

**RECESSED REGULAR MEETING OF THE CITY COUNCIL**

**TUESDAY, MAY 18, 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, May 18, 2010, at 6:00 p.m. Mayor Maxwell called the meeting to order with the following officials present:

Mayor Robert H. Maxwell  
Councilman Frank Corder  
Councilman Jim Milstead  
Councilman Robert Stallworth, Sr.  
Councilman Harold Tillman

Councilman Joe Abston was absent.  
Councilman George L. Wolverton, Sr. was absent.

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

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

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Scott Ratcliff addressed the Council regarding the 2010 USTA Tennis Champions wherein he requested advertising the resources of the City of Pascagoula through an advertisement.

After discussion, Mayor Maxwell requested this item be tabled until the Council meeting of June 1, 2010, for further review.

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At this time, Mayor Maxwell presented a plaque and Resolution to Roy C. Williams for his tenure of service on the Planning Board. The Resolution is spread on the minutes as follows:

**RESOLUTION COMMENDING THE SERVICE OF  
ROY C. WILLIAMS TO THE PLANNING BOARD**

**WHEREAS**, Roy C. Williams was first appointed by the City Council to serve as attorney for the Planning Commission and the Zoning Board of Adjustment and Appeals on January 9, 1970; and

**WHEREAS**, on October 23, 1973, the City Council appointed Roy C. Williams as Chairman of the Planning Board; and

**WHEREAS**, since his appointment in 1973, he has been reappointed to the Planning Board by the City Council and was serving up to his resignation; and

**WHEREAS**, Mr. Williams was instrumental in drafting the 1973 Zoning Ordinance; and

**WHEREAS**, as Chairman of the Planning Board, he has guided the Planning Board in making recommendations to the City Council; and

**WHEREAS**, over the years Mr. Williams has been involved in improving the City by serving on other committees; and

**WHEREAS**, the City Council is extremely appreciative of Mr. Williams for his diligence and dedication to the City throughout his 40 years of service:

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

**SECTION 1.** The City Council hereby expresses its approval and appreciation of the dedication exhibited by Roy C. Williams during his years of service to the City.

**SECTION 2.** The City Council does hereby order and direct that an appropriate plaque be made for presentation to Roy C. Williams as a small token of the appreciation of the City Council for his dedication and service to the City.

Mr. Williams thanked the Council for this special recognition and stated he had enjoyed his time on the Planning Board. The Council extended best wishes to him in the future.

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Lin Jacobson, 802 Washington Avenue, addressed the Council with a complaint regarding the Corps of Engineers' plan to change the beach. Mr. Jacobson stated they do not want the rocks. Mayor Maxwell commented that the rip rap is one change and the Corps also wants to make six openings in it with a 150 ft. width and plant a variety of sea oats there. The height of the jetty was lowered from 4 ft. to 2 ft. An area neighbor complained about the parking problem at her property. Randy Kirksey requested a review of the drawings prior to the meeting on Thursday, May 27, 2010, concerning this matter. In conclusion, Mr. Jacobson complimented the City staff on various projects currently in progress.

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Minutes of the Planning Board meeting of May 12, 2010, and actions by the Council are as follows:

**REGULAR MEETING OF THE PASCAGOULA PLANNING BOARD  
WEDNESDAY, MAY 12, 2010, AT 6:00 P.M.  
CITY OF PASCAGOULA, MISSISSIPPI**

The Planning Board of the City of Pascagoula, Mississippi, met at City Hall in a Regular Meeting on Wednesday, May 12, 2010, at 6:00 P. M.

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

Linda Tillman  
Joseph Odom  
Wesley Smith (Acting-Chairman)  
Etienne Melcher  
Stephen Parker  
Mike Gilly

**Other officials present:**

Susan Moore, Director of Code Enforcement                      Eddie Williams, City Attorney  
Brian Nelson, City Planner  
Angelia Kimbrough, Administrative Assistant

**A. PUBLIC HEARINGS:**

**1. Jerry & Renee Wilson**

**5107 Maid Marion.** The property is zoned Residential (R-2) -The request is for a 10' East front yard variance of the required 20' to construct a 23' x 12.6' carport.

Mr. Jerry Wilson was present to explain the application. The staff recommended to “**APPROVE**” the request with the following conditions: That the detached structure be constructed in a manner that is architecturally compatible with the primary structure and steps are taken on behalf of the applicant to ensure that neither drainage nor utilities are impeded. After hearing Mr. Wilson’s request, and there being no protest, a motion was made by Etienne Melcher to “**APPROVE**” the application. The motion was seconded by Linda Tillman and the vote thereupon was as follows: Linda Tillman “**AYE**”, Stephen Parker “**AYE**”, Wesley Smith “**AYE**”, Joseph Odom “**AYE**”, Etienne Melcher “**AYE**”, Mike Gilly “**AYE**”.

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

**COUNCIL ACTION:**

Councilman Corder made a motion to “**APPROVE**” the request of Jerry & Renee Wilson as recommended by the Planning Board and with the conditions that the detached structure be constructed in a manner that is architecturally compatible with the primary structure and steps are taken on behalf of the applicant to ensure that neither drainage nor utilities are impeded. The motion was seconded by Councilman Stallworth and received the following vote: Mayor

Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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**The consent agenda was considered at this time.**

The first item for consideration was minutes for the Council meeting of May 4, 2010, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Corder made a motion to adopt and approve minutes of the Council meeting of May 4, 2010, as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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Minutes of the Recreation Commission meeting of May 5, 2010, were acknowledged by the City Council.

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Minutes of the Historic Preservation Commission meeting of April 28, 2010, were acknowledged by the City Council.

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The next item for consideration was the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) as recommended by Aleta Raley, Grants Accounting Specialist. Pascagoula is eligible for \$24,965.00 and no match is required.

Councilman Corder made a motion to approve the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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The next item for consideration was a request to approve \$5,000.00 for postage funds for the direct debit/postage on call meter setting with Neo-Post as recommended by Brenda Reed, Asst. City Clerk.

Councilman Corder made a motion to approve the request for \$5,000.00 for postage funds for the direct debit/postage on call meter setting with Neo-Post as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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The next item for consideration was a request to advertise for bids for the Public Water Fluoridation Installation Project for the water treatment plants as recommended by Steve Mitchell, Operations Manager. This project is totally funded by the Mississippi State Department of Health for a period of two years.

Councilman Corder made a motion to authorize the City Clerk to advertise for bids for the Public Water Fluoridation for the water treatment plants as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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Next for consideration was an Order to determine whether the parcels of land are in such a state of uncleanliness as to be a menace to the public health and safety of this community at 1507 Buena Vista, 1406 School, and 1502 Belair and set a hearing date of July 6, 2010, as recommended by the City Attorney. The Order is spread on the minutes as follows:

**ORDER**

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

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

**THEREFORE, IT IS ORDERED** that the owners of the parcels listed on the exhibit shall be given notice by the City Clerk as provided in Section 21-19-11, Mississippi Code of 1972, that a hearing shall be held by the City Council on July 6, 2010, in the City Hall of the City at 6:00 P.M. to determine whether the parcels of land as shown on the exhibit are in such a state of uncleanliness as to be a menace to the public health and safety of this community.

**EXHIBIT A**

<b>Tax Parcel Number and</b>	<b>Owner(s) and</b>	<b>Described at the following Jackson County, MS,</b>
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<u>Property Address</u>	<u>Mailing Address</u>	<u>Deed Books and Pages</u>
41620071.000 1507 Buena Vista	David Keith Reid 1507 Buena Vista St. Pascagoula, MS 39567 <b>(Footnote 1)</b>	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 above Order was introduced by Councilman Corder, seconded for adoption by Councilman Stallworth, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". The Mayor then declared the Order adopted on the 18<sup>th</sup> day of May, 2010.

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Next was a Resolution to set liens for property cleanup at 2116 Alex Street, 1915 24<sup>th</sup> Street, and 1917 24<sup>th</sup> Street as recommended by the City Attorney. The Resolution is spread on the minutes as follows:

### **RESOLUTION**

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

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

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

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

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

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

**EXHIBIT A**

<b><u>Tax Parcel Number and Property Address</u></b>	<b><u>Owner(s) and Mailing Address</u></b>	<b><u>Described at the following Jackson County, MS, Deed Books and Pages</u></b>	<b><u>Cost of Cleaning</u></b>
41702939.000 2116 Alex	Michael Selmon Address Unknown	Deed Book 958, Page 16	\$2,405.00
41230182.210 1915 24 <sup>th</sup> St.	Peter J. Riehm DBA PRMS Properties LLC 4708 Gibson Rd, Box 51 Ocean Springs, MS 39564	Deed Book 1362, Page 709	\$2,005.00
41230182.055 1917 24 <sup>th</sup> St.	Peter J. Riehm DBA PRMS Properties LLC 4708 Gibson Rd, Box 51 Ocean Springs, MS 39564	Deed Book 1362, Page 709	\$2,005.00

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Stallworth, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". The Mayor then declared the Resolution adopted on the 18<sup>th</sup> day of May, 2010.

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Next for consideration was a request to place a Blessing of the Fleet banner at the Pascagoula welcome sign at the corner of Highway 90 and Pascagoula Street as recommended by Rebecca Davis, Main Street Director.

Councilman Corder made a motion to approve the request to place a Blessing of the Fleet banner at the Pascagoula welcome sign at the corner of Highway 90 and Pascagoula Street as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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The next item for consideration was a request from Police Chief Kenny Johnson to obtain competitive bids to lease five motorcycles for five years due to the current lease with Southern Thunder Harley expiring in October 2010.

Councilman Corder made a motion to approve the request to obtain competitive bids to lease five motorcycles for five years due to the current lease expiring October 2010 as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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Next to be considered was a request to advertise for bids for membrane elements replacement for municipal drinking water plants as recommended by Steve Mitchell, Operations Manager.

Councilman Corder made a motion to authorize the City Clerk to advertise for bids for membrane elements replacement for municipal drinking water plants as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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Next to be considered was the FY 2010 FEMA Assistance to the Firefighters Grant as recommended by Harry Schmidt, Community Development Director. The grant would be used

to purchase a new fire truck costing approximately \$680,000.00 with a required match of up to 10%. The grant is submitted electronically.

Councilman Corder made a motion to approve the FY 2010 FEMA Assistance to the Firefighters Grant as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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The next item for consideration was a BP Deepwater Horizon Response Mississippi Block Grant application for \$1.3 million as recommended by Harry Schmidt, Community Development Director. No matching funds are required.

Councilman Corder made a motion to approve the BP Deepwater Horizon Response Mississippi Block Grant application for \$1.3 million as recommended and authorized the City Manager to execute the application. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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

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The next item for consideration was the 2010 BJA Bullet Proof Vest Grant as recommended by Harry Schmidt, Community Development Director. The application will be for approximately \$6,200.00 and has a 50% match which will come from drug forfeiture money as in the past and will be used to purchase approximately 10 new vests for the Police Department.

Councilman Corder made a motion to approve the request to submit the 2010 BJA Bullet Proof Vest Grant as recommended 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 "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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

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The Council then considered the following budget amendment as recommended by Bobby Parker, Comptroller/City Clerk:

City of Pascagoula  
Budget Amendment # 10.23  
May 18, 2010

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>			
<u>Revenues:</u>			
<u>Miscellaneous:</u>			
Donations from Private Sources	<u>9,497</u>	<u>15,000</u>	<u>24,497</u>
Total Revenues	<u>9,497</u>	<u>15,000</u>	<u>24,497</u>
<u>Expenditures:</u>			
<u>Parks &amp; Recreation:</u>			
<u>Capital Outlay:</u>			
Katrina Trail	<u>-0-</u>	<u>17,500</u>	<u>17,500</u>
Total Expenditures	<u>-0-</u>	<u>17,500</u>	<u>17,500</u>
Net Change in Fund Balance		<u>-2,500</u>	

**Purpose:** To amend budget to provide authority for increased P & R expenditures financed by private contributions. The difference of \$2,500 was received by way of donations in 9/2009 and was included in revenues last fiscal year.

Councilman Corder made a motion to approve the budget amendment as presented above. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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Next for consideration was the Lowry Island Project as recommended by Jaci Turner, Program Manager. Ms. Turner requested authorization for the Mayor to submit a full grant application for the Lowry Island Project in accordance with preliminary documents prepared in April 2009. The City Manager also requested the Council approve setting a public hearing on June 3, 2010, at 5:00 p.m. at City Hall regarding this project.

Councilman Corder made a motion to authorize the Mayor to execute documents and submit a full grant application for the Lowry Island Project in accordance with preliminary documents prepared in April 2009 as recommended and set a public hearing date for June 3, 2010, at 5:00 p.m. at City Hall. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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

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

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

The first item of new business was a Resolution appointing the Mississippi Municipal League 2010 voting delegates for the City of Pascagoula. After discussion, the Council considered the following Resolution:

**RESOLUTION APPOINTING  
MISSISSIPPI MUNICIPAL LEAGUE 2010  
VOTING DELEGATES FOR THE CITY OF PASCAGOULA**

**WHEREAS**, the Mississippi Municipal League amended the by-laws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a second vice president and to vote on any proposed by-law changes; and

**WHEREAS**, the amended by-laws require the City of Pascagoula to designate in its minutes the voting delegate and two alternates to cast the vote for each member municipality.

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

**SECTION 1.** In accordance with the by-laws of the Mississippi Municipal League, the voting delegate(s) for the 2010 Mississippi Municipal League election to be held at the annual convention on June 29 through July 1, 2010, are as follows:

**Voting Delegate:** George Wolverton, Sr.

**First Alternate:** Harold Tillman, Jr.

**Second Alternate:** Frank Corder

**SECTION 2.** That public interest and necessity requiring same, this Resolution shall become effective upon passage.

The above Resolution was introduced by Councilman Milstead, seconded for adoption by Councilman Corder, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". The Mayor then declared the Resolution adopted on the 18<sup>th</sup> day of May, 2010.

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An appointment to the Planning Board to represent Ward 5 was tabled at tonight's meeting at the request of Councilman Milstead.

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The appointment of a Chairman for the Planning Board was tabled at tonight's meeting at the request of the City Manager.

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The City Attorney recommended approval of a Statewide Mutual Aid Contract between the City of Pascagoula and the State of Mississippi, for utilizing all available resources during emergencies.

Councilman Stallworth made a motion to approve the Statewide Mutual Aid Contract between the City of Pascagoula and the State of Mississippi as recommended and authorized the Mayor and City Attorney to execute the document. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT".

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

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The next item for consideration was a Resolution requesting action by the state legislative delegation regarding support of certain ad valorem tax revenues as recommended by the City Attorney. The Resolution is spread on the minutes as follows:

## **RESOLUTION**

**WHEREAS**, pursuant to Senate Bill 2403 which was enacted into Law by the Mississippi Legislature in 2007 and is now codified as Section 19-9-171 of the Mississippi Code, certain ad valorem tax revenues from the Gulf LNG Plant currently under construction in Bayou

Cassotte and any additions or improvements to the existing Chevron Refinery are to be allocated among the four school districts in Jackson County, Mississippi; and

**WHEREAS**, the Chevron Refinery and the Gulf LNG Plant lie exclusively within the Pascagoula School District; and

**WHEREAS**, the City of Pascagoula has joined with the Pascagoula School District in certain litigation now pending in the Chancery Court of Jackson County, Mississippi, to have the aforesaid legislation declared unconstitutional; and

**WHEREAS**, the City Council has heretofore voiced its support of this litigation and is united in its belief that the legislation as embodied in Section 19-9-171 of the Mississippi Code is in fact unconstitutional; and

**WHEREAS**, a ruling adverse to the interests of the Pascagoula School District and the City was entered by the Chancery Court of Jackson County, Mississippi, on May 5, 2010, which will result in an appeal being taken to the Mississippi Supreme Court; and

**WHEREAS**, it is anticipated that new industry will be coming to Jackson County during the time that this litigation is pending and that in all likelihood, such new industry will be located in school districts other than the Pascagoula School District; and

**WHEREAS**, the City Council is of the opinion that legislation should be introduced to provide for a distribution of ad valorem tax revenues from these new industries in similar fashion as that set forth in Section 19-9-171 of the Mississippi Code and until such time as such distributions are declared to be unconstitutional by our Supreme Court:

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pascagoula is on record in support of legislation to effect a partitioning of ad valorem tax revenues from any and all new industries to be located in Jackson County, Mississippi, among

the four school districts in the County in accordance with the parameters set forth in Section 19-9-171 of the Mississippi Code.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be sent to each member of our local legislative delegation encouraging them to introduce legislation in the House of Representatives and in the Senate to effect the intent of this Resolution.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be sent to the Governor of the State of Mississippi, the Lieutenant Governor, and the Speaker of the House of Representatives for the State of Mississippi.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Tillman, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Milstead "AYE", Corder "AYE", Tillman "AYE", Stallworth "AYE", and Wolverton "ABSENT". The Mayor then declared the Resolution adopted on the 18<sup>th</sup> day of May, 2010.

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The City Attorney then recommended adoption of an Order approving a fireworks display at the Sounds by the Sea event on May 30, 2010, as follows:

### **ORDER**

**WHEREAS**, the Gulf Coast Symphony has requested permission to have a fireworks display at the Sounds by the Sea concert which is scheduled at the Beach Park on May 30, 2010; and

**WHEREAS**, pursuant to Section 30-74 of the Code of Ordinances of the City of Pascagoula, such displays are allowable only upon order of the City Council;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Gulf Coast Symphony be and the same is hereby authorized by the City Council to conduct a fireworks display at the Sounds by the Sea concert to be held at the Beach Park on Sunday, May 30, 2010 at approximately 8:30 P.M.

The above Order was introduced by Councilman Milstead, seconded for adoption by Councilman Tillman, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Milstead "AYE", Corder "AYE", Tillman "AYE", Stallworth "AYE", and Wolverton "ABSENT". The Mayor then declared the Order adopted on the 18th day of May, 2010.

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The next item for consideration was a request to extend the state of emergency declared on April 30, 2010, until June 1, 2010, as recommended by Bruce Knott, Human Resources Director.

Councilman Corder made a motion to approve the extension of the state of emergency declared on April 30, 2010, until June 1, 2010, as requested. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Milstead "AYE", Corder "AYE", Tillman "AYE", Stallworth "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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The next item for consideration was a Constant Contact Contract with Ad2 as recommended by Bruce Knott, Human Resources Director. Mr. Knott stated this service would be a good communication tool to provide information to individuals who sign up for emails through forwarded service and at the City of Pascagoula website.

Councilman Stallworth made a motion to approve the Constant Contact Contract with Ad2 as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Milstead "AYE", Corder "AYE", Tillman "AYE", Stallworth "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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

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The next item was a Resolution for the use of off duty Police officers to work security details for the BP Oil Project as recommended by Police Chief Kenny Johnson. The Resolution is spread on the minutes as follows:

## **RESOLUTION**

**WHEREAS**, this City Council, on or about April 30, 2010, declared that a state of emergency existed in the City of Pascagoula as a result of the BP Deepwater Horizon incident; and

**WHEREAS**, the response by the British Petroleum Company has been immediate and thorough and a number of sub-contractors have now located in the City to assist in the containment and cleanup of the oil spill engendered by the accident; and

**WHEREAS**, British Petroleum Company and many of these sub-contractors are in need of qualified security personnel to assist in their operations and to protect the assets that they have brought with them for the purpose of dealing with the effects of the potential environmental disaster; and

**WHEREAS**, Section 17-25-11 of the Mississippi Code empowers Municipal Governing Authorities to authorize off-duty Police Officers to wear their uniforms and weapons when employed by private entities for security purposes; and

**WHEREAS**, pursuant to the statute, the City Council must approve of such use of the uniforms and official weapons of the Police Officers for such purposes; and

**WHEREAS**, the City Council finds that the use of the official uniforms and weapons for the proposed employment of the Officers whose names appear hereinbelow is not likely to bring disrepute to this City, or to its Police Department, the Officers at issue, or law enforcement generally; and

**WHEREAS**, the City Council further finds that the use of the official uniforms and weapons in the discharge of the Officers' private security endeavors will promote the public interest particularly in this time of emergency resulting from the BP Deepwater Horizon incident:

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

**SECTION 1.** The Police Officers, whose names appear on the attached Exhibit, are authorized to use their uniforms and weapons in their off-duty employment as Security Officers for the British Petroleum Company and any sub-contractor thereof.

**SECTION 2.** The use of the uniforms and weapons by these Police Officers when engaged in such employment shall be confined to the City limits of the City of Pascagoula.

The above Resolution was introduced by Councilman Stallworth, seconded for adoption by Councilman Tillman, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Milstead "AYE", Corder "AYE", Tillman "AYE", Stallworth "AYE", and Wolverton "ABSENT". The Mayor then declared the Resolution adopted on the 18<sup>th</sup> day of May, 2010.

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The next item for consideration was a Miscellaneous Services Primary Engineering Contract with Compton Engineering, Inc., Pascagoula, MS, as recommended by Jaci Turner, Program Manager.

Councilman Corder made a motion to approve the Miscellaneous Services Primary Engineering Contract with Compton Engineering, Inc. as recommended 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 "ABSENT", Milstead "AYE", Corder "AYE", Tillman "AYE", Stallworth "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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

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Next for consideration was Change Order No. 1 to the contract with Jay Bearden Construction Company, Inc., Richland, MS, on the Shortcut Sewer Project (S-31) as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. The change order amount is \$103,419.50 and for 69 additional contract days to address adjustments to quantities based on field conditions and weather days/holidays to date. The unit prices provided in the bid are being used to determine the amount of change order work.

Councilman Stallworth made a motion to approve Change Order No. 1 to the contract with Jay Bearden Construction Company, Inc. 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 "ABSENT", Milstead "AYE", Corder "AYE", Tillman "AYE", Stallworth "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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

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Next for consideration was a Resolution to adopt a Complete Streets Policy for the City of Pascagoula as recommended by Jaci Turner, Program Manager. The Resolution is spread on the minutes as follows:

**RESOLUTION TO ADOPT A “COMPLETE STREETS” POLICY  
IN THE CITY OF PASCAGOULA**

**WHEREAS**, the City of Pascagoula policy as stated in the Comprehensive Plan is to reduce the number of car trips, increase energy efficiency, and encourage walking and bicycling as safe, convenient and widely available modes of transportation for all people; and

**WHEREAS**, increasing walking and bicycling offers the potential for improved health, reduced traffic congestion, a more livable community, and more efficient use of road space and resources; and

**WHEREAS**, the Complete Streets guiding principle is to design, operate and maintain streets to promote safe and convenient access and travel for all users, including residents who do not or cannot drive, such access to include sidewalks, bicycle paths, multi-use paths, vehicle lanes, and freight lines; and

**WHEREAS**, other jurisdictions and agencies nationwide have adopted Complete Streets legislation including the U.S. Department of Transportation, the state of Tennessee, and communities in Alabama and Arkansas, as well as, in Mississippi; and

**WHEREAS**, the City will implement the Complete Streets policy by designing, operating and maintaining the transportation network to improve travel conditions for bicyclists, pedestrians, cars, transit and freight in a manner consistent with, and supportive of, the surrounding community; and

**WHEREAS**, the City recognizes the number of cost-effective improvements to existing roads that can increase access and safety, including crosswalks, bicycle lanes, signage, bulb outs, on-street parking, adding trees, and changing the signalization of traffic lights; and

**WHEREAS**, the City will implement policies and procedures with the construction, reconstruction or other changes of transportation facilities to support the creation of Complete Streets including capital improvements, re-channelization projects and major maintenance, recognizing that all streets are different and in each case user needs must be balanced:

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

**SECTION 1.** The City of Pascagoula will plan for, design and construct all new City transportation improvement projects to provide appropriate accommodation for pedestrians, bicyclists, motorists, and persons of all abilities, while promoting safe operation for all users, as provided for below.

**SECTION 2.** The City of Pascagoula recognizes the importance of sidewalks and bicycle paths and will incorporate the Complete Streets principles as funding becomes available, as follows:

1. A 4' wide paved shoulder shall be included with construction of all new roadways constructed or with the resurfacing or reconstruction of a roadway when roadways traffic is greater than 1,000 vehicles per day.
2. Sidewalks, shared use paths, street crossings (including over and under passes), pedestrian signals, signs, street furniture, transit stops, and other facilities, shall be designed, constructed, operated, and maintained so that all pedestrians, including people with disabilities, can travel safely and independently.
3. Bicycle and pedestrian ways shall be established in new construction and reconstruction projects undertaken by the City of Pascagoula in keeping with the proposals of the Comprehensive Plan unless one or more of these conditions exist:
  - a. Bicyclists or pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor.
  - b. The cost of establishing bikeways or walkways would exceed five percent of the total cost. In such case, the entity developing or redeveloping the road may choose to include bicycle and/or pedestrian ways although they would not be required.
  - c. Severe topographic or natural resource constraints exist that preclude expanding roadway paving without incurring excessive costs.
  - d. There is very low population density and scarcity of residents or other factors indicate an absence of present and future need.
  - e. Adequate funding is not available to carry out the policy.

**SECTION 3.** Complete Streets principles will not apply where extraordinary circumstances exist, such as:

1. during ordinary maintenance activities designed to keep assets in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal, or interim measures on detour or haul routes);
2. where the City Council issues a documented exception concluding that application of Complete Street principles is inappropriate because it would be contrary to public benefits or safety;
3. where other parallel accommodation exists; or
4. where there is a demonstrated absence of present and future need.

**SECTION 4.** Complete Streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time. It is the City Council's intent that all potential sources of transportation funding be considered to implement Complete Streets. Maximum financial flexibility is important to implement Complete Streets principles.

The above Resolution was introduced by Councilman Stallworth, seconded for adoption by Councilman Milstead, and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “ABSENT”, Milstead “AYE”, Corder “AYE”, Tillman “AYE”, Stallworth “AYE”, and Wolverton “ABSENT”. The Mayor then declared the Resolution adopted on the 18<sup>th</sup> day of May, 2010.

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

**ORDER**

**WHEREAS**, the attached docket of claims for the period of April 30, 2010, through May 14, 2010 , has been presented to the City Council for allowance and approval; and

**WHEREAS**, the below claim numbers 04-02-01, 04-16-02, 04-30-03 and 0404 have also been presented to the City Council for allowance and approval:

<u>April 2, 2010</u>		<u>Claim # 04-02-01</u>
010	General Fund	\$ 407,494.70
180	Code Enforcement Grant	5,177.41
400	Pascagoula Utilities	31,430.63

475	Transfer Station	10,901.99
480	Solid Waste Mgmt.	<u>546.33</u>
	Total	<u>\$ 455,551.06</u>

<u>April 16, 2010</u>		<u>Claim # 04-16-02</u>
010	General Fund	\$ 420,062.18
180	Code Enforcement Grant	4,274.70
400	Pascagoula Utilities	31,617.06
475	Transfer Station	11,418.64
480	Solid Waste Mgmt.	<u>491.69</u>
	Total	<u>\$ 467,864.27</u>

<u>April 30, 2010</u>		<u>Claim # 04-30-03</u>
010	General Fund	\$ 416,332.89
180	Code Enforcement Grant	3,933.14
400	Pascagoula Utilities	31,529.32
475	Transfer Station	10,901.29
480	Solid Waste Mgmt.	<u>546.33</u>
	Total	<u>\$ 463,242.97</u>

<u>Miscellaneous Claim</u>		<u>Claim # 0404</u>
1000	City Share FICA	\$ 69,720.28
1100	City Share Medicare	16,305.77
7000	City Share PERS	<u>135,395.17</u>
	Total	<u>\$ 221,421.22</u>

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

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

The above Order was introduced by Councilman Stallworth, seconded for adoption by Councilman Corder, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". The Mayor then declared the Order adopted on the 18<sup>th</sup> day of May 2010.

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The City Manager requested approval of two manual checks for the City Attorney who will be attending meetings next week in Washington, D.C., regarding city-related matters. The check information is as follows:

<b>Hotel:</b>	Hyatt Regency	\$593.15
<b>Per Diem:</b>	Eddie Williams	\$123.00

Councilman Corder made a motion to approve manual checks to Hyatt Regency for \$593.15 (hotel) and to Eddie Williams for \$123.00 (per diem) as requested. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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The City Manager handed out information on the monthly sales tax comparison (budget vs. actual) for the fiscal year ending 9-30-10 and a copy of a letter from Delbert Hosemann, Secretary of State regarding sand beach procedures should oil from the BP Deepwater Horizon incident reach Mississippi's sand beaches in the three coastal counties.

The City Manager also noted there will be two separate meetings scheduled on Thursday, May 27, 2010, regarding the Corp of Engineers and the beach and the BP oil spill. Meetings will be at 6:00 p.m. and 7:00 p.m. After discussion regarding a location, Councilman Stallworth made a motion to hold the meetings at the Parks and Recreation Department on Pascagoula Street and request permission from First United Methodist Church to use their parking lot. 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 "ABSENT". (Approved 5-18-10)

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Councilman Corder requested the Council to consider authorizing the City Attorney and City Manager to negotiate and execute a contract with D'vine Soulfood, Biloxi, MS, for the daily operation of the concession stand at Beach Park beginning Memorial Day weekend 2010.

After discussion, Councilman Stallworth made a motion to authorize the City Attorney and City Manager to negotiate and execute a contract with D'vine Soulfood, Biloxi, MS, for the daily operation of the concession stand at Beach Park beginning Memorial Day weekend 2010 as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "ABSENT", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "ABSENT". (Approved 5-18-10)

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

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Councilman Corder requested that the Council consider a contract with GKR Systems, Inc. d/b/a Venture Technologies to use the Mississippi 1-Stop website for e-commerce services

for the City of Pascagoula. It would provide the general public with the option to pay bills online. Staff members recommended this proposal to the Council.

After discussion, Councilman Corder made a motion to “TABLE” this item until the next Council meeting on June 1, 2010, for further review. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “ABSENT”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “ABSENT”. (Tabled 5-18-10)

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

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Councilman Corder made a motion to go into executive session for the purpose of discussing a personnel matter regarding the City Manager. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “ABSENT”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “ABSENT”, after which the Mayor announced to the public and those in attendance that the Council had voted to go into executive session for the purpose stated above. The Council then began the executive session.

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

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No action was taken during the executive session.

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There being no further business to come before the Council at this time, Councilman Corder made a motion to adjourn. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “ABSENT”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “ABSENT”.

The meeting ended at 7:15 p.m.

**APPROVED:**

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Robert H. Maxwell, Mayor

**ATTEST:**

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Brenda J. Reed, Asst. City Clerk