

REGULAR MEETING OF THE CITY COUNCIL

TUESDAY, NOVEMBER 2, 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, November 2, 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 George L. Wolverton, Sr.

City Attorney Eddie Williams
Asst. City Clerk Brenda J. Reed
City Clerk/Comptroller Robert J. Parker

City Manager Kay J. Kell was absent.
Councilman Harold Tillman, Jr. was absent.

Mayor Maxwell welcomed everyone to the meeting. Councilman Milstead gave the invocation which was followed by the Pledge of Allegiance.

Several property cleanup hearings were held at this time which was tabled from previous Council meetings. They are as follows:

1302 Lureco – (continued from the Council meeting of October 5, 2010)

Steve Mitchell, Operations Manager, gave an update on the property. The owner was not in attendance.

After discussion, the Council considered the following Resolution:

RESOLUTION

WHEREAS, by order dated June 1, 2010, this Council authorized giving notice to the owner of the parcel of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., July

6, 2010, to determine whether the parcel listed is in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

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

WHEREAS, this matter was continued at the July 6, 2010, meeting until August 3, 2010; and

WHEREAS, this matter was continued at the August 3, 2010, meeting until October 5, 2010; and

WHEREAS, this matter was continued at the October 5, 2010, meeting until November 2, 2010; and

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

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

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

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

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

shall adjudicate the actual cost of cleaning the parcel and such costs shall be an assessment against the parcel.

EXHIBIT A

<u>Tax Parcel Number and Property Address</u>	<u>Owner(s) and Mailing Address</u>	<u>Described at the following Jackson County, MS, Deed Books and Pages</u>
41795005.000 1302 Lureco Dr.	Ina Jean Edwards 1388 Cedar Crossing Road Uvalda, GA 30473-4131	Deed Book 197, Page 147

The following action was taken by the City Council:

Councilman Corder made a motion to “TABLE” the property cleanup matter for 1302 Lureco Drive until the Council meeting of November 16, 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”. (Tabled 11-2-10)

4808 Fairmont Street – (continued from the Council meeting of 9-7-10)

Steve Mitchell, Operations Manager, recommended the lot be cleaned but leave the house. No one was present to represent the property.

The Council then considered the following Resolution:

RESOLUTION

WHEREAS, by order dated August 3, 2010, this Council authorized giving notice to the owner of the parcel of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., September 7, 2010, to determine whether the parcel listed is in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

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

WHEREAS, this matter was continued at the September 7, 2010, meeting until November 2, 2010; and

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

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

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

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

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

EXHIBIT A

<u>Tax Parcel Number and Property Address</u>	<u>Owner(s) and Mailing Address</u>	<u>Described at the following Jackson County, MS, Deed Books and Pages</u>
41245047.000 4808 Fairmont	Ernest Hudson 3506 Woodcrest St Pascagoula, MS 39581	Deed Book 1159, Page 73

The following action was taken by the City Council regarding the property at 4808 Fairmont.

Councilman Wolverton made a motion to adopt the Resolution with the amendment to clean the property only and leave the house. 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". The Mayor then declared the Resolution adopted, as amended, on the 2nd day of November, 2010.

1306 Apache – (continued from Council meeting of September 7, 2010)

Steve Mitchell, Operations Manager, recommended this property cleanup matter be dismissed. No one was present to represent this property.

927 Beach – (continued from Council meeting of September 7, 2010)

Steve Mitchell, Operations Manager, recommended this property cleanup matter be dismissed. No one was present to represent this property.

The Council then considered the following Resolution:

RESOLUTION

WHEREAS, by order dated August 17, 2010, this Council authorized giving notice to the owners of the parcels of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., September 7, 2010, to determine whether the parcels listed are in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

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

WHEREAS, this matter was continued at the September 7, 2010, meeting until November 2, 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>
41335230.000 1306 Apache	Deborah Cornish 13624 Country Trail Vanceleave, MS 39565 (Footnote 1)	Deed Book 772, Page 76
41710017.000 927 Beach	Brad Paetz 7312 Park Ridge Road Moss Point, MS 39562	Deed Book 1305, Page 199

PARTIES WITH INTEREST

Footnote 1: -Small Business Association, 801 Tom Martin Drive, Suite 120, Birmingham, AL 35211
-Keesler Federal Credit Union, P.O. Box 7001, Biloxi, MS 39534-7001

The following actions were taken by the City Council:

1306 Apache -

Councilman Wolverton made a motion to “DISMISS” the property cleanup matter at 1306 Apache as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “ABSENT”, and Wolverton “AYE”. (Dismissed 11-2-10)

927 Beach -

Councilman Milstead made a motion to “DISMISS” the property cleanup matter at 927 Beach as recommended. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “ABSENT”, and Wolverton “AYE”. (Dismissed 11-2-10)

The Council then held property cleanup hearings for the following new cases as follows:

315 John Avenue

Steve Mitchell, Operations Manager, advised the owner is using the property as a storage site for his business and recommended adoption of the Resolution. No one was present to represent the property.

403 John Avenue

Steve Mitchell, Operations Manager, recommended adoption of the Resolution. No one was present to represent the property.

407 John Avenue

Steve Mitchell, Operations Manager, recommended adoption of the Resolution. No one was present to represent the property.

4522 Peach Street

Steve Mitchell, Operations Manager, gave an update on the property. Donna Harrelson, granddaughter of the property owner, spoke regarding the cleanup matter. She inherited the property; however, it is not in her name at this time. After discussion, Mr. Mitchell recommended that the City clean the property.

4507 Peach Street

Steve Mitchell, Operations Manager, advised the property is in bad shape and recommended adoption of the Resolution.

The Council then considered the following Resolution:

RESOLUTION

WHEREAS, by order dated October 5, 2010, this Council authorized giving notice to the owners of the parcels of land listed in Exhibit A of a hearing before this Council at 6:00 P.M., November 2, 2010, to determine whether the parcels listed are in such a state of uncleanliness as to be a menace to the public health and safety of the community; and

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

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

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

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

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

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

EXHIBIT A

<u>Tax Parcel Number and Property Address</u>	<u>Owner(s) and Mailing Address</u>	<u>Described at the following Jackson County, MS, Deed Books and Pages</u>
40405114.000 315 John Ave	Paul Kenneth Schrage 2017 Margie Moore Ave Pascagoula, MS 39567	Deed Book 1589, Page 50
40405138.000 403 John Ave.	James R. Moore 104 Patriot Place Summerville, SC 29485	Deed Book 1055, Page 525
40405130.000 407 John Ave	James R. Moore 104 Patriot Place Summerville, SC 29485	Deed Book 1059, Page 908
41700209.000 4522 Peach St	Richard Eugene Smith 1804 Courtney Drive Gautier, MS 39553	Deed Book 810, Page 543
41700212.000 4507 Peach St	Calvin L. Heathcoe 4507 Peach St. Pascagoula, MS 39567	Deed Book 1400, Page 126

315 John Avenue -

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "ABSENT", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 2nd day of November, 2010.

403 John Avenue -

The above Resolution was introduced by Councilman Abston, seconded for adoption 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". The Mayor then declared the Resolution adopted on the 2nd day of November, 2010.

407 John Avenue -

The above Resolution was introduced by Councilman Abston, seconded for adoption 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". The Mayor then declared the Resolution adopted on the 2nd day of November, 2010.

4522 Peach Street -

The above Resolution was introduced by Councilman Stallworth, seconded for adoption 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 on the 2nd day of November, 2010.

4507 Peach Street -

The above Resolution was introduced by Councilman Stallworth, seconded for adoption 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 on the 2nd day of November, 2010.

The consent agenda items are as follows:

The first item for consideration was the minutes of the recessed regular Council meeting held on October 19, 2010, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Stallworth made a motion to approve and adopt the minutes of the recessed regular Council meeting of October 19, 2010, as recommended. 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 11-2-10)

The next item for consideration was the renewal of the Retail Advertising Contract with The Mississippi Press for 2010-2011, as recommended by Brenda Reed, Asst. City Clerk. The base contract bulk rate is \$9.56 (daily) and \$10.03 (Sunday). If paid by the 25th of the month following publication, the discount rates are \$8.31/inch (daily) and \$8.73/inch (Sunday). The new contract period is from November 1, 2010, through October 31, 2011.

Councilman Stallworth made a motion to approve the renewal of the Retail Advertising Contract with The Mississippi Press for 2010-2011 as recommended and authorized the Mayor to execute the related documents. The motion was seconded by Councilman Abston and

received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "ABSENT", and Wolverton "AYE". (Approved 11-2-10)

(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 the Employee Crime Policy with Stewart Sneed Hewes, as recommended by Jeane Bull, Assistant Comptroller. The premium is \$1,636.00 and covers the period from October 22, 2010, to October 22, 2011.

Councilman Stallworth made a motion to approve the renewal of the Employee Crime Policy with Stewart Sneed Hewes as recommended and a manual check for \$1,636.00 for the period of 10-22-10 to 10-22-11. 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 11-2-10)

Next for consideration were the FY 2010 DUI Grant closeout documents for the Police Department through the Mississippi Public Safety Planning Division, as recommended by Aleta Raley, Grants Accounting Specialist.

Councilman Stallworth made a motion to authorize the Mayor to execute the FY 2010 DUI closeout documents for the Police Department through the Mississippi Public Safety Planning Division as recommended. 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 11-2-10)

(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 temporary signage for the "Downtown for the Holidays" event as recommended by Rebecca Davis, Main Street Manager. The event will be held on Friday, December 3, 2010, and signage will be hung between the columns at the entrance to Delmas Avenue.

Councilman Stallworth made a motion to approve temporary signage to be hung between the columns at the entrance to Delmas Avenue for this year's "Downtown for the Holidays" event as recommended. 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 11-2-10)

The next item for consideration was a request to advertise the “Christmas on the River” event in Moss Point, MS, as recommended by Rebecca Davis, Main Street Manager. The small wooden signs would be placed at the corner of Highway 90 and Market Street from November 3, 2010, to December 6, 2010.

Councilman Stallworth made a motion to approve placement of small wood signs at the corner of Highway 90 and Market Street from November 3, 2010, to December 6, 2010, to advertise Moss Point’s “Christmas on the River” event as recommended. 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 11-2-10)

The next item for consideration was a banner request for a photography show to be held at the Jolly McCarty Historic Depot on November 16, 2010, as recommended by Rebecca Davis, Main Street Manager.

Councilman Stallworth made a motion to approve a banner request for a photography show to be held at the Jolly McCarty Historic Depot on November 16, 2010, as recommended. 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 11-2-10)

The next item for consideration was a request to continue the state of emergency that was declared on April 30, 2010, until November 16, 2010, as recommended by Bruce Knott, Human Resources Director.

Councilman Stallworth made a motion to continue the state of emergency that was declared on April 30, 2010, until the Council meeting of November 16, 2010, as recommended. 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 11-2-10)

The next item for consideration was fire and casualty insurance for 16 Katrina Cottages with our current carrier, Landmark American Insurance Company, through Ross-King-Walker as recommended by Jeane Bull, Assistant Comptroller, and per MOU requirements with FEMA. The cost is \$8,193.75 for the remainder of the policy term which just renewed in June 2010.

Councilman Stallworth made a motion to approve the fire and casualty insurance for 16 Katrina Cottages with our current carrier, Landmark American Insurance Company, through Ross-King-Walker as recommended and a manual check of \$8,193.75 for timely payment. 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 11-2-10)

The next item for consideration was a request for Pascagoula Pride to use the City postage meter to solicit contributions for projects completed by Pascagoula Pride and City beautification crews as recommended by Jaci Turner, Program Manager. The estimated amount of postage to be used for this purpose is \$100.00. A brief discussion followed.

Councilman Stallworth made a motion to approve the request for Pascagoula Pride to use the City postage meter to solicit contributions for projects completed by Pascagoula Pride and City beautification crews in an amount not to exceed \$100 as recommended. 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 11-2-10)

The next item for consideration was a request to ratify approval and signature by Jaci Turner, Program Manager, for Supplemental Agreement #3 for the Old Mobile Highway stimulus project as recommended. The agreement authorizes changing the asphalt mix from MT to ST with no change to the pavement scope, time or cost of the project.

Councilman Stallworth made a motion to ratify approval and signature by Jaci Turner, Program Manager for Supplemental Agreement #3 for the Old Mobile Highway stimulus project, as recommended. 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 11-2-10)

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

Next for consideration was a budget amendment in the General Fund for the Economic Development special events as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.07
November 2, 2010**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>	-	-	-

-	-		
Revenues:			
-			
<u>Miscellaneous:</u>			
Donations from Private Sources		2,500	2,500
Event Revenues		1,350	1,350
-			
Total Revenues	0	3,850	3,850
Expenditures:			
<u>Economic Development:</u>			
<u>Other Services & Charges:</u>			
Special Events	30,000	3,850	33,850
Total Expenditures	30,000	3,850	33,850
Net Change in Fund Balance		0	
To amend budget to provide authority for increased Special Event expenditures financed by private contributions and event revenues.			

Councilman Stallworth made a motion to approve the budget amendment for Economic Development special events, as recommended. 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 11-2-10)

Next for consideration was a budget amendment in the Forfeiture and Seizure Fund for purchase of bullet proof vests as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.08
November 2, 2010**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Forfeiture & Seizure Fund</u>	-	-	-
- <u>Revenues:</u>	-		-
-	-		-
-	-		-
- <u>Other Financing Sources:</u>	-		-
- Transfers from General Fund	0	3,248	3,248
-	-		-
Total Revenues	0	3,248	3,248
- <u>Expenditures:</u>	-		-
-			
- <u>Capital Outlay:</u>			
- Other Furniture & Equipment	0	6,496	6,496
-			
Total Expenditures	0	6,496	6,496
 Net Change in Fund Balance		(3,248)	
<p>To amend the budget of the Forfeiture & Seizure Fund to provide for expenditure authority for the cost of bullet proof vests, and the receipt a grant transfer from the General Fund, which is funding 50% of the cost. The other 50% is from unexpended funds carried over from last fiscal year.</p>			

Councilman Stallworth made a motion to approve the budget amendment in the Forfeiture and Seizure Fund for the purchases of bullet proof vests, as recommended. 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 11-2-10)

Next for consideration was a budget amendment in the General Fund for grant revenue and related expenses as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.09
November 2, 2010**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>	-	-	-
-	-		-
- <u>Revenues:</u>	-		-
-			
- <u>Grants:</u>			
- BJA Grant - Police Vests	0	3,248	3,248
Total Revenues	0	3,248	3,248
-	-		-
-	-		-
- <u>Expenditures:</u>			
-			
- <u>General Administration:</u>			
- <u>Transfers:</u>			
- Transfers to Forf & Seiz Fd	0	3,248	3,248
-			
Total Expenditures	0	3,248	3,248
Net Change in Fund Balance		-	
To amend the budget of the General Fund to provide expenditure authority to transfer 50% of the cost of bullet proof vests to the			

Forfeiture & Seizure Fund, and record the corresponding receipt of the Grant from the Bureau of Justice Administration.			
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Councilman Stallworth made a motion to approve the budget amendment in the General Fund for grant revenue and related expenses, as recommended. 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 11-2-10)

Next for consideration was a budget amendment in the Community Development Fund for the Arts Commission grant revenue and related expenses as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.10
November 2, 2010**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>	-	-	-
- <u>Revenues:</u>	-		-
- <u>Grants:</u>			
MS Arts Commission Grant	0	22,500	22,500
<u>Transfers:</u>			
Transfer From General Fund		30,000	30,000
Total Revenues		52,500	52,500
- <u>Expenditures:</u>			
<u>Community Development:</u>			
<u>Other Services & Charges:</u>			
Program Outlay & Expense	0	52,500	52,500
- Total Expenditures	0	52,500	52,500

Net Change in Fund Balance		-
To amend budget to provide expenditure authority of the MS Arts Commission Grant & match for the Art Center as approved by Council on October 19, 2010. The match for this grant was budgeted during FY 2011 Budget process.		

Councilman Stallworth made a motion approve the budget amendment in the Community Development Fund for the Arts Commission grant revenue and related expenses, as recommended. 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 11-2-10)

Next for consideration was a budget amendment in the Community Development Fund for the DWFP Environmental Trail grant revenue and related expenses as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.11
November 2, 2010**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>	-	-	-
- <u>Revenues:</u>	-		-
- <u>Grants:</u>			
DWFP Environmental Trail Grant	0	90,000	90,000
<u>Transfers:</u>			
Transfer From General Fund		20,000	20,000

Total Revenues		110,000	110,000
<u>Expenditures:</u>			
<u>Community Development:</u>			
<u>Other Services & Charges:</u>			
- Program Outlay & Expense	0	110,000	110,000
-			
Total Expenditures	0	110,000	110,000
Net Change in Fund Balance		-	
To amend budget to provide expenditure authority of the DWFP Environmental Trail Grant & match for the River Bridge Pathway as approved by Council on October 19, 2010. The match for this grant was budgeted during FY 2011 Budget process.			

Councilman Stallworth made a motion to approve the budget amendment in the Community Development Fund for the DWFP Environmental Trail grant revenue and related expenses, as recommended. 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 11-2-10)

Next for consideration was a budget amendment in the General Fund for Grant administration to reclassify grant match expenditures as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

City of Pascagoula
Budget Amendment # 11.12
November 2, 2010

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>General Fund</u>	-	-	-
- <u>Expenditures:</u>	-		-
- <u>General Administration:</u>			
<u>Transfers:</u>			
Transfer to Comm. Dev. Fd.	0	30,000	30,000
Transfer to Comm. Dev. Fd.	0	20,000	20,000
<u>Grants Administration:</u>			
<u>Other Services & Charges:</u>			
Arts Comm Match	30,000	-30,000	0
Parks & Rec Trails Match	20,000	-20,000	0
- Total Expenditures	50,000	0	50,000
 Net Change in Fund Balance		-	
 To amend budget to reclassify expenditure authority for grant matches provided for in BA 11.10 and BA 11.11 and the FY 2011 budget to enable proper fund accounting treatment.			

Councilman Stallworth made a motion approve the budget amendment in the General Fund for grant administration to reclassify grant match expenditures, as recommended. 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 11-2-10)

The next item for consideration was a request to authorize the Mayor to execute additional award agreement documents for the Energy Efficiency and Conservation Block Grant through the Mississippi Development Authority as recommended by Harry Schmidt, Community Development Director. This will provide funding to replace incandescent street lights in the City of Pascagoula with energy efficient LED street lights. The grant award total is \$99,952.00.

Councilman Stallworth made a motion to authorize the Mayor to execute additional award agreement documents for the Energy Efficiency and Conservation Block Grant through the Mississippi Development Authority, as recommended. 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 11-2-10)

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

The last consent agenda item for consideration was a request to add the new Pascagoula Senior Center to the existing janitorial contract with Sparkle Cleaning Service, referred to hereafter as Exhibit L, and as recommended by Darcie Crew, Parks and Recreation Director. The additional fee will be \$1,950.00 per month.

Exhibit L to the contract is spread on the minutes as follows:

EXHIBIT L

NEW PASCAGOULA SENIOR CENTER BUILDING

1912 Live Oak Avenue

(A) DAILY DUTIES:

1. Sweep and mop floors
2. Clean all restrooms and showers
3. Empty all trash
4. Clean all activity rooms
5. Clean windows in lobby and entrance areas

(B) WEEKLY DUTIES:

1. Sweep the porches
2. Dust all offices, lobby, and gift shop furniture

(C) SEMI-ANNUAL DUTIES:

1. Strip and wax VCT tile floors

(D) **ANNUAL DUTIES:**

1. Clean the windows, blinds, and HVAC vents/returns.

Price: \$1,950.00 per month

Effective Date: November 3, 2010

From: Sparkle Cleaning Service
3813 Devonshire Drive
Moss Point, MS 39563

Randy Harris, Owner

Date

Accepted: City of Pascagoula
P. O. Drawer 908
Pascagoula, MS 39568-0908

Eddie Williams, City Manager

Date

Councilman Stallworth made a motion to approve Exhibit L to add the New Pascagoula Senior Center to the existing janitorial contract with Sparkle Cleaning Service at an additional monthly cost of \$1,950.00 effective November 3, 2010, as recommended and authorize the City Manager to sign 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 11-2-10)

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

The following new business items were then considered.

The first item for consideration was an appointment to the Pascagoula Library Board to replace John Kinard who recently resigned. Councilman Corder recommended that Kay Sims be appointed to fill the unexpired term of Mr. Kinard. His term will expire on December 16, 2012.

After a brief discussion, Councilman Corder made a motion to appoint Kay Sims to the Pascagoula Library Board to fill the unexpired term of John Kinard whose term will end on December 16, 2012. 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". (Approved 11-2-10)

The next item to be considered was approval of capital improvement expenditures for the Utilities Billing Department for materials not to exceed \$7,000.00 as recommended by Jaci Turner, Program Manager. Work will be completed in-house to minimize costs. The department will temporarily relocate to the existing Senior Center building once they have moved to the new site on Live Oak Avenue. Ms. Turner advised we recently received a grant to convert that building into an Arts Center. The temporary housing of Utilities Billing would occur between the senior move and the Arts Center improvements. The improvements in the Utilities Billing area will allow for four service desks, evenly equipped to improve efficiency and service to the public.

After discussion, Councilman Stallworth made a motion to approve the capital improvement expenditures for the Utilities Billing Department as recommended in an amount not to exceed \$7,000.00. 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 11-2-10)

The next item to be considered was approval of an extension of the MDA Planning Grant Modification #3 (R-103-290-01-KP) until March 31, 2011, as recommended by Jaci Turner, Program Manager. Additional time is needed to review the draft planning documents and make recommendations.

Councilman Corder made a motion to approve the extension of the MDA Planning Grant Modification #3 (R-103-290-01-KP) until March 31, 2011, as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "ABSENT", and Wolverton "AYE". (Approved 11-2-10)

(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 MDA Senior Center Grant Modification #4 request to reallocate funds from building construction to site improvements on Live Oak Avenue to match the final bid amounts as recommended by Jaci Turner, Program Manager.

Councilman Corder made a motion to approve the MDA Senior Center Grant Modification #4 as recommended and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "ABSENT", and Wolverton "AYE". (Approved 11-2-10)

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

Next for consideration was a request to allow the Utilities Department to proceed with the purchase of two trucks (one for the Gas Department for \$45,000.00 and one for the Sewer Department for \$40,000.00) that were budgeted in FY2011 and included on the supplemental capital items list as recommended by Steve Mitchell, Operations Manager.

After discussion, Councilman Corder made a motion to "TABLE" the capital purchase request for two trucks and reconsider this purchase when the need arises. 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". (Tabled 11-2-10)

The next item for consideration under new business was to approve an extension of the contract with D'Vine Soul Food, Biloxi, MS, for operation of the Beach Park concession stand for a period of one year from November 1, 2010, through October 31, 2011, as recommended by Darcie Crew, Parks and Recreation Director. The contract is spread on the minutes as follows:

**PROFESSIONAL SERVICES FOR CONCESSION OPERATION AND SALES
CITY OF PASCAGOULA
PARKS AND RECREATION DEPARTMENT
PASCAGOULA, MISSISSIPPI**

The City of Pascagoula, hereinafter "City", and D'Vine Soul Food, hereinafter "Vendor", hereby extend the professional service agreement attached hereto as Exhibit "A" for concession operations and sales at the City's Beach Park Concession Facility, hereinafter "Facility". The respective duties and obligations of the parties are set forth hereinbelow.

I. VENDOR OBLIGATIONS

1. Vendor shall be responsible for operating the Facility located at 600 City Park Street. Vendor shall provide professional staff for the operation of the Facility and the sale of food therein.
2. Vendor shall be responsible for providing any and all equipment necessary to the operation including but not limited to the following: sno-cone machine, upright freezer, upright refrigerator, hot dog warmer, nacho cheese warmer, nacho warmer, popcorn

popper, microwave, under counter ice maker as necessary and any and all other materials and supplies needed by Vendor for the operation the Facility.

3. Vendor shall be responsible for all labor involved in operation of the Facility and shall be responsible for all related employee expenses, including any benefits that Vendor chooses to offer for the employees and the requisite Worker's Compensation Insurance.
4. Vendor shall be responsible for reporting all sales taxes generated by sales at the Facility and shall make available to City monthly reports of sales and sales tax remittances.
5. Vendor shall acquire all business licensing and MS Health Department permits. All licensing documents and Health Department permits shall be prominently displayed at the Facility and shall remain in place throughout the use of the Facility by the Vendor. Failure of the Vendor to obtain the proper licensing and Health Department permits shall result in the immediate termination of this contract.
6. Vendor agrees to provide a variety of food items to include, but not be limited to, sno-cones, nachos, hot dogs, chips, drinks and pre-packaged ice cream. Vendor agrees that it will charge commercially reasonable prices for all items sold at the Facility and subject to review and approval by the City.
7. The hours of operation for the Facility shall be as follows:
 - a. November 1, 2010 – May 1, 2011: Saturday 10:00am - 6:00pm and Sunday 12:00pm – 6:00pm.
 - b. May 2, 2011 – September 5, 2011: Monday – Saturday 10:00am – 7:30pm and Sunday 12:00pm – 7:30pm.
 - c. September 6, 2011 - October 31, 2011: Saturday 10:00am – 6:00pm and Sunday 12:00pm to 6:00pm.
 - d. During special events such as the Sounds by the Sea Concert that is held annually on Sunday prior to the Memorial Day Holiday and July 4, the Vendor shall be allowed to keep the Facility open until 9:00 pm on those dates.
 - e. Should the Vendor desire additional hours of operation, then a written request for the same with reasons therefor shall be presented to the City Parks and Recreation Director for consideration and approval.
8. Vendor shall maintain liability insurance in an amount not less than \$500,000.00 and shall submit a Certificate of Liability Insurance that names the City as an additional insured on such policy. This policy shall remain in effect at all times that Vendor operates the Facility and until such time as this agreement should be terminated.
9. Vendor shall maintain the Facility in a clean and orderly manner at all times. All garbage, trash, food remnants and solid waste of any kind shall be removed daily by Vendor and promptly disposed of in appropriate containers. Vendor shall sweep, mop and sanitize the Facility after each use and shall promptly store and secure any and all food items in a safe and sanitary manner. Vendor shall also be responsible for keeping

the restrooms in the Facility clean on a daily basis and shall also clean the deck and the grounds immediately surrounding the Facility.

10. For the use of the Facility, Vendor shall pay over to the City a sum equal to 15% of Vendor's gross monthly sales. Vendor shall furnish the City with a monthly sales report and shall make available to the City, upon reasonable request, all books of account kept by the Vendor so that the City may determine compliance with this part of the agreement.

II. CITY OBLIGATIONS

1. City shall be responsible for furnishing Vendor with access to the Park and to the Facility at all times necessary to Vendor's operations. To this end, Vendor shall be furnished with keys to the Park and to the Facility. These keys shall be for the sole and exclusive use of the Vendor and shall not be given to any third parties for any reason whatsoever.
2. The City shall be responsible for the maintenance, repairs and upkeep of the Facility. Should any repairs to the structure be necessary, the Vendor shall immediately notify the City of same.
3. City shall retain a key to the Facility and shall, on a monthly basis, make an inspection thereof to determine compliance with this agreement. City shall notify Vendor immediately of any failure on the Vendor's part to adequately clean the Facility and the restrooms. Vendor, upon receipt of such notice, shall immediately undertake to correct the situation to the satisfaction of the City.
4. Prior to the commencement of this agreement, the City and the Vendor shall conduct and inventory an inspection of the Facility and shall note any and all defects, if any, therein. An inventory and inspection sheet shall be prepared by the City for this purpose and shall be signed by the Vendor upon completion of the inspection.
5. City shall provide water and electricity at no cost to Vendor.

III. MISCELLANEOUS

1. The parties to the agreement acknowledge that this is an "independent contractor" arrangement and that the Vendor does not operate as an employee or agent for the City. Vendor remains fully responsible for the payment of its employees and for the operation of the Facility subject only to the terms of this agreement.
2. The term of the initial agreement commenced May 28, 2010, and continued through October 31, 2010, at which time, by mutual agreement between the Vendor and the City, the agreement may be renewed for an additional one-year term ending October 31, 2011. Each year thereafter, and by mutual agreement of the parties, the agreement may be renewed for successive one-year terms each ending on the 31st day of October in each successive year. Either party to this agreement may terminate the same upon thirty (30) days written notice of such party's intent to terminate the agreement. Should termination occur prior to the end of any term of this agreement, then, in such event, Vendor shall be

responsible to pay to the City a sum equal to 15% of the Vendor's gross sales through the date of the termination of the agreement.

3. Vendor agrees that upon termination of this contract, Vendor will immediately surrender the Facility to the City in as good condition as it was at the time of the commencement of the contract, normal wear and tear excepted. On termination of the agreement, Vendor shall surrender all keys to the City and shall promptly remove from the Facility any and all equipment and materials belonging to Vendor. If any equipment or materials remain in the Facility for more than ten (10) days after the date of termination, the City shall have the right to remove the same and to dispose of it as City shall see fit.
4. Vendor agrees to indemnify and hold the City harmless from any and all claims, causes of action, assessments or other matters that may arise from Vendor's use of the Facility and which may be attributable to the either deliberate acts, or negligence, of any of Vendor's employees during the operation of the Facility. This agreement to indemnify shall extend to all costs of litigation, if the same becomes necessary, including attorney fees, court costs and any judgments that might be rendered against the City as a result of such litigation.
5. In the event that the City should place the Vendor on notice of a breach by the Vendor of any of the terms and conditions set forth in this contract, then in such event, the Vendor shall have ten (10) calendar days from date of such notice within which to cure the breach by the Vendor. Failure by the Vendor to cure the breach of the agreement within ten (10) calendar days after notice being given by the City, shall result in the immediate termination of this contract and the immediate relinquishment of possession of the Facility by the Vendor.
6. A waiver of any term or condition of this contract by either party shall not be deemed a waiver of any other terms and conditions and further shall not be deemed to be a waiver of such term or condition in the future. Should any term or condition of this contract be determined to be void or unenforceable, then such invalidity or unenforceability of such term or condition shall not operate to invalidate, or render unenforceable, any of the remaining terms and conditions of this agreement.
7. Vendor acknowledges that it is fully responsible for compliance with this contract and for the operation of the Facility as set forth herein. No sub-leasing or assignment of this contract by the Vendor will be allowed except upon approval by the City Council after a written request therefor being made by the Vendor. The City, for its part, covenants and agrees that it will not unreasonably withhold permission to sub-let or assign any portion of this agreement.
8. Vendor is prohibited from making any physical modifications to the Facility without first obtaining the written permission of the City to do so. Vendor shall not be allowed to post any signage on the exterior of the Facility with the exception of menus and pricing which must be removed at the close of business each day. The City agrees, however, that Vendor may display its logo on a removable sign attached to the exterior of the Facility.

In this regard, Vendor shall comply with all of the sign ordinance regulations of the City and shall obtain a permit for such sign from the Code Enforcement Department.

9. The terms and conditions of this contract shall be construed in accordance with the laws of the State of Mississippi. The parties agree that venue for any litigation that might arise from any breach of this agreement shall be commenced in the Circuit Court of Jackson County, Mississippi.
10. No modifications or alterations of this agreement shall be allowed except in writing properly authorized and executed by the respective parties.

Witness the signatures of the parties by their duly authorized representatives on this the _____ day of _____, 2010.

D'VINE SOUL FOOD

BY: _____

NORMA NELSON, OWNER

CITY OF PASCAGOULA, MISSISSIPPI

BY: _____

EDDIE WILLIAMS, CITY MANAGER

After discussion, Councilman Abston made a motion to approve the extension of the contract with D'Vine Soul Food for operation of the Beach Park concession stand for a period of one year from November 1, 2010 through October 31, 2011, as recommended and authorize 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 11-2-10)

(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 Order for the docket of claims as follows:

ORDER

WHEREAS, the attached docket of claims for the period October 15, 2010, through October 29, 2010, has been presented to the City Council for allowance and approval.

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

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

Councilman Corder made a motion to approve the Order for the docket of claims, excluding payment to Medical Arts Pharmacy for \$176.02 as shown on page 10. 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 Order adopted, as amended, on the 2nd day of November 2010.

The next item to be considered was authorization for the Mayor to execute the titles of the five currently leased motorcycles to Daytona Harley Davidson, Ormond Beach, FL, as recommended by Kenny Johnson, Police Chief, and Eddie Williams, City Attorney.

Councilman Wolverton made a motion to authorize the Mayor to execute the titles of the five currently leased motorcycles to Daytona Harley Davidson, Ormond Beach, FL, as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "ABSENT", and Wolverton "AYE". (Approved 11-2-10)

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

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

After discussion and during executive session, Councilman Corder made a motion to approve the request of Kay Kell to be relieved of her duties as City Manager effective immediately and grant her request to use FMLA leave, pending receipt of medical documentation. 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 "NAY". (Approved 11-2-10)

Councilman Corder made a motion to appoint Eddie Williams as Acting City Manager effective immediately. 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 11-2-10)

After further discussion, Councilman Corder amended his motion to appoint Eddie Williams as Acting City Manager effective immediately with a ten percent (10%) increase in salary during the time he serves in this capacity. 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 11-2-10)

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

Jaci Turner, Program Manager, briefed the Council on foundation work needed for the Lighthouse at its new location. Jason Borries has recommended that a test pile be performed which will require a change order to the contract. After discussion, the Council concurred that the work should be done and a change order will be forthcoming.

Bruce Knott, Human Resources Director, advised the new Pascagoula magazine will be presented next week and copies available to the public. The employee Christmas party is scheduled for December 11, 2010. A tentative date of either December 9 or December 16 is being considered for a retirement party for Kay Kell. Mr. Knott reminded the Council that Eddie Williams' annual evaluation is due.

Brief comments were made regarding the resumes for the City Manager position. Mr. Williams noted that 40 resumes have been received thus far. The deadline is Monday, November 15, 2010.

Eddie Williams, City Attorney, reminded the Council that he will be on vacation during Thanksgiving week. The new Senior Center will have a ribbon cutting ceremony on Wednesday, November 17, 2010, at 11:00 a.m. MDOT is planning an unveiling of the memorial signs on Highway 90 in April, 2011. He advised that Becky Whitehead plans to address the Council at the next meeting regarding the property cleanup matter for 2914 Frederic Street. Bob Monette with Utility Partners has agreed to reduce their contract increase percentage from 3% to 1.75%, and we are contacting other contractors to negotiate with them regarding this matter. A brief discussion was held regarding a request from Shannon Strunk, Baber's Leasing, concerning the drainage ditch on Amonette Street.

Councilman Milstead provided a handout to the Council regarding some annexation concerns and requested they review the information.

There being no further business to come before the Council at this time, Councilman Stallworth made a motion to recess until Tuesday, November 16, 2010, at 6:00 p.m. to transact such business as may lawfully come before the Council. 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".

The meeting ended at 7:05 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed, Asst. City Clerk