

PASCAGOULA CITY COUNCIL
Recessed Regular Meeting - Tuesday, April 28, 2020 at 6:00 p.m.

1. **WELCOME AND CALL TO ORDER:**

Mayor Steve Demetropoulos

2. **INVOCATION:**

Councilman Felix Fornett

3. **PLEDGE OF ALLEGIANCE:**

Councilman Matt Parker

4. **AMENDMENTS TO AGENDA:**

Mayor

At-Large

Ward 1

Ward 2

Ward 3

Ward 4

Ward 5

City Manager

City Attorney

5. **CITY MANAGER**

5.a. **Resolution for Regulations for Public Safety and Disease Containment**

Submitted By Michael Silverman

Documents:

[04.28.20 RESOLUTION FOR REGS FOR PUBLIC SAFETY AND DISEASE
CONTAINMENT- CLEAN.PDF](#)

5.b. **Resolution Continuing the Local Emergency Re: Novel Coronavirus (COVID-19)
Outbreak**

Submitted By Michael Silverman

Documents:

[20.04.28 RESOLUTION CONTINUING PROCLAMATION OF LOCAL
EMERGENCY.PDF](#)

5.c. **Resolution Regarding Joint COVID-19 Funding**

Submitted By Michael Silverman

Documents:

[JOINT COVID-19 RESO RE FUNDING -FINAL DRAFT.PDF](#)

5.d. **Resolution Requesting Federal Funds for COVID-19**

Submitted By Michael Silverman

Documents:

[RESOLUTION REQUESTING FEDERAL FUNDS FOR COVID-19.PDF](#)

6. **CITY ATTORNEY:**

7. **ADJOURN:**

*.Consent Agenda - All matters listed under Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be a separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**FOURTH AMENDED RESOLUTION OF THE CITY COUNCIL OF
PASCAGOULA, MISSISSIPPI ENACTING REGULATIONS TO PROTECT LIFE
AND PROPERTY AND TO PREVENT THE INTRODUCTION AND SPREAD OF
A CONTAGIOUS OR INFECTIOUS DISEASE**

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People’s Republic of China, causing a pandemic of the coronavirus disease (“COVID-19”) that has now spread globally; and

WHEREAS, the Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency in response to the spread of COVID-19; and

WHEREAS, on March 14, 2020, Governor Tate Reeves signed a State of Emergency in response to the spread of the COVID-19; and

WHEREAS, on March 16, 2020, the Jackson County Board of Supervisors signed a Proclamation of Existence of a Local Emergency in response to the spread of the COVID-19; and

WHEREAS, on March 17, 2020, the City Council for the City of Pascagoula, Mississippi issued a Proclamation of Local Emergency Regarding the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, the President of the United States and the Centers for Disease Control and Prevention recommend certain “social distancing” measures, including avoiding gatherings of groups of more than ten (10) people and maintaining a distance of at least six (6) feet from others; and

WHEREAS, on March 21, 2020, the City Council for the City of Pascagoula,

Mississippi adopted a Resolution Enacting Regulations to Protect Life and Property and to Prevent the Introduction and Spread of a Contagious or Infectious Disease, in which the City Council adopted certain regulations pursuant the recommendations of the Mississippi Department of Health and which has been amended from time-to-time; and

WHEREAS, the Governor of the State of Mississippi issued Executive Order No. 1463 (together with its Supplement), Executive Order No. 1466, Executive Order No. 1473, and Executive Order No. 1477, along with others, establishing regulations for the prevention and mitigation of the spread of COVID-19; and

WHEREAS, it is anticipated the Governor of the State of Mississippi will issue additional executive orders establishing regulations for the prevention and mitigation of the spread of COVID-19; and

WHEREAS, as of April 26, 2020, the Mississippi Department of Health reported 6,094 COVID-19 cases in Mississippi, including 229 resulting in death; and

WHEREAS, pursuant to Mississippi Code Section 33-15-17, the City Council is authorized, during a local emergency, to promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety; and

WHEREAS, pursuant to Mississippi Code Section 21-19-3, the City Council is authorized to make regulations to prevent the introduction and spread of contagious or infectious diseases; to make quarantine laws for that purpose, and to enforce the same within five miles of the corporate limits; and to establish pesthouses outside the corporate limits, and to provide for the support and government of the same; and

WHEREAS, pursuant to Mississippi Code Section 21-19-17, the City Council is

authorized to make regulations to protect property, health and lives and to enhance the general welfare of the community by restricting the movements of the citizens, or any group thereof, when there is eminent danger to the public safety because of freedom of movement thereof; and

WHEREAS, the City Council finds that it is necessary and in the best interest of the public welfare and safety to impose certain regulations pursuant to Mississippi law for the purposes protecting life and property, preserving public health, preserving the public order and safety, and limiting and containing the spread of a contagious or infectious disease; and

WHEREAS, due to the ever-evolving nature of the guidelines, recommendations, and regulations regarding COVID-19, the City Council of the City of Pascagoula finds that it is necessary and in the best interest of the City's residents to mirror the Governor's executive orders related to COVID-19.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1: That the City Council of Pascagoula, Mississippi hereby adopts, implements, and extends, effective immediately, the following regulations:

- a) All persons in the City of Pascagoula are required, to the extent reasonably practicable, to exercise safe social distancing practices by avoiding groups in excess of ten (10) and by staying at least six (6) feet away from others.
- b) Everyday from the hours of 10:00 p.m. to 5:00 a.m., a curfew shall be in effect during which no person under the age of eighteen (18) shall be permitted to leave his or her residence except to: (i) ensure the health and safety of his or herself and others; (ii) obtain or provide emergency medical treatment for his or herself or others; or (iii) perform the duties of employment if employed by an Essential Business or Operation as defined by the Governor's executive orders.

- c) All regulations and restrictions established by Executive Order No. 1463 (together with its Supplement), Executive Order No. 1466, Executive Order No. 1473, and Executive Order No. 1477 and any additional measures ordered by the Governor of the State of Mississippi related to COVID-19 are hereby adopted and enforceable by the City of Pascagoula.
- d) Except as provided otherwise herein, all COVID-related regulations previously implemented by the City, including, but not limited to, curfews and building occupancy limits, are hereby repealed and replaced with the foregoing regulations.

SECTION 2: Violations of the foregoing regulations are punishable as allowed by Mississippi law and City Ordinance, including a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment for not exceeding six (6) months or both.

SECTION 3: Pursuant to the Governor’s Executive Orders, nothing herein shall be construed as preventing any Essential Business or Operation as defined by the Governor from operating at such level necessary to provide essential services and functions.

SECTION 4: This Amended Resolution shall be (i) filed with the City Clerk; (ii) distributed to the news media and other organizations reasonably calculated to bring its contents to the attention of the general public; and (iii) distributed to others as necessary to ensure proper implementation of this Amended Resolution.

SECTION 5: The foregoing regulations shall remain in effect until determined otherwise by the City Council of the City of Pascagoula, as may be determined in consultation with the Governor of the State of Mississippi and the Mississippi State Department of Health.

The motion to approve the foregoing resolution was made by Councilman _____ and seconded by Councilman _____, and the following vote was recorded:

Mayor Demetropoulos _____

Councilman Jones _____

Councilman Fornett _____

Councilman Burrow _____

Councilman Parker _____

Councilman Tipton _____

Councilman Colmer _____

RESOLVED, this the _____ day of _____, 2020.

ATTEST:

CITY COUNCIL

City Clerk

By: _____
Mayor

**RESOLUTION OF THE CITY COUNCIL OF PASCAGOULA, MISSISSIPPI
CONTINUING THE LOCAL EMERGENCY REGARDING THE
NOVEL CORONAVIRUS (COVID-19) OUTBREAK**

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People’s Republic of China, causing a pandemic of the coronavirus disease (“COVID-19”) that has now spread globally; and

WHEREAS, the Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency in response to the spread of COVID-19; and

WHEREAS, on March 14, 2020, Governor Tate Reeves signed a State of Emergency in response to the spread of the COVID-19; and

WHEREAS, on March 16, 2020, the Jackson County Board of Supervisors signed a Proclamation of Existence of a Local Emergency in response to the spread of the COVID-19; and

WHEREAS, on March 17, 2020, the City Council for the City of Pascagoula, Mississippi issued a Proclamation of Local Emergency Regarding the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, pursuant to Mississippi Code Section 33-15-17, the City Council shall periodically review the need for continuing the local emergency; and

WHEREAS, the City Council hereby reviews the need for continuing the Local Emergency proclaimed at the City Council meeting on March 17, 2020.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1: That the City Council of Pascagoula, Mississippi finds that the same

circumstances that existed warranting the issuance of the Proclamation of Local Emergency Regarding the Novel Coronavirus Disease (COVID-19) Outbreak continue to exist.

SECTION 2: That the City Council of Pascagoula, Mississippi hereby approves the need for continuing and does continue the Proclamation of Local Emergency Regarding the Novel Coronavirus Disease (COVID-19) Outbreak until the City Council’s next regular meeting or until a special meeting legally called for such review.

The motion to approve the foregoing resolution was made by Councilman ___ and seconded by Councilman ___, and the following vote was recorded:

Mayor Demetropoulos	_____
Councilman Jones	_____
Councilman Fornett	_____
Councilman Burrow	_____
Councilman Parker	_____
Councilman Tipton	_____
Councilman Colmer	_____

RESOLVED, this the _____ day of _____, 2020.

ATTEST:

City Clerk

CITY COUNCIL

By: _____
Mayor

**CITY OF GAUTIER, MISSISSIPPI
CITY OF MOSS POINT, MISSISSIPPI
CITY OF OCEAN SPRINGS, MISSISSIPPI
CITY OF PASCAGOULA, MISSISSIPPI**

JOINT RESOLUTION OF THE CITIES OF GAUTIER, MISSISSIPPI; MOSS POINT, MISSISSIPPI; OCEAN SPRINGS, MISSISSIPPI; AND PASCAGOULA, MISSISSIPPI REQUESTING THAT THE UNITED STATES CONGRESS DIRECTLY ALLOCATE COVID-19 RELIEF FUNDS TO MUNICIPALITIES, INCLUDING IN PART, FUNDS TO SATISFY LOST SALES TAX REVENUES, OR IN THE ALTERNATIVE, THAT SUCH RELIEF FUNDING BE PROVIDED TO THE STATE OF MISSISSIPPI OR THE COUNTIES THEREIN WITH SOME MECHANISM FOR ENSURING THAT THE FUNDS REACH THE MUNICIPALITIES IN A RELIABLE AND EQUITABLE MANNER

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (“COVID-19”) that has now spread globally; and

WHEREAS, the Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency, permitting the federal government to make available \$50 billion in emergency funding to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 14, 2020, Mississippi Governor Tate Reeves signed a State of Emergency in response to the spread of the COVID-19; and

WHEREAS, in mid-March, 2020, each joining municipality proclaimed and/or declared a state of local emergency due to conditions of extreme peril to the safety of persons and property which had arisen due to the COVID-19 outbreak; and

WHEREAS, as of the date of this resolution, a state of local emergency continues to exist within the boundaries of each joining municipality; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law by President Trump on March 27th, 2020; and

WHEREAS, the CARES Act allocates \$150 billion to state and local governments in an effort to provide relief during the COVID-19 crisis; and

WHEREAS, the CARES Act limits how municipalities with populations under 500,000 receive such funds, requiring them to request funding through the Governor’s office, as opposed to receiving funding directly from the federal government; and

WHEREAS, the CARES Act also prohibits the use of such funds for closing budget gaps created by sales tax revenue shortfalls; and

WHEREAS, with the temporary closure of non-essential businesses during the fight against COVID-19, all Mississippi municipalities will see dramatic losses in sales tax diversion (municipalities receive a diversion of 18.5% of all sales tax collected from their municipality by the State of Mississippi); and

WHEREAS, with restrictions on the operations of restaurants and other businesses selling prepared foods, some Mississippi municipalities will also see dramatic losses in special tax revenues generated by sales of prepared foods; and

WHEREAS, with the restrictions on non-essential travel, including the Shelter in Place Order issued by the Governor, the local hotels and motels have seen a drastic drop in occupancy, which will result in a dramatic loss to the special tax revenue known as the tourism tax and/or bed tax; and

WHEREAS, it is anticipated that additional federal funding for local governments will be provided in future relief measures aimed at curbing the severe economic damages suffered by local governments as a result of the COVID-19 pandemic; and

WHEREAS, such funding is necessary on the municipal level to address unbudgeted expenses, such as overtime pay for first responders, but also for losses in sales tax revenues, and in certain instances, taxes assessed on prepared food; and

WHEREAS, the City of Gautier, the City of Moss Point, the City of Ocean Springs, and the City of Pascagoula (hereinafter, “the Joining Municipalities”) expect to experience shortfalls in sales tax revenues and increases in unbudgeted expenses which warrant federal relief under the existing Congressional measures, and future relief efforts; and

WHEREAS, there are also uncertainties throughout the country as to how the federal funding from the next anticipated relief bill will be administered;

BE IT, THEREFORE, RESOLVED by the City Council of the City of Gautier, Mississippi, the Board of Aldermen of the City of Moss Point, the Board of Aldermen of the City of Ocean Springs, and the City Council of the City of Pascagoula that the United States Congress is urged to provide additional federal relief for local governments.

BE IT FURTHER RESOLVED that the Joining Municipalities seek such relief aimed at satisfying shortfalls in sales tax revenues, prepared food tax revenues, and tourism and/or bed tax revenues, which has not been provided to date.

BE IT FURTHER RESOLVED that the Joining Municipalities respectfully request that the United States Congress directly allocate future relief to local governments such as counties and municipalities.

BE IT FURTHER RESOLVED that the Joining Municipalities ask that, in the alternative, such relief funding be provided to the State of Mississippi or the counties therein with some mechanism for ensuring that the funds reach the municipalities in a reliable and equitable manner.

SO RESOLVED, THIS THE 5th DAY OF MAY, 2020.

Mayor Phil Torjusen
City of Gautier, Mississippi

ATTEST:

City Clerk

Mayor Shea Dobson
City of Ocean Springs, Mississippi

ATTEST:

City Clerk

Mayor Mario King
City of Moss Point, Mississippi

ATTEST:

City Clerk

Mayor Steve Demetropoulos
City of Pascagoula, Mississippi

ATTEST:

City Clerk

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASCAGOULA, MISSISSIPPI, URGING THE UNITED STATES CONGRESS TO SUPPORT DIRECT FEDERAL FUNDING TO ALL MUNICIPALITIES IN MISSISSIPPI TO HELP FIGHT COVID-19 AND PROTECT LOCAL CITIZENS FROM THE EFFECTS OF THE NOVEL CORONAVIRUS.

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020; on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, on April 5, 2020, the President of the United States declared the State of Mississippi a “major disaster area,” and on April 1, 2020, the Governor of the State of Mississippi declared a Shelter in Place Order pursuant to Executive Order No. 1466, which was extended on April 17, 2020 via Executive Order No. 1473; and

WHEREAS, on March 27, 2020 the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), which created the Coronavirus Relief Fund; and

WHEREAS, only municipalities of more than 500,000 residents were eligible to receive direct funding from the Coronavirus Relief Fund, which represents only 0.5% of municipalities nationwide and only 14% of the country’s total population; and

WHEREAS, only 36 of 19,000 American cities, towns and villages have populations over 500,000; and

WHEREAS, no Mississippi municipality qualified for direct funding from the Coronavirus Relief Fund, and the CARES Act did not mandate that state governments share their portion of the revenue received from the fund; and

WHEREAS, 96% of all municipalities nationwide report that budget shortfalls are the result of unanticipated revenue declines that will negatively impact the important services municipalities provided to their citizens, including fire and police protection; and

WHEREAS, municipal leaders are best positioned to make emergency management decisions related to allocation of resources because they understand the needs of their citizens; and

WHEREAS, Mississippi’s municipal leaders need the flexibility to use any federal funding that might be provided to not only address unbudgeted expenses, but also losses in revenue.

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

SECTION 1. That the United States Congress must act to ensure every municipality impacted by this pandemic – regardless of size – has direct access to federal emergency funding.

SECTION 2. That the City Council of the City of Pascagoula, Mississippi, hereby respectfully requests that the United States Congress support direct federal funding to all municipalities in Mississippi to help us fight COVID-19 and to alleviate budget shortfall in order to protect local citizens from the effects of the coronavirus.

The motion to approve the foregoing resolution was made by _____ and seconded by _____, and the following vote was recorded:

- Mayor Demetropoulos _____
- Councilman Jones _____
- Councilman Fornett _____
- Councilman Burrow _____

Councilman Parker _____

Councilman Tipton _____

Councilwoman Colmer _____

RESOLVED, this the _____ day of _____, 2020.

ATTEST:

CITY COUNCIL

City Clerk

By: _____
Mayor