

**REGULAR MEETING OF THE CITY COUNCIL**

**TUESDAY, OCTOBER 6, 2009, 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, October 6, 2009, at 6:00 p.m. Mayor Robert H. "Robbie" Maxwell called the meeting to order with the following officials present:

Mayor Robert H. "Robbie" Maxwell  
Councilman Joe Abston  
Councilman Frank Corder  
Councilman Jim Milstead  
Councilman Robert Stallworth, Sr.  
Councilman George L. Wolverton, Sr.

Councilman-at-Large Harold Tillman, Jr. was absent.

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

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

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Paige Roberts, Executive Director of the Southeast Mississippi Chapter of the American Red Cross, addressed the Council regarding the status of the chapter and their fiscal year 2009 annual report. Ms. Roberts thanked the Council for their partnership. Mayor Maxwell expressed appreciation for all their work and dedication.

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Stan Crawford was not able to attend the meeting tonight regarding Our Daily Bread. He will reschedule at a later time.

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Curtis Spiers addressed the Council regarding the Interlocal Governmental Agreement with Jackson County for the Narcotics Task Force and requested approval for a two year renewal period. The City Attorney stated he has reviewed the document and recommended adoption of the Resolution.

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PASCAGOULA, MISSISSIPPI, APPROVING  
THE REVISED INTERLOCAL AGREEMENT FOR THE  
NARCOTICS TASK FORCE FOR A TWO YEAR  
PERIOD ENDING DECEMBER 31, 2011**

**WHEREAS**, on February 22, 2000, the Board of Supervisors of Jackson County, Mississippi, approved an Interlocal Agreement with the cities of Gautier, Pascagoula, Moss Point, and Ocean Springs, to establish a Multi-Agency Task Force, for a term ending December 31, 2001; and

**WHEREAS**, the City Council has approved successive renewals of the Agreement with the most recent approval being on August 21, 2007, for a two-year period ending December 31, 2009; and

**WHEREAS**, certain amendments have now been made to the Interlocal Governmental Agreement for the Narcotics Task Force, a copy of which is attached hereto, and the Council has been asked to approve this new Agreement for a two-year period that will end on December 31, 2011:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI** that it hereby approves the revised Interlocal Governmental Agreement for the Narcotics Task Force for a period of two years ending December 31, 2011.

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 "ABSENT", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 6<sup>th</sup> day of October, 2009.

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

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Cindy Ward, Special Programs Director of the Gulf Coast Women's Center, was presented with a proclamation for Domestic Violence Awareness Month. Mayor Maxwell thanked Ms. Ward and staff for their efforts and dedication. Councilman Milstead then read the following proclamation:

### **P R O C L A M A T I O N**

**WHEREAS**, Domestic Violence, also called spouse abuse, family violence, battering, woman abuse, wife beating, transcends all ethnic, racial, and socioeconomic boundaries; and

**WHEREAS**, victims of domestic violence are affected physically and mentally, and most cases of domestic violence are never reported to the police; and

**WHEREAS**, the crime of domestic violence violates an individual's dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; and

**WHEREAS**, the impact of domestic violence is wide ranging, directly affecting women, children, and society as a whole; and

**WHEREAS**, it is fitting to set aside a special time to bring this issue to the attention of our citizens so they can become better informed and involved in programs to help eliminate this epidemic from our society.

**NOW, THEREFORE**, I, Robert H. Maxwell, Mayor of the City of Pascagoula, Mississippi, do hereby proclaim the month of October as

*Domestic Violence Awareness Month*

in the City of Pascagoula and encourage our citizens to become more aware of Domestic Violence and what each of us can do to help prevent it.

I hereunto set my hand and cause the Official Seal of the City of Pascagoula to be affixed on this the sixth day of October in the year of our Lord two thousand nine.

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Robert H. Maxwell  
Mayor

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Steve Mitchell addressed the Council regarding the reduction in building code effectiveness grading schedule for wind insurance. Mr. Mitchell advised we recently received a Class 4 rating, and the lower the number the better. Additional comments followed. The Mayor stated we are proud of the work being done by Mr. Mitchell and his staff.

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The next item for consideration was a property cleanup hearing at 3522 Ingalls Avenue and 3722 Warwick Street.

**3522 Ingalls Avenue** – Steve Mitchell, Operations Manager, advised the owner has demolished the building and looks much better. He felt this case should be removed from the list.

**3722 Warwick Street** – Steve Mitchell, Operations Manager, advised that a fire occurred at this residence on August 28, 2009, and recommended the Council adopt the Resolution.

The Council then considered the following Resolution:

### **RESOLUTION**

**WHEREAS**, by order dated August 18, 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., October 6, 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**, 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 uncleanness 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**

<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>
41230231.050 3522 Ingalls Avenue	Francis C. Crenshaw and Harold D. Floore P.O. Box 535 Bayou La Batre, Al 36509	Deed Book 1253, Page 658
41205330.000 3722 Warwick Street	Ebony Walker Unknown address <b>(Footnote 1)</b>	Deed Book 1257, Page 385

#### **PARTIES WITH INTEREST**

**Footnote 1:** Citi Mortgage, Inc.  
1111 Northpoint Drive  
Building 4, Suite 100  
Coppell, TX 75019

**The above Resolution was adopted with the following amendments:**

**3522 Ingalls Avenue**

Councilman Wolverton made a motion to “DISMISS” the property cleanup case at 3522 Ingalls Avenue at this time 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 “ABSENT”, and Wolverton “AYE”. (Dismissed 10-6-09)

**3722 Warwick Street**

Councilman Wolverton made a motion to adopt the above Resolution for 3722 Warwick Street. 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 “ABSENT”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 6<sup>th</sup> day of October, 2009.

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The next item for consideration was a property cleanup hearing at 4107 Scovel Road, 2304 Chicot Street, and 4507 Agnes Street.

**4107 Scovel Road (Tax Parcel No. 41475014.000) and  
4107 Scovel Road (Tax Parcel No. 41475014.050)**

Webb Steadman spoke regarding this property which is owned by his daughter. The old house has been torn down and he would like to repair the shed and use it. Steve Mitchell, Operations Manager, advised they cannot use the structure as a permanent shed since there is no longer a primary structure on the property. He requested that the shed be secured and review the case in 60 days.

**2304 Chicot Street** – The property owner addressed the Council on this matter and advised it has been cleaned. Steve Mitchell, Operations Manager, advised they have seen marked improvement over time and recommended its removal from the list.

**4507 Agnes Street** – Steve Mitchell, Operations Manager, advised no work has been done on the property and recommended adoption of the Resolution.

The Council then considered the following Resolution:

**RESOLUTION**

**WHEREAS**, by order dated September 1, 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., October 6, 2009, to determine whether the parcels listed are in such a state of uncleanness as to be a menace to the public health and safety of the community; and

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

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

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

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

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

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

**EXHIBIT A**

<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>
41475014.000 4107 Scovel Road	Genevieve Casey 2103 King Avenue Pascagoula, MS 39567	Deed Book 1566, Page 197

41475014.050 4107 Scovel Road	Yvonne Steadman 1108 Lucas Road Gautier, MS 39553	Deed Book 1566, Page 199
40230130.100 2304 Chicot Street	Charles M. Wright C/O Eckhoff Saw & Motor 5202 Huckleberry Lane Moss Point, MS 39562	Deed Book 845, Page 363
40401136.000 4507 Agnes Street	Alexis Resources P.O. Box 351 Leavenworth, WA 98826	Deed Book 1571, Page 67

**The above Resolution was adopted with the following amendments:**

**4107 Scovel Road (Tax Parcel No. 41475014.000) and  
4107 Scovel Road (Tax Parcel No. 41475014.050)**

Councilman Wolverton made a motion to “TABLE” the property cleanup cases for 4107 Scovel Road (Tax Parcel No. 41475014.000) and 4107 Scovel Road (Tax Parcel No. 41475014.050) until the Council meeting of December 1, 2009. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “NAY”, Milstead “AYE”, Stallworth “AYE”, Tillman “ABSENT”, and Wolverton “AYE”. (Tabled 10-6-09)

**2304 Chicot Street**

Councilman Wolverton made a motion to “DISMISS” the property cleanup case for 2304 Chicot Street from the list at this time. 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 “ABSENT”, and Wolverton “AYE”. (Dismissed 10-6-09)

**4507 Agnes Street**

Councilman Corder made a motion to adopt the above Resolution for 4507 Agnes Street. 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 “ABSENT”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted on the 6<sup>th</sup> day of October, 2009.

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The next item for consideration was a property cleanup hearing at 2312 Seneca Street and 4806 Seminole Street which was continued from the Council meeting of September 1, 2009.

**2312 Seneca Street** – Mark Mosher, owner, advised he has pulled a building permit and hired a sheetrock crew. He has secured some of the doors and requested 60-90 days to complete the project.

**4806 Seminole Street** – The Council was advised the owner could not attend the hearing tonight and requested this item be tabled.

The Council then considered the following Resolution with amendments:

**RESOLUTION**

**WHEREAS**, by order dated August 4, 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., September 1, 2009, to determine whether the parcels listed are in such a state of uncleanness 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 September 1, 2009, meeting until October 6, 2009; 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 uncleanness 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 uncleanness 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

<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>
42150196.000 2312 Seneca St	Mark Mosher & Mike Hylton Address Unknown	Deed Book 1466, Page 297
41335124.000 4806 Seminole St	Christopher Scott Parent 9341 Dunn Rd Moss Point, MS 39562 <b>(Footnote 1)</b>	Deed Book 1530, Page 602

#### PARTIES WITH INTEREST

**Footnote 1:** Keesler Federal Credit Union, 2602 Pass Road, Biloxi, MS 39532

**The above Resolution was adopted with the following amendments.**

#### **2312 Seneca Street**

Councilman Stallworth made a motion to “TABLE” the property cleanup case for 2312 Seneca Street until the Council meeting of December 1, 2009. 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 “ABSENT”, and Wolverton “AYE”. (Tabled 10-6-09)

#### **4806 Seminole Street**

Councilman Wolverton made a motion to “TABLE” the property cleanup case for 4806 Seminole Street until the Council meeting of December 1, 2009. 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 “ABSENT”, and Wolverton “AYE”. (Tabled 10-6-09)

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The next item for consideration was a property cleanup hearing at 810 Market Street which was continued from the Council meeting of July 7, 2009.

**810 Market Street** – Tres Wells addressed the Council wherein he advised there is a contract on his primary residence, 702 Mantou Street. Mr. Wells has contractors lined up to start work as soon as there is a closing on his primary residence. Steve Mitchell, Operations Manager, advised they can work with Mr. Wells and requested that the windows be secured on the house located at 810 Market Street.

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**, 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**

<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>
41230532.000 810 Market Street	Lynn Stallworth McIlwain 902 Columbus Drive Pascagoula, MS 39567	Deed Book 1489, Page 516

Councilman Stallworth made a motion to “TABLE” this property cleanup case until the Council meeting of January 5, 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 “ABSENT”, and Wolverton “AYE”. The Mayor then declared the Resolution adopted, as amended, on the 6<sup>th</sup> day of October, 2009.

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

The first items for consideration were the minutes of the recessed regular Council meetings of September 15, 2009, and September 29, 2009, as recommended by Brenda Reed, City Clerk.

Councilman Corder made a motion to approve and adopt the minutes of the recessed regular Council meetings of September 15, 2009, and September 29, 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 “ABSENT”, and Wolverton “AYE”. (Approved 10-6-09)

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Minutes of the Strategic Plan Steering Committee meeting of September 17, 2009, were acknowledged by the City Council.

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Minutes of the Historic Preservation Commission meeting of September 23, 2009, were acknowledged by the City Council.

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Minutes of the Main Street Board meeting of September 14, 2009, were acknowledged by the City Council.

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The next item for consideration was a request to hang a banner on the new Pascagoula sign to welcome Norman Winters as speaker at the annual Pascagoula Pride annual meeting to be held on October 27, 2009, at 6:00 p.m. at the First Presbyterian Church in Pascagoula as recommended by Rebecca Davis, Main Street Director.

Councilman Corder made a motion to approve the request to hang a banner on the new Pascagoula sign to welcome Norman Winters as speaker at the annual Pascagoula Pride annual meeting to be held on October 27, 2009, at 6:00 p.m. at the First Presbyterian Church in Pascagoula 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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The next item for consideration was the extension of waste container service (Annual Bid # 280) for an additional twelve (12) months to Delta Sanitation, Gautier, MS, at the current contract prices as recommended by Helen Mitchell, Purchasing Agent. The new contract dates are October 21, 2009, through October 20, 2010, with a one year renewal option or shall remain in force until another contract has been awarded.

The prices are as follows:

Two yd.	1 x week	\$50.00	2 x week	\$100.00	Monthly	\$50.00
Four yd.	1 x week	\$60.62	2 x week	\$121.24	Monthly	\$60.62
Six yd.	1 x week	\$77.94	2 x week	\$155.88	Monthly	\$77.94
Eight yd.	1 x week	\$100.00	2 x week	\$190.00	Monthly	\$90.00

Councilman Corder made a motion to approve the extension of waste container service (Annual Bid # 280) for an additional twelve (12) months to Delta Sanitation at the current contract prices 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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The next item for consideration was a request to advertise for bids for an in-car digital video recording system (Bid # 294) for the Police Department as recommended by interim Police Chief Kenny Johnson.

Councilman Corder made a motion to approve the request to authorize the City Clerk to advertise for bids for an in-car digital video recording system (Bid # 294) for the Police 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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The next item for consideration was a request to advertise for bids for street striping (annual bid) as recommended by Steve Mitchell, Operations Manager.

Councilman Corder made a motion to approve the request to authorize the City Clerk to advertise for bids for street striping 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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The next item for consideration was a request to advertise for bids for concrete (Annual Bid # 295) as recommended by Steve Mitchell, Operations Manager.

Councilman Corder made a motion to approve the request to authorize the City Clerk to advertise for bids for concrete (Annual Bid # 295) 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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The next item for consideration was a request to advertise the resources of the City of Pascagoula through the Jackson County Sheriff's Annual Gospel Sing on November 21, 2009, for a Bronze Package for \$200.00 as recommended by Kristi Summerlin, Legal Assistant. This includes a one-half page ad in the program book and on the calendar. The City is given legal authority to provide support to this group by Section 17-3-1, Mississippi Code of 1972.

Councilman Corder made a motion to approve a request to advertise the resources of the City of Pascagoula through the Jackson County Sheriff's Annual Gospel Sing on Saturday, November 21, 2009, for a Bronze Package for \$200.00 for a one-half page ad in the program book and on the calendar 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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Next for consideration was a request for a 2009 physical inventory final retirement list as recommended by Jeane Bull, Assistant Comptroller.

Councilman Corder made a motion to approve the request for the 2009 physical inventory final retirement list 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

(A copy of the related document 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 budget amendment to roll over projects that were not complete from last year's budget for the General Fund as recommended by Jeane Bull, Assistant Comptroller. The budget amendment is spread on the minutes as follows:

**October 6, 2009**

	<b><u>Original Appropriation</u></b>	<b><u>Budget Amendment</u></b>	<b><u>Amended Budget</u></b>
<b><u>General Fund</u></b>			
<b>Revenues:</b>			
<u>Carryover Funds/Sale of Surplus</u>	<b>2,609,643</b>	<b>804,589</b>	<b>3,414,232</b>
<b>Total Revenues</b>	<b><u>2,609,643</u></b>	<b><u>804,589</u></b>	<b><u>3,414,232</u></b>
<b>Expenditures:</b>			
<u>Other Charges - Grants Administration</u>			
FY05-Tidelands- Historic Pathway	<b>0</b>	<b>55,000</b>	<b>55,000</b>
FY04- Tidelands-Historic Pathway	<b>0</b>	<b>30,000</b>	<b>30,000</b>
Tidelands-Point Match	<b>0</b>	<b>20,000</b>	<b>20,000</b>
Chico & Shortcut Match	<b>0</b>	<b>391,203</b>	<b>391,203</b>
Promenda-Match	<b>0</b>	<b>210,000</b>	<b>210,000</b>

404 Retrofit Match	0	38,276	38,276
FEMA Elevation Match	0	45,110.00	45,110.00
Unallocated Pathway Match	0	15,000.00	15,000.00
<b>Total Expenditures</b>	<b>0</b>	<b>804,589</b>	

**Budget Amendment to rollover  
Projects that were not completed  
from FY 2009 budget.**

Councilman Corder made a motion to approve the budget amendment as presented. 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 “ABSENT”, and Wolverton “AYE”. (Approved 10-6-09)

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Next for consideration was a request to authorize the City Manager to dispose of Surplus Item # 13267 (leg press machine – value \$500.00) and donate it to the Mississippi Department of Corrections at the Jackson County Work Center for the use of the inmates for recreational purposes as recommended by Darcie Crew, Parks and Recreation Director. This item is no longer needed by her department and was donated to the City of Pascagoula by the State of Mississippi from the former U.S. Naval Station Pascagoula.

Councilman Corder made a motion to authorize the City Manager to dispose of Surplus Item # 13267 (leg press machine – value \$500.00) and donate it to the Mississippi Department of Corrections at the Jackson County Work Center for the use of the inmates for recreational purposes 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 “ABSENT”, and Wolverton “AYE”. (Approved 10-6-09)

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The next item for consideration was Change Order No. 2 to the contract with J. E. Borries, Inc., Vancleave, MS, for the Round Island Beach Restoration and Breakwater Extension/Restoration Project as recommended by Jaci Turner, Program Manager. This will extend the substantial completion time to August 31, 2009, and final completion to October 6, 2009. This change is needed to account for delays related to weather impacts and to negotiations with FEMA regarding final quantities of sand to be moved. The contract price is not affected.

Councilman Corder made a motion to approve Change Order No. 2 to the contract with J. E. Borries, Inc. for the Round Island Beach Restoration and Breakwater Extension/Restoration

Project as recommended and authorized the City Manager to execute the related document. 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

(A copy of the related document 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 bid award for sand (Annual Bid #290) to the low bidder, Mallette Brothers, Gautier, MS, for \$9.93 per yard for 1,000 yards or less and \$9.93 per yard for over 1,000 yards as recommended by Steve Mitchell, Operations Manager. The new contract dates are October 6, 2009, to October 5, 2010, with a one-year renewal option.

Councilman Corder made a motion to award the bid for sand (Annual Bid # 290) to the low bidder, Mallette Brothers, Gautier, MS for \$9.93 per yard for 1,000 yards or less and \$9.93 per yard for over 1,000 yards 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

\*\*\*\*\*

The next item for consideration was a bid award for antiscalant/disperant/antifoulant (Annual Bid # 293) to the low bidder, Water and Waste Specialties Co., Inc., Theodore, AL, with a price of \$3,000.00 per 55 gallon drum concentrate as recommended by Steve Mitchell, Operations Manager. The contract dates will be October 6, 2009, to October 5, 2010, with a one-year renewal option.

Councilman Corder made a motion to award the bid for antiscalant/disperant/antifoulant (Annual Bid # 293) to the low bidder, Water and Waste Specialties Co., Inc., Theodore, AL, with a price of \$3,000.00 per 55 gallon drum concentrate 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

\*\*\*\*\*

**The following new business items were then considered.**

The City Manager advised the Council needs to appoint a voting delegate and an alternate for the 2009 National League of Cities Annual Business Meeting to be held on Saturday, November 14, 2009, in San Antonio, TX. Councilman Wolverton and Councilman Corder are registered for the conference.

After discussion, Councilman Stallworth made a motion to appoint Councilman George Wolverton as the voting delegate and Councilman Frank Corder as the alternate for the 2009 National League of Cities Annual Business Meeting to be held on Saturday, November 14, 2009,

in San Antonio, TX. 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

\*\*\*\*\*

The next item was an Ordinance to amend Section 70-9 of the Mississippi Code to increase the fee for the removal of refuse. The Ordinance is spread on the minutes as follows:

**ORDINANCE NO. 9-2009  
CITY OF PASCAGOULA, MISSISSIPPI**

**AN ORDINANCE TO AMEND SECTION 70-9 OF THE CODE OF  
ORDINANCES OF THE CITY OF PASCAGOULA, MISSISSIPPI, TO  
INCREASE THE FEE FOR REMOVAL OF REFUSE; AND FOR  
RELATED PURPOSES**

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

**SECTION 1.** Section 70-9 of the Code of Ordinances of the City of Pascagoula, Mississippi, is amended as follows:

(a) Occupants or owners of premises that have refuse collected therefrom and disposed of by the city, are required to pay a monthly fee therefor which will be billed for along with utility service billings. So long as premises are served by a water or gas meter that is "on," the monthly refuse removal charge will be made on the customary utility bill. If refuse is removed from premises that are not serviced by city water or gas service, then the removal charge will be made by a separate billing, which shall be the cost of equipment, labor, and disposal expense.

(b) Unless otherwise provided in this section, the charge for removing refuse from commercial, industrial, or institutional establishments and multifamily residences having eight or more dwelling units shall be as negotiated between such persons and a private refuse collector. If the city collects refuse, such as tree limbs, from these kinds of premises, the owner or occupant shall be billed by the city for the reasonable cost thereof.

(c) The occupants or owners of residences other than those of multifamily residences having eight or more dwelling units and commercial establishments that generate less than two 96-gallon carts of refuse per week shall pay \$14.35 per month for removal of refuse.

**Section 2.** The new rates provided for herein shall be charged beginning with the first billing cycle in October, 2009.

**Section 3.** This ordinance shall become effective upon its passage in order that the new rate can begin as provided above.

The above Ordinance was introduced in writing by Councilman Milstead, 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 "ABSENT", and Councilman Wolverton voted "AYE".

Passed this the 6<sup>th</sup> day of October, 2009.

APPROVED:

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

ATTEST:

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

\*\*\*\*\*

The City Attorney advised that the proposed Ordinance to change the name of the northern and western ends of Robinhood Street to Long Avenue be removed from the agenda tonight for further review.

(Councilman Abston left the meeting at 6:40 p.m.)

\*\*\*\*\*

The next item was a Resolution authorizing just compensation for Viola M. Brown for a permanent stormwater sewer easement on 4603 McArthur Street as follows:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF PASCAGOULA, MISSISSIPPI, AUTHORIZING JUST**

**COMPENSATION FOR VIOLA M. BROWN FOR A PERMANENT  
STORMWATER SEWER EASEMENT ON 4603 MCARTHUR STREET**

**WHEREAS**, the City of Pascagoula has a need to acquire a stormwater sewer easement over property belonging to Viola M. Brown for the purpose of relocating an existing stormwater sewer line which is in danger of eminent collapse; and

**WHEREAS**, it is necessary to set just compensation for the acquisition of the aforesaid easement which is described on the plat attached hereto as an Exhibit; and

**WHEREAS**, the City Attorney has successfully negotiated with the landowner for the acquisition of the easement at fair market value thereby obviating litigation; and

**WHEREAS**, the City Council does hereby find that it is in the best interest of the City and for the public health and safety of the citizens of the community that the easement be acquired forthwith:

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

**SECTION 1.** That the findings and recitals in the above preamble are hereby declared and found to be true and correct.

**SECTION 2.** The City Attorney is hereby authorized to acquire the easement from Viola M. Brown for the sum of \$1,721.13, which is hereby determined to be just compensation therefor.

**SECTION 3.** The City Manager is authorized and ordered to issue a mechanical check payable to Viola M. Brown in the amount of \$1,721.13 as consideration for the acquisition of the easement described in the attached exhibit.

**SECTION 4.** This resolution shall take effect immediately upon passage.

The above Resolution 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 "ABSENT", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 6<sup>th</sup> day of October, 2009.

(Councilman Abston returned to the meeting at 6:42 p.m.)

\*\*\*\*\*

The next item for consideration was a request to consider the engagement of legal counsel with Carroll, Warren & Parker, PLLC, Jackson, MS, for an Annexation Feasibility Study as recommended by the City Attorney. Councilman Corder made comments on the possible annexation to the east of Pascagoula. Councilman Milstead expressed concern regarding the fees of the legal counsel.

Councilman Corder made a motion to approve the engagement of legal counsel for an Annexation Feasibility Study with Carroll, Warren & Parker, PLLC, Jackson, 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

The document is spread on the minutes as follows:

CARROLL WARREN & PARKER PLLC  
188 EAST CAPITOL STREET, SUITE 1200  
JACKSON, MISSISSIPPI 39201

POST OFFICE BOX 1005  
JACKSON, MISSISSIPPI  
39215-1005

TELEPHONE: (601) 592-1010  
FACSIMILE: (601) 592-6060  
WEB: WWW.CWPLAW.COM



CARROLL  
WARREN  
& PARKER

September 30, 2009

Via Email & U.S. Mail

Eddie C. Williams, Esq.  
City of Pascagoula, Mississippi  
Post Office Box 908  
Pascagoula, Mississippi 39568  
[ewilliams@cityofpascagoula.com](mailto:ewilliams@cityofpascagoula.com)

Re: Potential Annexation by the City of Pascagoula, Mississippi

Dear Mr. Williams:

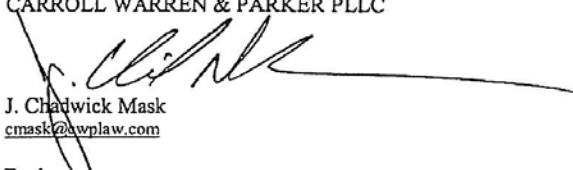
I have enjoyed meeting with you and other city officials during the past several weeks to discuss annexation by the City of Pascagoula, and I appreciate the opportunity to make an annexation presentation to the Pascagoula City Council at its September 29, 2009 meeting.

Consistent with discussions during yesterday's Council meeting, I am enclosing herein a proposed letter of engagement setting forth the terms of our firm's legal representation of the City of Pascagoula in its annexation efforts. Jim Carroll and I have an hourly rate of \$190, while the hourly rate for associates on this matter is \$150. Paralegals will be charged at the rate of \$90 per hour. These hourly rates are reflected in the enclosed Engagement Letter.

Jim and I appreciate the City's interest in our law firm, and we look forward to the opportunity to represent Pascagoula in its annexation efforts. If you have any questions regarding the enclosed Engagement Letter or if you would like to discuss the annexation process further, do not hesitate to contact me.

Sincerely,

CARROLL WARREN & PARKER PLLC



J. Chadwick Mask  
[cmask@cwplaw.com](mailto:cmask@cwplaw.com)

Enclosure

cc: Mayor Robert Maxwell (*via U.S. Mail*)  
City Manager Kay Kell (*Via U.S. Mail*)  
James L. Carroll, Esq.

596609

CARROLL WARREN & PARKER PLLC | POST OFFICE BOX 1005 | TELEPHONE: (601) 592-1010  
188 EAST CAPITOL STREET, SUITE 1200 | JACKSON, MISSISSIPPI | FACSIMILE: (601) 592-6060  
JACKSON, MISSISSIPPI 39201 | 39215-1005 | WEB: WWW.CWPLAW.COM



CARROLL  
WARREN  
& PARKER

October 1, 2009

**Via U.S. Mail**

Mayor Robert Maxwell  
City of Pascagoula, Mississippi  
603 Watts Avenue  
Pascagoula, Mississippi 39567

RE: City of Pascagoula, Mississippi

Dear Mayor Maxwell:

This letter will confirm the engagement of Carroll Warren & Parker PLLC (the "firm") to represent the City of Pascagoula, Mississippi in the performance of legal services on behalf of the City with respect to organized growth and consideration of future annexation issues. It also sets forth the terms upon which the firm will provide legal services to you in connection with this matter and the manner in which we will bill for services rendered and costs and expenses incurred.

With respect to our fees for legal services, the hourly rates for attorneys and other members of our professional staff are based upon each individual's experience, specialization and level of professional attainment. Various portions of this matter may be handled by other firm members or by associates or paralegals under supervision of a firm member. The hourly rate for partners on this case is \$190. The hourly rate for associates is \$150. Paralegals will be charged \$90 per hour.

We charge 55 cents per mile and 25 cents per copy for copies made.

Our statements generally will be prepared and mailed on a monthly basis. Statements are due upon receipt.

The time for which you will be charged will include, but will not be limited to: telephone and office conferences with you and counsel, consultants, experts, court personnel and others; conferences among our firm lawyers and legal personnel; factual investigations; travel time; and any other time that may be spent on matters related to this file.

In discharging our responsibilities to you it may be necessary for the firm to incur costs and expenses for various items such as travel, filing fees, long distance telephone charges, delivery services, messengers and photocopying. These items will be separately itemized on our monthly statements.

596601

Mayor Robert Maxwell  
October 1, 2009  
Page 2

You acknowledge that this firm is not your general counsel and that the acceptance of this engagement by us does not involve representation of your interests in any matter other than that set forth herein. Since the outcome of litigation is subject to the vagaries and risks inherent in the litigation process, it is understood that we have made no promises, guarantees, warranties, or representations to you concerning the outcome of this litigation and cannot do so.

You will have the right to terminate our services at any time upon written notice to the firm. Such termination shall not, however, relieve you of the obligation to pay for all services rendered and costs or expenses paid or incurred on your behalf prior to the date of such termination. The firm reserves the right to withdraw from this representation if, among other things, you fail to honor the terms of our engagement or follow our advice on a material matter, or, if we believe our continuing representation would be unlawful or unethical. In the event the firm elects to withdraw from representation, you shall be given reasonable notice to arrange alternative representation.

If the foregoing terms of our engagement are acceptable, please sign, date and return the enclosed duplicate original of this letter. We look forward to being of service to you.

Sincerely,

**CARROLL WARREN & PARKER PLLC**

BY: \_\_\_\_\_  
J. Chadwick Mask, Member

**APPROVED AND AGREED TO:**

**THE CITY OF PASCAGOULA, MISSISSIPPI**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Mayor Robert Maxwell

596601

(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 was a Letter of Agreement for Planning and Consulting Services with Mike Slaughter of Slaughter & Associates, PLLC, for planning and consulting services pertinent to the Annexation Study as recommended by the City Attorney. Mr. Williams noted an amendment was needed to the document in Item #4 where invoices would be paid within 45 days rather than 30 days.

Councilman Corder made a motion to approve the Letter of Agreement for Planning and Consulting Services, as amended, with Mike Slaughter of Slaughter & Associates, PLLC, for planning and consulting services pertinent to the Annexation Study 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

The Letter of Agreement is spread on the minutes as follows with the original executed version noting the amendment in Item # 4 as recommended above.

**LETTER OF AGREEMENT FOR  
PLANNING AND CONSULTING SERVICES**

THIS AGREEMENT is entered into by and between **SLAUGHTER & ASSOCIATES, PLLC**, hereinafter called the **CONSULTANT** and the **CITY OF PASCAGOULA, MISSISSIPPI**, hereinafter called the **CITY**.

1. The CITY does hereby employ the CONSULTANT to perform professional and technical services for Preparation of a Municipal Annexation Feasibility Study consisting of the following:
  - a. Determine initial study area;
  - b. Conduct land use survey and prepare land use map;
  - c. Demographic analysis;
  - d. Land use and demographic presentation to the Mayor and Council;
  - e. Conduct departmental requirements;
  - f. Meeting with the Mississippi State (Fire) Rating Bureau;
  - g. Work with the City Engineer re: preparation of a water and sewer plan and cost estimates for study area;
  - h. Prepare detailed General Fund financial analysis and projections for the existing city and study area;
  - i. Review reasonableness of study area as applied to the 12 indicia of reasonableness defined by the Mississippi Supreme Court; and
  - j. Final presentation and recommendations to the Mayor and City Council.
2. The CONSULTANT hereby agrees to perform the above services in a diligent and competent manner in accordance with the standards applicable to this work.
3. The CITY shall compensate the CONSULTANT for professional services rendered (estimated to range from \$25,000 - \$30,000) plus direct reimbursement for out-of-pocket expenses including travel, per diem expenses for personnel, purchased information and services, copies, graphic materials and other necessary expenses. *The CONSULTANT may require the assistance of the city engineer regarding water, sewer, street and drainage facilities and cost estimates, whose fee, if any, is not covered in this agreement.*
4. The CONSULTANT will submit monthly or periodic invoices to the CITY requesting payment. Such requests will be based upon the amount and value of work and services performed by the CONSULTANT and will be accompanied by an itemized statement of work performed. The CITY shall pay the CONSULTANT the total amount of the invoice within thirty (30) days after receipt of the invoice. Nonpayment or payment less than the amount of the invoice within the specified time shall be cause for suspension of work by the CONSULTANT. The invoices will be based on the following rate schedule:

Principal Planner:	\$150.00/hr.
Associate Planner I:	\$125.00/hr.
Associate Planner II:	\$100.00/hr.
Assistant Planner I:	\$ 85.00/hr.
Assistant Planner II:	\$ 60.00/hr.
Planning/GIS Technician:	\$ 50.00/hr.
Office Technician:	\$ 30.00/hr.

5. The CITY may terminate or re-negotiate this letter of agreement at any time with written notification to the CONSULTANT.
6. Any reports, information, data, memoranda, or documents in any form, electronic or otherwise, prepared or assembled by the CONSULTANT under this agreement shall be the property of the CITY, even if remaining with the CONSULTANT, and the CONSULTANT shall maintain confidential all of such information unless specifically authorized in writing by the CITY through its Mayor or Attorney.

✓ IN WITNESS WHEREOF the CITY and the CONSULTANT have executed this Agreement this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CLIENT: THE CITY OF PASCAGOULA, MISSISSIPPI

BY: \_\_\_\_\_ WITNESS: \_\_\_\_\_  
Robert Maxwell, Mayor Kay Johnson Kell, City Manager

CONSULTANT: SLAUGHTER & ASSOCIATES, PLLC

BY: Mike Slaughter WITNESS: Sam Russell  
Mike Slaughter, P.E., AICP Sam Russell, AICP

(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 request from Bruce Knott, Human Resources Director, regarding part-time employees as follows:

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**INTEROFFICE MEMORANDUM**

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**TO:** KAY KELL  
COUNCIL MEMBERS

**FROM:** BRUCE E. KNOTT

**SUBJECT:** PART-TIME EMPLOYEES

**DATE:** 11/2/2009

So that we can better utilize our human resources and allow department heads to operate more effectively and efficiently, staff recommends changing the way we manage our part-time employees.

Currently department heads are allotted a certain number of employees and we budget the necessary monies to cover those costs. However, that approach doesn't give the department head the flexibility to have more or fewer part-timers on hand during peak or slow times.

For example, Parks and Recreation needs more part-timers on hand during the summer months when the parks are busier. During the winter months they don't need as many employees on hand to maintain the parks. However, under our current program the department head does not have the authority to add more people as needed.

Our recommendation is to set a budget for part-time employees and allow the department head to staff their department as needed. It empowers the department head to meet the needs of our customers while still focusing on being stewards of the taxpayer dollar.

At this time the vast majority of our part-time employees work in Parks and Recreation. However, the flexibility and costs savings of having part-time employees looks more and more attractive across all departments. During tough economic times many organizations turn to part-time employees for the following reasons:

- 1) They are a cheaper labor force since we don't pay the same fringe benefits (which accounts for about 40% of an employee's salary)
- 2) They are normally more willing to work a flexible schedule from week to week depending on the needs of the department.
- 3) We are able to attract retired professionals who are only looking for a certain number of hours to subsidize their incomes.

We feel that by allowing department heads to utilize their part-time employees as they see fit (within the guidelines of the budget) we will be able to dramatically improve the services we offer.

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Councilman Stallworth made a motion to approve the request by Bruce Knott, Human Resources Director, for changes regarding part-time employees as noted in the above memorandum. 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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The next item for consideration was a request to amend the award of the River Park Water and Sewer CDBG/DEQ Projects W-25 and S-30, according to the bid tabulation and recommendation by Compton Engineering, to Hemphill Construction Company, Inc. for \$716,414.00, contingent upon Secretary of State and MDEQ approval, and as recommended by Jaci Turner, Program Manager. Ms. Turner advised the original bid award was to the same contractor, but there was a misunderstanding regarding the additive alternate item. The amended award reduces the contract by \$85,800.00 to a total of \$716,414.00. The tabulation is as follows:

Water Transportation Facilities – Project W-26	\$258,831.00
Wastewater Transportation Facilities – Project S-30	\$411,383.00
Deduct Item 15001 – L 8" HDPE Directional Drill	-\$85,800.00
Additive Alternate No. 1	<u>\$132,000.00</u>
<b>TOTAL FOR WATER AND WASTEWATER TRANSPORTATION FACILITIES:</b>	<b>\$716,414.00</b>

Councilman Stallworth made a motion to approve the request to amend the award of the River Park Water and Sewer CDBG/DEQ Projects W-25 and S-30, according to the bid tabulation and recommendation by Compton Engineering, to Hemphill Construction Company, Inc. for \$716,414.00, contingent upon Secretary of State and MDEQ approval, as recommended, and authorized the City Manager to execute the related documents after final approval. 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

(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 bid award for the Hurricane Katrina Repairs to the Anola Club on Washington Avenue to CIS Construction, Inc., Pensacola, FL, for \$46,419.39, which includes the Total Base Bid and Alternates No. 1, 2, and 3, in accordance with the recommendation by Compton Engineering and as recommended by Jaci Turner, Program Manager.

Councilman Stallworth made a motion to approve the bid award for the Hurricane Katrina Repairs to the Anola Club to CIS Construction, Inc., Pensacola, FL, for \$46,419.39, which includes Total Base Bid and Alternates No. 1, 2, and 3 and authorized the City Manager to execute the related documents and contract as appropriate. 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

(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 Change Order #6 to the contract with Century Construction, Tupelo, MS, on the Senior Center Project for \$65,774.90, contingent upon MDA approval, as recommended by Jaci Turner, Program Manager. This is for communication changes, millwork changes, window and door changes, and miscellaneous items.

Councilman Wolverton made a motion to approve Change Order #6 to the contract with Century Construction, Tupelo, MS, on the Senior Center Project for \$65,774.90, contingent upon MDA approval, 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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

\*\*\*\*\*

The next item for consideration was a Resolution and Statement of Understanding for the Mississippi Department of Archives and History Community Heritage Preservation Grant Application for a \$150,000.00 grant for repairs to the La Pointe-Krebs House as follows:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASCAGOULA,  
MISSISSIPPI, SUPPORTING THE APPLICATION FOR  
COMMUNITY HERITAGE GRANT PROGRAM FUNDS FOR RESTORATION  
OF THE LAPOINTE-KREBS HOUSE**

**WHEREAS**, the LaPointe-Krebs House is a historic and treasured structure located within the City of Pascagoula; and

**WHEREAS**, the City desires to restore the LaPointe-Krebs House to its original condition for the education and enjoyment of the public; and

**WHEREAS**, the City supports the plans to restore the House as outlined in the Community Heritage Grant Program application and as established by the Mississippi Department of Archives and History and the Colonial Williamsburg Foundation; and

**WHEREAS**, the City has become familiar with the Statement of Understanding attached hereto; and

**WHEREAS**, the City will provide the requisite matching funds in support of this grant:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI**, that it hereby supports the application for Community Heritage Grant Program Funds in the amount of one hundred fifty thousand dollars (\$150,000.00) for restoration of the LaPointe-Krebs House.

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 "ABSENT", and Wolverson "AYE". The Mayor then declared the Resolution adopted on the 6<sup>th</sup> day of October, 2009.

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The next item for consideration was a Resolution and Statement of Understanding for the Mississippi Department of Archives and History Community Heritage Preservation Grant Application for a \$550,000.00 grant for the rehabilitation of the L & N Depot as follows:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI, SUPPORTING THE APPLICATION FOR COMMUNITY HERITAGE GRANT PROGRAM FUNDS FOR RESTORATION OF THE PASCAGOULA L & N TRAIN DEPOT**

**WHEREAS**, the Pascagoula L & N Train Depot is a historic and treasured structure located within the City of Pascagoula; and

**WHEREAS**, the City desires to restore the L & N Train Depot to its original condition for the education and enjoyment of the public; and

**WHEREAS**, the City supports the plans to restore the Depot as outlined in the Community Heritage Grant Program application; and

**WHEREAS**, the City has become familiar with the Statement of Understanding attached hereto; and

**WHEREAS**, the City will provide the requisite matching funds in support of this grant:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI**, that it hereby supports the application for Community Heritage Grant Program Funds in the amount of five hundred fifty thousand dollars (\$550,000.00) for restoration of the Pascagoula L & N Train Depot.

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 "ABSENT", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 6<sup>th</sup> day of October, 2009.

\*\*\*\*\*

At this time, Steve Mitchell, Operations Manager, made several comments on the Utility Partners Ditch Maintenance Report for May 2009 through September 2009 and stated we are very pleased with their work so far. The Council acknowledged receipt of the report.

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The next item for consideration was a bid award for asphalt (Annual Bid # 291A for BB-1 and Annual Bid # 291B for SC-1) as recommended by Steve Mitchell, Operations Manager. Mr. Mitchell recommended award to Land Shapers, Gulfport, MS, for the BB-1 and SC-1 (laid in place) at \$75.00 per ton for paving of streets. Contract dates will be October 21, 2009, through October 20, 2010, with a one year renewal option at the same contract prices. He also recommended the rejection of the low bid of \$45.00 per ton for SC-1 (picked up at the plant) from Land Shapers, Inc., Gulfport, MS, and award this portion of the contract to Pandle, Inc., Pascagoula, MS, for \$64.00 per ton and Mallette Brothers, Gautier, MS, for \$68.83 per ton. The location of the asphalt plant owned by Land Shapers is located in Gulfport. The distance and time necessary for our crews to travel to Gulfport is impractical. Any savings realized over the cost of the asphalt would be offset by the time and expense of traveling.

Councilman Stallworth made a motion to approve the bid award for asphalt (Annual Bid # 291A for BB-1 and Annual Bid # 291B for SC-1) and reject the low bid of \$45.00 per ton for SC-1 from Land Shapers, Inc. and award this portion of the contract to Pandle, Inc. for \$64.00

per ton and Mallette Brothers for \$68.83 per ton as recommended above. 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

(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 closeout documents for the contract with Roofing Enterprises, Inc., Folsom, LA, for the low roof renovations to the Pascagoula Recreation Center with final payment of \$19,470.52 as recommended by Darcie Crew, Parks and Recreation Director, and Compton Engineering.

Councilman Stallworth made a motion to approve the closeout documents for the contract with Roofing Enterprises, Inc. for the low roof renovations to the Pascagoula Recreation Center with final payment of \$19,470.52, authorized a manual check, and authorized the City Manager to execute the related documents 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

(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 Order for the docket of claims as follows:

### **ORDER**

**WHEREAS**, the attached docket of claims for the period September 11, 2009, through October 2, 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 Abston, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "ABSENT", and Wolverton "AYE". The Mayor then declared the Order adopted on the 6th day of October, 2009.

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**OTHER MATTERS:**

Gay Cunningham, 4100 Pascagoula Street, addressed the Council regarding speeding on Pascagoula Street and the need for some type of strips to be placed to slow vehicles down. A discussion followed and Police Capt. Kenny Johnson advised they will review the complaint.

Earl McGuire, 4400 Pascagoula Street, also voiced concerns about speeding on Pascagoula Street and the need to make the street safer.

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The City Manager requested approval of a manual check for \$306,345.98 to Century Construction for work completed on the new Senior Center as requested by Jaci Turner, Program Manager, and Compton Engineering.

Councilman Stallworth made a motion to approve a manual check for \$306,345.98 to the Century Construction as requested. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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The City Manager recommended approval of travel and related expenses for the Council to visit the State Fire Academy.

Councilman Stallworth made a motion to approve travel and related expenses for the Council to visit the State Fire Academy 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 "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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The City Manager advised that four of the Katrina cottages arrived in Pascagoula today and they are temporarily being stored at our 10<sup>th</sup> Street property. She also advised that Jaci Turner is reviewing the project priority list and will be preparing this for Council review in the near future.

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Mayor Maxwell stated that a tour of Fairhope, AL, is being planned soon. He also inquired about the lights on Beach Boulevard. Ms. Turner stated we need a date set to turn on the lights.

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Councilman Milstead requested an update on projects since he is often asked by citizens what the status is on certain projects. The City Manager also invited him to attend the projects meetings when convenient.

Councilman Abston thanked Spencer Bailey and Donald Clinton for picking up trash recently on the empty lot on north Belair Street.

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The City Attorney noted that Jackson County had requested a Special Planning Board meeting; however, he received an email today from Attorney Kathy Parker that they would like to withdraw the request.

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Mayor Maxwell advised that he attends meetings of the Jackson County Economic Development Board as well as Councilman Corder. Mayor Maxwell stated he felt it would be beneficial for other members to attend also and requested approval for Councilman Tillman to serve for a period of time followed by Councilman Milstead to allow participation by new members of the Council.

Councilman Corder made a motion to ratify the request of Mayor Maxwell that Councilman Tillman and Councilman Milstead serve for a period of time on the Jackson County Economic Development Foundation 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, "ABSENT", and Wolverton "AYE". (Approved 10-6-09)

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There being no further business to come before the Council at this time, Councilman Wolverton made a motion to recess until Tuesday, October 20, 2009, at 6:00 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, "ABSENT", and Wolverton "AYE".

The meeting ended at 7:20 p.m.

**APPROVED:**

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Robert H. "Robbie" Maxwell, Mayor

**ATTEST:**

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Brenda J. Reed, City Clerk