

CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 118

REGULAR MEETING

FEBRUARY 19, 2019

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 at Large Kenny Torgeson, Alderman Anthony Hall, Alderwoman Regina Charlot, Alderman Buddy Clarke, Alderman Victor Pickich, Police Chief Hendricks, 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 Torgeson, the Board approved unanimously, minutes of the February 5, 2019 Regular Mayor and Board of Aldermen meeting, as requested by Dawn Sanders, Deputy City Clerk. A-1.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, observing Good Friday, as City holiday in lieu of Fat Tuesday, going forward and make changes to City Handbook under Holidays, page 14 as requested by Marian Gest, City Clerk.

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Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, Engineering contract with Covington Civil and Environmental, LLC, for the term beginning on March 1, 2019, through February 29, 2020, with one-year renewal terms for up to three additional years. [The engineer's compensation under this contract will be based upon individual Task Orders either on a time and materials basis under the Engineer's hourly rates or a lump sum basis as shall be agreed upon on approval of each Task Order.] A-3.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, contract for preliminary design engineering services with Neel-Schaffer for North Street Sidewalk project – Federal Aid Project (MDOT) STP-9362-00(001) LPA 107343-701000. [These design engineering fees will be paid solely by the City and will not be reimbursed under the MDOT Grant. The City will enter into a contract at a later date with the Engineering firm for construction administration and inspections and the City will seek reimbursement of these engineering fees and construction costs from the Federal Grant.] A-4.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, authorizing Mayor to notify MDOT that the City has now chosen Neel-Schaffer to act as the City's engineer consultant for the design and construction administration and

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inspections to replace the engineering firm of Garner Russell & Associates, which was originally selected for this Project.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, contract for general engineering services with T. Baker Smith, LLC effective January 1, 2019 for a one-year period with a renewal term for three additional one-year terms, with all fees to be paid according to the attached hourly rate schedule or on a lump sum basis as agreed. A-6.

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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, adopting ordinance per request of owner, Barry T. Dreyfus, Jr., vacating a platted five-foot easement or servitude running approximately east and west bounded by lots 71, 72, and 9, Beach Hurst Addition Subdivision; a platted five-foot easement or servitude bounded by Lots 9, 70, and 71; and a platted ten-foot easement or servitude running north-south and being bounded on the West by Lot 9, in the Beach Hurst Addition Subdivision, on file in the Office of the Chancery Clerk of Harrison County, MS, 1 JD, in Plat Book 12, Page 4. A-7.

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Alderman Clarke returned to the meeting.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, accepting drainage and sewer easement from Elizabeth N. Abadie for Lot 17, Block 2, Tall Oaks Subdivision, (117 Hursey Avenue) and authorizing Public Works Department to install approximately 170 feet of 12" – N-12 HDPE Drainage pipe with related connections with appropriate cover fill at an approx. cost of \$1,804.76 for materials only along the Northern and Eastern boundaries of such lot. A-8.

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Upon motion of Alderwoman Charlot, seconded by Alderman Torgeson, the Board approved unanimously, Resolution of Intent for the application with the Ms. Development Authority Cap Loan Program in the amount of \$462,066 for funding of the new fire truck and authorize mandatory publication requirement of once a week for four consecutive weeks. A-9.

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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, adopting resolution authorizing the sale of a twenty- foot strip of land on the East side of the property on the NE corner of Woodman Avenue and E. Second Street to Debra Wenger for the sum of \$5,000.00. [The City previously granted an easement to Alice Berry for this same property in its minutes of January 20, 2015. The new owner of the property has requested the City to convey the remainder of its interest in the subject parcel.] A-10.

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Alderman Clarke returned to the meeting.

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Upon motion of Alderwoman Charlot, seconded by Alderman Torgeson, the Board approved unanimously, discussing conducting Interviews for School Board Trustee appointment on Wednesday, February 27, 2019, as requested by Marian Gest, City Clerk.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, conducting Interviews for School Board Trustee appointment on Monday, February 25, 2019.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, Work Order No. 9 (Market Street Sewer Repair) from DNA Underground, LLC in the amount of \$61,248.00 under the City's Annual Unit Price Contract as recommended by Bob Escher, City Engineer. A-12.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, to go into Executive Session to discuss pending litigation, Edmonds vs City of Pass Christian.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, 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, Invoice #PC 1218-001 in the amount of \$2522.55 for professional services with Wage

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Hour Assessments & Solutions concerning City law suit, to be paid out of 001-105-506, amend the budget accordingly, as requested by Marian Gest, City Clerk. A-13.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, reviewing Departmental take home vehicles by City employees, and to allow Harbor maintenance employee to use City Vehicle as long as they are on call, as requested Alderman Pickich. A-14.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, discussing adding additional streets to our previously approved list for County paving, estimated cost of \$353.00, as requested by Mayor McDermott.

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PLANNING DEPARTMENT

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, City Planner's recommendation to approve a Re-Subdivision Application at 213 & 0 Pinewood Drive, Tax Parcels #0312M-01-098.000 and 0312M-01-097.000. Matthew J. and Catherine A. Schultz propose combining the two parcels, as requested by Danit Simon, City Planner. PD-1.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, City Planner's recommendation to approve a Re-Subdivision Application at 0 Wood Drive, Tax Parcels #0312M-04-069.000 and 0312M-04-070.000. Frederick III & Lisa Eagan propose combining the two parcel, as requested by Danit Simon, City Planner. PD-2.

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Upon motion of Alderman Clarke, seconded by Alderman Hall, the Board approved unanimously, Zoning Board of Adjustments recommendation to approve Application PD-8-2019, Carter & Penny Bise, 110 Hursey Avenue, Warrant request to match a neighboring house's front setback with the condition that the neighbors on both sides sign the Agreement of Affected Property Owners form, as requested by Danit Simon, City Planner. PD-3.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, Pass Christian Tree Board's recommendation to approve P.C. Havens request to remove one dead live oak tree at 919 E Scenic Drive, as requested by Danit Simon, City Planner. PD-4.

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Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, Pass Christian Tree Board's recommendation to approve Michael P & Beverly A Cummings request to remove one dead live oak tree at 125 Terrace Avenue, as requested by Danit Simon, City Planner. PD-5.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, Pass Christian Tree Board's recommendation to approve Bill & Karen Deblieux's request to remove one dying live oak tree at 113 Ironwood Cove, as requested by Danit Simon, City Planner. PD-6

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Upon motion of Alderman Hall, seconded by Alderman Clarke, the Board approved, David & Laurie Estep's appeal of the Pass Christian Tree Board's recommendation at 420 E 2nd Street. The Estep's requested to remove three Live Oak Trees and the Tree Board recommended that only one of the trees be removed, denying the request for two of the tree, as requested by Danit Simon, City Planner, supporting documents attached (The Estep's hired an arborist to review the trees, the arborist's letter will be emailed to the Mayor & Aldermen prior to the meeting). PD-7.

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

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WATER DEPARTMENT

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, Work Order # 7 with DNA Underground LLC in the sum of \$69,320.00 for multiple fire hydrant replacement/repairs under Annual Unit Price Maintenance Contract, as requested by WPSCO. W-1.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, WPSCO Invoice # 16500 in the amount of \$2352.00 for overtime during November and December 2018 for non-emergency repairs per paragraph 2.09 and per current contract paragraph 2.04 "Hours of Operation" known as "Ten Hour Rule" whereby WPSCO gives the City 10 hours of overtime per week and bills in excess of, as requested by WPSCO. W-2.

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HARBOR DEPARTMENT

Upon motion of Alderman Clarke, seconded by Alderwoman Charlot, the Board approved unanimously, authorizing the Harbor to use new Harbor area during the 2019 Mardi Gras Parade for paid parking area. RV's will be charged \$20.00 per day and passenger vehicles will be charged \$10.00 per day. All proceeds will be used for projects within the Pass Christian Harbor.

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POLICE DEPARTMENT

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, uniform reimbursement of \$109.50 to Evidence Technician Constance Hall, as requested by Police Chief Hendricks. P-1.

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Upon motion of Alderwoman Charlot, seconded by Alderman Torgeson, the Board approved unanimously, ratifying request to accept letter of resignation letter from Officer David Spence effective February 11, 2019 and to remove him from the Part Time List, 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, discussing accepting resignation letter from Officer Kyle Strong, effective February 28, 2019, and pay him for any 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 Hall, seconded by Alderman Torgeson, the Board approved unanimously, to go into Executive Session to discuss accepting resignation letter from Officer Kyle Strong, effective February 28, 2019, and pay him for any 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 Hall, seconded by Alderwoman Charlot, the Board approved unanimously, to come out of Executive Session.

* * *

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved, accepting resignation letter from Officer Kyle Strong, effective February 28, 2019, and pay him for any vacation pay per City policy that he may have accrued while employed.

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

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board denied, adding the resignation letter from Officer Mickey Moran to the Minutes for the February 5, 2019 Mayor and Board of Aldermen meeting, item P-2, as requested by Alderman Hall. P-4.

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

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PUBLIC WORKS DEPARTMENT

Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, to move funds in the amount of \$5,000.00, from 001-301-525 (PW Fuel) to 001-300-560 (Building & Plants) Repairs & Maintenance, as requested by Russell Holliman, Public Works Director.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, request from the City of Long Beach for the loan of City's Stage for Jeepin the Coast Parade on Saturday, June 1, 2019, pursuant to the MCA\$17-5-15, as requested by George Bass, Mayor of Long Beach. (If the stage must be setup on Friday, May 31, 2019, as requested, it may be necessary to authorize Public Works to work some overtime hours.) PW-2.

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Alderman Clarke recused himself at this time during the meeting.

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, Public Works Department to remove and replace approximately 480 feet of damaged metal underground culverts and related materials in the approx. sum of \$14,587.80 on the property owned by Kristy and Joseph Gonzales at 788 W. Beach upon the condition that the owners will pay one-half of the cost of the materials for the replacement HDPE pipe, amend the budget accordingly, as requested by Malcolm Jones, City Attorney. PW-3. [On May 1, 2017, the City accepted an easement from the Gonzales with the understanding that the City would

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maintain the underground drainage pipes. Upon a recent inspection by the Public Works Director and City Engineer it has been determined that the metal drainage pipe originally installed in the 1990s has deteriorated to the point that it cannot be successfully repaired.]

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Alderman Clarke returned to the meeting.

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CONSENT AGENDA

Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, request to send Marian Gest and Malcolm Jones to a one-day Mississippi Municipal Service Company Spring 2019 Educational Program on Municipal Liability and Workers Compensation Workshop held on March 28, 2019 in Hattiesburg, MS., attendance is free and use of City Vehicle is required, as requested by Marian Gest, City Clerk. CA-1.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, request to send K9 Officer Kyle Michael to a two-day Interdiction Training class held April 17-18, 2019 in Biloxi, MS. Tuition is free and use of a City vehicle, as requested by Police Chief Hendricks. CA-2.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, request to send Police Chief Hendricks and Assistant Police Chief Daren Freeman to a one-day Mississippi Corporate Security Symposium class held March 20, 2019 in Biloxi, MS. Tuition is free and use of a City vehicle, as requested by Police Chief Hendricks. CA-3.

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, declaring the vehicle listed below as surplus and disposal and remove from City inventory. Vehicle cannot be located may have already been surplus prior to 2015: CA-4.

- 2008 Ford (VIN 2FAFP71V68X132059) ASSET # 011

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, transferring the following item located in the Code Department to City Hall, as requested by Maria Mena, AP/Purchasing. CA-5.

- Tag #01446 2004 Ford Crown

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, disposing the following item located in the City Court building and remove item from the inventory. Item is unrepairable, as requested by Tina Dupree, Municipal Court Clerk. CA-6.

- Tag #01329 9.2 CU FT Refrigerator

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, accepting Oath of Office from Jeffrey Hendrix as Police Officer, as requested by Dawn Sanders, Deputy City Clerk. CA-7.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, receiving monthly Budget Report for January 2019 from City Clerk, pending no questions, as requested by Marian Gest, City Clerk. CA-8.

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CLAIMS DOCKET

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved Claims Docket in the amount of \$139,065.45. CD-1.

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Upon motion of Alderman Torgeson, seconded by Alderwoman Charlot, the Board approved unanimously, to accept addendum.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, to go into Executive Session for discussion on personnel issue at the Police Department.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, to come out of Executive Session.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, to accept resignation letter from Investigator Michael Burkett effective February 25, 2019.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, to recess until the Monday, February 25, 2019 Special Recess Mayor and Board of Aldermen meeting.

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Mayor

3-5-2019
Date

City Clerk

3-5-2019
Date