

CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 111

REGULAR MEETING

OCTOBER 3, 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 Clarke, seconded by Alderman Pickich, the Board approved unanimously, to table hearing from The Pass Christian Community Sailing Foundation, 501 (c) (3), to discuss City property storage and use of City space and slip usage, as requested by Robin Rafferty, Sailing Development Co-Chair to have investigate 501(c)(3) and the long term goals.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, minutes of the September 19, 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 Torgeson, seconded by Alderman Clarke, the Board approved unanimously, ratifying executed release of lien from Ms. Municipal Liability Company for the damages to the Police Chief's vehicle that is covered under our uninsured motorist coverage and accepting check in the amount of \$4,599.91 to cover damages. (Ms. Municipal Service Company is seeking restitution from the individual that caused damages). A-3.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, proclamation recognizing October 2017 as Domestic Violence Awareness Month, as requested by Rene' Davis, Community Outreach Educator Gulf Coast Center for Nonviolence. A-4.

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, request from Gulf Coast Mental Health Center for use of and waiver of rental fee at Memorial Park on Friday, October 27, 2017 from 12:00 p.m. to 4:00 p.m. for team building purposes for 60-75 individuals, this bringing favorable notice to the resources and opportunities of the City, as requested by William Glass, Community Support Specialist. A-5.

CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 111

REGULAR MEETING

OCTOBER 3, 2017

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, appointing Jenny Nicaud to the Historical Preservation Commission, replacing Henry Laird who resigned from the Commission, term ending December 31, 2017, as requested by Mayor McDermott. A-6.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, appointing Joby Church to the War Memorial Park Commission, replacing Heather Rhodes who moved out of town, term ending March 30, 2019, as requested by Mayor McDermott. A-7.

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, awarding bid for construction of the Davis Avenue Municipal Parking Lot to Advanced Construction and Development, LLC in the amount of \$141,167.00, lowest and best bid, to be paid out of Capitol Improvement funds, as requested by Bob Escher, City Engineer. A-8.

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Upon motion of Alderman Clarke, seconded by Alderman Hall, the Board approved unanimously, awarding bid for Water Well and Pump Station Repairs to DNA Underground, LLC in the amount of \$46,848.50, lowest and best bid, to be paid out of 400-703-911, as requested by Bob Escher, City Engineer. A-9.

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Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, accepting check in the amount of \$2,034.00 from Long Beach Auto Auction Inc. for sale of OTC Scanner, 2005 Ford Freestar, and Rotary Cutter, as requested by Marian Gest, City Clerk. A-10.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, making donation for sponsorship to Tuskegee Airmen, Inc. in the amount of \$100.00, this bringing favorable notice to the resources and opportunities of the City, as requested by Mayor Chipper McDermott. A-11.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, awarding bid to Ferguson Waterworks (MUSCO – Gulfport) at the lowest and best quote in the sum of \$6,775 to install 8” INSERTA Valve near the intersection of Pirates Cove and W. North Street to assist WPSCO in relocating City water main where it crosses a natural gas line, to be paid out of 400-703-911. [Three quotes were received for this work.] A-12.

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CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 111

REGULAR MEETING

OCTOBER 3, 2017

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, the use of the Municipal Court Building on October 11, 2017 at 6pm for the Historic Commission meeting. (Hancock Bank is renovating current location that they use).

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PLANNING DEPARTMENT

Alderman Clarke recused himself at this time during the meeting.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, the City Attorney's recommendation to approve a Re-Subdivision of property at 507 East Scenic Drive (Tax Parcel No.413E-01-005.000). The applicant proposes to subdivide the existing lot to have one lot on E. Second Street with a depth of about 198 feet and the other lot for the remainder of the lot fronting on E. Scenic Drive. The property owners, Patricia Demetz and Gary L. Smith have entered into a Contract for the Sale and Purchase of the aforementioned vacant lot to Jourdan Nicaud. Mr. Nicaud has requested the City to approve the lot subdivision as set forth on the attached tax map before he closes on the sale of the property. [According to my review of the survey the subject property is approx. 70 feet in width on Scenic Drive and therefore, would constitute a non-conforming lot as to the width only. (The T3E zone requires a 90 foot minimum width.) My research and consultation with the Planning Commission Chairman indicates that the two lots as subdivided would otherwise meet the requirements of the City zoning ordinance as to the minimum lot sizes for the T3E Estate zone on E. Scenic Drive and the T4L zone on E. Second Street. If the lot subdivision was approved the two lots would continue to be situated within the contiguous Historic District and would both be subject to the provisions of the City's Historic Preservation Commission Ordinance and Guidelines. This matter is not required to be submitted to the Planning Commission.] PD-1.

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, the City Attorney's recommendation to approve a Re-subdivision of the properties situated at Tax Parcel Nos. 412P-04-027.002 (Lot East of 969 E. Beach Blvd.) and 421P-04-026.000 owned by William R. and Melissa C. Legier. The applicants propose to reduce the size of Tax Parcel 412P-04-027.002 to a lot approximately 91 feet in width on Scenic Drive with a depth of about 380 to 402 on the Eastern and Western boundaries, respectively. The remainder of Tax Parcel 412P-04-027.002 will be attached to the property situated at 969 East Beach Blvd., the current residence of the Legiers. The Legiers intend to construct a Western addition on their existing home. According to the attached survey and my research and consultation with the Planning Commission Chairman these two lots will meet all of the requirements of the City's zoning ordinance as to the minimum lot width and lot sizes. These lots are not located within the City's Historic District. This matter is not required to be submitted to the Planning Commission. PD-2.

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Alderman Clarke returned to the meeting.

CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 111

REGULAR MEETING

OCTOBER 3, 2017

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Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, request by Owners of properties for Lots on the Eastern end of Palmwood Drive (Randy Robin and Heirs of Nodurft) to revise preliminary plat to relocate private driveway access on Lot 3 (Eric Nodurft) due to receipt of Wetlands Determination from Corps of Engineers. [The original preliminary plat was approved by the Planning Commission and later by the Mayor and Board of Aldermen at their meeting held on August 16, 2016.] Also, the preliminary plat was approved upon the condition that the Owners would construct the private driveway and install the private utility service lines to all of the lots on the revised plat before the revised final plat was approved. The Owners of Lots 1 and 2 are attempting to market their lots for sale together and have requested that they (or the new owners, if these lots are sold) be allowed to defer the construction of the private driveway and utility service lines on their properties until after the properties are sold and the property developed. Mr. Robin is requesting that this be approved so that he and others can commence construction of the improvements so he can construct his home on his lots. PD-3.

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, the City Attorney's recommendation to approve a Lot Combination for the parcels situated at 127 Terrace Avenue (Lots 29 and 30, Gulf Terrace Subdivision) Tax Parcel Nos. 313L-01-012.000 and 313L-01-013.000 requested by Michael and Marie Lamb. PD-4.

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WATER DEPARTMENT

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, adjustment request from Rita Normand in the amount of \$37.80 for water charges and \$168.20 for sewer charges for 30,000 gallons of water that went through the City's sewer system. Customer had toilet leak and under counter leak per apartment management documentation. Recommendation is to **approve half the excess sewer only (\$84.10)**. W-1. Rare Board approval and is based on North Street LLC confirming management issues led to the two month delay in repairs for occupant. Since she had a toilet leak which the Board rejects adjustments, as well as, an under the sink/zink leak it would be impossible to determine how much of the overage is from the toilet leak or sink/zink. This recommendation is an exception to previous Board rulings on leaks of this nature.

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MAIN STREET

Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approve unanimously, Farm To Table event for Main Street November 12, 2017, closing the 100 block of Davis Avenue from 3 – 10 pm, use of barricades, and the use of the Randolph Center as an inclement weather location, this bringing favorable notice to the resources and opportunities of the City, as requested by Amy Rishel, Main Street Director.

CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 111

REGULAR MEETING

OCTOBER 3, 2017

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FIRE DEPARTMENT

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, ratifying accepting resignation from FF William Faulk effective Friday, September 22, 2017 and pay him for any comp-time and vacation pay per City policy that he may have accrued while employed, as requested by Fire Chief Gordon. F-1.

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HARBOR DEPARTMENT

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, hiring the following individuals listed below as part-time harbor patrolmen, to fill existing vacancies with a hire date of October 4, 2017 at a rate \$9.00 per hour, as requested by Willie Davis, Harbormaster.

- Charles Bates
- Arthur Huffer
- Colin Ladner

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Upon motion of Alderman Hall, 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 pier if they are not paid by October 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-2.

- Pleasure #00877 & #00908
- Commercial #00130, & #00166 and #00798

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POLICE DEPARTMENT

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, accepting check in the amount of \$2,000 to the Police Department from Wal-Mart for promotional items and new digital cameras and amend the budget 001-200-505 accordingly, as requested by Police Chief Hendricks.

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, the hiring of Jeffrey Frye to fill the existing vacancy in patrol with hire date of October 4, 2017 and a

CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 111

REGULAR MEETING

OCTOBER 3, 2017

starting salary of \$32,152. He is already certified and has taken and passed the civil service exam. Position has a one year probationary period, as requested by Police Chief Hendricks.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, ratifying accepting letter of resignation from Deputy Chief Mechelle Carbine, effective October 2, 2017 and pay her for any bank-time and vacation pay per City policy that she may have accrued while employed, as requested by Police Chief Hendricks. P-3.

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, ratifying accepting letter of resignation from Officer Justin York, effective September 27, 2017 and pay him for any comp-time and vacation pay per City policy that he may have accrued while employed, as requested by Police Chief Hendricks. P-4.

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Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, ratifying reducing salary of Officer Kimbro Estes from \$35,175 to \$32,152.00 due to demotion effective 09/19/17. P-5.

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CONSENT AGENDA

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, request to allow SRO JW Dedeaux attend a three-day Mississippi Association of Gang Investigators Training Conference on November 5-8, 2017 held in Biloxi, MS. Tuition is \$175 and use of City vehicle is required, as requested by Police Chief Hendricks. CA-1.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, request to allow SRO JW Dedeaux attend a four-hour Juvenile Justice Refresher Course class on October 9, 2017 held in Gulfport, MS. Tuition is free, and use of City vehicle is required, as requested by Police Chief Hendricks. CA-2.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, request to send FF Dustin Dauner to a MSFA Fire Fighter 1001-I-II on October 23, 2017 through December 14, 2017 in Jackson, MS. Cost of class is \$500.00, per diem \$700.00 and the use of the city vehicle, as requested by Fire Chief Gordon. CA-3.

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CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 111

REGULAR MEETING

OCTOBER 3, 2017

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, request to send Aldermen Hall to a two-day 2016 Small Town Conference held in Oxford, MS on October 25-26, 2017. Registration \$85.00 and lodging \$107.00 per night, as requested by Alderman Hall. CA-4.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, request to allow Officer Jared McKinney attend a three-day Field Training Officer class on October 9-11, 2017 held in Gulfport, MS. Tuition is free, and use of City vehicle is required, as requested by Police Chief Hendricks.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, accepting oath of office taken from Haley Overstreet as Reserve Officer, as requested by Marian Gest, City Clerk. CA-6.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, correcting minutes of Special Meeting of May 9, 2017, Nunc Pro Tunc, as follows: "Upon motion of Alderman Washington, seconded by Alderman Torgeson, the Board approved unanimously, to authorize Mayor to sign purchase agreement to buy lot from Sazerac Group, LLC and lease other lot for \$16,000/yr. for five years and City to pay any property taxes. See Resolution attached." [Please note that this correction is being made to change the Seller name from "Sazerac Square" to "Sazerac Group, LLC" and the Resolution was passed out to the Board at the meeting, but was inadvertently not included in the minutes as Dawn was not present.] CA-7.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, accepting Certificate of Attendance from Tina Dupree for training as Municipal Court Clerk, as requested by Marian Gest, City Clerk. CA-8.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, Pay Application No. 1 for Millenium Construction, LLC, in the amount of \$61,322.50 for Splash Pad project at Memorial Park, as recommended by City Attorney, Project Coordinator. CA-9.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, inter departmental transfer of funds in the amount of \$3,410.00 from 001-220-610 to 001-220-560 for parts for fire truck for the Fire Department, as requested by Fire Chief Gordon.

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CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 111

REGULAR MEETING

OCTOBER 3, 2017

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 follow the recommendation of City Attorney to continue with directing contractor to begin construction of parking lot.

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

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, motion to recess at 6:48 p.m. until the October 17, 2017 Regular Mayor and BOA meeting.

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Mayor

10-17-2017_____
Date

City Clerk

10-17-2017_____
Date