

CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 138

REGULAR MEETING

April 4, 2023

BE IT REMEMBERED that the Mayor and Board of Alderpersons 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 Renaud “Jimmy” Rafferty, Alderman at Large Kenny Torgeson, Alderwoman Betty Sparkman, Alderwoman Regina Charlot, Alderman Kirk Kimball, Alderman Victor Pickich, City Attorney, Malcolm Jones and City Clerk, Ron Duckworth.

DEPARTMENT DIRECTORS PRESENT: Chief of Police Daren Freeman, Code Enforcement, Mark Savasta; City Planner; Derrick Duckworth, Fire Chief; Dwight Gordon, Public Works Director; Kirk Ladner, Beautification Director Brad Manus.

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

Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously approved, the agenda for the April 18, 2023, BOA meeting.

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EVENTS AND FUNCTIONS

Upon motion of Alderman Kenny Torgeson and seconded by Betty Sparkman the Board unanimously agreed on becoming a sponsor and contributing \$500 to the Charity Golf Scramble on May 19, 2023, to provide support to People with Down Syndrome. To be paid out of the Community Promotions Contractual Services Budget and funds are available as confirmed by the City Clerk. This bringing favorable notice to the resources and opportunities of the City.

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Upon motion of Alderwoman Betty Sparkman and seconded by Alderman Victor Pickich the Board unanimously agreed to approve the request for Veterans Day Parade to be held on Saturday November 11, 2023, at 11 am with street closure of Davis Ave, Davis & Second, Davis & Scenic and Fleitas & Scenic. The request for a financial contribution will be separately considered during the budget process. The following additional resources are requested, this bringing favorable notice to the resources and opportunities of the City, as requested by Alderman Kimball:

- Barricades & cones
- Digital traffic sign
- Use of the City's stage
- Use of the City's Dumpster
- Trash Cans and Generators
- Waiver of Park fee.
- Use of Mobile Bathroom From Harbor
- Two porta potty's
- Public Safety officers as needed
- Any overtime that may accrue for City Personnel
- Other needs as deemed necessary by the Mayor

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Upon motion Alderman Kenny Torgeson and seconded by Alderman Kirk Kimball the Board unanimously received an update on the 2023 Art in the Pass Festival as requested by Alderperson Betty Sparkman.

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ADMINISTRATIVE

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Upon motion of Alderwoman Betty Sparkman and seconded by Alderman Kirk Kimball the Board unanimously approved request to transfer \$300,000 (as has been done previously) from the Utility Fund to the FEMA Hurricane Zeta Fund in order to pay final pay applications for the West Small Craft Harbor Repairs and the East Harbor Electrical Hazard Mitigation project. The Utility Fund will be reimbursed after FEMA/MEMA reimburses the City for these projects. These reimbursements are expected to occur in three to four months.

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Upon motion of Alderman Kirk Kimball and seconded by Alderman Kenny Torgeson the Board unanimously approved the final payment to Gill's Crane and Dozer of \$159,598.60 and accept all close out documentation related to the West Small Craft Harbor Repairs project. To be paid out of the FEMA Hurricane Zeta Fund. Funds are available as confirmed by the City Clerk.

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Upon motion of Alderman Kirk Kimball and seconded by Alderman Kenny Torgeson the Board unanimously approved the final payment to Krohl Electric of \$193,960.00 and accept all close out documentation related to the East Small Craft Harbor Electrical Hazard Mitigation Repairs project. To be paid out of the FEMA Hurricane Zeta Fund. Funds are available as confirmed by the City Clerk.

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Upon motion of Alderwoman Betty Sparkman and seconded by Alderman Kenny Torgeson the Board ratified the submission of a Budget Modification for Grant Number GCRF-20-22 (Pass Bungalows) to reflect actual budget amounts for the Pass Bungalow Project.

- o Betty Sparkman Aye
- o Regina Charlot Nay
- o Kirk Kimball Aye
- o Victor Pickich Aye
- o Kenny Torgeson Aye

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Upon motion of Alderman Kirk Kimball and seconded by Alderman Kenny Torgeson the Board unanimously authorized the City Attorney to enter an appearance and file disclaimer or other responsive pleadings in the tax title confirmation suit case of Donald L Trest, Jr., v. City of Pass Christian, et als. in the Chancery Court of Harrison County, MS, 1 JD in Cause No. 23-643(2).

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Upon motion of Alderman Kenny Torgeson and seconded by Alderman Kirk Kimball the Board unanimously approved hearing an updated progress report on the following blighted properties from the City Attorney, Requested by Alderman Kimball.

- 1. 388 Clark Ave.
- 2. 338 Saucier Ave.
- 3. 391 Hunter

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Upon motion of Alderman Kirk Kimball and seconded by Alderwoman Betty Sparkman the Board unanimously receiving an update regarding property at 113 Wisteria (Potts property) as requested by Alderperson Betty Sparkman.

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COMMUNITY PLANNING & DEVELOPMENT

Upon motion of Alderwoman Regina Charlot and seconded by Alderman Kirk Kimball the Board unanimously agreed to Table the recommendation of the Planning Commission for Pine Street Property & Development – 0 North St, Tax Parcels 0312P-02-009.000 & 0312P-02-010.000 – Request by owner, Morton Davis, for Planning Commission Approval to construct a residential dwelling in a Special District, SD-AO (Special District-Auto Oriented).

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Upon motion of Alderman Kenny Torgeson and seconded by Alderman Victor Pickich the Board unanimously agreed to Table the recommendation of the Planning Commission for City of Pass Christian – Adopt Development Code 3.0; Updates to Building Setbacks, Encroachments into Setbacks, Fence Standards; Parking Standards; Swimming Pool Setbacks; Tree Provisions; Prohibited Signage; Add definitions for Sight Triangle, Electronic Message Boards, Front Yard, Side Yard & Rear Yard; with further updates to Section 3.0, Sub-section 3.5 (Architectural Standards), article c; and Section 8.0, Sub-section 8.10 (Additional Parking Standards), 8.10.1 (Transects T3-T5), article c. by warrant. Delete Section 11.0-11.5; Expiration after 1 year on all planning commission approvals, special use permits without issuance of a permit; remove MUC portion of code. The proposed text amendments are on file and available for inspection at the Building Codes Office at the Municipal Complex, 200 West Scenic Drive, Pass Christian, MS. The Planning Commission reserves the right to make further changes to its Text Amendments of the Development Code Ordinance based upon the outcome of the Public Hearing.

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POLICE DEPARTMENT

Upon motion by Alderman Victor Pickich and seconded by Alderman Kirk Kimball the Board unanimously agreed on the request to send Sue Young and Blaine Rood to MS Office of Highway Safety meeting held April 12, 2023, in Canton, MS. This meeting is for grant purposes and funding. Use of a City vehicle is requested.

PUBLIC WORKS DEPARTMENT

Upon motion of Alderman Victor Pickich and seconded by Alderman Kenny Torgeson the Board unanimously approved the request to hire Daniel Carter at the Public Works Department as an Operator I / Floater at a rate of \$14.00 an hour pending drug screening starting date April 5, 2023. This is a budgeted position and funds are available as confirmed by the City Clerk.

UTILITY DEPARTMENT

Upon motion of Alderman Kirk Kimball and seconded by Alderman Victor Pickich the Board unanimously approved the refund request from Martin Homes LLC at 136 Vista Dr in the amount of \$300.00 for a water tap and \$646.25 for a sewer tap since it has been determined a water and sewer tap did already exist as requested by Jennifer Lizana Utility Department Manager.

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CONSENT AGENDA

Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously authorized Mayor Rafferty and Alderperson Kenny Torgeson to sign the Audit Engagement Letter to perform the audit for the year ending September 30, 2022, with Wright, Ward, Hatten and Guel PLLC.

Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously approved the refund request of \$1,500.00 to Cameron Brand. Mr. Brand paid a cash bond on 11/17/2022. On March 22, 2023, Mr. Brand came before the court and was heard on his charges. Mr. Brand was not assessed any fines or assessments. A refund in the amount of \$1,500.00 is requested. As requested by Tina Dupree Court Clerk.

Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously accepted the \$1,200 donation from the Pass Christian Garden Club to be used by the Beautification Department for the purchase of plants.

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CLAIMS DOCKET

Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously approved the Claims Docket in the amount of \$572,785.46.

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PUBLIC COMMENT

THE MAYOR AND BOARD OF ALDERPERSONS WILL ALLOW RESIDENTS AN OPPORTUNITY TO SPEAK WITH A THREE-MINUTE TIME LIMIT ON EACH SPEAKER. NO PUBLIC QUESTIONING COMMENTS ARE ALLOWED DURING THE MEETING, UNLESS THE MAYOR RECOGNIZES SUCH PERSON.

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EXECUTIVE SESSION

Consider going into executive session to discuss strategy session concerning pending litigation for breach of contract action with Weiss v. City of Pass Christian, et als., in the County Court of Harrison County, MS, where discussing such matter in open session would have a detrimental impact on the City’s litigating position.

Motion to go into Closed Session: Motion by Alderman Kenny Torgeson and seconded by Alderperson Betty Sparkman.

Motion to go into Executive Session for the foregoing reasons by Alderwoman Betty Sparkman and seconded by Alderman Kenny Toregeson, carried unanimously.

Motion to come out of Executive Session: Motion by Alderman Kenny Torgeson and seconded by Alderwoman Regina Charlot, carried unanimously.

Motion of Alderman Torgeson, seconded by Alderman Pickich, carried unanimously, the Board authorized the City Attorney to make an offer of settlement to the attorney for Chris Weiss for settlement of both cases pending at this time.

Motion to recess by Alderman Torgeson and seconded by Alderman Pickich.

Mayor

04-04-2023
Date

City Clerk

04-04-2023
Date