

**RECESSED REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, JANUARY 15, 2013, 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, January 15, 2013, 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. Wolverson, Sr.

City Manager Joe Huffman
City Attorney Eddie Williams
Asst. City Clerk Brenda Reed
City Clerk/Comptroller Robert J. Parker

Mayor Maxwell welcomed everyone to the meeting. The invocation was given by Councilman Corder and the pledge of allegiance was recited before the commencement of business.

Bob Morgan, representing the Mississippi Law Enforcement Accreditation Commission, addressed the Council and presented Police Chief Kenny Johnson with a Certificate of Accreditation dated December 15, 2012, which recognizes the Pascagoula Police Department as an accredited agency for a period of three years. Mr. Morgan advised the Pascagoula Police Department is the 17th agency in the state to receive this status and congratulated Chief Johnson and his staff on completing this task in nine months. After comments, Chief Johnson recognized Sergeant Jim Roe who led the Accreditation Team on this project. Sergeant Roe gave brief remarks and then introduced other members who served on the team: Mitch Lofton, Leroy Evans, Chris Broome, and Chris Weeks. The Council congratulated them for a job well done.

Wayne Rodolfich, Pascagoula School District Superintendent, addressed the Council and gave an update on the school district. He advised they are out of debt for the first time since 1957. He briefly discussed various opportunities, projects, and goals being considered in the future and provided a handbook to the Council with additional information. Mr. Rodolfich commented on the enhanced technology infrastructure and equipment needs in our school district which will assist with the implementation of new Common Core State Standards and the bandwidth needs citywide. The need for a Performing Arts Center in Pascagoula was also discussed.

Mayor Maxwell thanked Mr. Rodolfich for attending the meeting tonight and updating the Council on the Pascagoula School District.

Melanie Moore, representing the Jackson County Historical and Genealogical Society and the LaPointe-Krebs Foundation, addressed the Council regarding advertising the resources of the City of Pascagoula through a sponsorship of the Fete LaPointe 2013 Gala. The event is scheduled for Friday, March 8, 2013, at Pelican Landing in Moss Point.

Councilman Corder made a motion to approve \$2,500.00 to advertise the resources of the City of Pascagoula for the Fete LaPointe 2013 Gala. 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 1-15-13)

The following consent agenda items were considered:

Joe Huffman, City Manager, requested that Item S (Tidelands FY 2013 Grant Agreement – Round Island Lighthouse) and Item T (Tidelands FY 2013 Grant Agreement – Environmental Education Trail) be removed from the consent agenda and considered separately. He also recommended that a request for additional postage for the Utilities Accounting Department be included on the consent agenda. Eddie Williams, City Attorney, also requested adding Budget Amendment No. 13.16 to the consent agenda which was inadvertently left off last week.

The first item on the consent agenda was consideration of the minutes of the regular Council meeting of January 2, 2013, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Corder made a motion to adopt and approve the minutes of the regular Council meeting of January 2, 2013, as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

Minutes of the Pascagoula Redevelopment Authority meeting of October 11, 2012, were acknowledged by the Council.

Minutes of the Main Street Board meetings of November 12, 2012, and December 3, 2012, were acknowledged by the Council.

The next item for consideration was a request to advertise the resources of the City by approving the Pascagoula Recreation Department to host an Arbor Day event and advertise the resources of the City by giving trees to Pascagoula residents at the event on February 8, 2013, as recommended by Darcie Crew, Parks & Recreation Director. The cost is \$700.00.

Councilman Corder made a motion to advertise the resources of the City by approving the Pascagoula Recreation Department to host an Arbor Day event and advertise the resources of the City by giving trees to Pascagoula residents at the event on February 8, 2013, as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

The next item for consideration was a request to place signs announcing the Arbor Day Tree give away at the Scranton Nature Center on the southwest corner of Highway 90 and Chicot Road and Chicot Road and Nathan Hale Avenue the week before the event, which is on February 8, 2013, as recommended by Darcie Crew, Parks & Recreation Director.

Councilman Corder made a motion to approve a request to place signs announcing the Arbor Day Tree give away at the Scranton Nature Center on the southwest corner of Highway 90 and Chicot Road and Chicot Road and Nathan Hale Avenue the week before the event, which is on February 8, 2013, as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

The next item for consideration was a request to advertise the resources of the City by authorizing the Parks & Recreation Department to provide gloves, trash bags and water for those volunteering for the Great American Clean-Up hosted on April 13, 2013, as recommended by Darcie Crew, Parks & Recreation Director. The estimated cost is \$200.00.

Councilman Corder made a motion to approve a request to advertise the resources of the City by authorizing the Parks & Recreation Department to provide gloves, trash bags and water for those volunteering for the Great American Clean-Up hosted on April 13, 2013, as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

The next item for consideration was a request for signs to be placed by the Parks & Recreation Department on the southwest corner of Highway 90 and Chicot Road and Chicot Road and Nathan Hale Avenue one week before the event announcing the Great American Clean-Up and the Pascagoula River Festival at Scranton Nature Center on April 13, 2013, as recommended by Darcie Crew, Parks & Recreation Director.

Councilman Corder made a motion to approve the request for signs to be placed by the Parks & Recreation Department on the southwest corner of Highway 90 and Chicot Road and Chicot Road and Nathan Hale Avenue one week before the event announcing the Great American Clean-Up and the Pascagoula River Festival at Scranton Nature Center on April 13, 2013, as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

The next item for consideration was a request to advertise the resources of the City by authorizing the Parks & Recreation Department to host a Petting Zoo for the Pascagoula River Festival at Scranton Nature Center on April 13, 2013, as recommended by Darcie Crew, Parks & Recreation Director. The cost is \$550.00.

Councilman Corder made a motion to approve a request to advertise the resources of the City by authorizing the Parks & Recreation Department to host a Petting Zoo for the Pascagoula River Festival at Scranton Nature Center on April 13, 2013, as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

The next item for consideration was a request to advertise the resources of the City by authorizing the Parks & Recreation Department to host two (2) Easter Egg Hunts at Beach Park on March 22, 2013, and advertise the resources of the City by giving candy and toy filled eggs and prizes to children as recommended by Darcie Crew, Parks & Recreation Director. The estimated cost is \$600.00.

Councilman Corder made a motion to approve a request to advertise the resources of the City by authorizing the Parks & Recreation Department to host two (2) Easter Egg Hunts at Beach Park on March 22, 2013, and advertise the resources of the City by giving candy and toy filled eggs and prizes to children as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

The next item for consideration was a request for a banner for the Easter Egg Hunts to be displayed on the southwest corner of Highway 90 and Market Street for two (2) weeks prior to the event which will take place on March 22, 2013, as recommended by Darcie Crew, Parks & Recreation Director.

Councilman Corder made a motion to approve a request for a banner for the Easter Egg Hunts to be displayed on the southwest corner of Highway 90 and Market Street for two (2) weeks prior to the event which will take place on March 22, 2013, as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE".

Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

Next for consideration was a request to advertise the resources of the City by authorizing the Parks & Recreation Department to host a Dr. Seuss Birthday Party event on March 1, 2013, for pre-school age children at the Parks & Recreation Center and advertise the resources of the City by providing crayons, stickers, and activity booklets in the amount not to exceed \$100.00 for the children who participate as recommended by Darcie Crew, Parks & Recreation Director.

Councilman Corder made a motion to approve advertising the resources of the City by authorizing the Parks & Recreation Department to host a Dr. Seuss Birthday Party event on March 1, 2013, for pre-school age children at the Parks & Recreation Center and advertise the resources of the City by providing crayons, stickers, and activity booklets in an amount not to exceed \$100.00 for the children who participate as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

The next item for consideration was advertising the resources of the City by approving the Pascagoula Recreation Department to partner with the National Audubon Society for the Backyard Bird Count event on February 15-18, 2013, and advertise the resources of the City by giving bird seed to Pascagoula teachers and citizens as recommended by Darcie Crew, Parks & Recreation Director. The estimated cost is \$100.00.

Councilman Corder made a motion to approve advertising the resources of the City by approving the Pascagoula Recreation Department to partner with the National Audubon Society for the Backyard Bird Count event on February 15-18, 2013, and advertise the resources of the City by giving bird seed to Pascagoula teachers and citizens as recommended. The estimated cost is \$100.00. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

The next item for consideration was to approve the placement of Dixie Youth Baseball registration signs around town from January 16 through February 4, 2013, and placement of two banners as requested by Eric Hartman. One banner will be placed on the fence at the Dixie Youth Complex and the other banner will be placed on the fence at the soccer complex on Tillman Street.

Councilman Corder made a motion to approve the placement of Dixie Youth Baseball registration signs around town from January 16 through February 4, 2013 and the placement of two banners on the fence at the Dixie Youth Complex and on the fence at the soccer complex on Tillman Street as requested. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

The next item for consideration was Budget Amendment No. 13.17 in the Forfeiture & Seizure Fund for Transfer to the Metropolitan Enforcement Team as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 13.17
January 15, 2013**

	Current	Budget	Amended
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	<u>Budget</u>	<u>Amendment</u>	<u>Budget</u>
<u>Forfeiture & Seizure Fund</u>	-	-	-
-	-		-
<u>Expenditures:</u>			
<u>Transfers:</u>			
Transfer to MET	-	10,000	10,000
Total Expenditures	-	10,000	10,000
Net Change in Fund Balance - Forfeiture & Seizure Fund		(10,000)	
To amend the budget of the Forfeiture & Seizure Fund to provide for expenditure authority for the initial funding of the new Metropolitan Enforcement Team approved by Council on November 20, 2012.			

Councilman Corder made a motion to approve the budget amendment as presented and recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

The next item for consideration was Budget Amendment No. 13.18 in the Community Development Fund for the CDBG Grant as recommended by Bobby Parker, City Clerk/Comptroller. This amendment has no effect on the fund balance. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 13.18
January 15, 2013**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>	-	-	-
-	-		-
<u>Revenues:</u>			
<u>Grants:</u>			
Round Island Lighthouse	-	45,568	45,568
Total Revenues	-	45,568	45,568
<u>Expenditures:</u>			
<u>Community Development:</u>			
<u>Other Services & Charges:</u>			
Round Island Lighthouse	-	45,568	45,568
-			
-			
-			

Total Expenditures	-	45,568	45,568
Net Change in Fund Balance - Community Development Fund		-	
To amend budget to provide expenditure authority for FY 2012 CDBG Grant and the related grant revenue for the Round Island Lighthouse Project approved by Council on October 16, 2012.			

Councilman Corder made a motion to approve the budget amendment as presented and recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

The next item for consideration was to authorize the Mayor to execute documents requesting the Tidelands 2013 Round Island Lighthouse Park funding be transferred to the Tidelands 2010 Round Island Restoration Project in the amount of \$129,480.00 as recommended by Jen Dearman, Community and Economic Development Director.

Councilman Corder made a motion to authorize the Mayor to execute documents requesting the Tidelands 2013 Round Island Lighthouse Park funding be transferred to the Tidelands 2010 Round Island Restoration Project in the amount of \$129,480.00 as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

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

The next item for consideration was approval of the Public Water Fluoridation Contract with the Mississippi State Department of Health as recommended by Steve Mitchell, Operations Manager.

Councilman Corder made a motion to approve the Public Water Fluoridation Contract with Mississippi State Department of Health and authorize Mayor and City Manager to execute the related documents as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-15-13)

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

Next for consideration was a bid award to the lowest bidder, GT Development & Contracting, Pascagoula, MS, for the new storage/training building for the Central Fire Station in the amount of \$234,382.00 as recommended by Robert O’Sullivan, Fire Chief, and Compton Engineering, Inc.

Councilman Corder made a motion to approve a bid award to the lowest bidder, GT Development & Contracting, Pascagoula, MS, for the new storage/training building for the Central Fire Station in the amount of \$234,382.00 and authorize the City Manager to execute the

related documents as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

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

The next item for consideration was Change Order No.1 with GT Development & Contracting, Pascagoula, MS, on the Fire Station Training Building Project for a reduction of scope of work and cost in the amount of \$21,410.00 and additional time of 30 days for long lead material items as recommended by Robert O'Sullivan, Fire Chief, and Compton Engineering, Inc. The change of scope and price was negotiated with the low bidder to result in a contract price that is within available funding amounts.

Councilman Corder made a motion to approve Change Order No.1 with GT Development & Contracting on the Fire Station Training Building Project for a reduction of scope and cost in the amount of \$21,410.00, additional time of 30 days for long lead material items as recommended, and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

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

The next item for consideration was a request to authorize the City Manager to execute closeout documents related to the Magnolia Street Birding Pier Project as recommended by Darcie Crew, Parks & Recreation Director, and Compton Engineering, Inc. The documents include the substantial completion certificate, final payment application and certificate signature page, contract completion certificate, recommendation for final acceptance of contract, and Change Order No. 2 (summary change order). It also includes acceptance of the final completion inspection report, final waiver of lien, and consent of surety to final payment from Compton Engineering, Inc., acceptance of Payment Application No. 5 and final as recommended by Darcie Crew, Parks & Recreation Director. She also requested authorization for a manual check to be issued to D & D Construction Company, Inc., Lucedale, MS, in the amount of \$29,490.72.

Councilman Corder made a motion to authorize the City Manager to execute the closeout documents related to the Magnolia Street Birding Pier Project to include the substantial completion certificate, final payment application and certificate signature page, contract completion certificate, recommendation for final acceptance of contract, and Change Order No. 2 (summary change order), accept the final completion inspection report, final waiver of lien, and consent of surety to final payment from Compton Engineering, Inc., accept Payment Application No. 5 and final as recommended, and authorize a manual check to be issued to D & D Construction Company, Inc. in the amount of \$29,490.72. 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 1-15-13)

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

The next item for consideration was to approve and authorize City Manager to execute the engagement letter for the fiscal year 2012 audit with no fee increase with Wolfe, McDuff & Opie, Certified Public Accountants, Pascagoula, MS, as recommended by Bobby Parker, City Clerk/Comptroller. The engagement letter is spread on the minutes as follows:



Wolfe • McDuff & Oppie
CERTIFIED PUBLIC ACCOUNTANTS
(A Professional Association)

Jack A. Oppie, CPA
Michelle Oppie Gist, CPA

3103 Pascagoula Street • Pascagoula, MS 39567 • Phone: 228-762-6348 • Fax: 228-762-4498 • www.wmocpas.com

November 16, 2012

Honorable Mayor and City Council
City of Pascagoula
Pascagoula, MS

We are pleased to confirm our understanding of the services we are to provide the City of Pascagoula for the year ended September 30, 2012. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the City of Pascagoula as of and for the year ended September 30, 2012. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Pascagoula's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Pascagoula's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Budgetary Comparison Schedule

We have also been engaged to report on supplementary information other than RSI, that accompanies The City of Pascagoula's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Schedule of expenditures of federal awards

Membership in:
American Institute of Certified Public Accountants • Mississippi Society of Certified Public Accountants • AICPA Private Companies Practice Section
AICPA Governmental Audit Quality Center • AICPA Center for Audit Quality • AICPA Employee Benefit Plan Audit Quality Center

(CPA)
America Counts on CPAs

The following other information accompanying the financial statement will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will not provide an opinion or any assurance:

1. Schedule of Surety Bonds of Municipal Officers

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal awards,

and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and schedule of expenditures of federal awards and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements. You are also responsible for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Pascagoula and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review on March 11, 2013. You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements,

performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls

and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Pascagoula's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Pascagoula's major programs. The purpose of these procedures will be to express an opinion on the City of Pascagoula's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a

longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Wolfe, McDuff & Oppie, P.A. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to the State Auditor's Office or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Wolfe, McDuff & Oppie, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

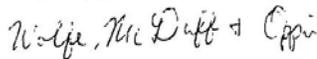
The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the State Auditor's Office. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately March 11, 2013 and to issue our reports no later than June 30, 2013. Michelle Oppie Gist, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$55,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2009 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the City of Pascagoula and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Wolfe, McDuff & Oppie, P.A

RESPONSE:

This letter correctly sets forth the understanding of the City of Pascagoula.

By: _____

Title: _____

Date: _____



Postlethwaite & Netterville

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System Review Report

To the Shareholders of
Wolfe, McDuff & Oppie
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Wolfe, McDuff & Oppie (the firm) applicable to non-SEC issuers in effect for the year ended June 30, 2009. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Wolfe, McDuff & Oppie, applicable to non-SEC issuers effect for the year ended June 30, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Wolfe, McDuff & Oppie has received a rating of *pass*.

Baton Rouge, Louisiana

December 17, 2009

215 St. Patrick St. • P.O. Box 1190 • Donaldsonville, LA 70346 • Tel: 225.473.4179 • Fax: 225.473.7204

Councilman Corder made a motion to approve the engagement letter for the Fiscal Year 2012 audit with no fee increase with Wolfe, McDuff & Opie, Certified Public Accountants, as recommended, and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

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

The next item for consideration was a request to approve payment of \$3,000.00 for postage funds for the direct debit/postage on call meter setting service with Neo-Post for City Hall as recommended by Brenda Reed, Assistant City Clerk. The postage payment is handled through an electronic funds transfer (EFT) instead of the docket of claims.

Councilman Corder made a motion to approve \$3,000.00 for postage funds for the direct debit/postage on call meter setting service with Neo-Post for City Hall as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

The financial reports for the month of December 2012 were filed by the City Clerk and acknowledged by the City Council.

The next item for consideration was a request for approval of a manual check for \$3,000.00 to the U. S. Postmaster for mailing utility bills as recommended by Jeane Bull, Asst. Comptroller.

Councilman Corder made a motion to approve a manual check for \$3,000.00 for the U. S. Postmaster for mailing utility bills as recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

Next for consideration was Budget Amendment No. 13.16 in the General Fund as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 13.16
January 15, 2013**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>	-	-	-
- <u>Revenues:</u>	-		-
- <u>Grants:</u>			
- Grants - Other	60,326	1,551	61,877
Total Revenues	60,326	1,551	61,877
- <u>Expenditures:</u>	-		-
- <u>Parks & Recreation:</u>			
- <u>Supplies:</u>			
- Field & Court Supplies	50,000	1,551	51,551
Total Expenditures	50,000	1,551	51,551
Net Change in Fund Balance		-	
To amend budget to provide authority for expenditures stemming from a MS Tennis Assn. Grant and the related grant revenue awarded 12/18/12.			

Councilman Corder made a motion to approve the budget amendment as presented and recommended. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

The next item for consideration was the Tidelands FY2013 Grant Agreement for the Round Island Lighthouse as recommended by Jen Dearman, Community and Economic Development Director. Ms. Dearman will request another agreement with new signatures from the Department of Marine Resources. The grant agreement is for \$129,480.00 and will be disbursed by the DMR upon completion.

Councilman Corder made a motion to approve the Tidelands FY2013 Grant Agreement for the Round Island Lighthouse for \$129,480.00, pending new signatures on the agreement with the Department of Marine Resources, and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

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

The next item for consideration was the Tidelands FY2013 Grant Agreement for the Environmental Education Trail as recommended by Jen Dearman, Community and Economic Development Director. Ms. Dearman will request another agreement with new signatures from the Department of Marine Resources. The grant agreement is for \$21,580.00 and will be disbursed by the DMR upon completion.

Councilman Corder made a motion to approve the Tidelands FY2013 Grant Agreement for the Environmental Education Trail for \$21,580.00, pending new signatures on the agreement with the Department of Marine Resources, and authorize the Mayor to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

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

Next to be considered was an Order approving an application of Bobby L. Rayborn, Sr., for tax exemption on property located at 2409 Market Street as recommended by Eddie Williams, City Attorney.

The Order is spread on the minutes as follows:

**ORDER APPROVING APPLICATION OF BOBBY L. RAYBORN, SR.
FOR AD VALOREM TAX EXEMPTION ON A PARCEL OF LAND
IN THE CENTRAL BUSINESS DISTRICT LOCATED AT
2409 MARKET STREET, PASCAGOULA, MISSISSIPPI**

WHEREAS, on or about October 15, 2010, Bobby L. Rayborn, Sr., applied for a Central Business District Tax Exemption for certain improvements made to real property located at 2409 Market Street wherein the business known as "Hoops" would be opened; and

WHEREAS, the application was made pursuant to Section 17-21-5 of the Mississippi Code of 1972; and

WHEREAS, the application was not brought to the attention of the City Council for action pursuant to the aforesaid section; and

WHEREAS, the Applicant did in fact complete renovations to an existing building at a cost of \$76,680 and filed his application well within the 1-year limitation that would otherwise be imposed under Section 27-31-31 of the Mississippi Code; and

WHEREAS, this matter has now been brought to the attention of the City Council by the Applicant through the City Attorney for action pursuant to Section 27-31-31 of the Mississippi Code; and

WHEREAS, the true value of the building was \$137,110 at the time the application was filed and is now carried on the Tax Rolls at \$188,120 thus indicating a significant increase in value thereto as a result of the renovations provided by the Applicant; and

WHEREAS, Counsel for the City has advised the Council that the Applicant does in fact qualify for an exemption pursuant to Section 27-31-31 of the Code and such exemption can be granted for a period of 8 years effective January 1, 2013:

NOW, THEREFORE, IT IS ORDERED that the Applicant is hereby granted an exemption from ad valorem taxes pursuant to Section 27-31-31 for a period of eight (8) years commencing January 1, 2013, and expiring on December 31, 2020, upon the building, with the exception of Pascagoula School District taxes which are not subject to the exemption.

IT IS FURTHER ORDERED that the City Clerk shall file the application and this order in a book kept in his office for that purpose and that a copy of the application and this order be filed with the Chairman of the Department of Revenue, the State Auditor of Public Accounts, and the Jackson County Tax Assessor for action thereon in the next successive tax year.

The above Order was introduced by Councilman Corder, seconded for adoption by Councilman Wolverson, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverson "AYE". The Mayor then declared the Order adopted on the 15th day of January, 2013.

The next item for consideration was a Resolution in support of a local and private bill to authorize a two percent (2%) tax on the sale of prepared food as recommended by Eddie Williams, City Attorney.

The Resolution is spread on the minutes as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI, REQUESTING THAT THE LEGISLATURE APPROVE A LOCAL AND PRIVATE BILL TO AUTHORIZE THE CITY COUNCIL TO LEVY A TAX ON THE GROSS RECEIPTS FROM THE SALE OF PREPARED FOOD BY RESTAURANTS AND CATERERS; AND FOR RELATED PURPOSES

WHEREAS, the City Council, on or about the 16th day of October, 2012, adopted the Comprehensive Parks & Recreation Master Plan for the future development of the City's Parks & Recreation Department, including the development of new infrastructure related thereto; and

WHEREAS, pursuant to the aforesaid Comprehensive Parks & Recreation Master Plan, there is proposed for construction a number of new facilities for use by the citizens of this community; and

WHEREAS, there is a need for additional funds in order to achieve the goals set forth in the Comprehensive Parks & Recreation Master Plan; and

WHEREAS, a tax on the receipts from the sale of prepared food sold by restaurants and caterers would provide funds at a small cost to the citizens of the City of Pascagoula for the accomplishment of such purpose; and

WHEREAS, a proposed bill to authorize this tax has been drafted, a copy of which is attached hereto:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI, that the legislature is urged to adopt the proposed Bill in substantially the form attached to this resolution.

BE IT FURTHER RESOLVED that the City Clerk is directed to send certified copies of this resolution to the Speaker of the House of Representatives, the Lieutenant Governor, and all members of the House of Representatives and Senate who represent the City of Pascagoula in the Mississippi Legislature.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Tillman, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 15th day of January, 2013.

The proposed bill to authorize this tax referred to in the above Resolution is spread on the minutes as follows:

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF PASCAGOULA, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS DERIVED FROM THE SALE OF PREPARED FOODS BY RESTAURANTS AND CATERERS IN THE CITY; TO PROVIDE FOR AN ELECTION ON THE QUESTION OF IMPOSING SUCH A TAX; TO PROVIDE THAT THE TAX SHALL BE COLLECTED BY THE MISSISSIPPI DEPARTMENT OF REVENUE AND PAID TO THE CITY OF PASCAGOULA; TO PROVIDE THAT THE PROCEEDS FROM THE TAX SHALL BE USED FOR THE PURPOSE OF IMPLEMENTING THE COMPREHENSIVE PARKS & RECREATION MASTER PLAN AND INFRASTRUCTURE IMPROVEMENTS RELATED THERETO; AND FOR RELATED PURPOSES

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act the following terms shall have meanings ascribed in this section unless otherwise clearly indicated by the context in which they are used:

- (a) “Governing Authorities” means the Governing Authorities of the City of Pascagoula, Mississippi.
- (b) “Prepared Food” means food prepared on the premises of a restaurant or by a catering business.
- (c) “Restaurant” means all places, including hotel and motel dining rooms, cafeterias, cafes, lunch stands, grocery and convenience stands where prepared food and beverages are sold for consumption, whether such food is consumed on the premises or not. Such term does not include any school, hospital, convalescent or nursing home, or any restaurant-like facility operated by or in connection with a school, hospital, medical clinic, convalescent or nursing home providing food for students, patients, visitors, or their families.
- (d) “Caterer” means all businesses whether or not affiliated with a restaurant which prepare food for consumption by the public either in public or private places and upon which the State sales tax is collected by the business and paid to the State of Mississippi in accordance with the laws made and provided therefor.
- (e) “Master Plan” shall mean the Comprehensive Parks & Recreation Master Plan adopted by the Governing Authority on the 16th day of October, 2012.

SECTION 2.

(1) For the purpose of providing funds for the implementation of the Master Plan the Governing Authorities in their discretion are authorized to levy and collect from every person, firm, or corporation operating a Restaurant or Catering Business in the City a tax, which shall be in addition to all other taxes and assessments imposed, which shall not exceed two percent (2%) of the gross proceeds derived from the sale of prepared food by all such Restaurants and Caterers in the City.

(2) Persons, firms, or corporations liable for the tax imposed under Sub-section (1) of this section shall add the amount of the tax to the sales price and shall collect, insofar as is practicable, the amount of the tax due by him from the person receiving the services or products at the time of the payment therefor.

(3) Such tax shall be collected by and paid to the Mississippi Department of Revenue on a form prescribed by the Department, in the same manner that State sales taxes are computed, collected and paid; and the full enforcement provisions and all other provisions of Chapter 65,

Title 27, Mississippi Code of 1972, shall apply as necessary to the implementation and administration of this act.

(4) The proceeds of such tax shall be paid to the Governing Authorities on or before the fifteenth day of the month in which collected.

(5) The proceeds of such tax shall not be considered by the City of Pascagoula as general fund revenues but shall be dedicated to and expended solely for the purposes specified in this section.

SECTION 3. Before any tax authorized under this act may be imposed, the Governing Authorities shall adopt a resolution declaring their intention to levy the tax, setting forth the amount of such tax to be imposed, the date upon which such tax shall become effective and calling for a referendum to be held on the question. Notice of such intention shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in the County, with the first publication of such notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the referendum and the last publication to be made not more than seven (7) days before the referendum. At the referendum, all qualified electors of the City may vote, and the ballots used in such referendum shall have printed thereon a brief statement of the amount and purposes of the proposed tax levy and the words “**FOR THE TAX**” and, on a separate line, “**AGAINST THE TAX**”, and the voters shall vote by placing a cross (x) or check (√) opposite their choice on the proposition. When the results of any such referendum shall have been canvassed by the election commission and certified, the City may levy the tax beginning on the first day of the second month following the referendum, only if at least sixty percent (60%) of the qualified electors who vote in the election vote in favor of the tax. No public funds shall be used for the purpose of promoting the adoption of the referendum and no City employee may promote the referendum during business hours. At least thirty (30) days before the effective date of the tax, the Governing Authorities shall furnish to the Department of Revenue a certified copy of the resolution authorizing the tax.

SECTION 4. Accounting for receipts and expenditures of the funds described in this act shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the City of Pascagoula. The records reflecting the receipts and expenditures of the funds prescribed in this act shall be audited annually by an independent certified public accountant, and the accountant shall make a written report of his audit to the Governing Authorities. The audit shall be made and completed as soon as practicable after the close of the fiscal year, and expenses of such audit shall be paid from the funds derived pursuant to this act.

SECTION 5. The Governing Authorities shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 6. This act shall take effect and be enforced from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

The next item for consideration was an Ordinance to vacate an alleyway and portions of Midway and Herrick Avenues west of Canty Street as recommended by Eddie Williams, City Attorney.

The Ordinance is spread on the minutes as follows:

**ORDINANCE NO. 1-2013
CITY OF PASCAGOULA, MISSISSIPPI**

AN ORDINANCE TO CLOSE AND VACATE A PORTION OF HERRICK AVENUE LYING WEST OF CANTY STREET, A 10 FOOT ALLEYWAY LYING WEST OF CANTY STREET AND ABUTTING THE EAST

MARGIN OF MAGNOLIA STREET AND ALL THAT PORTION OF MIDWAY AVENUE LYING WEST OF CANTY STREET AND TERMINATING WITH THE EAST MARGIN OF MAGNOLIA STREET AND BEING LOCATED IN CLAIM SECTION 5, TOWNSHIP 8 SOUTH, RANGE 6 WEST, JACKSON COUNTY, MISSISSIPPI, AND BEING A PART OF THE JOHN COMMUNY TRACT IN THE CITY OF PASCAGOULA

WHEREAS, there has been filed with the City a petition to close and vacate a portion of Herrick Avenue lying West of Canty Street, a 10 foot alleyway lying West of Canty Street and abutting the East margin of Magnolia Street and all that portion of Midway Avenue lying West of Canty Street and terminating with the East margin of Magnolia Street all of said property being located in the John Communy Tract in Claim Section 5, Township 8 South, Range 6 West, Jackson County, Mississippi, all of which property abuts the property belonging to the Petitioner herein; and

WHEREAS, the petition has been signed by the abutting landowner; and

WHEREAS, there is other, sufficient, reasonable and convenient access to and from the property of others in the general area; and

WHEREAS, the streets and alleyway sought to be closed and vacated in the petition are not required for public use and no city utilities lie therein; and

WHEREAS, in the petition on file with the Clerk, the Petitioner has waived any claim or right of compensation resulting from such closing and vacating of the hereinafter described parcels:

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

SECTION 1: The following described parcels of land consisting of two streets and an alleyway are hereby closed and vacated:

Parcel A

That portion of Herrick Avenue extending from the West margin of Canty Street to the East Bank of Bayou Pichot as shown on the plat of the John Communy Tract and which is highlighted on the attached ownership map.

Parcel B

A ten foot alleyway extending from the West margin of Canty Street to the East margin of Magnolia Street South of Dupont Avenue and lying between Lots 12 and 13, 9 and 16, 8 and 17, 7 and 18, and 3 and 4 of Block N of the John Communy Tract and which is highlighted on the attached ownership map.

Parcel C

All that portion of Midway Avenue commencing at the West margin of Canty Street and terminating with the East margin of Magnolia Street South of Dupont Avenue as shown on the plat of the John Communy Tract and which is highlighted on the attached ownership map.

All of the above described parcels are situated in Claim Section 5, Township 8 South, Range 6 West, Jackson County, Mississippi.

SECTION 2. This ordinance shall not be codified.

SECTION 3. This ordinance shall become effective one month after passage.

The above Ordinance was introduced in writing by Councilman Wolverton, seconded for adoption by Councilman Abston, and received the following vote: Mayor Maxwell "AYE". Councilman Abston voted "AYE", Councilman Corder voted "AYE", Councilman Milstead voted "AYE", Councilman Stallworth voted "AYE", Councilman Tillman voted "AYE", and Councilman Wolverton voted "AYE".

Passed this the 15th day of January, 2013.

APPROVED:

/s/ Robert H. Maxwell
Robert H. Maxwell, Mayor

ATTEST:

/s/ Brenda J. Reed
Brenda J. Reed, Asst. City Clerk

(S E A L)

The next item for consideration was a Resolution seeking resort status for 709 Krebs Avenue (Jacks by the Tracks) as recommended by Eddie Williams, City Attorney.

The Resolution is spread on the minutes as follows:

RESOLUTION PURSUANT TO REGULATION 18 OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE MISSISSIPPI DEPARTMENT OF REVENUE TO DESIGNATE A RESORT AREA CLASSIFICATION IN THE CITY OF PASCAGOULA, MISSISSIPPI, LOCATED AT 709 KREBS AVENUE

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

WHEREAS, the law permits the designation of certain areas as "qualified resort areas";
and

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

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

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

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

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

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

FOURTH: In an effort to comply with the terms of Regulation 18, the City Council does hereby authorize and direct the City Clerk to submit an application to the Alcoholic Beverage Control Division of the Department of Revenue for the designation of the area hereinafter described as a qualified resort area within the meaning of Chapter 1 of Title 67, Mississippi Code of 1972, more particular described as follows:

The West 38.00 feet of Lot 32 and the North 33.00 feet of the East 62.00 feet of Lot 32, Rene Krebs Trace, Pascagoula, Jackson County, Mississippi, as recorded in Deed Book 3, page 236 ½, Office of Chancery Clerk, Jackson County Courthouse and more particularly described as follows: Commencing at the Southeast corner of Lot 32; thence North 77 degrees 30 minutes West along the North right-of-way of Krebs Avenue 62.00 feet to the Point of Beginning; thence North 12 degrees 30 minutes East 167.00 feet; thence South 77 degrees 30 minutes East 62.00 feet to the East line of Lot 32; thence North 12 degrees 30 minutes East along the East line of Lot 32, 33.00 feet to the Northeast corner of Lot 32; thence North 77 degrees 33 minutes West along the North line of Lot 32,

100.00 feet to the Northwest corner of Lot 32; thence South 12 degrees 30 minutes West along the West line of Lot 32, 200.00 feet to the North right-of-way of Krebs Avenue; thence South 77 degrees 30 minutes East along the North right-of-way of Krebs Avenue 38.00 feet to the Point of Beginning.

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

**LEGAL NOTICE UNDER REGULATION 18
ALCOHOLIC BEVERAGE CONTROL
DIVISION, DEPARTMENT OF REVENUE,
STATE OF MISSISSIPPI**

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

The West 38.00 feet of Lot 32 and the North 33.00 feet of the East 62.00 feet of Lot 32, Rene Krebs Trace, Pascagoula, Jackson County, Mississippi, as recorded in Deed Book 3, page 236 ½, Office of Chancery Clerk, Jackson County Courthouse and more particularly described as follows: Commencing at the Southeast corner of Lot 32; thence North 77 degrees 30 minutes West along the North right-of-way of Krebs Avenue 62.00 feet to the Point of Beginning; thence North 12 degrees 30 minutes East 167.00 feet; thence South 77 degrees 30 minutes East 62.00 feet to the East line of Lot 32; thence North 12 degrees 30 minutes East along the East line of Lot 32, 33.00 feet to the Northeast corner of Lot 32; thence North 77 degrees 33 minutes West along the North line of Lot 32, 100.00 feet to the Northwest corner of Lot 32; thence South 12 degrees 30 minutes West along the West line of Lot 32, 200.00 feet to the North right-of-way of Krebs Avenue; thence South 77 degrees 30 minutes East along the North right-of-way of Krebs Avenue 38.00 feet to the Point of Beginning.

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

Beverage Control Law of the State of Mississippi and rules and regulations of the Alcoholic Beverage Control Division in such area; and (4) a certified copy of the resolution as adopted by the City Council of the City of Pascagoula, Mississippi.

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

Witness my signature and the seal of the City of Pascagoula, Mississippi, this the _____ day of _____, 2013.

Robert J. Parker, City Clerk

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

The above Resolution was introduced by Councilman Abston, seconded for adoption by Councilman Stallworth, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 15th day of January, 2013.

The next item for consideration was a Resolution requesting the introduction and passage of a bill entitled "Citizens for Economic Development Act" (CEDA) 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
REQUESTING THE INTRODUCTION AND PASSAGE OF A BILL ENTITLED
"CITIZENS FOR ECONOMIC DEVELOPMENT ACT" (CEDA)**

WHEREAS, economic development occurs where infrastructure and municipal services can be provided easily, efficiently, and at a reasonable cost; and

WHEREAS, municipal services provide drinking water, utilities, sewer disposal, police and fire protection, maintenance of roads and many other services to local businesses and industries which provide jobs and employment to local citizens; and

WHEREAS, good infrastructure is essential to economic development and job creation; and

WHEREAS, many municipalities in Mississippi do not have access to adequate capital and the municipalities do not have sufficient statutory authority or enough debt capacity to borrow money for essential and costly public projects, many of which are directly tied to economic development and the quality of life in these communities; and

WHEREAS, the use of an optional sales tax could save municipalities substantial amounts of taxpayer money on bond project interest payments because projects could be paid off in a shorter period of time; and

WHEREAS, a municipal project funded by the provisions of CEDA would represent the vote and approval of the local citizens; and

WHEREAS, details of each project approved by voters under CEDA would be specifically set forth and the local sales tax funding such project would immediately cease upon the final debt payment; and

WHEREAS, other states in our region have enacted similar laws to provide their local constituents with an opportunity to fund essential economic development projects thereby improving the quality of life in their communities:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA that this City is on record requesting the introduction and passage of the bill entitled "Citizens for Economic Development Act".

BE IT FURTHER RESOLVED that the City Clerk shall forthwith transmit a certified copy of this resolution to each member of the local legislative delegation, Governor and Lieutenant Governor, the Speaker of the House of Representatives, the Director of the Department of Revenue and the Secretary of State of the State of Mississippi.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Tillman, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 15th day of January, 2013.

The City Attorney requested that the Council consider an Order to release a lien on property at 2605 Criswell Avenue.

The Order is spread on the minutes as follows:

ORDER RELEASING LIEN ON REAL PROPERTY

WHEREAS, on or about April 5, 2011, this Council, after a public hearing, directed the City Manager to effect the cleanup of the following described real property:

BEG SWC LOT 9 BLK 4 MOORE TR N 197' N 64 DEG E 99.7' S 239.9' W 90'
TO POB PT LOT 9 BLK 4 MOORE TR DB 1424-90 DB 1424-95

WHEREAS, on or about June 3, 2011, the cleanup of this property was completed; and

WHEREAS, the property had previously sold for taxes on August 31, 2009, to APS, LLC., the successful bidder at the August, 2009, tax sale; and

WHEREAS, APS, LLC., was not given notice of the public hearing to be held before the City Council on April 5, 2011, and such notice was sent to the previous owner of the property, Ross C. Hagood; and

WHEREAS, on or about the 6th day of October, 2011, some five months after the Council's resolution to clean the property and some three months after the property had in fact been cleaned, APS, LLC., the successful bidder at the tax sale, acquired a Chancery Clerk's Conveyance of the subject property; and

WHEREAS, on the 19th day of July, 2012, APS, LLC. conveyed the property to the Mark Edward McGuire Revocable Living Trust; and

WHEREAS, the City Council voted to assess a lien on the property for the cost of cleanup in the amount of \$1,008.00, which vote took place on July 3, 2012, and the lien was placed of record on October 30, 2012, about four months after title was acquired by the Mark Edward McGuire Revocable Living Trust; and

WHEREAS, the City Attorney has previously obtained an opinion from the Attorney General for the State of Mississippi that, in circumstances such as these, the City's lien for the cleanup of the subject property is void as against the new owner:

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

SECTION 1. The City does hereby release its lien on the above described property effective immediately.

SECTION 2. A certified copy of this order shall be served upon the Jackson County Tax Assessor, the Jackson County Tax Collector and the Clerk of the Circuit Court so that appropriate steps may be taken by those officials to release the lien on the herein described real property.

The above Order was introduced by Councilman Stallworth, seconded for adoption by Councilman Wolverton, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 15th day of January, 2013.

The next item for consideration was a request to release Tanya Taylor from the lease between TaylorMade Boutique, LLC, and the City of Pascagoula for Unit L at Anchor Square as recommended by Jen Dearman, Community and Economic Development Director.

The Order is spread on the minutes as follows:

ORDER AUTHORIZING RELEASE FROM CONTRACT

WHEREAS, on or about June 13, 2012, Tanya Taylor, d/b/a TaylorMade, executed a lease for a unit located at the Anchor Square complex for the operation of her business; and

WHEREAS, Ms. Taylor has heretofore performed her obligations under the lease and is not now in default of any of the terms and obligations therein; and

WHEREAS, Ms. Taylor, for personal reasons, has requested a release from her obligations pursuant to the aforesaid lease; and

WHEREAS, the City Council is advised that there is a tenant who is ready to immediately occupy the unit heretofore leased to Ms. Taylor; and

WHEREAS, the City Council has also been advised that there are at least 13 applicants for spaces at the Anchor Square complex and that no financial loss will be incurred by the City should Ms. Taylor be released from her contract:

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

SECTION 1. Tanya Taylor is hereby released from the obligations imposed upon her by the lease bearing date of June 13, 2012, and is relieved, effective January 31, 2013, from the performance of any further obligations thereunder.

SECTION 2. This release is conditioned upon Ms. Taylor being current in all obligations to the City of Pascagoula pursuant to the lease as of the termination date of January 31, 2013.

SECTION 3. The Director of Community Development, or her designee, shall conduct an inspection of the premises as soon as the same are vacated by Ms. Taylor to make a determination as to whether or not any damages have been incurred during its occupancy by Ms. Taylor and her business. Should it be determined that there are damages for which the City should be compensated, then in such event, the Community Development Director shall retain from the damage deposit a sum sufficient to cover the cost of the damages and, if the deposit is insufficient for that purpose, Ms. Taylor shall remain liable to the City for any amount in excess of the deposit.

The above Order was introduced by Councilman Milstead, seconded for adoption by Councilman Stallworth, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 15th day of January, 2013.

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

The next item for consideration was the design selection for the Hospital Road Improvements Project as presented by Jen Dearman, Community and Economic Development Director. After a lengthy discussion on the design options, the Council recommended approval of the concept for Option 2.

Councilman Corder made a motion to approve the concept for Option 2 for the Hospital Road Improvements Project as recommended by staff. 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 "NAY". (Approved 1-15-13)

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

The next item for consideration was a request to accept the resignation of Eric Hartman on the Recreation Commission effective January 2, 2013, and consider a new appointment to fill this vacancy as recommended by Darcie Crew, Parks & Recreation Director. Councilman Corder suggested that we accept resumes through Thursday, January 31, 2013.

Councilman Corder made a motion to accept the resignation of Eric Hartman from the Recreation Commission and also receive resumes from interested individuals for an appointment on the Recreation Commission through Thursday, January 31, 2013. 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 1-15-13)

(Mayor Maxwell left the meeting at 6:40 p.m.)

The next item for consideration was the Mississippi Development Authority (MDA) Budget Modification #2 for the LaFont Inn Redevelopment Project as recommended by Jaci Turner, Program Manager. This budget modification will adjust funds from the contingency line item to Engineering: Planning and Design to cover expenses related to Neel-Schaffer's contract modification. Ms. Turner advised there is no overall change to the grant amount.

Councilman Corder made a motion to approve the MDA Budget Modification #2 for the LaFont Inn Redevelopment Project and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "ABSENT". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

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

Next for consideration were expenses related to the LaFont Inn Redevelopment Project as presented by Jaci Turner, Program Manager. They are as follows:

LJ Construction: Pay Application # 11 - \$62,207.20 and
 Pay Application # 12 - \$30,683.31

Councilman Corder made a motion to authorize a manual check to LJ Construction for Pay Application # 11 for \$62,207.20 and Pay Application # 12 for \$30,683.31 as recommended. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "ABSENT". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-15-13)

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

(Mayor Maxwell returned to the meeting at 6:42 p.m.)

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

ORDER

WHEREAS, the attached docket of claims for the period of December 28, 2012, through

January 11, 2013, has been presented to the City Council for allowance and approval; and

WHEREAS, the below claim numbers 12-07-01,12-21-02, and 12-03 have also been presented to the City Council for allowance and approval:

<u>December 7, 2012</u>		<u>Claim # 12-07-01</u>
010	General Fund	\$ 487,193.96
400	Pascagoula Utilities	22,271.10
480	Solid Waste Mgmt.	<u>420.89</u>
	Total	<u>\$ 509,885.95</u>

<u>December 21, 2012</u>		<u>Claim # 12-21-02</u>
010	General Fund	\$ 465,057.40
400	Pascagoula Utilities	22,368.61
480	Solid Waste Mgmt.	<u>555.89</u>
	Total	<u>\$ 487,981.90</u>

<u>Miscellaneous Claim</u>		<u>Claim # 12-03</u>
1000	City Share FICA	\$ 48,330.17
1100	City Share Medicare	11,408.08
7000	City Share PERS	<u>114,456.84</u>
	Total	\$ 174,195.09

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 Milstead 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 15th day of January, 2013.

Eddie Williams, City Attorney, advised several parents from Resurrection Catholic School have expressed an interest in purchasing some property owned by the City of Pascagoula. He will follow up on this matter.

At this time, Councilman Milstead read a statement advising the Council and those in attendance that he will not seek re-election again in 2013.

A brief discussion followed regarding the Biggert-Waters Flood Insurance Reform Act of 2012 which was passed in July 2012, and becomes effective August 2013.

Mayor Maxwell and other members of the City Council congratulated Councilman Tillman on his recent marriage and extended best wishes to them.

Joe Huffman, City Manager, congratulated Police Chief Kenny Johnson and other members of the Pascagoula Police Department for their hard work and dedication in achieving the accreditation status.

There being no further business to come before the Council, Councilman Abston made a motion to adjourn. 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 6:55 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed, Asst. City Clerk