

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 120

REGULAR MEETING

JULY 16, 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 Freeman, Attorney Malcolm Jones and City Clerk Marian Governor

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, minutes of the June 17, 2019 Special Mayor and Board of Aldermen meeting, as requested by Dawn Sanders, Deputy City Clerk. A-1.

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

\*

\*

\*

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, minutes of the July 2, 2019 Regular Mayor and Board of Aldermen meeting, as requested by Dawn Sanders, Deputy City Clerk. A-2.

\*

\*

\*

Upon motion of Alderwoman Charlot, seconded by Alderman Clarke, the Board approved unanimously, City 28<sup>th</sup> Annual Steak & Stake Boots & Bling sponsorship of \$250.00 to Boys & Girls Clubs of the Gulf Coast, Friday, July 26, 2019, this brings favorable notice to the resources and opportunities of the City, as requested by Chipper McDermott, Mayor. A-3.

\*

\*

\*

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, ratifying approving Contract for Law Enforcement Services for Extra-Curricular Events and Functions with Pass Christian School District with an effective date of July 1, 2019, and expiring on June 30, 2021. [The terms and provisions of the Contract are the same as the previous Contract approved in 2017.] A-4.

\*

\*

\*

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 120

REGULAR MEETING

JULY 16, 2019

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, adopting Resolution of Intent to Declare Necessity for the creation of the City of Pass Christian Redevelopment Authority under the Urban Renewal Law provided in MCA Section 43-35-1, as amended, et seq. and to set a public hearing for same, as requested by Malcolm Jones, City Attorney. A-5.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, engagement letter with Urban Development Toolbox, LLC (Laurence Leyens) to assist City in developing Urban Renewal District and in preparing application for BP Oil Funds Grant application at an hourly rate of \$200.00 per hour with a budget not to exceed \$5,000.00 and amend the budget accordingly, as requested by Mayor McDermott. A-6.

\* \* \*

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, Resolution to employ Retention Agreement with Negrotto & Assoc., PLLC (Skip Negrotto) on a contingent fee basis to pursue litigation against Delta Directional Drilling or any other related entity for damages to the City's sewer main on W. North Street with City to pay litigation expenses with an estimate of \$6,000.00 to \$9,000.00 and amend the budget accordingly, as requested by Mayor McDermott. A-7.

\* \* \*

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, Change Order #1 for Small Craft Harbor Unit Price Pier Repair Contract Phase II—to David Rush Construction, LLC to increase the quantity of decking in the contract due to a surplus of funds remaining in the FY13 Tidelands account with an increase of \$47,350.00 and a revised contract amount of \$148,320.00, and amend the budget accordingly. The Project Engineer advises that this change order is necessary to the scope of work of the contract as originally bid; the project is not a new undertaking outside the original scope of work; the change of the work of the change order is reasonable and in line with the prices under the original contract; entering into the change order is commercially reasonable under the circumstances; and this change order will not circumvent the public purchasing statutes, as requested by City Engineer. A-8.

\* \* \*

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, Change Order #1 for Utilities and Drainage on 614 East Second Street—to DNA Underground, LLC to decrease final quantities and Pay estimate #2 under Work Order #8, with a decrease of \$20,470.00 and a revised contract amount of \$61,893.00, and amend the budget accordingly. The Project Engineer advises that this change order is necessary to the scope of work of the contract as originally bid; the project is not a new undertaking outside the original scope of work; the change of the work of the change order is reasonable and in line with the prices under the original contract; entering into the change order is commercially reasonable under the circumstances; and this change order will not circumvent the public purchasing statutes, as requested by City Engineer. A-9.

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 120

REGULAR MEETING

JULY 16, 2019

\*

\*

\*

Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, lease with B and W Seafood, LLC (William Scarborough) in West Harbor on Skiff Pier and adjacent area for bait and tackle shop and sale of ice for five-year term beginning on August 1, 2019, at the annual rate of \$3,017.00 with an annual increase of 4% and a \$125.00 additional utility charge. A-10.

\*

\*

\*

Upon motion of Alderman Torgeson seconded by Alderwoman Charlot, the Board approved unanimously, authorizing Mayor and City Clerk to submit application to the Miss. Development Authority for Gulf Coast Restoration Fund Grant Program by August 1, 2019, and to execute such documents and take such action as shall be reasonable and necessary to accomplish these purposes. A-11.

\*

\*

\*

### *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 316 Davis Avenue, Tax Parcel #0313A-03-060.000. David C Goff & Jeanne P Plaisance propose dividing one parcel into six lots and a common area, in the T4+ and T4L Mixed-Use Zones, with the condition of the City Attorney approving restrictive covenants for lots 2, 3, 4, 5 and common area "A", as requested by Danit Simon, City Planner. PD-1.

\*

\*

\*

### *CODE DEPARTMENT*

Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, accepting letter of resignation from Joel Sims effective July 24, 2019 and pay him for any comp-time and vacation pay per City policy that he may have accrued while employed and ratify advertising for the position of Director of Building Code Services, as requested by Mayor McDermott.

\*

\*

\*

### *FIRE DEPARTMENT*

Upon motion of Alderwoman Charlot, seconded by Alderman Clarke, the Board approved unanimously, authorizing advertisement for full time Fire Fighter with a salary of \$32,152.00 annually, as requested Fire Chief, Dwight Gordon. F-1.

\*

\*

\*

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 120

REGULAR MEETING

JULY 16, 2019

Upon motion of Alderman Clarke, seconded by Alderman Hall, the Board approved unanimously, request to move \$1000.00 from the Fire Department's Training & Travel (610) to Uniforms (535), as requested by Fire Chief Gordon.

\* \* \*

### *HARBOR DEPARTMENT*

Upon motion of Alderman Hall, seconded by Alderman Clarke, the Board approved unanimously, renewing the slip rental agreement MOA between the Mississippi Department of Environmental Quality (MDEQ) and City of Pass Christian to provide for the payment of \$30.00 per month for utilities to be charged for such vessel, effective September 1, 2019 thru August 31, 2020. H-1.

\* \* \*

### *POLICE DEPARTMENT*

Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, request to apply MS Office of Homeland Security grant FY2019. If approved, up to \$100,000 may be awarded to initiate Pass Christian's Police and Fire Dispatch Department, as requested by Police Chief Freeman. P-1.

\* \* \*

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, request to add Wesley Blalock on the Reserve Officer part-time paid list with an hourly rate of \$10.65 per hour, as requested by Police Chief Freeman.

\* \* \*

### *RECREATION DEPARTMENT*

Upon motion of Alderwoman Charlot, seconded by Alderman Clarke, the Board approved unanimously, request from Prescott Williams and V.J. Swanier for the use of basketball court on Fleitas Ave., on July 27, 2019 from 2:00 p.m. to 4:00 p.m. for 1st annual Coast Back To School Drive, this bringing favorable notice to the opportunities and resources of the City, as requested by Bret Bentz, Recreation Director.

\* \* \*

### *CONSENT AGENDA*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, ratifying request to send Officer Haley to a 480-hour Harrison County Law Enforcement Academy Course and Certification held August 25, 2019- November 8, 2019 in Biloxi, MS. Tuition is \$3,600 and use of a City vehicle, as requested by Police Chief

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 120

REGULAR MEETING

JULY 16, 2019

Freeman. CA-1.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, request to send Kirk Ladner and Brad Manus to a Commercial Applicator Re-Certification Class to test held Wednesday, July 17, 2019 in Biloxi, MS. Test is free and use of a City vehicle, as requested by Kirk Ladner, Beautification Director. CA-2.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, request from Public Works to move \$2,500.00 from pipes 301-586 and put into Machinery & Equipment 301-919 this to purchase a new Ditching Bucket for the 308 Track hoe, as requested by Russell Holliman, Public Works Director.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, accepting Oath of Office from Daren Freeman as Police Chief, as requested by Dawn Sanders, Deputy City Clerk. CA-4.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, accepting Oath of Office from Haley Overstreet as Police Officer, as requested by Dawn Sanders, Deputy City Clerk. CA-5.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, Pay Application #1 in the amount of \$34,382.40 to David Rush Construction, LLC for Small Craft Harbor Unit Price Pier Repair Contract Phase II, as requested by Bob Escher, City Engineer. CA-6.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, payment of the following Overstreet & Associates invoices totaling \$3,600.00, as recommended by Bob Escher, City Engineer. CA-7.

- Invoice 1162 \$ 300.00 City Engineering Services
- Invoice 1163 \$ 975.00 City Engineering Services
- Invoice 1164 \$ 225.00 City Engineering Services
- Invoice 1165 \$ 2,100.00 City Engineering Services

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 120

REGULAR MEETING

JULY 16, 2019

approved unanimously, receiving monthly Budget Report for June 2019 from City Clerk, as requested by Marian Governor, City Clerk. CA-8.

\* \* \*

### *CLAIMS DOCKET*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, Claims Docket in the amount of \$75,580.79. CD-1.

\* \* \*

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

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderwoman Charlot, the Board approved unanimously, request from Pass Christian Yacht Club for the use of four (4) transient slips for the following upcoming regattas, constituting public entertainment and the Mayor is authorized to take such other action as shall be reasonable and necessary to accomplish these purposes, this bringing favorable notice and resources and opportunities of the City, as requested by Alderman Clarke.

- July 20, 2019
- July 27, 2019
- August 3, 2019
- August 10, 2019

\* \* \*

### *OTHER BUSINESS*

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, discussing setting hearing for structure situated at 703 E. North Street to determine whether or not the manufactured home owned by John O. Trepagnier should be declared a public menace and/or unsafe and subject to demolition under MCA Section 21-11-19, as amended, and the International Property Maintenance Code (2018) for August 6, 2019, as recommended by Joel Sims, Code Enforcement Officer. OB-1.

\* \* \*

Upon motion of Alderman Torgeson, the Board approved unanimously, to go into **Closed Session** to see if Executive Session is required on setting hearing for structure situated at 703 E. North Street to determine whether or not the manufactured home owned by John O. Trepagnier should be declared a public menace and/or unsafe and subject to demolition under MCA Section 21-11-19, as amended, and the International Property Maintenance Code (2018) for August 6, 2019.

\* \* \*

**CITY OF PASS CHRISTIAN, MISSISSIPPI**

**MINUTE BOOK 120**

**REGULAR MEETING**

**JULY 16, 2019**

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

\* \* \*

Upon motion of Alderman Hall, seconded by Alderman Pickich, the Board approved unanimously, consensus of the Board to go into Executive Session based on medical information and dwelling.

\* \* \*

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

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, consensus of the Board to follow the recommendation of Code Enforcement Officer concerning .....

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

\* \* \*

***EXECUTIVE SESSION***

Upon motion of Alderman Torgeson, the Board approved unanimously, to go into Closed Session to see if Executive Session is required to discuss Personnel Matter in Administration Department.

\* \* \*

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

\* \* \*

Upon motion of Alderwoman Charlot, seconded by Alderman Torgeson, the Board approved unanimously, to go into Executive Session to discuss personnel matter concerning City Clerk in the Administration Department.

\* \* \*

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 120

REGULAR MEETING

JULY 16, 2019

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

\* \* \*

Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board, voted to, override Mayor McDermott's veto concerning disciplinary action towards City Clerk as follows:

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

The motion did not pass and the Mayor's veto was sustained because the motion did not received 2/3 vote.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Clarke, a majority of the Board voted to suspend the City Clerk for one day without pay with the City Clerk to reimburse the City for mileage at the applicable rate as restitution.

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

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, to adjourn at 7:08 p.m.

\* \* \*

\_\_\_\_\_  
Mayor

8-5-2019  
\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk

8-5-2019  
\_\_\_\_\_  
Date