.30 as recommended by Jaci Turner, Program Manager.

Councilman Tillman made a motion to approve the LaFont Inn Redevelopment expenses and to issue manual checks to pay two (2) invoices; one to LJ Construction for \$49,038.69 and one to Neel-Schaffer for \$13,058.30 as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 6-19-12)

(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 returned to the meeting at 6:52 p.m.)

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The next item for consideration was the Order for the Docket of Claims. Councilman Milstead stated that he objects to the following payments regarding annexation:

Vendor: Carroll Warren & Parker	\$48,707.05
Vendor: Slaughter & Associates	\$29,353.87

The Council then considered the following Order:

**ORDER**

**WHEREAS**, the attached docket of claims for the period of June 1, 2012, through June 15, 2012, has been presented to the City Council for allowance and approval; and

**WHEREAS**, the below claim numbers 05-11-01, 05-25-02, and 05-03 have also been presented to the City Council for allowance and approval:

<u>May 11, 2012</u>		<u>Claim # 05-11-01</u>
010	General Fund	\$ 436,564.94
400	Pascagoula Utilities	21,275.29
480	Solid Waste Mgmt.	<u>555.89</u>
	Total	<u>\$ 458,396.12</u>

<u>May 25, 2012</u>		<u>Claim # 05-25-02</u>
010	General Fund	\$ 436,729.39
400	Pascagoula Utilities	21,229.13
480	Solid Waste Mgmt.	<u>555.89</u>
	Total	<u>\$ 458,514.41</u>

<u>Miscellaneous Claim</u>		<u>Claim # 05-03</u>
1000	City Share FICA	\$ 45,207.32
1100	City Share Medicare	10,572.63
7000	City Share PERS	<u>95,480.03</u>
	Total	<u>\$ 151,259.98</u>

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

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

The above Order was introduced by Councilman Stallworth, seconded for adoption by Councilman Corder, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 19<sup>th</sup> day of June, 2012.

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Councilman Wolverton commented on the right of way on the east side of Briarwood off Old Mobile Highway.

\*\*\*\*\*

Councilman Abston stated he received a compliment recently from a resident of Bay Towers concerning the positive feeling of safety since a police officer now lives there.

\*\*\*\*\*

Councilman Corder noted he has received several calls regarding the bad mosquito problems in Pascagoula recently. Jaci Turner, Program Manager, advised there are approximately 8-11 bee hives located in the City and one or two of the owners are objecting to the spraying. A discussion followed regarding spraying in an effort to control them and safety regulations related thereto. The City Manager and City Attorney will continue to research this matter.

\*\*\*\*\*

The City Manager mentioned that the new boat ramp dedication was held last Friday. There were several events held last weekend. Darcie Crew, Parks & Recreation Director, came in third place in the kayak race.

\*\*\*\*\*

There being no further business to come before the Council at this time, Councilman Wolverton made a motion to recess until Thursday, June 21, 2012, at 8:00 a.m. at the Pascagoula Senior Center, 1912 Live Oak Avenue, to transact such business as may lawfully come before the Council. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The meeting ended at 7:00 p.m.

**APPROVED:**

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Robert H. Maxwell, Mayor

**ATTEST:**

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Brenda J. Reed, Asst. City Clerk