

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 119

REGULAR MEETING

JUNE 18, 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, Assistant 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 Torgeson, the Board approved unanimously, minutes of the June 4, 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 Torgeson, seconded by Alderman Pickich, the Board approved unanimously, hearing from Kelly Griffin concerning Leaders Against Litter (July 19, 2019), as requested by Marian Governor, City Clerk. A-2.

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Upon motion of Alderwoman Charlot, seconded by Alderman Hall, the Board approved unanimously, proclamation recognizing the Hometown BBQ Team for winning the World Championship Barbecue Cooking Contest, as requested by Mayor McDermott. A-3.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, proclamation in support of the 2020 Census for the City of Pass Christian, as requested by Traycee Scott Williams, MS Census Representative. A-4.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, to discuss Engagement Letter Agreement with Balch and Bingham, attorneys, to provide legal services and administrative assistance at a designated hourly rate in developing applications and other supporting documents to apply for BP Oil and other Grant funding Sources through the State of Mississippi and other entities with the maximum fee not to exceed \$15,000, as requested by Malcolm Jones, City Attorney. A-5.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, to table until end of meeting Engagement Letter Agreement with Balch and Bingham, attorneys, to provide legal services and administrative assistance at a designated hourly rate in developing applications and other supporting documents to apply for BP Oil and other Grant funding Sources through the State of Mississippi and other entities with the maximum fee not to exceed \$15,000.

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Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, Pay Application No. 1 final (North Street Asphalt Repair) to DNA Underground, LLC in the amount of \$4,210.00 under the City's Annual Unit Price for Utilities and Drainage, as recommended by Bob Escher, City Engineer. A-6.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, Pay Application No. 1 (614 East Second Street Drainage) to DNA Underground, LLC in the amount of \$48,386.35 under the City's Annual Unit Price for Utilities and Drainage, as recommended by Bob Escher, City Engineer. A-7.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, rescinding Work Order No. 11 in favor of DNA Underground, LLC, in the amount of \$11,070.00 for installation of new commercial meter for Gulf Coast Prestress originally approved on June 4, 2019, and consider approving Revised Work Order No. 11 in favor of DNA Underground, LLC, in the sum of \$21,384.00 for installation of water meter with "hot tap", as recommended by Bob Escher, City Engineer and Kermit Anthony with WPSCO. [Due to the need to make the installation of the new water meter with the least disruption to the production schedule of GC Prestress this revised Work Order is being recommended in lieu of the original installation method.] A-8.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, adding Dog Park being leased from Trinity Church at 125 Church St. to City's existing liability insurance policy with BXS Insurance at a cost of \$28.96 and listing Trinity Episcopal Church and its Rector, Wardens and Vestry, the Episcopal Diocese and its officers as additional insureds on the policy. [This is a requirement under the lease agreement with the Trinity Church for the use of their land by the City for these purposes.] A-9.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, authorizing the Mayor to solicit outside council to pursue claim against Delta Directional Drilling or any other responsible entity for damages to City's sewer main on West North Street, as requested by Mayor McDermott.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, discussing agreement with Main Street, as requested by Mayor McDermott.

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Upon motion of Alderman Pickich, seconded by Alderman Clarke, the Board approved unanimously, agreeing to pay Main Street for three months of the agreement in the amount of \$3,750.00.

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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, Planning Commission's recommendation to approve Warrant Application PD-29-2019, Jourdan Nicaud as agent of Sandy Field, LLC, 101 E Beach Boulevard & 0 Scenic Drive, Parcels #0313H-02-086.000 & 0313H-02-087.000, Warrant request for a First Story Height of 10-feet, which is less than the 12-foot minimum, for a proposed restaurant, in the T5C Mixed-Use Zone, as requested by Danit Simon, City Planner. PD-1.

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, the Pass Christian Tree Board's recommendation to approve Harold Daley's request to remove three Live Oak Trees, with the condition of approval for the drainage from the engineer, as requested by Danit Simon, City Planner. PD-2.

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Alderman Clarke returned to the meeting.

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Upon motion of Alderman Torgeson, seconded by Alderwoman Charlot, the Board approved unanimously, to move to the end of the agenda PD items 3 – 5.

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### *WATER DEPARTMENT*

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, WPSCO Invoice # 16556 in the amount of \$3,168.00 for May 2019, for non-emergency/overtime 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 for hours in excess of and charge to account 400-702-560, as requested by WPSCO. W-1.

\* \* \*

Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board **denied** unanimously, third adjustment request for \$1222.95 from Berinda Logan (129 Hillcrest Road-sprinkler meter) in regards to an underground water leak that went un-noticed for an unknown amount of time because the water was draining into a city drain nearby and not into city sewer. Customer was previously granted 1/2 of the excess water adjustment for -\$1323.00 based on City Ordinance 450 (Section 1 B) # 4. Second adjustment request on June 4th, 2019 was **denied** by the Water Hearing Committee, as requested by WPSCO. W-2.

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### *FIRE DEPARTMENT*

Upon motion of Alderwoman Charlot, seconded by Alderman Pickich, the Board approved unanimously, request to accept Justin Barr's resignation effective July 1, 2019, and request to be put on part time call out list, as requested by Fire Chief Gordon.

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Upon motion of Alderman Clarke, seconded by Alderman Hall, the Board approved unanimously, request to accept letter of resignation from Cody J. Wood effective June 12, 2019. Please pay for any accrued time due him, as requested by Fire Chief Gordon.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, request to hire James Butcher (Certified) as full time Fire Fighter, with starting salary of \$33,852.00, effective June 19, 2019, six month probationary period, as requested by Fire Chief Gordon.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, request to promote Rachel Gnau and Jason Windham to rank of Lieutenant effective June 19, 2019, with a starting salary of \$36,100.00 each as requested by Fire Chief Gordon.

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### *POLICE DEPARTMENT*

Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, request to apply for the Edward Byrne Memorial JAG Grant worth up to \$5,000 dollars if granted (75%/25% federal/local match). If awarded, this grant will provide funding to purchase all certified full-time police officers an outer bulletproof vest carrier and base layer shirts, as requested by Assistant Police Chief Freeman. P-1.

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Upon motion of Alderwoman Charlot, seconded by Alderman Torgeson, the Board approved unanimously, accepting check donation in the amount of \$250.00 from Mississippi Constables Association and amend the 001-200-505 budget accordingly, as requested by Assistant Police Chief Freeman. P-2.

\* \* \*

Upon motion of Alderman Hall, seconded by Alderman Clarke, the Board approved unanimously, accepting check donation in the amount of \$2,000 from Walmart and amend budget 001-200-505 accordingly, as requested by Assistant Police Chief Freeman. P-3.

\* \* \*

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, accepting the return of Informant Buy Money in the amount of \$500.00 from Police Chief Hendricks, as requested by Marian Governor, City Clerk.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, transfer of Petty Cash Funds in the amount of \$100.00 to Sue Young, as requested by Marian Governor, City Clerk.

\* \* \*

### *CONSENT AGENDA*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, contract to provide planning and zoning services with Simon Urban Planning and Consulting, LLC, (Danit Simon) under the terms and conditions of the proposal dated March 10, 2014 attached nunc pro tunc to March 18, 2014 . (According to the previous audio recording of the meeting this matter was approved on an addendum but was inadvertently not included in the minutes by the Deputy Clerk, Sherrell Dedeaux). [The City Planner would be employed as an independent contractor and not as a City employee. Under the contract the planner would only come in for appointments at the Code Office and attend City meetings when required and the remainder of the time she would work remotely from her home in Alabama. The Planner would come to the City Code office to work on Tuesdays for in-person appointments only when

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scheduled in advance and when the task could not be handled by telephone, mail, email, etc. from her home office. The Planner would bill \$90 for the cost of travel time to and from the city (mileage for her vehicle included) and \$25/hr. for actual work at her home office and/or the City Code Office/City meetings. Initially, to avoid unnecessary or excessive billings and to keep the Planner's time within the budget, the Planning Commission chairman would act as the coordinator for the scheduling of the planner's time. All other City boards and commissions will direct their requests for assistance through the Planning Commission chairman. If the contract was approved as proposed, the City would be required to provide the Planner with a cell phone as provided for other Department Heads. The contract would be subject to being terminated upon cause or thirty days written notice. Effectively, the contract would be on a month-to-month basis.]

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, request to send Deputy Chief Bass, Lt. Woodman and Lt. Purchner to a 3 day class in Slidell LA. The class is Live Fire Instructor, to be held July 9 - 11. Cost of class is \$555.00 each, no per-diem and use of city vehicle, as requested by Fire Chief Gordon. CA-2.

\* \* \*

Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, request to send Tina Dupree to the Incode Court Training Event in Gulfport, MS on June 10 - 11, 2019. Cost of Event \$225.00 and no other City resource needed, as requested by Marian Governor, City Clerk. CA-3.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, declaring the following Kyocera XTP direct connect radios as surplus. These have been replaced with new upgraded models, as requested by Shawn Jerone, IT Director.

SN	Tag#	SN	Tag#	SN	Tag#
807841	603	812065	667	804456	678
805064	604	804505	668	807575	679
805081	605	807825	669	805186	680
807840	606	805073	670	805058	681
805185	660	807556	671		
807576	661	807570	672		
804467	662	807779	673		
804503	663	804197	674		
804454	664	807541	675		
807811	665	805076	676		
807782	666	807780	677		

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, payment of the following Overstreet & Associates invoices totaling \$8,115.00, as recommended by Bob Escher, City Engineer. CA-5.

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- |           |      |             |                           |
|-----------|------|-------------|---------------------------|
| ▪ Invoice | 1137 | \$ 3,675.00 | FY 2019 Tidelands         |
| ▪ Invoice | 1138 | \$ 3,300.00 | Ann. Unit Price Repair    |
| ▪ Invoice | 1140 | \$ 1,140.00 | City Engineering Services |

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, receiving monthly Budget Report for May 2019 from City Clerk, as requested by Marian Governor, City Clerk. CA-6.

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### *CLAIMS DOCKET*

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, Claims Docket in the amount of \$95,487.14. CD-1.

\* \* \*

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

\* \* \*

Upon motion of Alderman Clarke, seconded by Alderwoman Pickich, the Board approved unanimously, closing Davis Avenue between Malley's Pharmacy and the Whiskey Bar Saturday, July 13, 2019 from 6:00 p.m. to 11:00 p.m. and second Saturday of each month for outdoor concert to be paid for privately, this bringing favorable notice to the resources and opportunities of the City, as requested by Mayor McDermott. AD-1

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, donation to Mississippi Commercial Fishermen United, Inc. in the amount of \$1,200.00 for Blessing of the Fleet prizes, as requested by Mayor McDermott.

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Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved, appointing Daren Freeman as Police Chief per selection of interview committee, effective June 28, 2019 with a salary of \$54,080.00 per year, as requested by Mayor McDermott.

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

**CITY OF PASS CHRISTIAN, MISSISSIPPI**

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, to go into Executive Session to discuss the transaction of business regarding the prospective purchase, sale, and/or leasing of land and the location of a business in the City, as requested by Malcolm Jones, City Attorney.

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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 Torgeson, seconded by Alderman Clarke, the Board approved unanimously, Engagement Letter Agreement with Balch and Bingham, attorneys, to provide legal services and administrative assistance at a designated hourly rate in developing applications and other supporting documents to apply for BP Oil and other Grant funding Sources through the State of Mississippi and other entities with the maximum fee not to exceed \$15,000, amend the budget accordingly, as requested by Malcolm Jones, City Attorney. A-5.

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Upon motion of Alderman Torgeson, seconded by Alderman Pickich, the Board approved unanimously, to adjourn at 7:37 p.m.

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Mayor

7-2-2019\_\_\_\_\_  
Date

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

7-2-2019\_\_\_\_\_  
Date