

**RECESSED REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY, SEPTEMBER 8, 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 recessed regular meeting on Tuesday, September 8, 2009, at 6:00 p.m. Mayor Maxwell called the meeting to order with the following officials present:

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

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

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

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Lynn Truelove, Chairman of the Board for the Jackson County Chamber of Commerce, and other members from the Executive Committee were in attendance tonight. He thanked the Council for its past support and made some brief comments about the work of the Chamber. He extended an invitation for the Council to attend their Strategic Planning Retreat on Thursday, September 10, 2009, from 8:30 a.m. – 3:00 p.m. to prepare the Chamber's Program of Work. It will outline the activities the Chamber will be doing during the next 12 months and describe how to accomplish and pay for the activities. The Program of Work contains specific goals and objectives for each Issue Manager Group.

Carla Todd, President and CEO of the Jackson County Chamber of Commerce, provided a handout to the Council and gave a brief update on projects. Jerry St. Pe and Ellen Cole also made comments regarding the services provided by the Chamber and encouraged Council input on projects in Pascagoula. The Council thanked them for coming and encouraged the Chamber to become more pro-active for the city. The Mayor noted the budget will be tight for FY 2010 and the Council will review all requests for support very carefully.

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The City Manager advised that a new cottage village concept has been introduced by Habitat for Humanity. They have requested approval of a unique demonstration housing project on Lanier Street at an approximate cost of \$1.4M which consists of 13 lots. Ms. Kell advised that Habitat for Humanity owns the property and it would be a very nice project for the area.

After discussion, Councilman Wolverton made a motion to approve the housing project by Habitat for Humanity on Lanier Street as recommended. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 9-8-09)

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Next for consideration was sewer line work needed for the proposed Jackson County Services Complex. Members of the Board of Supervisors had previously requested that the City of Pascagoula pay half of the cost (or \$50,000.00) to move the sewer line and possibly use the City's contractor for the job. The City Manager advised she had an invoice for \$50,000.00 that would cover our part if the Council chose to assist with the work.

After a brief discussion, Councilman Corder made a motion to approve the City of Pascagoula paying \$50,000.00 and the use of the City's contractor to assist in moving the sewer line for Jackson County as requested. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 9-8-09)

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The City Attorney presented a Resolution for Preservation Grill, 610 and 612 Delmas Avenue, to apply for resort area classification. After discussion, the Council considered the following Resolution:

**RESOLUTION ADOPTED PURSUANT TO REGULATION 18 OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE MISSISSIPPI STATE TAX COMMISSION TO APPLY FOR RESORT AREA CLASSIFICATION FOR A CERTAIN AREA IN THE CITY OF PASCAGOULA, JACKSON COUNTY, MISSISSIPPI, LOCATED AT 610 AND 612 DELMAS AVENUE**

**WHEREAS**, the electorate of Jackson County on July 29, 1966, voted in favor of coming out from under the prohibition laws and in favor of the manufacture, sale, distribution and possession of alcoholic beverages in Jackson County to the extent and in the manner permitted by the Laws of the State of Mississippi; and

**WHEREAS**, the law permits the designation of certain areas as "qualified resort areas"; and

**WHEREAS**, regulations have been adopted by the Alcoholic Beverage Control Division of the Mississippi State Tax Commission, establishing, among other things, the procedure by which qualified resort areas may be designated by the State Tax Commission; and

**WHEREAS**, the tourist industry of Jackson County and the surrounding area has grown steadily and has become ever more an important part of the economy of the Gulf Coast.

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

**PASCAGOULA, MISSISSIPPI:**

**FIRST:** That tourists, vacationers and other transients are regularly and customarily attracted to Pascagoula, Mississippi, because of its historical, scenic and recreational facilities and attractions, including but not limited to, historical areas, the Mississippi Sound, its tributaries and other attractions rivers and bayous and hunting areas in the county.

**SECOND:** Certain areas of the City have a more direct impact upon the tourism industry of the City and are more a part of the tourism industry and do more to attract vacationers and other transients to stop and to remain in Pascagoula overnight than other areas of the City.

**THIRD:** Under the laws of Mississippi, the City Council has neither the right nor duty to determine what is or is not a resort area within the meaning of the law, but under the Regulations of the Alcoholic Beverage Control Division of the State Tax Commission, the City Council may make application to said Commission to have said Commission determine whether or not given locations within the City are resort areas within the meaning of the law.

**FOURTH:** In an effort to comply with the terms of said Regulation 18 the City Council does hereby authorize and direct the City Clerk to submit an application to the Alcoholic Beverage Control Division of the State Tax Commission for the designation of the area hereinafter described as a qualified resort area within the meaning of Chapter 1 of Title 67, Mississippi Code of 1972, more particular described as follows; to-wit:

A piece or parcel of property located in part of Lot 21, Valentine Delmas Tract, Jackson County, Mississippi, and more particularly described as follows:

Beginning at the Northwest Corner of Lot 21 of the Valentine Delmas Tract, located on the south margin of Delmas Ave., Pascagoula, Mississippi and run thence; South 77° East a distance of 50 feet; thence run South 13° West a distance of 60 feet; thence run North 77° West a distance of 50 feet more or less; thence run North 13° East a distance of 60 feet back to the Point of Beginning.

AND ALSO:

Part of Lot 21 of the Valentine Delmas Tract in the City of Pascagoula, in Claim Section 5, Township 8 South, Range 6 West, Jackson County, Mississippi, as per plat thereof recorded

in Book 12, Page 73 of the Land Deed Records of Jackson County, Mississippi, described as follows, to-wit:

Commencing at the Northwest corner of Lot 21 of the Valentine Delmas Tract and run thence East (South 77 degrees East) along the South margin of Delmas Avenue a distance of 24 feet; thence South (South 13 degrees West) 60 feet to the Point of Beginning; thence South (South 13 degrees West) 40 feet; thence East (South 77 degrees East) 26 feet; thence North (North 13 degrees East) 40 feet; thence West (North 77 degrees West) 26 feet to the Point of Beginning.

**FIFTH:** The City Clerk is hereby directed to publish once each week for two consecutive weeks the following legal notice in THE MISSISSIPPI PRESS, a newspaper having a general circulation throughout all of Jackson County and in the area that is the subject of the application:

**LEGAL NOTICE UNDER REGULATION 18  
A.B.C.D. STATE TAX COMMISSION  
STATE OF MISSISSIPPI**

Notice is hereby given pursuant to Regulation 18 of the Alcoholic Beverage Control Division of the State Tax Commission of the State of Mississippi that an application for classification as a resort area is being filed for an area located in Pascagoula, Mississippi, more particularly described as follows, to-wit:

A piece or parcel of property located in part of Lot 21, Valentine Delmas Tract, Jackson County, Mississippi, and more particularly described as follows:

Beginning at the Northwest Corner of Lot 21 of the Valentine Delmas Tract, located on the south margin of Delmas Ave., Pascagoula, Mississippi and run thence; South 77° East a distance of 50 feet; thence run South 13° West a distance of 60 feet; thence run North 77° West a distance of 50 feet more or less; thence run North 13° East a distance of 60 feet back to the Point of Beginning.

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As is required by said Regulation 18, the contents of the application shall include: (1) a map of the above described area clearly marked to indicate the specific area under consideration; (2) reasons why the particular area should be classified as a resort area to include the fact that Pascagoula, Mississippi, is an area that attracts tourists and vacationers because of its historical and scenic attraction and facilities and the area designated herein serves the tourists and vacationers to a very high degree; (3) endorsement from civic organizations of the area and assurances that the Chief of Police, along with other local law enforcement officials, will enforce the Local Option Alcoholic Beverage Control Law of the State of Mississippi and rules and regulations of the Alcoholic Beverage Control Division in such area; and (4) a certified copy of the resolution as entered on the minutes of the City Council of the City of Pascagoula, Mississippi.

Request is hereby made pursuant to said Regulation 18 for an expression of public opinion from residents in the above described area under consideration, which shall be filed with the City Clerk of the City of Pascagoula, Mississippi, in the City Hall at 603 Watts Avenue, Pascagoula, Mississippi, on or before the next day following the second publication of this notice. In that connection, notice is hereby given that approval of the application will permit the operation of open bars in the area by persons licensed by the State of Mississippi and that the decision on the application rests not with the City Council of the City of Pascagoula, Mississippi, but with the State Tax Commission of the State of Mississippi, pursuant to the laws of the State of Mississippi.

Witness my signature and the seal of the City of Pascagoula, Mississippi, this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Brenda J. Reed, City Clerk

**SIXTH:** The owner of the herein described real property shall bear all costs of publication.

The above Resolution was introduced by Councilman Corder, seconded for adoption by Councilman Abston, and received the following vote: Mayor Maxwell "AYE", Councilmen Abston "AYE", Corder "AYE", Milstead "NAY", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor then declared the Resolution adopted on the 8<sup>th</sup> day of September, 2009.

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The Council recognized Mr. and Mrs. Steiner who were in attendance tonight and complimented them for the beautiful new Knights of Columbus Hall building located at the corner of Magnolia Street and Live Oak Avenue. The Council thanked them for the work they have done, and Mrs. Steiner stated she hopes the City of Pascagoula will enjoy it for many years.

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The City Manager then led a discussion regarding the proposed FY 2010 budget. Councilman Corder stated he would like to receive periodic reports from the different agencies we help support and consider a quarterly review of the budget by Council. Councilman Milstead made several budget observations and recommendations on how we could possibly manage it better. The City Manager responded to these comments. She advised there may be a few other budget changes before the final budget is adopted at the Council meeting on September 15, 2009.

After discussion, Councilman Milstead made a motion to authorize the City Manager to present the proposed budget, including any changes, for final adoption on September 15, 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 "AYE", and Wolverton "AYE". (Approved 9-8-09)

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Nancy Coon, 903 Williams Street, addressed the Council regarding the proposed utility rate increase and its effect on our citizens, especially the senior citizens. She stated the timing is not good for this increase. She also voiced concerns about the statewide budget cuts in education and stated everyone should consider their needs versus their wants.

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There being no further business to come before the Council at this time, Councilman Corder made a motion to recess until Tuesday, September 15, 2009, at 6:00 p.m. to consider other matters that may lawfully come before the Council. Councilman Stallworth seconded the motion which received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The meeting adjourned at 7:10 p.m.

**APPROVED:**

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Robert "Robbie" H. Maxwell, Mayor

**ATTEST:**

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Brenda J. Reed, City Clerk