

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 112

REGULAR MEETING

NOVEMBER 7, 2017

BE IT REMEMBERED that the Mayor and Board of Aldermen of the City of Pass Christian, Mississippi met on the above date at the Municipal Court Bldg., 105 Hiern Avenue, Pass Christian, Mississippi, at 6:00 p.m., same being the time and place for said meeting.

PRESENT: Mayor Chipper McDermott, Alderman Anthony Hall, Alderwoman Regina Charlot, Alderman Buddy Clarke, Alderman Victor Pickich, Alderman at Large Kenny Torgeson, Police Chief Hendricks, City Attorney Malcolm Jones and City Clerk Marian Gest.

There being a quorum present to transact the business of the City, the following proceedings were had and done.

### *ADMINISTRATIVE*

Upon motion of Alderman Hall, seconded by Alderman Clarke, the Board approved unanimously, opening bids for Monitoring and Data Collection Service of Waste Treatment and Water Production System.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, to accept and tabulate at a later date bids for Monitoring and Data Collection Service of Waste Treatment and Water Production System.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, hearing from Wendy Allard with the Pass Christian Library to discuss and present to the Mayor and Board of Aldermen a thank you for the City's continuing support of the library, as requested by Wendy Allard, Head Librarian.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, minutes of the October 17, 2017 Regular Mayor and Board of Aldermen meeting, as requested by Dawn Sanders, Deputy City Clerk. A-2.

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Upon motion of Alderman Hall, seconded by Alderman Clarke, the Board approved unanimously, minutes of the October 23, 2017 Special Mayor and Board of Aldermen meeting, as requested by Dawn Sanders, Deputy City Clerk. A-3.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, minutes of the October 31, 2017 Special Mayor and Board of Aldermen meeting, as requested by Dawn Sanders, Deputy City Clerk. A-4.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, the following City resources for annual Christmas in the Pass event December 1-2, 2017, this bringing favorable notice to the resources and opportunities of the City, as requested by Gabrielle Rose, Pass Christian Chamber of Commerce. A-5.

- Street Closings:
  - 5-9pm 100 and 200 block of Davis Avenue
  - Second Street /West edge of City Parking Lot to Fleitas
  - 100 block of Fleitas & Scenic from WMP to West side of Hancock Bank
  - Scenic Drive from Fleitas to Seal Ave (4:30 – 6 pm) for parade lineup
- Barricades
- Trash receptacles
- Public Works/Beautification to help with Decorating (Tree & Light set-up)
- Spotlight on wooden stand
- Power resources/power assistance for vendors
- Sound System
- Davis Ave Pavilion
- Police Support - Officer blocking traffic at Hwy 90 and Scenic; barricades at Fleitas and Second; Second and St Paul's lot; Robin's Nest in the Pass and Second Street. We need an Officer to drive the parade route ahead of Santa to make sure the route is cleared. Officers rotate between Robin's Nest and Second and Fleitas and Second.
- Any other resources the Mayor deems necessary

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Upon motion of Alderman Hall, seconded by Alderman Clarke, the Board approved unanimously, request from Pass Christian Raider Cheerleaders for use of and waiver of rental fee at Randolph Center on Friday, November 10, 2017 from 1:00 p.m. to 8:00 p.m. for awards banquet, this bringing favorable notice to the resources and opportunities of the City, as requested by Bret Bentz, Recreation Director. A-6.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, ratifying approving request from Pass Christian Elementary School for use of and waiver of rental fee at Memorial Park on Saturday, November 4, 2017 from 7:00 a.m. to noon for Turkey Trot Fun Run (1 mile), this bringing favorable notice to the resources and opportunities of the City, as requested by Payton Ragon, PCES Representative. A-7.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, request from Pass Christian School District for use of and waiver of rental fee at Memorial Park on Saturday, March 3, 2018 from 6:00 a.m. to noon for Read, Write and Run (5K), this bringing favorable notice to the resources and opportunities of the City, as requested by Payton Ragon, PCES Representative. A-8.

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The Board approved unanimously, to take no action on renewal of Government Lease for lease file LI-11411, contract N69450-07-RP-00082 in the amount of \$26,118.00 from November 1, 2017 thru October 30, 2018, as requested by Marian Gest, City Clerk. A-9.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, accepting letter of resignation from Shad Jeanfreau effective December 1, 2017 and pay him for any time and vacation pay per City policy that he may have accrued while employed and advertise for the position of Director of Building Code Services, as requested by Mayor McDermott. A-10.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, engagement letter for Wright, Ward, Hatten & Guel to commence the 2016/2017 audit as this is a service and does not require solicitation, as requested by Marian Gest, City Clerk. A-11.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, accepting the updated appraisal from Doug Singletary for Shaggys, effective June 1, 2017 with Shaggy's reimbursing for 1/2 of the appraisal cost per their lease agreement, as requested by Marian Gest, City Clerk. A-12.

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, adopting Resolution authorizing WPSCO to make tap and extend two-inch sewer main (under its operation and maintenance contract with the City) beginning at Everett Street and extending southward to the residence situated at 812 W. Beach Blvd. (Mr. and Mrs. Walter James Amoss, Jr.) and adjacent property to the West (820 W. Beach Blvd.) for the approximate sum of \$2,500.00 for equipment rental and materials, conditioned upon Amoss executing and donating perpetual utility easement to the City. A-13.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, ratifying declaration of emergency for repair of water production and distribution facilities at Highway 90 and Elliot Avenue; and ratify contract for repair with DNA Underground, LLC. (Dustin Gartman) and WPSCO and such other companies that shall be required to immediately restore water pressure and to repair highway. The City finds that the immediate restoration of the public water supply system is necessary for the protection of the public's health and safety; the delay that incident to advertisement for solicitation for competitive bidding will have an adverse impact upon governing authorities of the City and citizens thereof, as recommended by Bob Escher, City Engineer. A-14.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, MOU for the Oyster Hatchery at the new harbor between Department of Marine Resources (DMR) and the City of Pass Christian subject to utilities being transferred. A-15.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, discussing citizen's complaints and appropriate action to be taken, if necessary, concerning noise issues as a nuisance for the Gun Ho indoor firing range situated at 323 E. North Street, as requested by Alderman Hall. A-16.

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### *PLANNING DEPARTMENT*

Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, the Planning Commission's recommendation to approve Warrant Application PD-33-2017, Linda Lizana as agent for Jeanette Simmons, 883 E North Street, Warrant Application for a Monument Sign in the T4+ Mixed-Use Zone, as requested by Danit Simon, City Planner. PD-1.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, the City Planner's recommendation to approve a Re-Subdivision at 560 & 0 Royal Oak Drive, Tax Parcels #0313D-04-006.001 and #0313D-04-006.000. The property owner, Kimberly Hanks Jackson, proposes combining the two lots, as requested by Danit Simon, City Planner. PD-2.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, the Planning Commission's recommendation to approve Warrant Application PD-34-2017, Lenora B & Scott A Martin, 120 Polar Point, Warrant Application to access under house parking through the front façade with garage doors and screening, and to exceed the 40% maximum lot coverage requirement by 2%, in the T3R Single-Family Residential Zone, as requested by Danit Simon, City Planner. PD-3.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, the Pass Christian Tree Board's recommendation to *approve* Elliott Land Developments LLC's request to remove two protected Live Oak Trees, on the future site of their Townhouse Subdivision at the northwest corner of Market and 2<sup>nd</sup> Streets, as requested by Danit Simon, City Planner. PD-4.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, the Pass Christian Tree Board's recommendation to approve Thomas W. Cottom Jr and

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Mike Mayo's request to remove one protected Magnolia Tree that is dying from the property, as requested by Danit Simon, City Planner. PD-5.

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### *FIRE DEPARTMENT*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, ratifying the purchase of a 2017 Ford F-250, VIN# 1FT7W2867HEE78683, from Gray-Daniels in Brandon MS for \$30,889.00 already budgeted, as requested by Fire Chief Gordon. F-1.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, request to place Brian Bilich back on the Fire Departments part-time call out list, as requested by Fire Chief Gordon.

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### *HARBOR DEPARTMENT*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, accepting a donation of six "stay off the rocks" signs from Alderman Pickich at a value of \$600.00, as requested by Willie Davis, Harbormaster.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, hiring David Ball as part-time harbor patrolman, to fill existing vacancies with a hire date of November 8, 2017 at a rate \$9.00 per hour, as requested by Willie Davis, Harbormaster. H-2.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, ratifying the purchase of a 2017 Honda SXS400 Pioneer from South Mississippi Powersports for \$9,804.88 already budgeted (117-751-919), as requested by Harbor Master Davis. H-3.

\* \* \*

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, ratifying the purchase of a 2017 Big Tex 22PH-20+5 from Lewis Trailer Sales, Inc. for \$9,274.00 already budgeted (117-751-919), as requested by Harbor Master Davis. H-4.

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Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, request to evict the following customers from the Pass Christian Harbor for non-payment of boat slip rental in excess of 60 days past due on pleasure pier and 120 days past due on the commercial

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pier if they are not paid by November 1, 2017. Accounts will be submitted to a collection agency if not paid in full after vessel has vacated the harbor, as requested by Willie Davis, Harbormaster. H-5.

- Pleasure #00842& #00908
- Commercial #00166

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### *POLICE DEPARTMENT*

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, accepting Bulletproof Vest Partnership Program (BVP) award in the amount of \$1557.34 from the Department of Justice to the Pass Christian Police Department. This award reimburses one-half the purchase amount for six (6) bulletproof vest and amend the budget accordingly, as requested by Police Chief Hendricks. P-1.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, accepting donation of one Bulletproof Vest from the family of Roy Joseph Gautreaux, Jr. (deceased). The vest was purchased in 2015 for \$620.00 and does not expire until 2020, as requested by Police Chief Hendricks. P-2.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, ratifying accepting letter of resignation from SRO Officer Zenas Cappie, effective October 27, 2017 and pay her for any comp-time and vacation pay per City policy that he may have accrued while employed, as requested by Police Chief Hendricks. P-3.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, hiring Kyle Broadus to fill the existing vacancy in patrol with a hire date of November 8, 2017 and a starting salary of \$32,152 with a six (6) month probationary period. He has met all Civil Service requirements, as requested by Police Chief Hendricks.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved recommendation to hire Daren Freeman as patrolman and appointed as Deputy Chief, to fill the existing vacancy with a hire date of November 8, 2017, and a starting salary of \$48,000. He has completed all Civil Service requirements and position will have a one-year probationary period, as requested by Police Chief Hendricks.

Upon motion of Alderman Charlot, the Board approved unanimously, to go into closed session to discuss personnel matter in the Police Department.

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Upon motion of Alderman Clarke, seconded by Alderman Charlot, the Board approved unanimously, to go into executive session to discuss personnel matter in the Police Department.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, to come out of executive session.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, to register Alderwoman Charlot's vote to hire Daren Freeman as patrolman and appointed as Deputy Chief as a Nay.

- Alderman Clarke: Aye
- Alderwoman Charlot: Nay
- Alderman Torgeson: Aye
- Alderman Hall: Nay
- Alderman Pickich: Aye

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, ratifying approving request to purchase the following from Landers Chrysler Dodge Jeep LLC (State Contract #8200035738), totaling \$52,634 already budgeted from 117-200-915 accordingly:

- Two (2) 2018 Dodge Durango @ \$23,617 ea.
- Two (2) 5.7 Hemi additions @ \$2,700 ea.

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### *PUBLIC WORKS DEPARTMENT*

Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, ratifying the purchase of a 2017 Ford F-250 VIN# 1FT7W2B64HEE91584 from Gray Daniels Ford LLC in the amount of \$30,889.00, already budgeted to be paid out of capital improvement, as requested Russell Holliman Director of Public Works. PW-1.

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### *CONSENT AGENDA*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, request to send Wesley Blalock and Ausker Dedeaux to a one-day A Safety and Security

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System Diagnostic Training class held on November 16, 2017 in Gulfport, MS. Training is free and use of City vehicle is required, as requested by Russell Holliman, Public Works Director. CA-1.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, request to send Marian Gest to a three-day MMCA 2017 Winter Educational Workshop held on December 13-15, 2017 in Jackson, MS. Registration \$165.00, lodging \$226.00 for four nights, per diem \$111.00 and use of City vehicle, as requested by Marian Gest, City Clerk. CA-2.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, Pay Application No. 2 for Splash Pad project – Memorial Park – in favor of Millennium Construction in the sum of \$10,450 as recommended by City Attorney, Project Coordinator. CA-3. [Equipment (Spray Features) is expected to be delivered and installed the last week of November.]

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, refund to Truett Schiel in the amount of \$500.00, Mr. Schiel paid a cash bond at the Pass Christian Police Department to be released on the charge(s) of Domestic Violence-Simple Assault. On August 2, 2017, the affiant, as requested by Tina Dupree, Municipal Court Clerk, withdrew Mr. Schiel's charge of Domestic Violence-Simple Assault. CA-4.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, payment of the following Kevin Scott Fitzpatrick Architect October 2017 invoices totaling \$435.00. CA-5.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, declaring surplus and disposing of the following items located at various Departments and remove from City inventory. Items have been upgraded, damaged, or defective, as requested by Shawn Jerone, IT Director. CA-6.

- iPhone 5 Asset# 3418 #35202806236416 Harbor Upgraded
- Sharp Copy Machine Asset#0798 # 55004010 Beautification Defective
- iPhone 5 Asset#1262 #DX3PP9HWFF9Y Recreation Damaged
- Motorola Asser#1784 # 364VLG6VDN Beautification Upgraded
- Push to Talk Asset#1635 # NTN2593MOTA Beautification Upgraded
- Push to Talk Asset#1636 # NTN2593MOTA Beautification Upgraded
- 3G Smart Phone Asset#0869 # 364JQE01F5 Beautification Upgraded

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, payment of the following A. Garner Russell & Associates, Inc. invoices totaling \$4,680.00 and to amend the budget accordingly, as recommended by Bob Escher, City Engineer. CA-7.

- Invoice 13346 \$ 2,370.00 Davis Ave. Parking Lot
- Invoice 13347 \$ 2,050.00 Services to the City

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### *CLAIMS DOCKET*

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, Claims Docket in the amount of \$432,468.10. CD-1.

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### *EXECUTIVE SESSION*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, to amend the agenda to include an Executive Session.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, request to send Russell Holliman and Wesley Blalock to pick up a 2009 Dodge Bucket Truck on Wednesday, November 8, 2017 in Jonesboro, GA. No per diem and use of City vehicle is required, as requested by Russell Holliman, Public Works Director. AD-1.

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Upon motion of Alderman Torgeson, the Board approved unanimously, to go into closed session to discuss personnel matter with HR Dept. (Only Mayor and Board of Alderman to attend), as requested by Marian Gest, City Clerk.

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, to go into executive session to discuss personnel matter with HR Dept. (Only Mayor and Board of Alderman to attend), as requested by Marian Gest, City Clerk.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, to come out of executive session.

\* \* \*

The Board approved unanimously, to take no action on personnel matter with HR Dept.

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- Alderman Clarke: Aye
- Alderwoman Charlot: Aye
- Alderman Torgeson: Aye
- Alderman Hall: Aye
- Alderman Pickich: Aye

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Upon motion of Alderman Torgeson, the Board approved unanimously, to go into closed session to discuss personnel matter with in the Water Department.

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, to go into executive session to discuss personnel matter with in the Water Department

\* \* \*

Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, to come out of executive session.

\* \* \*

The Board approved unanimously, to take no action on personnel matter with HR Dept.

- Alderman Clarke: Aye
- Alderwoman Charlot: Aye
- Alderman Torgeson: Aye
- Alderman Hall: Aye
- Alderman Pickich: Aye

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Upon motion of Alderman Hall, the Board approved unanimously, to go into closed session to discuss personnel issue in the Public Works Department.

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, to go into executive session to discuss personnel issue in the Public Works Department.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, to come out of executive session.

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Upon motion of Alderman Torgeson, seconded by Alderwoman Clarke, the Board approved unanimously, to follow the consensus of the Board and to place Stanley Christmas on six-month probation and during that time he will be subject monthly random drug test. In addition, Mr. Christmas cannot return to work until his driver's license has been validated.

- Alderman Clarke: Aye
- Alderwoman Charlot: Aye
- Alderman Torgeson: Aye
- Alderman Hall: Aye
- Alderman Pickich: Aye

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Upon motion of Alderman Hall, the Board approved unanimously, to go into closed session to discuss strategy for pending litigation, Weiss v. City of Pass Christian and Police Chief Hendricks, in the County Court of Harrison County, MS, IJD, in Cause No. 17-1603, as requested by Malcolm Jones, City Attorney.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, to go into executive session to discuss strategy for pending litigation, Weiss v. City of Pass Christian and Police Chief Hendricks, in the County Court of Harrison County, MS, IJD, in Cause No. 17-1603, as requested by Malcolm Jones, City Attorney.

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Upon motion of Alderman Clarke, seconded by Alderwoman Charlot, the Board approved unanimously, to come out of executive session.

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Upon motion of Alderman Torgeson, seconded by Alderwoman Charlot, the Board approved unanimously, to authorize City Attorney to enter an appearance in the defense of pending litigation, Weiss v. City of Pass Christian and Police Chief Hendricks, in the County Court of Harrison County, MS, IJD, in Cause No. 17-1603.

- Alderman Clarke: Aye
- Alderwoman Charlot: Aye
- Alderman Torgeson: Aye
- Alderman Hall: Aye
- Alderman Pickich: Aye

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, to amend the agenda to include a closed session.

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Upon motion of Alderman Torgeson, the Board approved unanimously, to go into closed session.

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Upon motion of Alderman Hall, seconded by Alderman Clarke, the Board approved unanimously, to come out of closed session.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, to go into executive session to discuss a personnel matter in the Police Department.

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Upon motion of Alderman Hall, seconded by Alderwoman Torgeson, the Board approved unanimously, to come out of executive session.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, to revisit item P-5 on the agenda and to amend the motion to read the Board approved to hire Daren Freeman as a patrolman and to be appointed as Deputy Chief, with a hire date of November 8, 2017, and a starting salary of \$48,000. He has completed all Civil Service requirements and position will have a one-year probationary period, as requested by Police Chief Hendricks. (Vote is based on hiring not verbiage)

- Alderman Clarke: Aye
- Alderwoman Charlot: Nay
- Alderman Torgeson: Aye
- Alderman Hall: Nay
- Alderman Pickich: Aye

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, to amend the agenda.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved, allowing the city attorney to enter an appearance on behalf of the city for the appeal of the decision to overrule the decision of the Historical Preservation Commission – 305 E. Scenic Drive proposed parking lot.

- Alderman Clarke: Aye
- Alderwoman Charlot: Recused
- Alderman Torgeson: Aye
- Alderman Hall: Aye
- Alderman Pickich: Aye

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, motion to recess at 8:21 p.m. until the November 21, 2017 Regular Mayor and BOA meeting.

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Mayor

\_\_\_\_11-21-2017\_\_\_\_\_

Date

\_\_\_\_\_

City Clerk

\_\_\_\_11-21-2017\_\_\_\_\_

Date