

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, JANUARY 5, 2010, AT 6:00 P. M.
CITY HALL, PASCAGOULA, MISSISSIPPI**

The City Council of the City of Pascagoula, Mississippi, met at City Hall in a regular meeting on Tuesday, January 5, 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, Jr.
Councilman George L. Wolverton, Sr.

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

Mayor Maxwell welcomed everyone to the meeting. Councilman Abston then gave the invocation and the pledge of allegiance was recited before the commencing of business.

At this time, Eric Hartman addressed the Council regarding the placement of signs and banners for the Pascagoula Dixie Youth Baseball registration during the month of January 2010. Mr. Hartman advised they would be placed around town and removed at the end of the registration period.

Councilman Corder made a motion to approve the request to place signs and banners for the Pascagoula Dixie Youth Baseball registration during the month of January 2010 as requested. The motion was seconded by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-5-10)

A property cleanup hearing was held for parcels at 1915 24th Street and 1917 24th Street which was continued from the Council meeting of December 1, 2009. Steve Mitchell, Operations Manager, gave a status report on each parcel. Pete Riehm, property owner, also made comments wherein he advised the ownership has now been transferred to the lien holder. He recommended the lien holder report to the Council regarding plans for the parcels.

The following Resolution was then considered by the Council:

RESOLUTION

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

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

WHEREAS, this matter was continued at the December 1, 2009, meeting until January 5, 2010; and

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

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

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

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

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

EXHIBIT A

| <u>Tax Parcel Number and Property Address</u> | <u>Owner(s) and Mailing Address</u> | <u>Described at the following Jackson County, MS, Deed Books and Pages</u> |
|--|---|---|
| 41230182.210 1915 24 th St. | Peter J. Riehm DBA PRMS Properties LLC 4708 Gibson Rd, Box 51 Ocean Springs, MS 39564 (Footnote 1) | Deed Book 1362, Page 709 |
| 41230182.055 1917 24 th St. | Peter J. Riehm DBA PRMS Properties LLC 4708 Gibson Rd, Box 51 Ocean Springs, MS 39564 (Footnote 2) | Deed Book 1362, Page 709 |

PARTIES WITH INTEREST

Footnote 1: -Equity Trust Company, 2619-A Executive Place, Biloxi, MS 39531
-Radlaw Land Inv, LLC, 113 Chartres Dr., Madison, MS 39110
-Double Helix Land Inv, LLC, 113 Chartres Dr., Madison, MS 39110

Footnote 2: -Equity Trust Company, 2619-A Executive Place, Biloxi, MS 39531
-College Investment Co., P.O. Box 1177, Clinton, MS 39060
- Double Helix Land Inv, LLC, 113 Chartres Dr., Madison, MS 39110

The above Resolution was adopted with the following amendment:

Councilman Abston made a motion to “TABLE” this matter until the Council meeting of January 19, 2010. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Tabled 1-5-10)

Next, the Council heard an update on property cleanup at 1310 Commanchee Street, which was continued from the Council meeting of November 17, 2009. The Mayor advised several people are working to help the property owner and recommended this item be tabled until the Council meeting of January 19, 2010.

The Council considered the following Resolution:

RESOLUTION

WHEREAS, by order dated September 15, 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., 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 November 17, 2009; and

WHEREAS, this matter was continued at the November 17, 2009, meeting until January 5, 2010; and

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

WHEREAS, we find that the parcel of land listed in said 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 said 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 said parcel and such costs shall be an assessment against the parcel.

EXHIBIT A

| <u>Tax Parcel Number and Property Address</u> | <u>Owner(s) and Mailing Address</u> | <u>Described at the following Jackson County, MS, Deed Books and Pages</u> |
|--|--|---|
| 41335265.000 1310 Commanchee St. | Quy Tran And Duyen Ky Duong 1207 Pawnee St. Pascagoula, MS 39581 (Footnote 1) | Deed Book 1489, Page 439 |

PARTIES WITH INTEREST

Footnote 1: MERS, Inc., P.O. Box 2026, Flint, MI 48501-2026
&
PHH Mortgage Services, 3000 Lendenhall Road, Mt. Laurel, NJ 08054

The above Resolution was adopted with the following amendment:

Councilman Milstead made a motion to “TABLE” the property cleanup matter for 1310 Commanchee Street until the Council meeting of January 19, 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 Wolvertton “AYE”. (Tabled 1-5-10)

A property cleanup hearing was held for 810 Market Street which was continued from the Council meeting of October 6, 2009. Steve Mitchell, Operations Manager, and Tress Wells gave an update on the property. Mr. Wells requested some additional time to complete the closing process on his new home which is scheduled for January 11, 2010.

The Council then considered the following Resolution:

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, 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 | Lynn Stallworth McIlwain 902 Columbus Drive Pascagoula, MS 39567 | Deed Book 1489, Page 516 |

The above Resolution was adopted with the following amendment:

Councilman Abston made a motion to “TABLE” this matter until the Council meeting of January 19, 2010. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE”. (Approved 1-5-10)

The following consent agenda items were then considered.

The first item for consideration was the minutes of the recessed regular Council meeting held on December 15, 2009, as recommended by Brenda Reed, City Clerk.

Councilman Abston made a motion to adopt and approve minutes of the recessed regular Council meeting of December 15, 2009, 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 1-5-10)

Minutes of the Historic Preservation Commission meeting held on December 16, 2009, were acknowledged by the Council.

Next for consideration was a Resolution for the sale of a parcel of land on Bilbo Street, Lot 7 of the V. Delmas, Jr. tract as recorded in Deed Book 1353, Page 49, in the office of the Chancery Clerk of Jackson County as recommended by the City Attorney. The Resolution is spread on the minutes as follows:

**RESOLUTION FOR SALE OF PARCEL OF
LAND ON BILBO STREET**

WHEREAS, the City of Pascagoula (City) owns the following described parcel of land within the city:

The South 50 feet more or less of the West 120 feet of Lot 7 of the V. Delmas Jr. tract situated in Section 7, Township 8 South, Range 6 West, Jackson County, Mississippi. Per Deed Book 1353, Page 49, Land Deed Records of Jackson County, Mississippi.

WHEREAS, the City Council intends to sell the parcel; and

WHEREAS, we hereby find and determine:

1. That the parcel is not being used or needed for City purposes and is not being used in the operations of the City; and
2. That the sale of the parcel on a competitive, sealed bid basis is not necessary or desirable for the financial welfare of the City; and
3. That the use of the property for the purpose of which it is to be sold will promote and foster the development and improvement of this community and the economic welfare thereof:

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

SECTION 1. That John Jones, a Mississippi licensed real estate broker, is hereby employed to assist the City in the marketing and sale of this parcel.

SECTION 2. That for his services John Jones shall be paid a commission of 10% of the sale price or \$500.00, whichever is larger, for a completed sale.

SECTION 3. That if the City Council accepts an offer to purchase from a buyer solicited by John Jones they shall authorize the execution of a quitclaim deed to the buyer for the price agreed to in cash.

SECTION 4. That any such deed shall provide that the City shall retain all mineral rights that it owns, together with the right of ingress and egress to remove same.

The above Resolution was introduced by Councilman Abston, seconded for adoption by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 5th day of January, 2010.

The next item for consideration was a request to ratify an agreement with West, a Thompson Reuters business, St. Paul, MN, for Westlaw legal research services and ratify the signature of the City Attorney as requested by Eddie Williams, City Attorney.

Councilman Abston made a motion to ratify an agreement with West, a Thompson Reuters business, for Westlaw legal research services and ratify the signature of the City Attorney as requested. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-5-10)

(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 renewal of an annual maintenance agreement with Identix, Inc. at the Police Department as recommended by Kenny Johnson, Police Chief. The contract period will be January 1, 2010, through December 31, 2010, for \$2,512.00.

Councilman Abston made a motion to approve the renewal of the annual maintenance agreement with Identix, Inc. at the Police Department as recommended and authorized the City Manager to execute the agreement. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-5-10)

(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 an application for the National Endowment for the Humanities – Interpreting America’s Historic Places Grant as recommended by Harry Schmidt, Community Development Director. A summary regarding this grant was provided for the Council’s review and is spread on the minutes as follows:

Interpreting Historic Pascagoula – Phase I

The City of Pascagoula is in the midst of a major restoration and revival of its historic properties. In 2010, the City, in partnership with FEMA, Mississippi Department of Archives and History, and Mississippi Department of Transportation will spend in excess of \$3 million on several projects to restore, revive, and highlight its many historic locations. These projects include the restoration of the LaPointe-Krebs House, restoration and relocation of the Round Island Lighthouse, and the construction of a two-mile Historic Pathway which will traverse the downtown historic districts and terminate at the Round Island Lighthouse. In order to develop these projects into one cohesive unit, the City has developed the Interpreting Historic Pascagoula Project to provide a multimedia interpretation of Pascagoula’s role in American History.

The project will encompass four primary historic locations within the City of Pascagoula: 1) the LaPointe-Krebs House, 2) the Round Island Lighthouse, 3) the Zachary Taylor monument, 4) and the Pascagoula Historic Pathway.

The LaPointe-Krebs House is one of the oldest remaining structures in the Mississippi Valley. This French Colonial structure was constructed in approximately 1718, and is an invaluable historic asset to the entire Gulf Coast region, educating the public as to the construction techniques and everyday lifestyle of the region’s earliest settlers. The LaPointe-

Krebs house was designated a Mississippi Landmark in 1984 and has been listed on the National Register of Historic Places since 1971.

The Round Island Lighthouse is currently being restored and relocated onto mainland Pascagoula from Round Island, a small island approximately four miles south of the city. This lighthouse has guided ships along the Gulf Coast and has weathered wars and natural disasters since 1853. The Round Island Lighthouse was designated a Mississippi Landmark in 1987, and has been listed on the National Register of Historic Places since 1986. Round Island was also the site of the first American revolutionary attempt to liberate Cuba. The United States Navy blockaded Round Island for six weeks in 1849 when a group of several hundred Cuban revolutionaries and American soldiers who had returned from the Mexican American War encamped with the purpose of leading a revolutionary brigade to the island of Cuba. This became known as the first Cuban filibuster attempt.

The Zachary Taylor monument commemorates Pascagoula's role as a disembarkation point for soldiers returning from the Mexican American War. Among those returning soldiers were President Zachary Taylor, President Ulysses S. Grant, Senator and Confederate President Jefferson Davis, and Colonel William W S Bliss. Pascagoula was the summer home of President Zachary Taylor, and he is credited with laying out the first subdivision in town. Approximately twenty-three officers stationed in Pascagoula would become generals in the Civil War. Pascagoula is the site at which Zachary Taylor accepted the Whig Party nomination to run for President of the United States in 1848 and the site of the death of his wife Margaret in 1852.

The Pascagoula Historic Pathway is a ten foot wide pathway stretching two miles from downtown Pascagoula to the new mainland location of the Round Island Lighthouse. This pathway allows the City to highlight its many individual historical sites, including the Front Street and Orange Street Historic Districts, both located on the National Register of Historic Places and the L&N Depot, a Mississippi Landmark since 1985 and a National Register listing since 1974.

Phase I of the Interpreting Historic Pascagoula Project will include the development of a Historic Pascagoula website, which will contain summaries of the historical significance of each of these four locations, as well as video of the sites, including the actual relocation of the base of the Round Island Lighthouse from Round Island to the mainland, and audio tours which can be enjoyed online or downloaded and used as a walking tour of the various locations. Physical interpretive signs, as well as a Tour Historic Pascagoula sign and map denoting the locations of each of the four main sites, will be stationed at each location to greet visitors. Along the Pascagoula Historic Pathway, small markers will be placed at the site of former historic locations, and markers will be placed in various locations to explain historical events which occurred near the Pathway. The City will include university scholars and complementary historical associations and sites in the development of the content.

Phase II of the Interpreting Historic Pascagoula Project will contain additional educational components. The website will be expanded to include a "kid-friendly" educational page to teach portions of American history directly to students through use of the site. Additionally, the City will work with educators to create a complementary curriculum of American History, as it pertains to the locations in the City. This curriculum will be made available to all educators through the website. Finally, additional interpretive components will be developed for the LaPointe-Krebs House Museum, including interactive displays which interpret the significance of the early colonization of the Gulf Coast for visitors.

The City of Pascagoula is currently applying for a grant from the National Endowment for the Humanities in the amount of \$100,000 to support Phase I of the Interpreting Historic Pascagoula Project.

Councilman Abston made a motion to approve the application for the National Endowment for the Humanities – Interpreting America's Historic Places Grant as recommended and authorized the Mayor to execute the application upon completion based upon the summary. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-5-10)

The next item for consideration was approval of an amendment to the Memorandum of Agreement with the Mississippi Department of Archives and History for an extension of time for the Round Island Lighthouse Restoration Project (CHPG # 2003-009), as recommended by Harry Schmidt, Community Development Director. The City Manager advised the correct extension date should be December 31, 2010.

The amendment is spread on the minutes as follows:

**Mississippi Community Heritage Preservation Grant Program – Round III
House Bill No. 1597, Laws of Mississippi, 2003
Grantee: City of Pascagoula
Project #: CHPG #2003-009
Project Name: Round Island Lighthouse Restoration**

**AMENDMENT TO THE
MEMORANDUM OF AGREEMENT**

THE MEMORANDUM OF AGREEMENT executed by the City of Pascagoula and the Mississippi Department of Archives and History on April 9, 2004, is hereby amended as follows:

1. SCOPE OF WORK

The project involves the relocation and restoration of the lighthouse including, but not limited to, excavation, relocation, masonry restoration and repointing, and restoration of the lantern house and gallery.

2. PROJECT PERIOD

The project period began December 5, 2003, and all work carried out as part of this project shall be **completed prior to December 31, 2010.**

THIS AMENDMENT becomes effective upon signature of the parties below.

BY: _____
H. T. Holmes
Director
Department of Archives and History
Date

BY: _____
Robbie Maxwell
Mayor
City of Pascagoula, MS
Date

Councilman Abston made a motion to approve an amendment to the Memorandum of Agreement with the Mississippi Department of Archives and History to extend the period for the Round Island Lighthouse Restoration Project (CHPG # 2003-009) to December 31, 2010, as recommended and authorized the Mayor to execute the agreement. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 1-5-10)

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

The next item for consideration was a bid award to Puckett Machinery Company for the backhoe/loader (Bid # 297) for \$76,369.00 for the Gas Department as recommended by Steve Mitchell, Operations Manager. The following bids were received:

| <u>NAME</u> | <u>AMOUNT</u> |
|---|---------------------------------|
| Puckett Machinery Company, Gulfport, MS | \$76,369.00 |
| Stribling Equipment, LLC, Gulfport, MS | \$76,790.00 |
| Lee Tractor Company, Biloxi, MS | \$78,797.00 |
| Sunbelt Rentals, Ocean Springs, MS | \$1,600.00 – rental for a month |

Councilman Abston made a motion to award the bid to Puckett Machinery Company for the backhoe/loader (Bid # 297) for \$76,369.00 for the Gas Department 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 1-5-10)

The next item for consideration was a budget amendment for additional Code Enforcement funding as approved by the Council at its meeting of December 15, 2009, and recommended by Jeane Bull, Assistant Comptroller.

The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 10.11
January 5, 2010**

| | <u>Original Appropriation</u> | <u>Budget Amendment</u> | <u>Amended Budget</u> |
|---|-----------------------------------|-----------------------------|---------------------------|
| <u>Special Reveue Fund</u> | | | |
| <u>Revenues:</u> | | | |
| Special Rev Projects Grants | 463,953.00 | 200,000.00 | 663,953.00 |
| Total Revenues | 463,953.00 | 200,000.00 | 663,953.00 |
| <u>Expenditures:</u> | | | |
| Salaries | 279,324.48 | 169,321.05 | 448,645.53 |
| Fringe | 67,190.00 | 33,291.62 | 100,481.62 |
| Travel | 9,587.08 | -606.37 | 8,980.71 |
| Training | 6,040.27 | -241.27 | 5,799.00 |
| Equipment | 99,035.47 | -1,765.03 | 97,270.44 |
| Supplies | 2,775.70 | 0.00 | 2,775.70 |
| Total Expenditures | 463,953.00 | 200,000.00 | 663,953.00 |
| Net Change in Fund Balance | | 0 | |
| To amend budget to provide authority for Additional Code Enforcement Grant as approved by Council December 15, 2009. | | | |

Councilman Abston made a motion to approve the budget amendment 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 1-5-10)

The following new business items were then considered.

The City Attorney advised that Michael L. Fondren has applied for a central business district ad valorem tax exemption for his new building located at 906 Convent Street. A revised Order was placed at the Council table tonight revising the amount.

After discussion, the Council considered the following revised Order:

**ORDER APPROVING APPLICATION OF MICHAEL L. FONDREN, PC,
FOR AD VALOREM TAX EXEMPTION ON A TRACT OF LAND IN THE
CENTRAL BUSINESS DISTRICT LOCATED AT
906 CONVENT AVENUE**

WHEREAS, Michael L. Fondren ("Applicant") owns a tract of land as described at Deed Book 1411, Page 809, and Deed Book 1411, Page 811, which is located at 906 Convent Avenue and bears tax parcel numbers 41695044.000 and 41695046.000; and

WHEREAS, the parcels are situated within the Central Business District as established by the City Council pursuant to Section 27-31-31, Mississippi Code of 1972; and

WHEREAS, Applicant has constructed a building on the parcels, which was completed on February 27, 2009; and

WHEREAS, Applicant filed an application for ad valorem tax exemption on the building on October 29, 2009, which was within twelve months of the completion of the building; and

WHEREAS, the true value of the building is \$421,810; and

WHEREAS, the building qualifies for the ad valorem tax exemption provided for in said Section 27-31-31;

NOW, THEREFORE, IT IS ORDERED that Applicant is hereby granted an exemption from ad valorem taxation pursuant to said Section 27-31-31 for a period of ten (10) years beginning February 27, 2009, and expiring February 27, 2019, upon said building, except for Pascagoula Municipal Separate School District ad valorem taxes.

IT IS FURTHER ORDERED that the City Clerk shall file the application and this order in a book kept in her office for that purpose and that a copy of the application and this order be filed with the Chairman of the State Tax Commission, the State Auditor of Public Accounts, and the Jackson County Tax Assessor.

The above Order was introduced by Councilman Corder, seconded for adoption by Councilman Abston and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "NAY", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 5th day of January, 2010.

The next item for consideration was a Construction Engineering & Inspection Services Contract for the Pascagoula Historic Pathway and Boat Launch (Project No. STP-0370-00(018)LPA/105401-701000) with Neel Schaffer, Inc., Pascagoula, MS, as recommended by Jaci Turner, Program Manager, and the Mississippi Department of Transportation (MDOT) by letter dated December 15, 2009.

Councilman Corder made a motion to approve the Construction Engineering & Inspection Services Contract for the Pascagoula Historic Pathway and Boat Launch (Project No. STP-0370-00(018)LPA/105401-701000) with Neel Schaffer, Inc., Pascagoula, MS, 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 Wolverson "AYE". (Approved 1-5-2010)

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

The next item for consideration was a Change Order No. 1 to the contract with Krol Electric, Inc. for the HMGP Phase III Generator Project as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. The change order is for an extension of time based on weather delays. This would extend the substantial completion date from December 29, 2009, to January 30, 2010.

Councilman Corder made a motion to approve Change Order No. 1 to the contract with Krol Electric, Inc. for the HMGP Phase III Generator Project as recommended for time extension to January 30, 2010, 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 Wolverson "AYE". (Approved 1-5-2010)

(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 award of a contract for the Old Mobile Highway Mill and Overlay (Stimulus) Project STP 8943-00(002) 105675/7010000 to the lowest and best bid submitted by Superior Asphalt, Inc. for \$687,335.85 as recommended by Jaci Turner, Program Manager, and ABMB Engineers, Inc. The City of Pascagoula received three bids on Monday, December 28, 2009. The apparent lowest bid submitted by Pandle, Inc. was deemed irregular and could not be considered. The remaining two bidders were as follows:

| <u>BIDDER</u> | <u>PROJECT SUBTOTAL</u> |
|------------------------|--------------------------------|
| Superior Asphalt, Inc. | \$687,335.85 |
| C. Thornton, Inc. | \$707,822.33 |

Councilman Corder made a motion to award a contract for the Old Mobile Highway Mill and Overlay (Stimulus) Project STP 8943-00(002) 105675/7010000 to the lowest and best bid submitted by Superior Asphalt, Inc. for \$687,335.85 as recommended, contingent upon approval from MDOT, and authorized the Mayor to execute the contract and related documents after final approval. 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 Wolverson "AYE". (Approved 1-5-10)

(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 an agreement for professional services with Krebs, LaSalle, LeMieux Consultants, Inc., New Orleans, LA, as selected by staff and approved by Council and as recommended by Jaci Turner, Program Manager.

Councilman Milstead made a motion to approve the agreement for professional services with Krebs, LaSalle, LeMieux Consultants, Inc. as recommended and authorized the City Manager to execute the related documents. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".
(Approved 1-5-10)

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

The Order for the docket of claims is spread on the minutes as follows:

ORDER

WHEREAS, the attached docket of claims for the period December 11, 2009, through December 30, 2009, has been presented to the City Council for allowance and approval.

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

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

The above Order was introduced by Councilman Stallworth, seconded for adoption by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Order adopted on the 5th day of January, 2010.

Mayor Maxwell stated the executive session will be postponed until the Council meeting of January 19, 2010.

Councilman Corder advised some members of the Council will be attending the Gulf Coast legislative reception in Jackson on Wednesday night if there are any matters that the Council would like to share with that group.

Councilman Abston made brief comments regarding the upcoming School Board appointment. Applications will be accepted through January 29, 2010, at the City Manager's office.

The City Manager advised that signs will be placed on several City vehicles regarding the litter campaign. City employees are also collecting clothing for Our Daily Bread for the winter weather. The Stennis Institute would like to schedule a workshop with the Council to assist with goals and priorities to help the Council. Tentative dates were discussed. Also, the Strategic Plan Steering Committee would like to meet with the Council and tentative dates are being considered. The City Manager will advise the Council when details have been worked out.

There being no further business to come before the Council at this time, Councilman Wolverton made a motion to recess until Tuesday, January 12, 2010, at 6:00 p.m. to transact

such business as may lawfully come before the Council. Councilman Abston seconded the motion which received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The meeting adjourned at 6:30 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed, City Clerk