

CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 116

REGULAR MEETING

OCTOBER 16, 2018

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, Police Chief Hendricks, Attorney Malcolm Jones and City Clerk Marian Gest.

ABSENT: Alderman at Large Kenny Torgeson

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

ADMINISTRATIVE

Upon motion of Alderwoman Charlot, seconded by Alderman Clarke, the Board approved unanimously, hearing from Jeannie Herrin, executive director with CASA (Court Appointed Special Advocate) and approving City donation of \$1000.00, this bringing favorable notice to the resources and opportunities of the City, as requested by Mayor McDermott.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, City donation of \$500.00 to the Pass Pantry, this bringing favorable notice to the resources and opportunities of the City, as requested by Mayor McDermott.

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, to table hearing from Adam Pace for update on Cruisin the Coast, as requested by Adam Pace.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved, ratifying approving request for 80 – 90 concrete blocks, locate and return blocks for Cruisin the Coast in the amount of \$4,876.50, as requested by Adam Pace. A-4.

- Alderman Clarke: Aye
- Alderman Washington: Aye
- Alderman Torgeson: Absent
- Alderman Hall: Nay
- Alderman Pickich: Aye

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Upon motion of Alderman Clarke, seconded by Alderman Hall, the Board approved unanimously, minutes of the October 2, 2018 Regular Mayor and Board of Aldermen meeting, as requested by Dawn Sanders, Deputy City Clerk. A-5.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, ratifying accepting donation of approximately \$6,000.00 worth of soil, sod and plants from the Pass Christian Garden Club to be used in Memorial Park, as requested by Anita Giani and Donna Newton.

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Upon motion of Alderman Hall, seconded by Alderman Clarke, the Board approved unanimously, authorizing solicitation of Request for Qualifications for City Engineering Services and Tidelands, as requested by Mayor McDermott.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, changing Public Works work hours back to Monday through Friday 7:00 a.m. to 3:30 p.m. starting November 4, 2018 through March 10, 2019, as requested by Mayor McDermott.

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Upon motion of Alderwoman Charlot, seconded by Alderman Hall, the Board approved unanimously, Resolution in opposition of the construction of a dam and a 1.500 acre lake on the Pearl River, as requested by Senator Dawkins. A-9.

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Upon motion of Alderman Clarke, seconded by Alderman Hall, the Board approved unanimously, adopting proclamation for Keeping the Lights On After School, October 25, 2018, as requested by Sherrell Dedeaux, Director of Teen Services Boys and Girls Club. A-10.

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, request from PC Volunteer Fire Department for the use of and waiver of rental fee (\$125.00) at Randolph Center on Saturday, January 12, 2019 for Annual Dinner, this bringing favorable notice to the resources and opportunities of the City, as requested by John Dedeaux, President. A-11.

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Upon motion of Alderman Hall, seconded by Alderman Clarke, the Board approved unanimously, accepting the City of Pass Christian's Fixed Asset Inventory listing for Fiscal Year beginning October 1, 2018, as requested by Maria Mena, A&P/Purchasing Clerk. A-12.

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Upon motion of Alderman Clarke, seconded by Alderwoman Charlot, the Board approved unanimously, moving forward with package for drainage project at 614 E. Second Street that was previously identified, as requested by Mayor McDermott. A-13.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, lease agreement with Mississippi Power for lights on Highway 90 for \$324.00 per month including repair to existing problems and maintenance, as requested by Mayor McDermott. A-14.

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LEGAL DEPARTMENT

Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, Notice of Renewal of Government Lease, from NAVFAC Southeast, at the Pass Christian Harbor for file LI-11411, contract N69450-07-RP-00082 in the amount of \$26,901.54 annual, payable \$2,241.79 monthly in arrears, as submitted by Marian Gest, City Clerk. L-1.

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PLANNING DEPARTMENT

Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, the City Planner's recommendation to approve a Re-Subdivision Application at 0 Ridgewood Drive, Tax Parcels #0312M-02-107.000 & 0312M-02-106.000. Britany and Daniel Ladner propose combining the two lots into one, as requested by Danit Simon, City Planner. PD-1.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, discussing Gail Saik's appeal of the Pass Christian Tree Board's recommendation to deny the request to remove one Magnolia Tree at 127 Victoria Lane. As requested by Danit Simon, City Planner, supporting documents attached (Ms. Siak's appeal letter will be emailed to the Mayor and Aldermen prior to the meeting), as requested by Danit Simon, City Planner. PD-2.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved, Gail Saik's appeal of the Pass Christian Tree Board's recommendation to deny the request to remove one Magnolia Tree at 127 Victoria Lane. Resident has permission to cut down tree and will plant the required replacement trees as deemed by code.

- Alderman Clarke: Aye
- Alderman Washington: Aye
- Alderman Torgeson: Absent
- Alderman Hall: Nay
- Alderman Pickich: Aye

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HARBOR DEPARTMENT

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, the transfer of Stephen Bankston from harbor patrol to harbor maintenance position at the rate of \$12.00 per hour, effective October 17, 2018, as requested by Harbormaster Davis.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, request to advertise for one full-time harbor patrol position at the rate of \$9.00 per hour. Advertisement will run from 10/17/18 – 10/30/18, interviews on 11/01/18 and request to hire on 11/07/18, as requested by Harbormaster Davis.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, the due date for Harbor Billing changed from the 1st to the 10th of each month, late fee changed from the 10th to the 20th and mailed from the 20th to the 1st of each month, as requested by Harbormaster Davis.

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POLICE DEPARTMENT

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, accepting letter of resignation from Officer Brandon Zwick, effective October 18, 2018 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-1.

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Upon motion of Alderman Clarke, seconded by Alderwoman Charlot, the Board approved unanimously, accepting donation in the amount of \$2,000.00 from Cruisin' the Coast to 001-200-505 and amend the budget accordingly, as requested by Police Chief Hendricks. P-2.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, purchase of one (1) 2018 Dodge Charger Police Pursuit Package from Kirk Auto Group for the amount of \$28,167.00 (117-200-915), 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, recommendation that the following officers be promoted to the rank of patrol sergeant. They have passed the civil service exam and their scores have been certified by the Civil Service Board with an effective date of October 19, 2018 and an annual salary of \$35,175.20, as requested by Police Chief Hendricks.

- Officer Kyle Broadus
- Officer Kyle Craig
- Officer Samantha Phillips
- Officer Daniel Sullivan

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CONSENT AGENDA

Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, request to send FF Jason Windham to MSFA in Pearl MS for Fireground Leadership Class held November 12-15, 2018. Cost of class \$360.00, per diem \$105.00 and use of city vehicle, as requested by Fire Chief Gordon. CA-1.

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Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, request to send FF Doyle Moran and Bradley Polk to MSFA in Pearl MS for Driver/Operator Class held November 26, 2018 thru December 6, 2018. Cost of class \$675.00 each, per diem \$210.00 each and use of city vehicle, as requested by Fire Chief Gordon. CA-2.

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Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, request to send Officer Charles Shoulders to a three day Standardized Field Sobriety Testing training class held on November 6-8, 2018 in D'Iberville, MS. Tuition is free and use of City vehicle is required, as requested by Police Chief Hendricks. CA-3.

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Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, request to send Officer Kyle Broadus to a two day Advanced Roadside Impaired Driving Enforcement training class held on November 6-7, 2018 in Biloxi, MS. Tuition is free and use of a City vehicle, as requested by Police Chief Hendricks. CA-4.

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Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, request to send Investigator Michael Burkett to a thirty-day Basic Computer Evidence Recovery (BCERT) training class held on January 7-February 7, 2019 in Birmingham, AL. Tuition, per diem and lodging are free and use of a City vehicle is required, as requested by Police Chief Hendricks. CA-5.

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Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, pay application #2 from Gill's Crane and Dozer Service Inc. in the amount of \$86,098.50 for Timber Piling Replacement under the City's Annual Unit Price Contract as recommended by City Engineer. CA-6.

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Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, payment of the following A. Garner Russell & Associates, Inc. invoices totaling \$3,340.00, as recommended by Bob Escher, City Engineer. CA-7.

- Invoice 13570 \$ 1,990.00 FY 2019 Tidelands
- Invoice 13593 \$ 1,350.00 FY 2020 Tidelands

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Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, receiving monthly Budget Report for September 2018 from City Clerk, as requested by Marian Gest, City Clerk. CA-8.

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CLAIMS DOCKET

Upon motion of Alderman Clarke, seconded by Alderwoman Charlot, the Board approved Claims Docket in the amount of \$110,969.14. CD-1.

- Alderman Clarke: Aye
- Alderman Washington: Aye
- Alderman Torgeson: Absent
- Alderman Hall: Abstain
- Alderman Pickich: Aye

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, Claims Docket in the amount of \$27,808.40. CD-2.

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Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, to amend the agenda to accept addendum.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, Post Mutual Aid Agreements with Bay County, Springfield City, Panama City and Panama City Beach in Florida affected by Hurricane Michael, as requested by Mayor McDermott. AD-1.

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Upon motion of Alderwoman Charlot, seconded by Alderman Clarke, the Board approved unanimously, changing the date for the Tuesday, November 6, 2018 regular Mayor and Board of Aldermen meeting to Monday, November 5, 2018 due to elections, as requested by Mayor McDermott.

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Upon motion of Alderwoman Charlot, the Board approved unanimously, to go into Closed Session on 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 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 Hall, seconded by Alderman Clarke, the Board approved unanimously, to gran unpaid leave to Stanley Christmas in the first meeting in December.

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Upon motion of Alderman Hall, the Board approved unanimously, to go into Closed Session discuss negotiations for pending litigation, Jason Edmonds v. City of Pass Christian, et als., Circuit Court, Harrison County, MS, IJD, Cause No. 18-126, where discussion of the matter would be detrimental to the litigation position of the City and its officials.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, to into Executive Session discuss negotiations for pending litigation, Jason Edmonds v. City of Pass Christian, et als., Circuit Court, Harrison County, MS, IJD, Cause No. 18-126, where discussion of the matter would be detrimental to the litigation position of the City and its officials.

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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, the consensus of the Board “pursuant to MCA Section 25-1-47, as amended, to employ Malcolm F. Jones P. A. to represent the City, the Mayor, the City Clerk, and the Police Chief at his usual hourly rate for litigation and Steve Simpson of Wise Carter to separately represent the former Police Chief, John Dubuisson, at the rate of \$185 per hour, in the case of Jason Edmonds v. City, et als., Circuit Court, Harrison County, MS, IJD, Cause No. 18-126, with a finding that each of these aforementioned employees, former employees, and officials were acting in the course and scope of their employment at all material times alleged in the lawsuit. The Board also approved the engagement letter for hiring Vann Craft as a wage and hour expert to assist the City’s counsel at the hourly rate set forth in the engagement letter attached.

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Upon motion of Alderman Clarke, seconded by Alderwoman Charlot, the Board approved unanimously, to adjourn at 7:15 p.m.

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Mayor

11-5-2018

Date

City Clerk

11-5-2018

Date