

**REGULAR MEETING OF THE CITY COUNCIL
TUESDAY, MARCH 1, 2011, 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, March 1, 2011, at 6:00 p.m. Mayor Maxwell called the meeting to order with the following officials present:

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

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

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.

Mayor Maxwell then recognized several students from Resurrection Catholic School who were observing the Council meeting tonight as a requirement for a class project.

Kimberly Miller and Jay Estes, representatives of Eco-Systems, Inc. gave a brief presentation on services offered by their company. The core of their firm is environmental services. They have done storm water work for the City of Pascagoula for the past nine years and would like to work with us on other future projects. Mayor Maxwell thanked them for attending the meeting tonight and for their presentation.

The next item was a property cleanup matter at 2914 Frederic Street which was continued from the Council meeting of November 16, 2010. Steve Mitchell, Operations Manager, gave an update and advised that no action has been taken on the permits. Rebecca Whitehead also addressed the Council regarding the property and reported there has been a lot of cleanup work done. The house has been secured and she has hired a contractor. She has also applied for the Neighborhood Grant Program for possible funds to completely redo the property. Ms. Whitehead requested the Council rescind its action taken on August 3, 2010, to adopt the Resolution to demolish the property. Several comments were made by Council members.

After discussion, Councilman Tillman made a motion to “delay the demolition” until the Council meeting of June 7, 2011, and provide a status report on the property at 2914 Frederic Street at that meeting. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE. (Tabled 3-1-11)

A property cleanup hearing was held at this time for 3402 Tillman Street which was continued from the Council meeting of February 1, 2011. Steve Mitchell, Operations Manager, gave an update on the property. Juanita Colville, agent with Beach View Real Estate, reported the house is in foreclosure, the pool has been filled in and covered, and it is periodically checked by her firm.

The Council then considered the following Resolution:

RESOLUTION

WHEREAS, by order dated January 4, 2011, 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., February 1, 2011, 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 February 1, 2011, meeting until March 1, 2011; 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>
40205008.000 3402 Tillman	Jonice Baggett 3402 Tillman Pascagoula, MS 39567 (Footnote 1)	Deed Book 1267, Page 77

PARTIES WITH INTEREST

Footnote 1: Federal National Mortgage Association, 14221 Dallas Parkway – Suite 1000, Dallas TX 75254

COUNCIL ACTION:

Councilman Stallworth made a motion to “TABLE” the property cleanup matter at 3402 Tillman until the Council meeting of June 7, 2011. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell “AYE”, Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE. (Tabled 3-1-11)

A property cleanup hearing was held at this time for 1000 Ruland Street, 2302 14th Street, and 1905 14th Street. Steve Mitchell, Operations Manager, gave an update on the properties.

1000 Ruland – Juanita Colville, agent with Beach View Real Estate, advised her firm has the house listed. It is in foreclosure. Some repairs have been made to the house, and the pool has been covered. They will also secure an open area by the house.

2302 14th Street – Steve Mitchell, Operations Manager, gave a status report on the property. Anthony Lewis, property owner, gave a status report on the property and also apologized for the condition of it for the past several years.

1905 14th Street – Steve Mitchell, Operations Manager, advised the property has been an issue for several years and no work has been done on it.

The Council then considered the following Resolution:

RESOLUTION

WHEREAS, by order dated January 18, 2011, 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., March 1, 2011, 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>
41948038.000 1000 Ruland	Michelle Dawn Young 10373 North Sam Houston Parkway East, Apt. 720 Humble, TX 77396 And Murphy Dale Young 1000 Ruland Pascagoula, MS 39567 (Footnote 1)	Deed Book 1404, Page 841
41885105.000 2302 14 th Street	Anthony D. Lewis P.O. Box 547 Lumberton, MS 39455 (Footnote 2)	Deed Book 518, Page 529
41450820.000 1905 14 th Street	Cynthia Diane Spencer Stewart 153 Edgar Jones Ferriday, LA 71334 (Footnote 3)	Deed Book 1026, Page 736

PARTIES WITH INTEREST

Footnote 1: Trustmark National Bank, P. O. Box 22889, Jackson, MS 39225

Footnote 2: J.P. Morgan Chase Bank as Trustee, c/o Residential Funding Corporation, 2255 North Ontario, Suite 400, Burbank, CA 91504-3190

Footnote 3: Hancock Bank of Moss Point, 5025 Main Street, Moss Point, MS 39563

The following actions were taken by the City Council on the above properties.

1000 Ruland – Councilman Abston made a motion to “TABLE” this matter until the Council meeting of June 7, 2011. 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 “AYE”, and Wolverton “AYE. (Tabled 3-1-11)

2302 14th Street – Councilman Corder made a motion to adopt the Resolution, but “stay the demolition” and “TABLE” this matter until the Council meeting of April 5, 2011. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell “AYE”. Councilmen Abston “AYE”, Corder “AYE”, Milstead “AYE”, Stallworth “AYE”, Tillman “AYE”, and Wolverton “AYE. (Tabled 3-1-11)

1905 14th Street – Councilman Corder made a motion to adopt the Resolution as presented above. 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 3-1-11)

Luke Marshall, 2614 Avenue B, addressed the Council regarding an appeal of a vicious dog decision by the Animal Control Division. Mr. Marshall advised that his pit bull dog is not vicious and he disagrees with the decision that was made. He apologized that his dog got out recently. Drew Musa, Animal Control officer, made comments regarding the situation. Councilman Corder advised he has received a couple of phone calls about the dog.

After discussion, Councilman Corder made a motion to uphold the decision of the Animal Control Division regarding the vicious dog at 2614 Avenue B. 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 “AYE”, and Wolverton “AYE. (Approved 3-1-11)

Next for consideration was a Planning Board matter for Keith Nelson, 1215 Lake Avenue, which was tabled from the Council meeting of February 15, 2011. The request is spread on the minutes as follows:

1. **Keith Nelson**
1215 Lake Ave. The property is zoned R-1A. The request is variance to construct a 24’ x 24’ detached structure in the south front yard with a 2’ east side yard setback and a 70’ south front yard setback.

Keith Nelson was present to explain the application. Staff’s recommendation is to “APPROVE” with the condition that all work to be in accordance with the Code Enforcement Department. After hearing Mr. Nelson’s request, Robert Wilkinson, a neighbor, stated that he was not there in protest; however, he had concerns about the appearance of the structure, specifically, was the structure going to be a metal building, or have the appearance of a warehouse. Mr. Wilkinson stated that if the structure was going to look like a warehouse, he would be in protest. Mr. Nelson assured Mr. Wilkinson and the Planning Board that the new structure would be an improvement to the property. There being no further objections, a motion was made by Mike Gilly to “APPROVE” the application. The motion was seconded by Stephen Parker and the vote thereupon was as follows: Linda Tillman “AYE”, Mike Gilly “AYE”, Wesley Smith “AYE”, Charles Busby “NAY”, Joseph Odom “AYE”, Etienne Melcher “AYE”, Stephen Parker “AYE”.

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

COUNCIL ACTION:

After a brief discussion, Councilman Tillman made a motion to “APPROVE” the variance request of Keith Nelson as recommended by the Planning Board. 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 3-1-11)

The consent agenda was considered at this time:

The first item for consideration was the minutes of the regular Council meeting held on March 1, 2011, as recommended by Brenda Reed, Asst. City Clerk.

Councilman Abston made a motion to adopt and approve minutes of the regular Council meeting held on March 1, 2011, 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 3-1-11)

The next item for consideration was a request to award the quote of \$19,000.00 submitted by Artisan Pyrotechnics, Inc., Wiggins, MS, for the 4th of July Fireworks Show - 2011 as recommended by Amy Thompson, Purchasing Agent.

Councilman Abston made a motion to award the quote of \$19,000.00 submitted by Artisan Pyrotechnics, Inc. for the 4th of July Fireworks Show - 2011 as recommended and authorized the City Manager to execute the related documents. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE. (Approved 3-1-11)

The next item for consideration was an Order to determine whether parcels of land at 2605 Criswell, 1117 Mantou, 1002 14th Street, 3207 Glacier, 1905 Beach, and 2009 Beach are in such a state of uncleanliness as to be a menace to the public health and safety of this community as recommended by Eddie Williams, City Attorney. The Order is spread on the minutes as follows:

ORDER

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

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

THEREFORE, IT IS ORDERED that the owners of the parcels listed on the exhibit shall be given notice by the City Clerk as provided in Section 21-19-11, Mississippi Code of 1972, that a hearing shall be held by the City Council on April 5, 2011, in the City Hall of the City at 6:00 P.M. to determine whether the parcels of land as shown on the exhibit are in such a state of uncleanliness as to be a menace to the public health and safety of this community.

EXHIBIT A

Tax Parcel Number and Property Address	Owner(s) and Mailing Address	Described at the following Jackson County, MS, Deed Books and Pages
41845105.100 2605 Criswell	Ross C. Hagood 1115 St. Mary Street New Orleans, LA 70130	Deed Book 1424, Page 95
41855034.000 1117 Mantou	Jack R. Northrup and Priscilla Northrup	Deed Book 1330, Page 292

	4409 Washington Avenue Pascagoula, MS 39581	
42150230.000 1002 14 th Street	Tony Zane Grizzard 1002 14 th Street Pascagoula, MS 39581	Deed Book 1203, Page 188
41825015.000 3207 Glacier	Kenneth W. Townson and Julia Eloise Townson 3207 Glacier Street Pascagoula, MS 39581	Deed Book 302, Page 88
41230705.000 1905 Beach	Paul A. Davison, Jr. and Karyn B. Davison P.O. Box 18196 Asheville, NC 28814 (Footnote 1)	Deed Book 1326, Page 21
40410062.000 2009 Beach	Anna Belle Cumbest 2009 Beach Blvd. Pascagoula, MS 39567	Deed Book 738, Page 121

PARTIES WITH INTEREST

Footnote 1: -Hancock Bank, 3207 Magnolia Street, Pascagoula, MS 39567
-South Trust Mortgage Corp., 210 Wildwood Pkwy, Suite 100,
Birmingham, Al 35209

The above Order was introduced by Councilman Abston, 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. The Mayor then declared the Order adopted on the 1st day of March, 2011.

The following new business items were then considered.

The first item for consideration was a request for participation in the 2011 Annual Spring Household Hazardous Waste Collection Day sponsored by the Jackson County Solid Waste Department as presented by Eddie Williams, City Attorney. The event is tentatively scheduled for April 16, 2011. Jackson County is requesting each municipality to participate in two ways: first, by contributing a pro-rata share of the remaining 25% (a sum not to exceed \$3,125.00), and second, by providing four representatives to work the eight-hour event.

Councilman Corder made a motion to authorize the City of Pascagoula to participate in the 2011 Annual Spring Household Hazardous Waste Collection Day in an amount not to exceed \$3,125.00 and provide four representatives to work the eight-hour event as recommended. The motion was seconded by Councilman Stallworth and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE. (Approved 3-1-11)

The next item for consideration was an Ordinance to close and vacate two unopened alleys, 10 foot alley in Block B of the Communy Tract, and a 25 foot alley in Block X of the reserved area of the Communy Tract as presented by Eddie Williams, City Attorney.

The Ordinance is spread on the minutes as follows:

**ORDINANCE NO. 2-2011
CITY OF PASCAGOULA, MISSISSIPPI**

**AN ORDINANCE TO CLOSE AND VACATE TWO
UNOPENED ALLEYS; AND FOR RELATED PURPOSES**

WHEREAS, Estabrook Properties, LLC, Dixie Glass and Trim Shop, Inc, Merchants & Marine Bank and Allen S. Prince, II have filed a petition with the City Council to close and vacate two unopened alleys; and

WHEREAS, there businesses are the only abutting landowners of the two unopened alleys to be closed and vacated; and

WHEREAS, the two unopened alleys to be closed and vacated are not required for public use; and

WHEREAS, it would be in the public interest for the two unopened alleys to be closed and vacated:

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

SECTION 1. That the following described portion of the two unopened alleys is hereby closed and vacated, to wit:

That certain tract, piece or parcel of land situated in Claim Section 5, Township 8 South, Range 6 West, Jackson County, Mississippi and what would be in Regular Section 11, Township 8 South, Range 6 West, Jackson County, Mississippi if surveyed into regular governmental sections, and being all of that 10 foot alley in Block B of the Communy Tract, as recorded in Plat Book 1, Page 23 and that 25 foot alley in Block X of the Reserved Area of Communy Tract, recorded in Surveyor's Record Book 1, Page 116, Records of Surveys, Jackson County, Mississippi, and being more particularly described as follows:

Commencing at the intersection of the South right-of-way line of Communy Avenue (50' right-of-way) and the East right-of-way lien of Market Street (100' right-of-way), same being the Northwest corner of Lot 3, Block B, of said Communy Tract; thence Southerly along said East right-of-way line to the intersection with the North right-of-way line of a 25 foot alley, same being the Southwest corner of Lot 1 of said Block B; thence Easterly along the South line of said Lot 1 and the North line of said 25 foot alley to the Southeast corner of said Lot 1; thence Northerly along the East line of said Lot 1 to the Southwest corner of Lot 4, Block B, of the aforementioned Communy Tract; thence Easterly along the South line of Lots 4, 5, 6, and 7 of said Block B, to the Southeast corner of said Lot 7; thence Southerly to the Northeast corner of Lot 3, Block X, of the aforementioned Reserved Area of Communy Tract; thence Westerly along the North line of Lots 2 and 3 of said Block X to a point on the East right-of-way line of Market Street; thence Northerly along said East right-of-way line to the point of beginning. This being the same property as surveyed by

Compton Engineering, Inc., and being attached hereto as Exhibit "A".

SECTION 2. This ordinance shall not be codified.

SECTION 3. This ordinance shall become effective one month after its passage.

The above Ordinance was introduced by Councilman Corder, seconded for adoption by Councilman Abston, 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 "AYE", and Councilman Wolverton voted "AYE.

Passed this the 1st day of March, 2011.

APPROVED:

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

ATTEST:

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

Next for consideration was Budget Amendment No. 11.40 in the Community Development Fund for the Lowry Island Boardwalk Tidelands Grant as recommended by Bobby Parker, City Clerk/Comptroller.

The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.40
March 1, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>	-	-	-
- <u>Revenues:</u>	-		-
- <u>Grants:</u>			-
- Tidelands-Lowry Island Boardwalk Access	0	100,000	100,000
Total Revenues		100,000	100,000
<u>Expenditures:</u>			
- <u>Community Development:</u>			
- <u>Other Services & Charges:</u>			
- Tidelands-Lowry Island Boardwalk Access Program Outlay	0	100,000	100,000
- Total Expenditures	0	100,000	100,000
Net Change in Fund Balance		-	
To amend budget to provide expenditure authority for the Tidelands Lowry Island Boardwalk project and the related grant revenue as approved by Council on February 15, 2011.			

Councilman Wolverton made a motion to approve the budget amendment as recommended and presented above. 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 3-1-11)

Next for consideration was Budget Amendment No. 11.41 in the Community Development Fund for the CDBG Façade Improvement Program Grant as recommended by Bobby Parker, City Clerk/Comptroller.

The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.41
March 1, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>	-	-	-
<u>Expenditures:</u>	-		-
<u>Community Development:</u>	-		-
- <u>Other Services & Charges:</u>			
- CDBG - Facade Improvement Program	12,050	100,450	112,500
- Total Expenditures	12,050	100,450	112,500
 Net Change in Fund Balance		(100,450)	
 To amend budget to provide expenditure authority for the CDBG Facade Improvement Program. This represents a carry-over of a portion of the unexpended balance of the amount authorized by the Council on August 4, 2009.			

Councilman Wolverton made a motion to approve the budget amendment as recommended and presented above. 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 3-1-11)

The next item for discussion was Budget Amendment No. 11.42 in the Special Tax (Recreation) Fund for parking lot improvements at the Recreation Center as recommended by Bobby Parker, City Clerk/Comptroller. The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.42
March 1, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Special Tax (Recreation) Fund</u>	-	-	-
- <u>Expenditures:</u>	-		-
- <u>Capital Outlay:</u>			-
- Improvements - Other	0	50,000	50,000
- Total Expenditures	0	50,000	50,000
Net Change in Fund Balance		(50,000)	
To amend budget to provide expenditure authority for the improvements to the vacant lot to be used for parking for the Recreation Center as approved by the Council on February 15, 2011.			

Councilman Wolverton made a motion to approve the budget amendment as recommended and presented above. 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 3-1-11)

The next item for consideration was the renewal of fleet insurance with Boyles Moak Insurance Services, Jackson, MS, as recommended by Jeane Bull, Assistant Comptroller. Last year's cost was \$57,313.64. The new quote of \$38,486.00 reflects removing the Katrina Cottages that are now covered under our property insurance. The coverage period for the fleet insurance is from March 1, 2011, until February 29, 2012. Ms. Bull recommended acceptance of the quote from the carrier, Employers Mutual Casualty Company, through Boyles Moak Insurance Services, and a manual check for timely payment.

Councilman Wolverton made a motion to approve the renewal of fleet insurance with Boyles Moak Insurance Services (carrier – Employers Mutual Casualty Company) as recommended and authorize a manual check for \$38,486.00 for timely processing. 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 3-1-11)

(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 Change Order No. 1 to the contract with Commercial Contracting Services, Inc. for the Wind Retrofit Project at the Police Department, Public Works, and Code Enforcement, contingent upon review and approval by FEMA for funding approval, as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. The change order amount is \$12,746.29 and 84 additional contract days to address some unforeseen conditions at the window and door frames. The majority of additional time requested is due to lead time to order materials. The project is 95/5 funding.

Councilman Stallworth made a motion to approve Change Order No. 1 to the contract with Commercial Contracting Services, Inc. for the Wind Retrofit Project at the Police Department, Public Works, and Code Enforcement, contingent on FEMA review and approval, as recommended and authorize the Mayor to execute the related documents after final approval. 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 "AYE", and Wolverton "AYE. (Approved 3-1-11)

(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 Change Order No. 6 to the contract with Flagstar Construction Company, Inc. for the Police Training Academy as recommended by Jaci Turner, Program Manager, and Compton Engineering, Inc. The change order is for \$2,412.00 and additional time to install flood vents in the entry area to comply with Jackson County codes.

Councilman Corder made a motion to approve Change Order No. 6 to the contract with Flagstar Construction Company, Inc. for the Police Training Academy 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 "AYE", and Wolverton "AYE. (Approved 3-1-11)

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

At this time, Jaci Turner, Program Manager, requested approval of a bid award for Hurricane Katrina Emergency Repairs to the Retaining Wall Mitigation at Water Treatment Plants to Ben M. Radcliff Contractor, Inc., Mobile, AL, for \$3,618,638.49 (to include all bid schedules) as recommended by Ms. Turner and Compton Engineering, Inc.

Councilman Wolverton made a motion to approve a bid award for Hurricane Katrina Emergency Repairs to the Retaining Wall Mitigation at Water Treatment Plants to Ben M. Radcliff Contractor, Inc., Mobile, AL, for \$3,618,638.49 (to include all bid schedules) 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 "AYE", and Wolverton "AYE. (Approved 3-1-11)

(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 HUD Special Project Grant Agreement for the Beach Front Promenade (Project No. B-10-SP-MS-0129) and Budget Amendment No. 11.43 to provide accounts in the budget for this project, as recommended by Harry Schmidt, Community Development Director. The grant award is for \$500,000.00.

Councilman Corder made a motion to approve the HUD Special Project Grant Agreement for the Beach Front Promenade (Project No. B-10-SP-MS-0129), and authorize Harry Schmidt, Community Development Director, to execute the related documents as recommended. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE. (Approved 3-1-11)

Budget Amendment No. 11.43 was then presented by Bobby Parker, City Clerk/ Comptroller, to provide accounts in the budget for this project.

The budget amendment is spread on the minutes as follows:

**City of Pascagoula
Budget Amendment # 11.43
March 1, 2011**

	<u>Current Budget</u>	<u>Budget Amendment</u>	<u>Amended Budget</u>
<u>Community Development Fund</u>	-	-	-
-	-		-
-	-		-
<u>Revenues:</u>			
- <u>Grants:</u>			
- HUD-EDI Beachfront Promenade Grant	0	500,000	500,000
Total Revenues		500,000	500,000
<u>Expenditures:</u>			
- <u>Community Development:</u>			
- <u>Other Services & Charges:</u>			
- HUD-EDI Beachfront Promenade Program Outlay	0	500,000	500,000
-			
Total Expenditures	0	500,000	500,000
Net Change in Fund Balance		-	
To amend budget to provide expenditure authority for the HUD-EDI Beachfront Promenade project and the related grant revenue to be approved by Council on March 1, 2011.			

Councilman Wolverton made a motion to approve Budget Amendment No. 11.43 as recommended and presented above. 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 3-1-11)

The next item for consideration was a bid award to Gill Contractor, LLC, Ocean Springs, MS, for the Downtown Façade Grant Program for Various Downtown Properties Project and also Change Order No. 1 to this contract upon receipt of payment and all necessary documents from the property owners as recommended by Harry Schmidt, Community Development Director, and Compton Engineering, Inc. The contract bid amount is \$155,796.90 and the change order for (-)\$69,823.14 is needed to reduce the scope of work on the project. The new contract price will be \$85,973.76.

Councilman Wolverton made a motion to approve a bid award to Gill Contractor, LLC, Ocean Springs, MS, for the Downtown Façade Grant Program for Various Downtown Properties Project for \$155,796.90; Change Order No. 1 to the contract for (-)\$69,823.14 to reduce the scope of work on the project as recommended, and authorize the City Manager to execute the related documents. The motion was seconded by Councilman Corder and received the following

vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE. (Approved 3-1-11)

Regarding this project, Mr. Schmidt also requested approval of a change on the split from 60% with a 40% match to 75% with a 25% match. Councilman Corder made a motion to approve the change from a 60%-40% split to a 75%-25% split as recommended. The motion was seconded by Councilman Tillman and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE. (Approved 3-1-11)

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

The next item to be considered was the Order for the docket of claims as follows:

ORDER

WHEREAS, the attached docket of claims for the period February 11, 2011, through February 25, 2011, 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 Wolverton, seconded for adoption by Councilman Abston, and received the following vote: Mayor Maxwell "AYE". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE. The Mayor then declared the Order adopted on the 1st day of March 2011.

The City Attorney advised he recently received a certified letter from Delta Sanitation regarding the extension of the Garbage Collection Contract with the City of Pascagoula. Delta advised they would like to waive the right to terminate the contract for the two (2) one-year option periods remaining under the contract. In consideration for such waiver, Delta will agree to increase the curbside recycling service to the City from the current once every two weeks to once every week at no cost increase to us. A brief discussion followed regarding the extension and recycling. Councilman Milstead recommended a notice be placed in the paper notifying our citizens about the change in the recycling schedule if it is approved. The Council directed Mr. Williams to pursue an amendment to the solid waste contract with Delta Sanitation.

Councilman Abston requested a status report on the drainage study that was prepared a few months ago. Steve Mitchell, Operations Manager, advised some new projects came up and the drainage work is behind schedule.

Councilman Corder congratulated the Pascagoula High School basketball team who is participating in the state tournaments in Jackson and wished them well.

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

(Mayor Maxwell left the meeting at 7:25 p.m. Mayor Pro Tem Joe Abston presided for the remainder of the Council meeting.)

Councilman Wolverton made a motion to go into executive session for the purpose of discussing the location of several new businesses and a litigation matter. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "ABSENT". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". The Mayor Pro Tem announced to the public and those in attendance that the Council had voted to hold an executive session for the purpose stated above. The Council then began the executive session.

During executive session, Eddie Williams, City Attorney, briefed the Council on a litigation matter regarding Rhonda Diehl, former Court Clerk, and notification by Zurich North America about Claim No. 638-0050815. Mr. Williams advised that Zurich has completed their investigation and a settlement has been determined.

After discussion, Councilman Wolverton made a motion to authorize Eddie Williams, City Attorney, to execute the Release and Assignment of Claim submitted by Zurich North America for this litigation matter as recommended. The motion was seconded by Councilman Milstead and received the following vote: Mayor Maxwell "ABSENT". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-1-11)

The document is spread on the minutes as follows:

Claim No. 638 0050815DMM

RELEASE AND ASSIGNMENT OF CLAIM

The CITY OF PASCAGOULA, hereinafter referred to as "the Insured," hereby acknowledges that, upon receipt of the total sum of \$10,419 (Ten Thousand Four Hundred Nineteen and 00/100 Dollars) paid by FIDELITY AND DEPOSIT COMPANY OF MARYLAND, hereinafter referred to as "Fidelity," and in consideration of said payment, the Insured releases and discharges Fidelity from any and all liability with regard Policy CCP 0023970 as such relates to alleged thefts by Rhonda Diehl, while she was employed as a court clerk, from July 1, 2007, through July 1, 2009.

In further consideration of said payment, the Insured hereby transfers, sells, subrogates, and assigns to Fidelity all of its rights, actions, and causes of action arising from, in consequence, and by reason of the referenced claim; provided, however, that this assignment is limited to the amount paid by Fidelity to the insured in settlement of said claim.

Executed this day, _____ of _____, 2011, at _____,

City State

CITY OF PASCAGOULA

By: _____
Print Name and Title

State of _____, County of _____.

On the _____ day of _____, 2011, before me personally came _____, and being duly sworn by me stated that

he/she is duly authorized to execute the foregoing Release and Assignment of Claim which he/she did for the purposes therein mentioned.

NOTARY PUBLIC _____

During executive session and after a presentation and discussion regarding a proposed new business project in Pascagoula, Councilman Wolverton made a motion to support a Tax Increment Financing Plan for the proposed new business project as presented. The motion was seconded by Councilman Corder and received the following vote: Mayor Maxwell "ABSENT". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE". (Approved 3-1-11)

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

There being no further business to come before the Council tonight, Councilman Corder made a motion to recess until Tuesday, March 15, 2011, at 6:00 p.m. to transact such business as may lawfully come before the Council. The motion was seconded by Councilman Wolverton and received the following vote: Mayor Maxwell "ABSENT". Councilmen Abston "AYE", Corder "AYE", Milstead "AYE", Stallworth "AYE", Tillman "AYE", and Wolverton "AYE".

The meeting ended at 7:55 p.m.

APPROVED:

Robert H. Maxwell, Mayor

ATTEST:

Brenda J. Reed, Asst. City Clerk