

# CITY OF PASS CHRISTIAN, MISSISSIPPI

## MINUTE BOOK 119

REGULAR MEETING

JUNE 4, 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 (6:07 P.M.), 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 Torgeson, seconded by Alderman Pickich, the Board approved unanimously, to open bids for City Depository.

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Upon motion of Alderman Pickich, seconded by Alderman Torgeson, the Board approved unanimously, to accept and award bid for City Depository to Hancock Bank, the one and only bid received.

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Upon motion of Alderman Clarke, seconded by Alderwoman Charlot, the Board approved unanimously, minutes of the May 21, 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 Jace Ponder concerning Hurricane Preparedness, as requested by Jace Ponder, MDOT Public Information Officer.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, hearing from Ms. Traycee Scott Williams to provide a power point presentation concerning 2020 Census, as requested by Marian Governor, City Clerk.

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Upon motion of Alderman Torgeson, seconded by Alderwoman Charlot, the Board approved unanimously, a 1/4 -page advertisement in the amount of \$300.00 in South Mississippi Living for Salute to Military and First Responders, this bringing favorable notice to the resources and opportunities of the City. A-4.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, Work Order No. 11 (Gulf Coast Prestress 8" Water Meter Replacement) from DNA Underground, LLC in the amount of \$11,070.00 under the City's Annual Unit Price Contract as recommended by Bob Escher, City Engineer. A-5.

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Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, final payment to Innovative Builders, Inc. in the sum of \$120,473.25 for Phase I Re-decking Piers - Unit Price Pier Repair Project. Consent from surety for performance, Contractor's affidavit and payment estimate number has been provided, as recommended by Bob Escher, City Engineer. A-6.

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Upon motion of Alderman Torgeson, seconded by Alderman Clarke, the Board approved unanimously, Timber Ridge Property Owners Association to install a pole and surveillance camera(s) at their own expense for security of subdivision in the City right-of-way near the South portion of Fairway Drive under the following conditions listed below:

1. The surveillance cameras would only be directed to the public street areas and not upon private property. This will ensure that no one's right to privacy could be invaded. There is generally no right to privacy for photos or video taken on public thoroughfares.
2. The surveillance recordings could not be used by the City's law enforcement in any way prohibited by MCA Section 17-25-19. See statute attached. This statute was primarily adopted to prohibit the use of City installed video cameras at red lights and for speeding tickets with radar. Please note that the Miss. Attorney General has stated that this law does not prohibit the City law enforcement agency from using similar surveillance video where there is no "traffic control signal or radar speed detection equipment" present and used in conjunction therewith. A "traffic control signal" would be like a stop light – see statutory definition attached-but not a traffic device, like a stop sign. The City does not currently have traffic control signals at the current proposed locations. Since the City is prohibited by law from using radar speed guns with our limited population I would think that the POA could not provide the video recordings to our law enforcement for prosecution of speeding offenses. The video recordings could be used by our law enforcement agency for other lawful purposes.
3. I am not aware of any legal requirement that the POA post signs where video surveillance cameras are in place on private property, but I think that it would be a stronger deterrent for criminal activity if such signs were posted. This is only a suggestion. I have also read articles stating that dummy video cameras should not be used as they offer a false sense of security to the residents.
4. The POA should enter into an agreement where they indemnify and hold the City harmless for allowing the use of poles and cameras on its right-of-way and for these purposes.
5. The authority granted would in the nature of a revocable license that would have to be ratified or cancelled by the future administration that would take office next summer. By law, this current administration may not bind the successor administration

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for these purposes. Furthermore, in the event the City needed to perform maintenance in its right-of-way or the future City officials wished to revoke their authority the City could terminate the agreement upon 90 days written notice to the POA.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, Agreement and Memorandum of Understanding between Cruisin' The Coast and the City of Pass Christian for October 10 -12, 2019, as requested by Malcolm Jones, City Attorney. A-8.

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Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved, Resolution to declare gun and badge of Police Chief Tim Hendricks to be surplus and allow same to be sold to him for \$1.00 after the effective date of his resignation, June 27, 2019, as requested by Malcolm Jones, City Attorney. A-9.

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

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, Agreement with UNITI Fiber, LLC for installation of fiber optic communication line on City Library property and right-of-way with all expenses of installation to be paid by Harrison County Library System, as requested by Malcolm Jones, City Attorney. A-10.

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Upon motion of Alderman Torgeson, seconded by Alderwoman Charlot, the Board approved unanimously, hearing update on McKay property located at the 200 block of Davis Avenue, as requested Mayor McDermott.

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### *PLANNING DEPARTMENT*

Upon motion of Alderman Clarke, seconded by Alderman Torgeson, the Board approved unanimously, City Planner's recommendation to approve Re-Subdivision Application PD-27-2019, 104 Timberlane Drive & 0 Fairway Drive, Tax Parcels #0213A-02-020.000 & 0213A-02-022.000. Cary A & Casey B Trapani 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, Planning Commission's recommendation to approve Re-Subdivision Application PD-21-2019, Michael and Charlotte Dawley, 0 Davis Avenue, Parcel #0313A-04-097.000, Re-Subdivision Application to divide one parcel into seven lots with the conditions of (1) rear access easements for all of the lots, (2) no front access under house parking, (3) approval of a parking space in the First Layer for each lot due to the lack of available on-street parking, and (4) the submission of a Survey that includes the Railroad Corridor Setback dimension, in the T4+ Mixed-Use Zone, as requested by Danit Simon, City Planner. PD-2.

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, Pass Christian Tree Board's recommendation to approve Mark Duet's request to remove one dying magnolia tree at 760 E 2nd Street, as requested by Danit Simon, City Planner. PD-3

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Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, Pass Christian Tree Board's recommendation to approve Dorothy Robert's request to remove two unhealthy live oak trees that are contributing to water damage to the building at 255 Davis Avenue, as requested by Danit Simon, City Planner. PD-4.

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### *FIRE DEPARTMENT*

Upon motion of Alderman Clarke, seconded by Alderman Pickich, the Board approved unanimously, request to reimburse Andy Purchner for rock purchased for in the front of the Fire Department station, in the amount of \$302.00, as requested by Fire Chief Dwight Gordon. F-1.

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### *POLICE DEPARTMENT*

Upon motion of Alderman Hall, seconded by Alderwoman Charlot, the Board approved unanimously, accepting letter of resignation from Sergeant Samantha Phillips, effective June 10, 2019 and pay her for any comp-time and vacation pay per City policy that she may have accrued while employed, as requested by Police Chief Hendricks.

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### *CONSENT AGENDA*

Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, request to send Tina M. Dupree and Bridgett Daniels to the Municipal Court Clerks Summer Program held in Biloxi, MS. on June 24 - 25, 2019. Training is free and the use of city vehicle is required, as requested by Tina Dupree, Court Clerk. CA-1.

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Upon motion of Alderman Hall, seconded by Alderman Torgeson, the Board approved unanimously, spreading on the minutes Order terminating the Interlocal Governmental Cooperation Agreement previously approved at the March 12, 2018 and September 4, 2018 Mayor and Board of Aldermen meetings, as requested by Malcolm Jones, City Attorney. CA-2.

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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 \$259,571.96. 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 Alderwoman Charlot, the Board approved unanimously, renewal of liability insurance for 305 E. Scenic Drive in the amount of \$944.00, as requested by Marian Governor, City Clerk. AD-1

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Upon motion of Alderwoman Charlot, seconded by Alderman Torgeson, the Board approved unanimously, the Blessing of the Fleet event on June 23, 2019 at the Pass Christian Harbor starting at 1:30 p.m. and authorize City donation not to exceed \$1200.00 for prizes, this bringing favorable notice to the resources and opportunities of the City, as requested by Marian Governor, City Clerk.

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Upon motion of Alderman Torgeson, seconded by Alderman Hall, the Board approved unanimously, to recess at 7:04 p.m. until the next Mayor and Board of Aldermen meeting on June 18, 2019.

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Mayor

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6-18-2019  
Date

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City Clerk

\_\_\_\_\_  
6-18-2019  
Date