

REGULAR MEETING OF THE CITY COUNCIL

TUESDAY, JULY 6, 2010 AT 6:00 P. M.

CITY HALL, PASCAGOULA, MISSISSIPPI

The City Council of the City of Pascagoula, Mississippi, met at City Hall in a regular meeting on Tuesday, July 6, 2010, 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
Councilman George L. Wolverton, Sr.

City Manager Kay J. Kell
City Attorney Eddie Williams
Asst. City Clerk Brenda J. Reed

Mayor Maxwell welcomed everyone to the meeting. Councilman Corder gave the invocation which was followed by the pledge of allegiance.

Councilman Stallworth requested approval to advertise the City of Pascagoula through the Pascagoula All Stars, 7-8 year olds – Red Team, as they travel to Hattiesburg for the South State Tournament on July 9, 2010. They are currently the district champions.

After discussion, Councilman Stallworth made a motion to approve \$250.00 to advertise the resources of the City of Pascagoula for the Pascagoula All Stars, 7-8 year olds – Red Team, as requested. 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 7-6-10)

Brice Wiggins and Dr. Connie Jo Williams, Director of Early Beginning Program at the Pascagoula School District, addressed the Council regarding Excel by 5. Mr. Wiggins advised they are currently working on the recertification process. Pascagoula is the largest Excel by 5 city in the state of Mississippi which is a great accomplishment. The program has been very successful and is working well. The Imagination Library was a new project incorporated this year.

The Council commended them on the success of the program. Councilman Corder then made a motion to approve funding for the next installment. 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 7-6-10)

Vincent Castigliola, Jr., 919 Beach Boulevard, addressed the Council regarding the beach erosion control project. He has discussed the project with the Corps of Engineers. He noted the ramps will have a significant impact on the beach and there are many people who are concerned about them. Mr. Castigliola recommended continuous riprap along the beach and placing ramps at both ends of the beach. Other members of the audience made comments regarding the ramps, riprap, safety, parking, etc.

Rob Ford, 1303 Lureco, addressed the Council in support of the numerous accesses to the beach. Mr. Ford also suggested that parking spaces be placed along the beach seawall area such as what Ocean Springs has done.

Dean Trawick, Corps of Engineers, addressed questions from the Council and the audience regarding the project. Comments followed regarding the width of the ramps and placement locations at both ends of the beach and Market Street.

After a lengthy discussion, Councilman Corder made a motion to approve three 25 ft. openings, including one at Market Street, and if there are any problems with this proposal, the Corps of Engineers should report back to the City Council. After additional comments, Councilman Corder amended his motion to approve access points at both ends of the beach and one at Market Street, with the size of each access point being no larger than 50 ft. maximum and preferably 25 ft. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “NAY”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 7-6-10)

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

A property cleanup hearing for 3820 Blueback, 1741 Market Street, 4515 Cedar Street, 2006 Roosevelt, 3706 Warwick, 1302 Lureco, 1109 Skip, 1126 Skip, and 1007 Tucker was held at this time.

3820 Blueback –Charles Riles addressed the Council regarding this property and stated he plans to bring the property up to City codes and has had a problem with contractors.

1741 Market – Steve Mitchell gave a status report on this property wherein he advised the lot has been worked on and they have been in contact with the owner. He recommended the case be dismissed.

4515 Cedar Street – Crystal Cornelius addressed the Council regarding this property and the MEMA cottage. Steve Mitchell recommended adoption of the Resolution and advised the City will work with her on the cottage issue.

2006 Roosevelt – Sherrie N. Hudson, Jr., addressed the Council regarding his father’s property. He advised the old junk cars and boats have been moved and he has hired someone to do the work.

3706 Warwick – Steve Mitchell gave a status report on the property and recommended the case be dismissed.

1302 Lureco - Steve Mitchell gave a status report on the property and advised not much work has been done. Some of the permits have expired. Twila Ford, neighbor, requested this matter be tabled in order to contact the property owner, Mark Edwards, who lives in Texas. Councilman Milstead stated the house looks okay from the outside; however, the grass needs to be cut. He would like to see a plan for this property. Fearon Jenne, 1300 Lureco, advised he lives next door to the property and is concerned about the raccoons, snakes, etc. After comments, Rob Ford commented he will have a response regarding the property at the next meeting.

1109 Skip – Steve Mitchell gave a status report on the property and recommended adoption of the Resolution.

1126 Skip – Steve Mitchell gave a status report on the property and recommended adoption of the Resolution.

1007 Tucker – Mary Fantroy addressed the Council regarding her late aunt’s property. She would like to sell the property since there are no funds to repair it and bring it up to City codes.

The Council then considered the following Resolution:

RESOLUTION

WHEREAS, by order dated June 1, 2010, this Council authorized giving notice to the owners of the parcels of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., July 6, 2010, to determine whether the parcels listed are in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

WHEREAS, notice of the hearing has been given in the manner and time required by law; and

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

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

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

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

SECTION 2. That, if the parcels are not cleaned by the owners within seven days of this date, the City Manager, by use of City personnel or a private contractor, shall have each parcel cleaned by removing any dilapidated buildings thereon, removing any standing water, by cutting any excess vegetation thereon, and by removing rubbish and debris. Thereafter, this Council shall adjudicate the actual cost of cleaning the parcels and such costs shall be an assessment against each parcel.

EXHIBIT A

Tax Parcel Number and <u>Property Address</u>	Owner(s) and <u>Mailing Address</u>	Described at the following Jackson County, MS, <u>Deed Books and Pages</u>
41525029.025 3820 Blueback Ave.	C. Riles Revocable Living Trust 9104 Ashburn Road Vanceleave, MS 39565	Deed Book 1554, Page 857

41230733.000 1741 Market St.	Charles J. Turner, III 20700 Hwy 613 Moss Point, MS 39562 (Footnote 1)	Deed Book 1081, Page 845
41700715.000 4515 Cedar St.	Crystal P. Cornelius 4515 Cedar Street Pascagoula, MS 39567 (Footnote 2)	Deed Book 1256, Page 587
41410077.000 2006 Roosevelt St.	Sherrie N. Hudson, Sr. 2006 Roosevelt St. Pascagoula, MS 39567 and Sherrie N. Hudson, Jr. 54041 Leto Lane Independence, LA 70443 and Carolyn Earls 3105 Monacello Road Wessin, MS 39191	Deed Book 1526, Page 798
41205343.000 3706 Warwick St.	Lehman Bros Holdings, Inc. c/o U.S. Bank NA 1661 Worthington Road Suite 100 West Palm Beach, FL 24737 (Footnote 3)	Deed Book 1579, Page 435
41795005.000 1302 Lureco Dr.	Ina Jean Edwards 1388 Cedar Crossing Road Uvalda, GA 30473-4131	Deed Book 197, Page 147
41413021.000 1109 Skip Ave.	Alfred L. Durden and Augustine Durden Address unknown (Footnote 4)	Deed Book 463, Page 149
41775039.000 1126 Skip Ave.	Dolphette Wess and Vanessia D. Wess 1119 Skip Avenue Pascagoula, MS 39567	Deed Book 1284, Page 31
41413033.000 1007 Tucker St.	Vivian Wilson (Estate) c/o Mary Fantroy	Deed Book 762, Page 595

P.O. Box 8917
Moss Point, MS 39562

PARTIES WITH INTEREST

Footnote 1: G.E. Sales & Service, 1711 Market Street, Pascagoula, MS 39567

Footnote 2: Preferred Mortgages, Inc., 1625 Hwy 90, Suite A, Gautier, MS 39553

Footnote 3: Kim Williams, 2422 Bienville Blvd, Ocean Spring, MS 39564

Footnote 4: Associates Financial Services Co. of MS, 3141 Market Street, Pascagoula, MS 39567

The following actions were taken by the City Council:

3820 Blueback - Councilman Tillman made a motion to adopt the Resolution as presented above. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 6th day of July, 2010.

1741 Market Street - Councilman Corder made a motion to “DISMISS” the property cleanup matter for 1741 Market Street, 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”. (Dismissed 7-6-10)

4515 Cedar Street – Councilman Wolverton made a motion to adopt the Resolution as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 6th day of July, 2010.

2006 Roosevelt – Councilman Milstead made a motion to adopt the Resolution, with an amendment to “TABLE” this matter until August 3, 2010. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted, as amended, on the 6th day of July, 2010.

3706 Warwick – Councilman Wolverton made a motion to “DISMISS” the property cleanup matter for 3706 Warwick, 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”.
(Dismissed 7-6-10)

1302 Lureco – Councilman Milstead made a motion to adopt the Resolution, with an amendment to “TABLE” this matter until the Council meeting of August 3, 2010. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “NAY”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted, as amended, on the 6th day of July, 2010.

1109 Skip – Councilman Stallworth made a motion to adopt the Resolution as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 6th day of July, 2010.

1126 Skip – Councilman Stallworth made a motion to adopt the Resolution as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 6th day of July, 2010.

1007 Tucker – Councilman Stallworth made a motion to adopt the Resolution as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 6th day of July, 2010.

A property cleanup hearing was held for 1507 Buena Vista, 1406 School, and 1502 Belair. Steve Mitchell gave an update on each property.

1507 Buena Vista – David Reid addressed the Council regarding his property. He would like to continue living in the house and has been without a job for a lengthy period of time.

1406 School – Stephen Burrow was present to represent this property and made brief comments regarding the title confirmation which may take 60 days.

1502 Belair – Steve Mitchell advised there is no house on this lot and recommended adoption of the Resolution.

After discussion, the Council considered the following Resolution:

RESOLUTION

WHEREAS, by order dated May 18, 2010, this Council authorized giving notice to the owners of the parcels of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., July 6, 2010, to determine whether the parcels listed are in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

WHEREAS, notice of the hearing has been given in the manner and time required by law; and

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

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

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

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

SECTION 2. That, if the parcels are not cleaned by the owners within seven days of this date, the City Manager, by use of City personnel or a private contractor, shall have each parcel cleaned by removing any dilapidated buildings thereon, removing any standing water, by cutting any excess vegetation thereon, and by removing rubbish and debris. Thereafter, this Council shall adjudicate the actual cost of cleaning the parcels and such costs shall be an assessment against each parcel.

EXHIBIT A

<u>Tax Parcel Number and Property Address</u>	<u>Owner(s) and Mailing Address</u>	<u>Described at the following Jackson County, MS, Deed Books and Pages</u>
41620071.000 1507 Buena Vista	David Keith Reid 1507 Buena Vista St. Pascagoula, MS 39567 (Footnote 1)	Deed Book 1510, Page 87
41410616.000 1406 School	Coastwide Investments P.O. Box 1407 Pascagoula, MS 39567	Deed Book 1589, Page 454
41250044.000 1502 Belair	Estate of Evelyn Goldman and Estate of John Lira No known address	Deed Book 137, Page 598

PARTIES WITH INTEREST

Footnote 1: First Federal Savings & Loan, 903 Jackson Avenue, Pascagoula, MS 39567

The following actions were taken by the City Council:

1507 Buena Vista – Councilman Milstead made a motion to adopt the Resolution, with an amendment to “TABLE” the matter until the Council meeting of August 3, 2010. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “NAY”, Milstead “AYE”, Stallworth “NAY”, Tillman “NAY”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted, as amended, on the 6th day of July, 2010.

1406 School – Councilman Stallworth made a motion to adopt the Resolution as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 6th day of July, 2010.

1502 Belair – Councilman Corder made a motion to adopt the Resolution as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 6th day of July, 2010.

The next item was a Resolution for property cleanup at 2914 Frederic which was continued from the Council meeting of June 1, 2010. Steve Mitchell gave an update on the property. Debbie Johnson, property owner, advised she is cleaning the inside of the house, doors are on order, and exterior plywood has been purchased. Councilman Tillman requested the back door be secured now.

After discussion, the Council considered the following Resolution:

RESOLUTION

WHEREAS, by order dated May 4, 2010, this Council authorized giving notice to the owner of the parcel of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., June 1, 2010, to determine whether the parcel listed is in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

WHEREAS, notice of said hearing has been given in the manner and time required by law; and

WHEREAS, this matter was continued at the June 1, 2010, meeting until July 6, 2010; and

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

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

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

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

SECTION 2. That, if the parcel is not cleaned by the owner within seven days of this date, the City Manager, by use of City personnel or a private contractor, shall have the parcel cleaned by removing any dilapidated buildings thereon, removing any standing water, by cutting any excess vegetation thereon, and by removing rubbish and debris. Thereafter, this Council shall adjudicate the actual cost of cleaning said parcel and such costs shall be an assessment against the parcel.

EXHIBIT A

<u>Tax Parcel Number and Property Address</u>	<u>Owner(s) and Mailing Address</u>	<u>Described at the following Jackson County, MS, Deed Books and Pages</u>
40405128.000 2914 Frederic	Deborah Ann Johnson 1814 Perdido Blvd Gautier, MS 39553	Deed Book 1418, Page 676

The above Resolution was introduced by Councilman Milstead, with an amendment to “TABLE” this matter until the Council meeting of August 3, 2010. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted, as amended, on the 6th day of July, 2010.

The consent agenda was considered at this time.

The first item for consideration was minutes from the recessed regular Council meeting held on June 15, 2010, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Stallworth made a motion to adopt and approve minutes of the recessed regular Council meeting of June 15, 2010, as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 7-6-10)

Minutes of the Historic Preservation Commission meeting of May 26, 2010, were acknowledged by the City Council.

The next item for consideration was a request to authorize the City Clerk to advertise for bids for fire support apparatus (Bid # 301) as recommended by Robert O'Sullivan, Fire Chief.

Councilman Stallworth made a motion to authorize the City Clerk to advertise for bids for fire support apparatus (Bid # 301) as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 7-6-10)

The next item for consideration was a budget amendment to transfer \$73,000.00 in funds from the Forfeiture and Seizure Revenue Account to the Forfeiture and Seizure Expenditure Account for use in departmental projects as recommended by Police Chief Kenny Johnson.

Councilman Stallworth made a motion to approve the budget amendment to transfer \$73,000.00 in funds from the Forfeiture and Seizure Revenue Account to the Forfeiture and Seizure Expenditure Account for use in departmental projects as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 7-6-10)

The next item for consideration was the rejection of all bids for membrane elements (Bid # 299) and authorization for the City Clerk to re-bid/re-advertise with updated specifications as recommended by Steve Mitchell, Operations Manager.

Councilman Stallworth made a motion to reject all bids for membrane elements (Bid # 299) and authorize the City Clerk to rebid/re-advertise with updated specifications. 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 7-6-10)

The next item for consideration was a request to authorize the City Clerk to advertise for RFP's for disaster related debris monitoring as recommended by Steve Mitchell, Operations Manager.

Councilman Stallworth made a motion to approve the request to authorize the City Clerk to advertise for RFP's for disaster related debris monitoring as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 7-6-10)

The next item for consideration was authorization for the Mayor to sign and acknowledge a charitable donation to the City of Pascagoula for \$8,405.14 from Turf Masters Lawn Care, Inc. for the new entrance at the Youth Baseball Complex as recommended by Darcie Crew, Parks and Recreation Director. The new entrance includes a brick and aluminum fence wall with an aluminum fence gate, brick pavers, new sod, and irrigation. Councilman Corder expressed appreciation to Turf Masters for this donation and stated the new entrance looks great.

Councilman Stallworth made a motion to authorize the Mayor to sign and acknowledge a charitable donation to the City of Pascagoula for \$8,405.14 from Turf Masters Lawn Care, Inc. for the new entrance at the Youth Baseball Complex as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 7-6-10)

The next item for consideration was a request to extend the State of Emergency declared on April 30, 2010, until July 20, 2010, as recommended by Bruce Knott, Human Resources Director.

Councilman Stallworth made a motion to extend the State of Emergency declared on April 30, 2010, until July 20, 2010, as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 7-6-10)

The next item for consideration was a contract agreement between the City of Pascagoula and the Southeast Mississippi Chapter of the American Red Cross for the distribution of the Community Development Block Grant funds as recommended by Harry Schmidt, Community Development Director.

Councilman Stallworth made a motion to approve the contract agreement between the City of Pascagoula and the Southeast Mississippi Chapter of the American Red Cross for the distribution of the Community Development Block Grant funds as recommended and authorized the Mayor to execute the related documents. 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 7-6-10)

(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 budget amendment in the General Fund for the Street Department as recommended by Bobby Parker, Comptroller/City Clerk. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment #10.29
July 6, 2010**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>			
<u>Expenditures:</u>			
<u>Street</u>			
<u>Supplies:</u>			
Construction Materials	150,000	--15,000	135,000
<u>Other Services & Charges:</u>			
Street Repair – Concrete	20,000	15,000	35,000
<hr/>			
Total Expenditures:	170,000	-0-	170,000
<hr/>			
Net Change in Fund Balance		-0-	
<hr/>			

PURPOSE: To amend budget in order to reallocate budget provisions as needed.

Councilman Stallworth made a motion to approve the above budget amendment as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 7-6-10)

The next item for consideration was a budget amendment in the Community Development Fund for MDHA/CLG Grant approved by the Council on June 15, 2010, as recommended by Bobby Parker, Comptroller/City Clerk. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment #10.30
July 6, 2010**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>			
<u>Revenues:</u>			
<u>Grants:</u>			
MDHA Grant – Banners	-0-	630	630
Total Revenues	-0-	630	630
<hr/>			
<u>Expenditures:</u>			
Community Development:			
Other Services & Charges:			
MDHA Grant – Banners	-0-	1,050	1,050
Total Expenditures:	-0-	1,050	1,050
<hr/>			
Net Change in Fund Balance		(420)	
<hr/>			

PURPOSE: To amend budget to provide authority for expenditures stemming from the CLG Grant for banners in the City’s Historic District and the related grant revenue approved by the Council on June 15, 2010.

Councilman Stallworth made a motion to approve the above budget amendment as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 7-6-10)

Next for consideration was a Resolution designating a slum or blighted area and certifying the area’s need for redevelopment as a result of a flood or hurricane as recommended by Harry Schmidt, Community Development Director.

The Resolution is spread on the minutes as follows:

RESOLUTION DESIGNATING A SLUM OR BLIGHTED AREA AND CERTIFYING THE AREA'S NEED FOR REDEVELOPMENT AS A RESULT OF A FLOOD OR HURRICANE

WHEREAS, the Mississippi Development Authority (MDA) is making Hurricane Katrina Supplemental Community Development Block Grant (CDBG) funds available for community revitalization in areas damaged by Hurricane Katrina; and

WHEREAS, the City of Pascagoula (the "City") is applying for the said CDBG funds for revitalization and redevelopment areas impacted by Hurricane Katrina and for the long-term recovery of the City from the widespread effects of the storm; and

WHEREAS, in order to establish the eligibility of the City for the said CDBG funds, it is necessary that the City designate the impacted areas a slum and blighted area, as defined in State law; and

WHEREAS, the City was included in Hurricane Katrina Presidential Disaster Declaration and a Gubernatorial Declaration and certification of need for disaster assistance for the area under Public Law, therefore, qualifies as a blighted area as defined in Sections 43-35-3(i) and 45-35-13(g); said declarations attached hereto as Exhibit "A"; and

WHEREAS, Section 570.208(b)(1) of the CDBG regulations requires that the City designate the area in which a CDBG project is located as a slum or blighted area in accordance with State law, said CDBG Regulations attached hereto as Exhibit "B"; and

WHEREAS, it is the desire of the City to exercise its urban renewal powers as provided by Section 43-35-1 *et seq.* of the Mississippi Code of 1972, as amended, in areas of the City impacted by Katrina and to eliminate and prevent the recurrence and spread of slums and blight by applying for Community Development Block Grant funds, among other things, to implement projects to hasten the rebuilding, recovery, and renaissance of the City, which is in need of redevelopment as a result of Hurricane Katrina and floodwaters of the storm.

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

SECTION ONE: The City was included in the Hurricane Katrina Presidential Disaster Declaration and the Gubernatorial Declaration and certification of need for disaster assistance for the area under Public Law.

SECTION TWO: By virtue of its inclusion in the aforementioned Disaster Declarations, the City is a blighted area as defined in the Mississippi Code of 1072, as amended, in Sections 43-35-3(i) and 43-35-13(g).

SECTION THREE: This the governing body of the City hereby certifies that the entire City is in need of redevelopment and long-term recovery as a result of the effects of Hurricane Katrina and flooding associated with the storm.

SECTION FOUR: Additionally, the City is a slum or blighted area as a result of Hurricane Katrina and other factors, which include, but are not limited to, the fact that a substantial number of buildings were damaged or destroyed in the community as a whole and that public and private improvements such as streets, drainage, water, sewer, natural gas, sidewalks, lighting, landscaping, harbors, marinas, and boat slips were damaged throughout the City.

The above Resolution 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 Resolution adopted on the 6th day of July, 2010.

Next for consideration was a Resolution determining that the Lowry Island Community Revitalization Project addresses the elimination of conditions that contribute to slums or blight in the City of Pascagoula as recommended by Harry Schmidt, Community Development Director. The Resolution is spread on the minutes as follows:

RESOLUTION DETERMINING THAT THE LOWRY ISLAND COMMUNITY REVITALIZATION PROJECT ADDRESSES THE ELIMINATION OF CONDITIONS THAT CONTRIBUTE TO SLUMS OR BLIGHT IN THE CITY OF PASCAGOULA

WHEREAS, the City of Pascagoula (the "City") is expected to receive Katrina Supplemental Community Development Block Grant (CDBG) Program funds from the Mississippi Development Authority (MDA) to undertake a community revitalization project, namely the Lowry Island Revitalization Project, in the City; and

WHEREAS, the Mayor and City Council of the City designated the City as a blighted area as defined by Sections 43-35-3-(i) and 43-35-13(g) of the Mississippi Code of 1972, as amended; and

WHEREAS, CDBG regulations require that community revitalization projects funded by the MDA, namely the Lowry Island Revitalization Project, must assist in the elimination of conditions that contribute to slums or blight; and

WHEREAS, the Lowry Island Revitalization Project expected to be funded by MDA includes activities that include, but are not limited to, acquisition of property, relocation, removal of junk and debris, demolition of buildings and other improvements, construction of a harbor and boardwalk and other waterfront area improvements, building improvements, street and sidewalk improvements, landscaping and lighting improvements, provision of additional parking, upgrading of public utilities and other public facilities, all of which clearly eliminate blighting conditions and prevent their recurrence; and

WHEREAS, the City is in need of revitalization and redevelopment to address slum or blighting conditions that result from Hurricane Katrina and flooding associated with the storm.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Pascagoula, that:

SECTION ONE: The Community Revitalization project expected to be funded by the MDA, namely the Lowry Island Revitalization Project, includes several activities that will clearly eliminate conditions that contribute to slums or blight in the City of Pascagoula and will prevent their recurrence. Said activities include, but are not limited to, acquisition of property, relocation, removal of junk and debris, demolition of buildings and other improvements, construction of a harbor and boardwalk and other waterfront area improvements, building improvements, street and sidewalk improvements, landscaping and lighting improvements, provision of additional parking, upgrading of public utilities and other public facilities, all of which clearly eliminate blighting conditions and prevent their recurrence.

SECTION TWO: The Community Revitalization Project, namely the Lowry Island Revitalization Project expected to be funded by MDA is needed for revitalization, redevelopment, and long-term recovery to address the effects of Hurricane Katrina in the City as a whole, which was designated a slum or blighted area by the City Council.

The above Resolution 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 Resolution adopted on the 6th day of July, 2010.

Next for consideration was a Resolution authorizing the preparation and submittal of an application for funds under the 2008 CDBG allocations under the Katrina Supplemental CDBG Program for the Lowry Island Revitalization Project as recommended by Harry Schmidt, Community Development Director. The Resolution is spread on the minutes as follows:

RESOLUTION AUTHORIZING THE PREPARATION AND SUBMITTAL OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS ALLOCATED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY (MDA) UNDER THE KATRINA SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AUTHORIZING PUBLICATION OF NECESSARY NOTICES FOR REQUESTING PROPOSALS FOR PROFESSIONAL SERVICES; AUTHORIZING PUBLICATION OF PUBLIC HEARING AND ENVIRONMENTAL NOTICES; AND AUTHORIZATION TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND PERTINENT TO THE SAID APPLICATIONS AND IMPLEMENTATION OF THE PROJECTS; AND TO EXECUTE GRANT AGREEMENTS IF NECESSARY AND APPROPRIATE; AND FOR RELATED PURPOSES

WHEREAS, the Mississippi Development Authority (MDA) is expected to allocate Community Development Block Grant (CDBG) funds under the MDA's Katrina Supplemental CDBG Program for the Lowry Island Revitalization Project in Pascagoula, Mississippi; and

WHEREAS, MDA provides CDBG funds to cities and counties to aid in the rebuilding and recovery from the effects of Hurricane Katrina; and

WHEREAS, the Mayor and City Council deem it to be in the best interest of the citizens of Pascagoula to submit an application invited by the MDA for CDBG funds for the Lowry Island Revitalization Project under the 2008 Katrina CDBG allocations; and

WHEREAS, it is the desire of the City of Pascagoula to apply for a portion of the 2008 CDBG allocations from MDA under the Katrina Supplemental CDBG Program for the Lowry Island Revitalization Project and thereby, to enhance the quality of life for citizens of the City of Pascagoula through a long-term rebuilding and recovery from the effects of Hurricane Katrina; and

WHEREAS, as a part of the application process, it is necessary for the City of Pascagoula to request proposals for Professional Consulting Services to procure the services of consultants needed for proper implementation and execution of the Lowry Island Revitalization Project; and

WHEREAS, it is necessary to publish certain public notices in connection with the application for the CDBG funds, the requests for proposals for consulting services, and notices in connection with the environmental review requirements of the CDBG program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Pascagoula that:

SECTION ONE: Robert H. Maxwell, Mayor in and of the City of Pascagoula, be and is hereby authorized and directed to execute and submit an application for funds under the 2008 CDBG allocations under the Katrina Supplemental CDBG Program for the Lowry Island Revitalization Project, and along with said application, all understandings and assurances contained therein and to provide such additional information as may be required.

SECTION TWO: Robert H. Maxwell, Mayor in and of the City of Pascagoula, be and is hereby authorized and directed to execute any and all documents necessary and pertinent to the application for the Katrina Supplemental CDBG funds for the Lowry Island Revitalization Project.

SECTION THREE: Robert H. Maxwell, Mayor in and of the City of Pascagoula, be and is hereby authorized and directed to execute a grant agreement and any other documents necessary to the acceptance and implementation of the Lowry Island Revitalization Project should a grant be approved by MDA.

SECTION FOUR: Robert H. Maxwell, Mayor in and of the City of Pascagoula, be and is hereby authorized to publish the necessary notices to Request Proposals for Consulting Services; to publish notices of public hearings, environmental notices, and others as may be required by regulations governing the CDBG Program.

The above Resolution 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 Resolution adopted on the 6th day of July, 2010.

The next item for consideration was a request to submit the BP Deepwater Horizon Response Mississippi Block Grant application as recommended by Harry Schmidt, Community Development Director. No matching funds are required. The additional funds in the application request will help purchase the following items:

BP Grant Equipment Requests

<u>Department</u>	<u>Equipment</u>	<u>Price</u>
Public Works	Gator	\$ 10,000.00
Public Works	Bionic grader blade	\$ 1,500.00
Public Works	Vacuum trailer	\$ 3,700.00
Public Works	Forklift	\$ 29,600.00
Police Dept.	Handheld radios (10)	\$ 50,000.00
Police Dept.	Ranger ATV	\$ 13,844.00
Police Dept.	Roll up signs	\$ 4,500.00
Fire Dept.	Hazardous response vehicle	\$200,000.00
Fire Dept.	Large metal storage bldg.	\$150,000.00
	TOTAL	\$463,144.00

Councilman Stallworth made a motion to approve the submittal of an application for the BP Deepwater Horizon Response Mississippi Block Grant as recommended and authorized the Mayor to execute the related documents. 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 7-6-10)

The City Manager reported that equipment purchases have been made under the Emergency Purchase Provisions of the state bid laws based on the emergency declaration made by the City Council originally on April 30, 2010, as a result of the explosion and sinking of the BP Deepwater Horizon oil rig on April 22, 2010. She requested ratification of the following emergency purchases:

Memorandum

To: City Council, City Manager, Comptroller
 From: Purchasing Agent – Helen Mitchell
 Date: 7/23/2010
 Re: Emergency Purchases

The following purchases were made due to the state of emergency proclamation declared relative to the BP Oil Spill with the approval of the City Council for the City of Pascagoula according to emergency guidelines and procedures set forth in the Procurement Manual and the State Emergency Accountability Plan for emergency purchases with a value greater than \$50,000.00:

<u>P.O.#</u>	<u>Description of Purchase</u>	<u>Amount</u>
10004061	Caterpillar Backhoe/Loader w/warranty	\$138,330.00
10004069	Freightliner I-2011 Tandem Dump Truck	\$ 79,791.04
10004069	Freightliner M-2106 Tandem Dump Truck	\$ 84,375.00
10004074	Caterpillar Hydraulic Excavator w/warranty	\$109,148.00

Councilman Stallworth made a motion to ratify the emergency purchase of equipment as presented above for purchases made as a result of the explosion and sinking of the BP Deepwater Horizon oil rig on April 22, 2010. 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 7-6-10)

The next item for consideration was a Budget Modification for the 02-KCR MDA Grant for the Riverfront and Live Oak Projects as recommended by Jaci Turner, Program Manager. The modification adjusts funds between line items according to the contract amounts and does not impact the total amount of the grant.

Councilman Stallworth made a motion to approve the Budget Modification for the 02-KCR MDA Grant for the Riverfront and Live Oak Projects as recommended and authorized the City Manager to execute the related documents. 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 7-6-10)

(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 Budget Modification for the 01-KCR MDA Grant for the Front Street and Streetscape Projects as recommended by Jaci Turner, Program Manager. The modification adjusts funds between line items according to the contract amounts and does not impact the total amount of the grant. It was noted that the correct beginning and ending dates should be 07/20/2007 to 7/20/2011.

Councilman Stallworth made a motion to approve the Budget Modification for the 01-KCR MDA Grant for the Front Street and Streetscape Projects as recommended and authorized the City Manager to execute the related documents. 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 7-6-10)

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

Next for consideration was a request to adopt a Financial Management Plan for CDBG/DEQ Regional Water and Wastewater Projects as recommended by Jaci Turner, Program Manager. Ms. Turner advised the plan is already being followed and DEQ has requested formal approval of the plan for the grant files. The plan is spread on the minutes as follows:

**FINANCIAL MANAGEMENT SYSTEM
KATRINA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PASCAGOULA, MISSISSIPPI**

A. GENERAL

This Financial Management System shall govern the use and control of funds received by the City of Pascagoula under the Katrina Community Development Block Grant Program (Katrina CDBG). This system can be amended as long as the amendment does not conflict with CDBG rules and regulations.

B. ELIGIBLE ACTIVITIES

The City of Pascagoula will use the Katrina CDBG funds only for the eligible activities as stipulated in the Application and any subsequent amendments to the Application. The addition of any new eligible activities will require the approval of the Mississippi Development Authority or the Mississippi Department of Environmental Quality.

C. REQUEST FOR CASH

The Request for Cash (RFC) will be prepared and submitted to the appropriated State Agency on a current needs basis for both administrative and program operating funds. The City's administrative consultant will be responsible for preparing RFC and forwarding it to the City for placement of the invoices and or pay applications on the City Council agenda. All invoices and pay applications must be approved by the City Council prior to payment. All invoices and pay applications shall be complete, signed by the contractor and within the period for which the cash is being requested. After the Council approves the invoices and the City Manager or her designee has signed the RFC, the RFC shall be forwarded to administrative consultant for review and submittal to the appropriated State Agency. Upon receipt of the funds covered by a RFC, appropriate entries shall be made in the Receipts and Disbursements Ledger.

Each RFC in the official files shall have attached to it the following supporting documentation:

1. A copy of all invoices and pay requests
2. A copy of the check or checks paying costs covered by the RFC

D. RECEIPTS AND DISBURSEMENTS LEDGER

The City will maintain a Receipts and Disbursements Ledger for each Katrina CDBG project in the format attached hereto and marked Exhibit "A". All receipts of Katrina CDBG funds will be recorded in the ledger upon receipt of the funds. The date of the receipts were received, the amount and the number of the Request for Cash will be recorded in ledger. All Katrina CDBG funds must be disbursed within three (3) days of receipt of the funds. When a disbursement is made, it shall be recorded in the ledger and shall include the date, check number and amount.

E. CONTRACT REGISTER

For each contract awarded, the City will maintain a Contract Register. The purpose of the Contract Register is to assure that a contractor is not overpaid. The Contract Register will be in format attached hereto and marked Exhibit "B". Each month payments made to all contractors will be recorded in the Contract Register and a balance of the remaining amount to be paid to the contractor will be maintained.

F. GENERAL LEDGER

The City of Pascagoula will maintain a general ledger which will include all the activities in the latest approved budget. The purpose of the General Ledger is to maintain an up-to-date balance of unobligated funds by budget line item to assure that budget amounts are not exceeded. The General Ledger will be in the form attached hereto and marked Exhibit "C". Each month, expenditures for the month will be recorded in the general ledger by budget line items and a balance of unobligated funds will be maintained.

G. BUDGETS

Katrina CDBG funds must be expended in accordance with the latest approved budget. The amounts budgeted in each line item shall not be exceeded. If it becomes necessary to transfer funds among existing line items or for new budget line items, the City of Pascagoula will prepare a budget modification and submit it to the appropriate state agency for approval. The budget modification will include all the necessary documents as outlined in the Mississippi Development Authority and the Department of Environmental Quality implementation manuals.

Councilman Stallworth made a motion to approve the Financial Management Plan for CDBG/DEQ Regional Water and Wastewater Projects as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell “AYE”, Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 7-6-10)

(Exhibits are filed in the minute file of this meeting and incorporated herein by reference.)

The following new business items were then considered.

The next item for consideration was a request to send a letter to Mayor Tommy Fortenberry requesting that the Gautier City Council pass a Resolution in support of legislation dividing ad valorem school tax revenues among the four districts in Jackson County for all new industry in accordance with Section 19-9-171 of the Mississippi Code as recommended by Eddie Williams, City Attorney.

Councilman Corder made a motion to authorize the City Attorney to send a letter to Mayor Tommy Fortenberry requesting the passage of a Resolution by the Gautier City 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”. (Approved 7-6-10)

The proposed letter is as follows:

The Honorable Tommy Fortenberry
Mayor, City of Gautier
3330 Hwy 90
Gautier, MS 39553

Re: Pascagoula School District Litigation –
Gulf LNG Plant and Chevron Refinery
Improvements and Expansions

Dear Mayor Fortenberry:

As you know, the Pascagoula School District, along with the City of Pascagoula, has been involved in protracted litigation against Jackson County and certain County Officials, as well as the State of Mississippi, concerning Section 19-9-171 of the Mississippi Code. Pursuant to that statute, ad valorem tax revenues for the Pascagoula School District derived from the construction of the Gulf LNG Plant and from any improvements and expansions at the existing Chevron Refinery are now to be divided among the four School Districts in Jackson County pursuant to a formula set out in the statute. Basically, the Pascagoula School District can expect to receive twenty-nine (29) percent of the revenues, whereas, prior to the passage of the statute, the School District would have received one hundred (100) percent of the revenues.

On May 5, 2010, the School District and the City presented oral argument before Judge Franklin McKenzie in the Jackson County Chancery Court, setting out the City and the District's position that the statute in question is unconstitutional. After hearing several hours of argument from all parties concerned, Judge McKenzie ruled that the School District and the City had failed to meet their burden of demonstrating beyond a reasonable doubt that the statute in question was in fact unconstitutional. As a result of this adverse ruling, the Pascagoula School District and the City of Pascagoula have now noticed an appeal to the Mississippi Supreme Court.

I am enclosing herewith a Resolution that was adopted by the Pascagoula City Council on May 18, 2010, encouraging our local legislative delegation to enact legislation in the upcoming session that would have the effect of dividing ad valorem tax revenues for school purposes on any new industry coming to Jackson County regardless of its location. In other words, the City Council is on record as requesting a statute similar to Section 19-9-171, but having application across the board to all new industry in the County.

At its meeting on July 6, the City Council voted unanimously to ask the City of Gautier to adopt a similar resolution. As the City Attorney, I was authorized to write this letter to you and encourage you to present this matter to your Council for review and, hopefully, approval. If you should have any questions concerning these matters, please feel free to give me a call.

Sincerely,

Eddie C. Williams
City Attorney

ECW:khs
Enclosure

cc: Robert H. Maxwell, Mayor
Harold Tillman, Councilman
Robert Stallworth, Councilman
George Wolverton, Councilman
Joe Abston, Councilman
Frank Corder, Councilman

Jim Milstead, Councilman
Kay Kell, City Manager

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

Next for consideration was a request to advertise the City of Pascagoula through the Pascagoula High School Impact Show Choir. Councilman Abston noted the Council approved support to them in November, 2009.

After a brief discussion, Councilman Abston made a motion to "TABLE" this matter until the Council meeting of October 5, 2010. 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".
(Tabled 7-6-10)

The next item for consideration was a Service Agreement/Payment Agreement for SportsConductor to provide automated services for Parks and Recreation Department programs as recommended by Bruce Knott, Human Resources Director. Information about the service is as follows:

INTEROFFICE MEMORANDUM

*TO: Kay Kell
Council Members*

From: Bruce E. Knott

Subject: SportsConductor

Date: 7/2/2010

SportsConductor is a national firm that provides automated services for sports and recreational programs. This software offers online sports registration, league management and a complete communication package for our recreation department. There will be no direct cost to the City for this software as the fees of \$1.95 for program registration (after-school, summer camp, art classes, etc) and \$3.95 for sports registrations will be passed on to the users.

Benefits:

No more "registration days". Users can register 7 days a week, 24 hours a day. This will free up scheduling registration locations as well as resource time and allow

users to register at their convenience. In addition, we will no longer have to decipher handwriting or deal with paper registration forms.

Greatly increases communication. We will have access to all users and coaches email addresses at our fingertips. This adds the ability to send out emails to our users as a group or to segregate and only send to a select group. This greatly increases communication within the City.

Eliminate paperwork. Handling our registration process online reduces or eliminates paperwork. With this reduced amount of paperwork, mistakes are also reduced. All players' information is online and easily accessible from anywhere we have an Internet connection.

Councilman Stallworth made a motion to approve the SportsConductor Service Agreement/Payment Agreement as recommended and authorized the City Manager to execute the related documents. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 7-6-10)

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

Next for consideration was a request for the City to pay for tetanus shots for employees in the Police Department, Fire Department, Code Enforcement, Transfer Station, and Parks and Recreation Department who need them as recommended by Bruce Knott, Human Resources Director. The cost is \$10 per person and the shots will be given at the Jackson County Health Department.

Councilman Corder made a motion to approve the request for the City to pay for tetanus shots for employees in the Police Department, Fire Department, Code Enforcement, Transfer Station, and Parks and Recreation Department who need them 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 7-6-10)

The next item for consideration was a bid award to Graham Construction Co., Inc., Escatawpa, MS, for the CDBG/DEQ Project S-30A Wastewater Transmission Improvements – River Park Area Project as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. The bid award is for \$146,425.00, to include the base bid and Alternate # 1, contingent upon agency approval as appropriate.

Councilman Corder made a motion to approve a bid award to Graham Construction Co., Inc., Escatawpa, MS, for the CDBG/DEQ Project S-30A Wastewater Transmission

Improvements – River Park Area Project as recommended for \$146,425.00, to include the base bid and Alternate # 1, contingent upon agency approval as appropriate, and authorized 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 7-6-10)

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

Jaci Turner, Program Manager, gave an update regarding the Riverfront RFP evaluation process and advised we received three proposals. Each had varying levels of information included and staff has requested additional time to research the companies who submitted proposals. Councilman Corder recommended that a member of the Council serve on the review committee to have input in the process.

The next item was a request for permission to modify the contract with Utility Partners, LLC, Gulfport, MS, per Section 6-2 to hire a part-time draftsman on an as needed basis as recommended by Steve Mitchell, Operations Manager.

Councilman Milstead made a motion to approve the request to modify the contract with Utility Partners, LLC, per Section 6-2, to hire a part-time draftsman on an as needed basis 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 7-6-10)

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

Next for consideration was an Alarm System Monitoring Agreement with Crime Target Security, Gautier, MS, for the new Pascagoula Senior Center, 1912 Live Oak Avenue, as recommended by Darcie Crew, Parks and Recreation Director.

Councilman Abston made a motion to approve the Alarm System Monitoring Agreement with Crime Target Security for the new Pascagoula Senior Center 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 7-6-10)

(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 Resolution to suspend enforcement of certain zoning regulations for two commercial zones in order to allow BP and its subcontractors to set up operation in those zones as recommended by Steve Mitchell, Operations Manager.

The Resolution is spread on the minutes as follows:

RESOLUTION

WHEREAS, on or about April 30, 2010, this City Council declared a state of emergency due to the BP Deepwater Horizon Incident that had occurred on April 20, 2010, and resulted in the release of tremendous volumes of oil in the Gulf of Mexico, which emergency is continuing through this date; and

WHEREAS, concomitant with the Declaration of Emergency on April 30, 2010, the City Council voted unanimously to suspend enforcement of certain zoning regulations for Industrial Zones in order to allow BP and its sub-contractors to setup operations in those zones without the necessity of applying to the City Planning Board for approval; and

WHEREAS, the Council has now been advised that certain sub-contractors of BP have established staging areas in Commercial Zones for the duration of the emergency and have not applied for special use permits for that purpose due to the nature of the emergency and the expediency demanded by the situation; and

WHEREAS, BP sub-contractors are now staging at the property located on the East Bank of the Pascagoula River and locally known as the “Walker Yard”, a description of which is attached hereto as Exhibit A; and

WHEREAS, a BP sub-contractor has likewise located its staging area on Highway 90 at the property locally known as “Kim Beck Kia”, a description of which is attached hereto as Exhibit B; and

WHEREAS, neither sub-contractor has applied for any variances, or special use permits, to locate these staging areas in what are now designated as Commercial Zones; and

WHEREAS, this Council is of the opinion that it is in the best interest of the citizens of this community, given the state of emergency that has arisen since the BP Deepwater Horizon Incident, that enforcement of the zoning regulations at these two locations be suspended for the duration of the emergency:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The statements set forth in the foregoing preamble are found as fact.

SECTION 2. Enforcement of the Zoning Ordinance in the two locations described on the attached Exhibits to this Resolution is hereby suspended during the pendency of the present state of emergency.

SECTION 3. A certified copy of this Resolution shall be sent forthwith to the Director of Code Enforcement for the City of Pascagoula.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 6th day of July, 2010.

At this time, the City Attorney stated he was notified today that a third subcontractor would like to set up operation at Lake Avenue and Cedar Street. The Council considered the following Resolution:

RESOLUTION

WHEREAS, on or about April 30, 2010, this City Council declared a state of emergency due to the BP Deepwater Horizon Incident that had occurred on April 20, 2010, and resulted in

the release of tremendous volumes of oil in the Gulf of Mexico, which emergency is continuing through this date; and

WHEREAS, concomitant with the Declaration of Emergency on April 30, 2010, the City Council voted unanimously to suspend enforcement of certain zoning regulations for Industrial Zones in order to allow BP and its sub-contractors to set up operations in those zones without the necessity of applying to the City Planning Board for approval; and

WHEREAS, the Council has now been advised that certain sub-contractors of BP have established a parking lot in an R1A Zone for the duration of the emergency and have not applied for special use permits for that purpose due to the nature of the emergency and the expediency demanded by the situation; and

WHEREAS, BP sub-contractors are now using the property located on the Northwest corner of Lake Avenue and Cedar Street for a parking lot, a description of which property is attached hereto as Exhibit A; and

WHEREAS, this Council is of the opinion that it is in the best interest of the citizens of this community, given the state of emergency that has arisen since the BP Deepwater Horizon Incident, that enforcement of the zoning regulations at this location be suspended for the duration of the emergency:

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The statements set forth in the foregoing preamble are found as fact.

SECTION 2. Enforcement of the Zoning Ordinance at the location described on the attached Exhibit to this Resolution is hereby suspended during the pendency of the present state of emergency.

SECTION 3. A certified copy of this Resolution shall be sent forthwith to the Director of Code Enforcement for the City of Pascagoula.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 6th day of July, 2010.

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

ORDER

WHEREAS, the attached docket of claims for the period June 11, 2010, through July 2, 2010, has been presented to the City Council for allowance and approval.

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

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

The above Order was introduced by Councilman Stallworth, seconded for adoption by Councilman Abston, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 6th day of July 2010.

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

Councilman Milstead then made a motion to go into executive session for the purpose of discussing the location of a business, an EEOC matter, potential litigation, pending litigation, and a personnel matter. 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", after which Mayor Maxwell announced to the public and those in attendance that the Council had voted to go into

executive session for the purposes stated above. The Mayor then departed the meeting and the Council began the executive session.

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

No action was taken during executive session.

Councilman Corder made a motion to authorize the City Manager to submit an application for a CDBG Grant. The motion was seconded by Councilman Stallworth. After discussion, Councilman Corder amended his motion to authorize the City Manager to submit an application for a CDBG Grant for an economic development project. 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 7-6-10)

Councilman Stallworth then made a motion to authorize the City Manager to advertise for Request for Proposals for consulting services for an economic development project. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "ABSENT". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 7-6-10)

There being no further business to come before the Council at this time, Councilman Wolverton made a motion to recess until Tuesday, July 20, 2010, at 6:00 p.m. to transact such business as may lawfully come before the Council. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "ABSENT". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The meeting ended at 10:15 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed, Asst. City Clerk