

RECESSED REGULAR MEETING OF THE CITY COUNCIL

TUESDAY, MARCH 16, 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 recessed regular meeting on Tuesday, March 16, 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 then gave the invocation and the pledge of allegiance was recited before the commencing of business.

Charlie Green addressed the Council regarding the annual review of a special use permit for 2816 Front Street where The Bait Box is located. Mr. Green advised the property is used by Jason Borries and he would like to expand the business to possibly include a small restaurant.

After discussion, Councilman Corder made a motion to approve the special use permit for 2816 Front Street with no time limit. 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 3-16-10)

Next for consideration was a Resolution to designate Soccer Field #1 at the Pascagoula Soccer Complex as the "William E. (Bill) Feidt Field" as recommended by Darcie Crew, Parks and Recreation Director, and the Recreation Commission.

The Resolution was read by Councilman Abston and is spread on the minutes as follows:

RESOLUTION

WHEREAS, William E. (Bill) Feidt began coaching soccer in Pascagoula in 1979 and was one of the "founding fathers" of the soccer program in this City; and

WHEREAS, Bill Feidt continued coaching at all levels for over 30 years both in the recreational leagues and for Pascagoula High School as an assistant head coach, junior varsity coach and head coach, during which time the Pascagoula Panthers made the State playoffs 2 consecutive years; and

WHEREAS, in addition to his coaching duties, Bill Feidt was involved in the founding of the Singing River Soccer Club in 1979 and served as the club's second president in 1981 and 1982 and also served the club as its registrar and secretary and served as the registrar for the Mississippi Youth Soccer Association at the State level; and

WHEREAS, in 2008, Bill Feidt was selected as a national winner of the Liberty Mutual 2008 Responsible Coaching Award representing the State of Mississippi and in 2009 he was honored by the Singing River Soccer Club with a Lifetime Achievement Award; and

WHEREAS, over his long career, Bill Feidt coached many age groups and skill levels and remained in contact with his former players long after their playing days were over; and

WHEREAS, at the 2009 Alumni Game, his former players presented him with a trophy declaring him to be the "Champion of Our Hearts"; and

WHEREAS, though Bill Feidt has now departed this life his memory lives on in the hearts and souls of his former players and to many people in this community who contributed to the soccer program during his tenure:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pascagoula is unanimous in its desire to honor William E. (Bill) Feidt for his many years of service to the Singing River Soccer Club and the youth in this community and does hereby designate Soccer Field No. 1 at the Pascagoula Soccer Complex as "William E. (Bill) Feidt Field" and directs the placement of the appropriate signage so marking this field.

The above Resolution was introduced by Councilman Corder, 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 16th day of March, 2010.

At this time, Darcie Crew, Parks and Recreation Director, and Brice Wiggins requested approval to start a "Wall of Fame" dedication at the pavilion at the Pascagoula Soccer Complex to recognize individuals who have worked hard to make a big impact in continuing to advance the game of soccer in Pascagoula. The Recreation Commission would like to begin the wall by honoring three individuals who were the founding fathers of soccer in Pascagoula. They are Tom McCleery, Bill Feidt, and Henry Lawrence.

Councilman Corder made a motion to approve the "Wall of Fame" dedication at the Pascagoula Soccer Complex as recommended. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

At this time Stephen Newell, MIS Director, introduced two German exchange students, Matthias Meidinger and Christian Zachriat, who will be working with the City of Pascagoula in

the MIS Department for the next two weeks. The Council welcomed them to Pascagoula and thanked them for their assistance in this department.

A property cleanup hearing for 810 Market Street was held at this time. This matter was continued from the Council meeting of January 19, 2010. Susan Moore, Code Enforcement Director, recommended dismissal of this case due to the work that has been done.

The following Resolution was considered at this time:

RESOLUTION

WHEREAS, by order dated May 19, 2009, 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., July 7, 2009, 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 July 7, 2009, meeting until October 6, 2009; and

WHEREAS, this matter was continued at the October 6, 2009, meeting until January 5, 2010; and

WHEREAS, this matter was continued at the January 5, 2010, meeting until January 19, 2010; and

WHEREAS, this matter was continued at the January 19, 2010, meeting until March 16, 2010; and

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

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

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

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

SECTION 2. That, if the parcel is not cleaned by the owner within seven days of this date, the City Manager, by use of City personnel or a private contractor, shall have parcel

cleaned by removing any dilapidated buildings thereon, removing any standing water, by cutting any excess vegetation thereon, and by removing rubbish and debris. Thereafter, this Council shall adjudicate the actual cost of cleaning the parcel and such cost shall be an assessment against said 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>
41230532.000 810 Market Street	Trey Wells 10324 Cathey Drive Moss Point, MS 39562	Deed Book 1489, Page 516

Councilman Abston made a motion to “DISMISS” the property matter at 810 Market Street 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”.
(Dismissed 3-16-10)

A property cleanup hearing for 1206 Cook Avenue was held at this time. This matter was continued from the Council meeting of February 16, 2010. Antrice Berry, property owner, and Fred Cunningham, case manager, addressed the Council and reported a decision regarding assistance to Ms. Berry will be made in about a week; therefore, they requested additional time on the property.

The following Resolution was considered at this time:

RESOLUTION

WHEREAS, by order dated September 15, 2009, 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., November 3, 2009, to determine whether the parcel listed is in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

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

WHEREAS, this matter was continued at the November 3, 2009, meeting until February 16, 2010; and

WHEREAS, this matter was continued at the February 16, 2010, meeting until March 16, 2010; and

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

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

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

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

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

EXHIBIT A

<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>
41940115.000 1206 Cook Ave.	Antrice Berry 1008 School Ave. Pascagoula, MS 39567	Deed Book 1517, Page 680

Councilman Wolverton made a motion to "TABLE" this matter until the Council meeting of April 6, 2010. 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". (Tabled 3-16-2010)

A property cleanup hearing for 3310 Ronnie Avenue was held at this time. This matter was continued from the Council meeting of January 19, 2010. Susan Moore, Code Enforcement Director, recommended this case be dismissed.

The following Resolution was considered at this time:

RESOLUTION

WHEREAS, by order dated October 20, 2009, this Council authorized giving notice to the owners of the parcel of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., December 1, 2009, to determine whether the parcel listed is in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

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

WHEREAS, this matter was continued at the December 1, 2009, meeting until January 19, 2010; and

WHEREAS, this matter was continued at the January 19, 2010, meeting until March 16, 2010; and

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

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

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

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

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

EXHIBIT A

<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>
41580104.000 3310 Ronnie Ave.	James Champion & Oleta Champion 5252 FMR 3129 Queen City, TX 75572	Deed Book 269, Page 394

Councilman Abston made a motion to “DISMISS” the property matter at 3310 Ronnie Avenue 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”. (Dismissed 3-16-10)

Minutes of the Planning Board meeting of March 10, 2010, and actions by the Council are spread on the minutes as follows:

**REGULAR MEETING OF THE PASCAGOULA PLANNING BOARD
WEDNESDAY, MARCH 10, 2010, AT 6:00 PM
CITY OF PASCAGOULA, MISSISSIPPI**

The Planning Board of the City of Pascagoula, Mississippi, met at City Hall in a Regular Meeting on Wednesday, March 10, 2010, at 6:00 P. M.

The following official(s) were present:

Roy Williams (Chairman)
Linda Tillman
Stephen Parker
Leah Rollins
Joseph Odom
Wesley Smith (Vice-Chairman)
Etienne Melcher

Other officials present:

Susan Moore, Director of Code Enforcement Eddie Williams, City Attorney
Brian Nelson, City Planner

A. PUBLIC HEARINGS:

- 1. Walter Randle—Continued from February 10, 2010 Meeting
Bayou Cassotte Pkwy. (PIDN: 40208036.060). The property is zoned R-2. The request is to change the zoning of “Parcel A” (35.39 acres) from R-2 to Industrial.**

Mr. Walter Randle and attorney George Murphy were present to explain the application. Brian Nelson acting City Planner stated in his staff report that **the property in question does not meet the necessary requirements for a change in zoning. There must be either a mistake in the original zoning, or a change in the character of the neighborhood and a public necessity to merit a zoning change. Staff feels neither of these requirements is met.** Mr. Murphy stated after Hurricane Katrina, the need for housing was in demand. He also stated that a large housing project had just been approved on the west side of the street facing Louise Street. Mr. Murphy stated that a gentleman approached Mr. Randle wanting to develop a planned unit development after the hurricane. Mr. Murphy said if he had been the acting attorney he would not have asked for the zoning change and handled it in a different manner. A request was made on 9-16-08 and was granted for a zoning change from industrial to residential. At the time of the request, it was proven that the use of the area was going to be mostly residential. Since then, neither housing project has taken place and Mr. Randle has an industrial use that he would like to implement on this property. He feels it warrants a change back to industrial. Mr. Joseph Odom agreed that the best use would be industrial. Mr. Eddie Williams advised Mr. Randle that even if it did get rezoned to industrial, he would still have to come back before the Board for a Special Use to operate any type of business there or use the property for any industrial purpose.

After hearing Mr. Randle’s request, and there being no protest, a motion was made by Joseph Odom to “APPROVE” the application. The motion was seconded by Linda Tillman and the vote thereupon was as follows: Linda Tillman “AYE”, Stephen Parker “AYE”, Wesley Smith “AYE” Roy Williams “ABSTAINED”, Leah Rollins “AYE”, Joseph Odom “AYE”, Etienne Melcher “AYE”.

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

COUNCIL ACTION:

After discussion, the Council considered the following Ordinance regarding a zoning change:

**ORDINANCE NO. 4-2010
CITY OF PASCAGOULA, MISSISSIPPI**

**AN ORDINANCE TO AMEND ORDINANCE NO. 25-1973
TO CHANGE THE ZONING OF CERTAIN LAND LYING
SOUTH OF PETIT BOIS ROAD, EAST OF BAYOU AVENUE AND
NORTH OF BAYOU CASOTTE PARKWAY FROM RESIDENTIAL R-2
TO INDUSTRIAL; AND FOR RELATED PURPOSES**

WHEREAS, the owner of the land described below has applied to have the zoning thereof changed from Residential R-2 to Industrial; and

WHEREAS, a public hearing on the request was held by the Planning Board on February 10, 2010, after due notice thereof, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, after hearing the matter, the Planning Board recommended that the application be granted; and

WHEREAS, we find that said zoning change is supported by the evidence adduced at the aforesaid hearing, is reasonable, and in the public interest:

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

SECTION 1. Ordinance 25-1973 is hereby amended to change the zoning of the following described land from Residential R-2 to Industrial:

A PARCEL OF LAND SITUATED AND BEING LOCATED IN THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, THE NORTHWEST ¼ OF THE SOUTHWEST ¼ AND NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 5 WEST, CITY OF PASCAGOULA, JACKSON COUNTY, MISSISSIPPI; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 5 WEST, JACKSON COUNTY, MISSISSIPPI AS PER DEED BOOK 1263, PAGE 412, THENCE NORTH 00 DEGREES 25 MINUTES 33 SECONDS WEST 562.94 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 45 SECONDS EAST 23.55 FEET TO THE INTERSECTION OF THE EAST MARGIN OF LOUISE STREET AND THE NORTH MARGIN OF BAYOU AVENUE; THENCE SOUTH 89 DEGREES 26 MINUTES 31 SECONDS EAST 198.49 FEET ALONG THE NORTH MARGIN OF BAYOU AVENUE TO THE WEST MARGIN OF BAYOU CASOTTE PARKWAY, THENCE SOUTH 89 DEGREES 26 MINUTES 31 SECONDS EAST 412.65 FEET TO THE WEST MARGIN OF BAYOU CASOTTE PARKWAY AND THE NORTH MARGIN OF BAYOU AVENUE AS PER DEED BOOK 1218, PAGE 75, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE NORTH MARGIN OF BAYOU AVENUE NORTH 89 DEGREES 54 MINUTES 07 SECONDS EAST 583.40 FEET TO THE SOUTHWEST CORNER OF PROPERTY NOW OR FORMERLY OF HERALD SCOTT; THENCE NORTH 00 DEGREES 14 MINUTES 35 SECONDS EAST 400.68 FEET ALONG THE WEST LINE OF SAID SCOTT PROPERTY TO THE NORTHWEST CORNER OF SAID SCOTT PROPERTY, THENCE NORTH 89 DEGREES 14 MINUTES 46 SECONDS EAST 15.92 FEET ALONG THE NORTH LINE OF SAID SCOTT PROPERTY, TO THE SOUTHWEST CORNER OF PROPERTY NOW OR FORMERLY BELONGING TO WALTER C. RANDLE; THENCE NORTH 02 DEGREES 45 MINUTES 14 SECONDS EAST 206.12 FEET ALONG THE WEST LINE OF SAID RANDLE PROPERTY TO THE SOUTHWEST CORNER OF PROPERTY NOW OR FORMERLY OF H.B. SCOTT JR.; THENCE NORTH 03 DEGREES 25 MINUTES 03 SECONDS EAST 197.14 FEET ALONG THE WEST LINE OF SAID SCOTT JR.

PROPERTY TO THE NORTHWEST CORNER OF SAID SCOTT JR. PROPERTY; THENCE NORTH 89 DEGREES 55 MINUTES 19 SECONDS EAST 112.29 FEET ALONG THE NORTH LINE OF SAID SCOTT JR. PROPERTY TO THE SOUTHWEST CORNER OF PROPERTY NOW OR FORMERLY OF WALTER C. RANDLE AS PER DEED BOOK 1263, PAGE 410; THENCE ALONG THE WEST LINE OF SAID RANDLE PROPERTY THE FOLLOWING SIX COURSES NORTH 03 DEGREES 00 MINUTES 13 SECONDS EAST 297.31 FEET; THENCE NORTH 53 DEGREES 01 MINUTES 33 SECONDS WEST 78.30 FEET; THENCE NORTH 06 DEGREES 20 MINUTES 35 SECONDS WEST 135.69 FEET; THENCE NORTH 42 DEGREES 35 MINUTES 37 SECONDS WEST 51.27 FEET; THENCE NORTH 73 DEGREES 02 MINUTES 31 SECONDS WEST 64.60 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 23 SECONDS EAST 491.98 FEET TO THE SOUTH LINE OF SAID RANDLE PROPERTY; THENCE NORTH 89 DEGREES 08 MINUTES 55 SECONDS WEST 625.18 FEET ALONG SAID SOUTH LINE TO THE WEST MARGIN OF BAYOU CASOTTE PARKWAY; THENCE SOUTHWESTERLY ALONG THE WEST MARGIN OF BAYOU CASOTTE PARKWAY AND A CURVE TO THE LEFT HAVING A RADIUS OF 2,817.18 FEET, A LENGTH OF OF 1,110.17 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 11 DEGREES 18 MINUTES 25 SECONDS WEST AND 1103.00 FEET; THENCE CONTINUE ALONG SAID WEST MARGIN SOUTH 00 DEGREES 01 MINUTES 03 SECONDS WEST 514.50 FEET; THENCE CONTINUE ALONG SAID WEST MARGIN SOUTH 00 DEGREES 17 MINUTES 18 SECONDS WEST 86.32 FEET; THENCE CONTINUE ALONG SA ID WEST MARGIN SOUTH 39 DEGREES 54 MINUTES 37 SECONDS EAST 150.96 FEET; THENCE CONTINUE ALONG SAID WEST MARGIN SOUTH 79 DEGREES 35 MINUTES 56 SECONDS EAST 168.83 FEET; THENCE CONTINUE ALONG SAID WEST MARGIN SOUTH 00 DEGREES 20 MINUTES 51 SECONDS WEST 12.72 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1,541,671 SQ. FT. OR 35.39 ACRES MORE OR LESS.

SECTION 2. The zoning map adopted by and incorporated in Ordinance No. 25-1973 shall be revised to show this change.

SECTION 3. This ordinance shall become effective as provided by law.

The above Ordinance was introduced in writing by Councilman Wolverton, seconded for adoption by Councilman Stallworth, and received the following vote: Mayor Maxwell voted "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 16th day of March, 2010.

APPROVED:

Robert H. Maxwell

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed

Brenda J. Reed, Asst. City Clerk

2. Wilton Turk—Continued from February 10, 2010 Meeting

2313 Lewis Ave. The property is zoned R-2. The request is for a Special Use Permit to permit the construction of a 20' x 30' building for the operation of a snowball and snack stand in an R-2 zone.

Ms. Grunelia Capilla was present to explain the application. After hearing the request, and there being no protest, a motion was made by Leah Rollins to "APPROVE" the application with the recommendations from staff (Applicant's business shall prepare snow cones only. Snacks and other beverages must be pre-packaged by authorized product manufacturer. The permit shall be for the aforementioned business only and no further business ventures or expansions of service may take place without Planning Board

and Council approval). The motion was seconded by Wesley Smith and the vote thereupon was as follows: Linda Tillman “AYE”, Stephen Parker “AYE”, Wesley Smith “AYE” Roy Williams “ABSTAINED”, Leah Rollins “AYE”, Joseph Odom “AYE”, Etienne Melcher “AYE”.

The application will go to the City Council with the recommendation to “**APPROVE**” with staff recommendations.

COUNCIL ACTION:

Councilman Corder made a motion to “APPROVE” the special use permit for Wilton Turk as recommended by the Planning Board and staff recommendations. 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 3-16-10)

3. Juan C. Valdovinos

3802 Warwick St. The property is zoned R-2. The request is for a 3' rear-yard variance of the required 7' to construct a 12' x 16' accessory building on an existing slab.

Mr. Juan Valdovinos was present to explain the application. After hearing Mr. Valdovinos’ request, and there being no protest, a motion was made by Linda Tillman to “APPROVE” the application with the recommendations from staff (approval of 3' variance to construct an accessory building provided that the structure comply with all applicable codes). The motion was seconded by Etienne Melcher and the vote thereupon was as follows: Linda Tillman “AYE”, Stephen Parker “AYE”, Wesley Smith “AYE” Roy Williams “ABSTAINED”, Leah Rollins “AYE”, Joseph Odom “AYE”, Etienne Melcher “AYE”.

The application will go to the City Council with the recommendation to “**APPROVE**” with staff recommendations.

COUNCIL ACTION:

Councilman Corder made a motion to “APPROVE” the request for Juan C. Valdovinos as recommended by the Planning Board and staff recommendations. 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 3-16-10)

4. Bowden Architecture

602 St. Mary St. The property is zoned R-1A. The request is for a 26' front-yard setback variance of the required 30' to construct a new single-family dwelling.

Karen Lavett and Lance Kempner were present to explain the application. After hearing the request, and there being no protest, a motion was made by Etienne Melcher to “APPROVE” the application with the recommendations from staff (approval of 26' front yard setback variance provided that owner coordinate with City staff to ensure City utilities and drainage are not impeded by the proposed dwelling). The motion was seconded by Wesley Smith and the vote thereupon was as follows: Linda Tillman “AYE”, Stephen Parker “AYE”, Wesley Smith “AYE” Roy Williams “ABSTAINED”, Leah Rollins “AYE”, Joseph Odom “AYE”, Etienne Melcher “AYE”.

The application will go to the City Council with the recommendation to “**APPROVE**” with staff recommendations.

COUNCIL ACTION:

Councilman Corder made a motion to “APPROVE” the variance request for Bowden Architecture as recommended by the Planning Board with staff recommendations. 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 3-16-10)

5. **Mike Ryder**

2217 Forrest St. The property is zoned R-2. The request is for a variance to build a 1000 sq. ft. accessory building in the rear yard to store lawn equipment for a lawn care business in an R-2 zone.

Per a phone conversation on March 10, 2010, Mr. Mike Ryder requested that his request be continued to the April 14, 2010, Planning Board meeting. Chairman Roy Williams moved to “continue” the application.

The application will go to the City Council with the recommendation to “CONTINUE” to the April 14, 2010, Planning Board meeting.

COUNCIL ACTION:

This item was “CONTINUED” by the Planning Board; therefore, no action was required by the Council at tonight’s meeting.

6. **Hunter George / American Environmental**

5913 Howard Ave. The property is zoned IND. The request is for a Special Use permit to permit the construction and use of a warehouse and office in an Industrial zone. The warehouse will store tools and equipment for environmental services.

Ricky Sutherland, with John Jones Realty, asked that the application be continued to the April 14, 2010, Planning Board meeting per the request of John Jones. Chairman Roy Williams moved to “continue”.

The application will go to the City Council with the recommendation to “CONTINUE” to the April 14, 2010, Planning Board meeting.

COUNCIL ACTION:

This item was “CONTINUED” by the Planning Board; therefore, no action was required by the Council at tonight’s meeting.

7. **Henry W. Roberts II**

2803 Criswell Ave. The property is C-3. The request is for a Special Use permit to permit a transition home for ex-prisoners for rehabilitation.

Mr. Henry Roberts was present to explain the application. Also present in protest were Jerry Smith, Ruby Rogers, Tracy Rockwell, Jewel Rowell, Albert Duvall and Jackie Damen. The protesters agreed that this would not be a good location due to a lot of children and elderly people in the area. They also have witnessed what appeared to be illegal activity around this property. At this time Dr. Henry Roberts spoke about the services that they would be providing if this use was approved. He said that these would be all male ex-prisoners that are minor offenders. Some of the programs would include coping skills, self esteem program, life skills, literacy enhancement, GED programming and drug and alcohol rehabilitation. Mr. Roy Williams and Leah Rollins commended the program and efforts. After hearing Mr. Roberts’ request, a motion was made by Etienne Melcher to “DENY” the application. The motion was seconded by Linda Tillman and the vote thereupon was as follows: Linda Tillman “AYE”, Stephen Parker “AYE”, Wesley Smith “AYE” Roy Williams “ABSTAINED”, Leah Rollins “AYE”, Joseph Odom “AYE”, Etienne Melcher “AYE”.

The application will go to the City Council with the recommendation to “DENY”.

COUNCIL ACTION:

Councilman Corder made a motion to “DENY” the special use permit for Henry W. Roberts II as recommended by the Planning Board. 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".
(Denied 3-16-10)

8. Sanjay R. Patel

3106 Louise St. The property is zoned IND. The request is for a Special Use permit to permit the use and operation of a retail store/gas station in an Industrial zone.

Mr. Sanjay Patel was present to explain the application. Mr. Roy Williams asked what his hours of operation would be. Mr. Patel said from 5AM to 9PM. After hearing Mr. Patel's request, and there being no protest, a motion was made by Stephen Parker to "APPROVE" the application. The motion was seconded by Wesley Smith and the vote thereupon was as follows: Linda Tillman "AYE", Stephen Parker "AYE", Wesley Smith "AYE" Roy Williams "ABSTAINED", Leah Rollins "AYE", Joseph Odom "AYE", Etienne Melcher "AYE".

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

COUNCIL ACTION:

Mr. Patel briefed the Council on his proposed plans for the property. Billy Ray Krebs, 4618 Lanier Avenue, spoke in opposition of the request.

Councilman Stallworth made a motion to "APPROVE" the special use permit for Sanjay R. Patel as recommended by the Planning Board. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "NAY", and Wolverton "AYE".
(Approved 3-16-10)

The Council then considered the following consent agenda items:

The first item for consideration was the minutes of the regular Council meeting held on March 2, 2010, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Stallworth made a motion to adopt and approve minutes of the regular Council meeting of March 2, 2010, as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".
(Approved 3-16-10)

Minutes of the Recreation Committee meeting of March 3, 2010, were acknowledged by the Council.

The next item for consideration was approval to hold the 2010 surplus auction sale to be held in conjunction with the Jackson County Board of Supervisors on Saturday, April 10, 2010, and approval of a contract with J. M. Wood Auction Company, Montgomery, AL, as recommended by Jeane Bull, Assistant Comptroller.

Councilman Stallworth made a motion to approve the 2010 surplus auction sale to be held in conjunction with the Jackson County Board of Supervisors on Saturday, April 10, 2010, approval of a contract with J. M. Wood Auction Company as recommended, and authorized the City Manager to execute the contract. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".
(Approved 3-16-10)

(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 advertise for bids on the MDOT Katrina Emergency Repair Projects as recommended by Jaci Turner, Program Manager. This includes Ingalls Avenue between 14th Street and Louise Street, Pascagoula Street between Beach Boulevard and Ingalls Avenue, Pascagoula Street between Ingalls Avenue and Highway 90, Pascagoula Street between Highway 90 and Jefferson Street, and electrical repairs of traffic signal loops and lighting on Market Street.

Councilman Stallworth made a motion to authorize the City Clerk to advertise for bids for the MDOT Katrina ER Projects as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 3-16-10)

The next item for consideration was a budget amendment in the Community Development Fund for the increase in the Mississippi Department of Archives and History/Old Spanish Fort Grant as recommended by Bobby Parker, City Clerk/Comptroller. The grant was approved by the Council on March 2, 2010.

The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 10.17
March 16, 2010**

	<u>Original Appropriation</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>			
<u>Revenues:</u>			
<u>Grants:</u>			
MDAH/Old Spanish Fort	250,000	150,000	400,000
Total Revenues	250,000	150,000	400,000
<u>Expenditures:</u>			
<u>Other Charges:</u>			
MDAH/Old Spanish Fort	250,000	150,000	400,000
Total Expenditures	250,000	150,000	400,000
Net Change in Fund Balance		-0-	

PURPOSE: To amend budget to provide authority for the increase in the MDAH Grant as approved by Council on March 2, 2010.

Councilman Stallworth made a motion to approve the budget amendment as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 3-16-10)

The next item for consideration was approval of a 250 hour engineering support block with Teklinks, Gulfport, MS, as recommended by Stephen Newell, MIS Director. The cost is \$25,000.00 (to be billed quarterly at a rate of \$6,250.00). This reflects no change in last year’s cost, and it provides the City with access to Cisco, Microsoft, EMC, and other engineers for the purpose of maintaining and improving our network. The hours do not expire.

Councilman Stallworth made a motion to approve the 250 hour engineering support block with Teklinks as recommended. The motion was seconded by Councilman Corder and received

the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

(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 permission to hang a banner for the Live Oak Arts Festival at the corner of Highway 90 and Pascagoula Street two weeks prior to the event on Saturday, April 17, 2010, as recommended by Rebecca Davis, Main Street Director.

Councilman Stallworth made a motion to approve the banner for the Live Oak Arts Festival to be placed at the corner of Highway 90 and Pascagoula Street, as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

The next item for consideration was permission to hang a banner for the Sounds by the Sea event at the corner of Highway 90 and Pascagoula Street, as recommended by Rebecca Davis, Main Street Director. The event will be held on Sunday, May 30, 2010.

Councilman Stallworth made a motion to approve the banner for the Sounds by the Sea event to be placed at the corner of Highway 90 and Pascagoula Street, as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

Next for consideration was a request to accept the donation of \$2,990.00 from the Pascagoula Girls Softball and Youth Baseball Teams for field improvements at the 12th Street girls' softball complex and youth baseball complex as recommended by Darcie Crew, Parks and Recreation Director. Each group donated \$1,495.00. Ms. Crew requested permission for the Comptroller to deposit these funds into the Parks and Recreation Department budget for fields and courts (Account Number 01030170-552600).

Councilman Stallworth made a motion to accept the donation of \$2,990.00 from the Pascagoula Girls Softball and Youth Baseball Teams for field improvements at the 12th Street girls' softball complex and youth baseball complex as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

Financial reports for the month of February 2010 were filed by the City Clerk and acknowledged by the City Council.

The following new business items were then considered:

The first item to be considered was a budget amendment in the General Fund for the Parks and Recreation Department as recommended by the City Manager and Bobby Parker, City Clerk/Comptroller.

The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 10.18
March 16, 2010**

	<u>Original Appropriation</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>			
<u>Revenues:</u>			
<u>Miscellaneous:</u>			
Donations from Private Sources		2,990	2,990
Total Revenues	-0-	2,990	2,990
<u>Expenditures:</u>			
<u>Parks & Recreation:</u>			
<u>Supplies:</u>			
Field & Court Supplies	50,000	2,990	52,990
Total Expenditures	50,000	2,990	52,990
Net Change in Fund Balance		-0-	

PURPOSE: To amend budget to provide authority for increased P & R expenditures financed by private contributions.

Councilman Corder made a motion to approve the above budget amendment as recommended. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

The next item for consideration was advertising the resources of the City through the Mississippi Gulf Coast Blues Commission during the 19th Annual Blues and Heritage Festival for \$500.00 for a ½ page advertisement as recommended by Eddie Williams, City Attorney. This is a non-profit corporation that has qualified as a 501(c)(3) corporation with the IRS. The event will be held at the Jackson County Fairgrounds on September 11, 2010.

Councilman Stallworth made a motion to approve advertising the resources of the City through the Mississippi Gulf Coast Blues Commission for \$500.00 for a ½ page advertisement as recommended. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

The next item for consideration was advertising the resources of the City through NovoPrint, USA, for the Jackson County Chamber of Commerce, Quality of Life Community Publication, for \$545.00 for a 1/8 page advertisement for a two year period as recommended by Eddie Williams, City Attorney. The City is given legal authority to provide support to this group by Section 17-3-1, Mississippi Code of 1972.

After discussion, Councilman Milstead made a motion to approve advertising the resources of the City through NovoPrint, USA, for the Jackson County Chamber of Commerce, Quality of Life Community Publication, for \$545.00 for a 1/8 page advertisement for a two year period as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "NAY", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

The next item for consideration was advertising the resources of the City through the American Legion Auxiliary Magnolia Girls State 2010 for \$100.00 for a full page advertisement as recommended by Eddie Williams, City Attorney. The City is given legal authority to provide support to this group by Section 17-3-1, Mississippi Code of 1972. The American Legion Auxiliary Magnolia Girls State will be held June 5-11, 2010.

Councilman Corder made a motion to approve advertising the resources of the City through the American Legion Auxiliary Magnolia Girls State 2010 for \$100.00 for a full page advertisement, 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 3-16-10)

The next item for consideration was approval of a refund to Jackson County for \$5,398.75 to reimburse them for a duplicate payment made regarding the Courthouse Sewer Project as recommended by Bobby Parker, City Clerk/Comptroller.

Councilman Stallworth made a motion to approve a refund to Jackson County for \$5,398.75 for a duplicate payment made regarding the Courthouse Sewer Project 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 3-16-10)

Next for consideration was the appointment of Harry Schmidt as the City of Pascagoula representative on the Emergency Food and Shelter Program Board for United Way of Jackson and George Counties as recommended by the City Manager.

Councilman Corder made a motion to appoint Harry Schmidt as the City representative on the Emergency Food and Shelter Program Board 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 3-16-10)

(Councilman Abston left the meeting at 6:45 p.m.)

The next item for consideration was a request for approval to pursue Department of Homeland Security Grant funding for a Police Department patrol boat, in conjunction with the Port of Pascagoula, as recommended by Kenny Johnson, Chief of Police. Funding has been appropriated to be utilized by the Port of Pascagoula to enhance port security. The proposed patrol boat is a 27 ft. Boston Whaler fully equipped Police boat with a sophisticated electronics package and fire fighting apparatus. This equipment will also allow support of our existing maritime patrol operations. The cost of the boat as equipped and a vehicle to tow it will be around \$300,000.00.

Councilman Stallworth made a motion to approve the request to pursue Department of Homeland Security Grant funding for a Police Department patrol boat in conjunction with the Port of Pascagoula, as recommended and authorized the City Manager to execute any related documents. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

(Councilman Abston returned to the meeting at 6:48 p.m.)

Next for consideration was a Maintenance Agreement between MEMA and the City of Pascagoula regarding the property at 1906 Washington Avenue, for which the City has requested MEMA buyout, and as recommended by Harry Schmidt, Community Development Director. The agreement is spread on the minutes as follows:

**MEMA MITIGATION GRANT PROGRAM
PROJECT APPLICATION – GENERAL**

TO: Mississippi Emergency Management Agency

FROM: City of Pascagoula

RE: Project Title: Washington Avenue Acquisition Project

MAINTENANCE AGREEMENT

The City of Pascagoula, Mississippi, as the Sub-grantee, hereby agrees that if it receives any Federal aid as a result of the attached project application, it will accept responsibility, at its own expense if necessary, for the routine maintenance of the property, structures, or facilities acquired as result of such Federal aid. Routine maintenance shall include, but not be limited to, such responsibilities as keeping vacant land clear of debris, garbage and vermin.

The purpose of this Maintenance Agreement is to make clear the Sub-grantee's maintenance responsibilities following project award, and to show the Sub-grantee's acceptance of these responsibilities. It does not replace supercede, or add to any other maintenance responsibilities imposed by Federal, State and Local laws or regulations and which are in force on the date of project award.

I am duly authorized by The City of Pascagoula to execute this Maintenance Agreement.

Signature: _____ Date: _____

Printed Name: Robert Maxwell Title: Mayor

Councilman Corder made a motion to approve the Maintenance Agreement between MEMA and the City of Pascagoula regarding the property at 1906 Washington Avenue as recommended and authorized the Mayor to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

(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 the FY 2010 Tidelands Trust Fund Grant Agreement between the City of Pascagoula and the Mississippi Department of Marine Resources for \$60,000.00 for the Scranton Museum Improvements Project as recommended by Harry Schmidt, Community Development Director. No match is required.

Councilman Stallworth made a motion to approve the FY 2010 Tidelands Trust Fund Grant Agreement between the City of Pascagoula and the Mississippi Department of Marine Resources for \$60,000.00 for the Scranton Museum Improvements Project as recommended and authorized the Mayor 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 3-16-10)

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

The next item was an application for the DEQ Solid Waste Assistance Grant for \$15,000.00 to fund education and site cleanup as recommended by Harry Schmidt, Community Development Director. No match is required.

Councilman Milstead made a motion to approve the DEQ Solid Waste Assistance Grant for \$15,000.00 to fund education and site cleanup as recommended and authorized the Mayor to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

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

The next item was an application for the 2010 MDOT Urban Youth Corps Grant funds for \$35,000.00 to hire students to help the Landscape Department provide new landscaping to north Chicot Road as recommended by Harry Schmidt, Community Development Director. The grant requires a 20% match which is provided through in-kind employee salary contribution.

Councilman Wolverton made a motion to approve the application for the 2010 MDOT Urban Youth Corps Grant funds for \$35,000.00 to hire students to help the Landscape Department provide new landscaping to north Chicot Road as recommended and authorized the Mayor to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

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

The next item was Change Order No. 1 to the contract with Flagstar Construction Company, Inc., Gulfport, MS, for the Police Training Academy as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. This is for additional time due to weather delays experienced to date and \$9,175.36 associated with permit requirements with Jackson County, and the addition of flood insurance as required by MEMA/FEMA.

Councilman Stallworth made a motion to approve Change Order No. 1 to the contract with Flagstar Construction Company, Inc. for the Police Training Academy as recommended and authorized 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 3-16-10)

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

The next item was Change Order No. 2 to the contract with CIS Construction, Inc., Pensacola, FL, for painting at the Anola Club as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. The total increase in cost is \$1,037.00 and which was not included in the original scope of work for this project.

Councilman Stallworth made a motion to approve Change Order No. 2 to the contract with CIS Construction, Inc. for the Anola Club as recommended and authorized the City Manager to execute the related documents. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

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

Next for consideration was the MDA Change Order No. 2 to the contract with J. E. Borries, Inc. for \$45,166.00 for the MDA/CDBG Front Street Reconnection and Riverfront Development site prep package as recommended by Jaci Turner, Program Manager, and

Compton Engineering, Inc. The change order is for the relocation of utility services and removal of the conflicting lines. It is contingent upon agency approval.

Councilman Stallworth made a motion to approve the MDA Change Order No. 2 to the contract with J. E. Borries, Inc. for \$45,166.00 for the MDA/CDBG Front Street Reconnection and Riverfront Development site prep package as recommended and authorized the City Manager to execute the related documents. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

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

The Wall of Fame item on the agenda was considered earlier in tonight's meeting.

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 of February 26, 2010 through March 12, 2010 , has been presented to the City Council for allowance and approval; and

WHEREAS, the below claim numbers 02-05-01, 02-19-02, and 0203 have also been presented to the City Council for allowance and approval:

<u>February 5, 2010</u>		<u>Claim # 02-05-01</u>
010	General Fund	\$ 424,872.74
180	Code Enforcement Grant	3,464.80
400	Pascagoula Utilities	31,528.67
475	Transfer Station	11,439.55
480	Solid Waste Mgmt.	<u>491.69</u>
	Total	<u>\$ 471,797.45</u>

<u>February 19, 2010</u>		<u>Claim # 02-19-02</u>
010	General Fund	\$ 414,750.28
180	Code Enforcement Grant	3,849.77
400	Pascagoula Utilities	31,794.59
475	Transfer Station	10,870.31
480	Solid Waste Mgmt.	<u>546.33</u>
	Total	<u>\$ 461,811.28</u>

<u>Miscellaneous Claim</u>		<u>Claim # 0203</u>
1000	City Share FICA	\$ 46,256.95
1100	City Share Medicare	10,818.31
7000	City Share PERS	<u>91,027.82</u>
	Total	<u>\$ 148,103.08</u>

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

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

The above Order was introduced by Councilman Stallworth, seconded for adoption by Councilman 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 16th day of March, 2010.

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

Councilman Tillman made a motion to go into executive session for the purpose of discussing possible litigation. 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", after which the meeting was opened and Mayor Maxwell announced to the public and others in attendance at the meeting that the City Council had voted to hold an executive session for the purpose stated above. The Council then began the executive session.

Councilman Abston made a motion to end the executive session and return to open session. 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 City Manager requested approval of three manual checks for employees to be reimbursed for city-related business items as follows:

William Breeden -	\$ 59.99
Mark Savasta -	\$569.39
Jacob Latch -	\$ 15.00

Councilman Stallworth made a motion to approve the three manual checks to William Breeden - \$59.99, Mark Savasta - \$569.39, and Jacob Latch - \$15.00 as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-16-10)

The City Manager reminded the Council of the Strategic Plan public session to be held on Thursday, March 25, 2010, at the NOAA building at 5:30 p.m.

Some of the Council members gave a brief report on their recent trip to Washington, D.C. and advised they felt it was very productive.

There being no further business to come before the Council at this time, Councilman Wolverton made a motion to recess until Wednesday, March 24, 2010, at 5:00 p.m. to transact such business as may lawfully come before the Council. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The meeting ended at 7:20 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed, Asst. City Clerk