

CITY OF PASS CHRISTIAN, MISSISSIPPI

MINUTE BOOK 140

REGULAR MEETING

August 15, 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 Victor Pickich (via phone), Alderman Kirk Kimball, City Attorney, Malcolm Jones, and Deputy City Clerk, Shannon Starita.

DEPARTMENT DIRECTORS PRESENT: Chief of Police Daren Freeman; Assistant Chief of Police Christ Williams, Code Enforcement Director, Mark Savasta; Beautification Director, Brad Manus; Public Works Director, Kirk Ladner, Fire Chief Dwight Gordon.

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

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Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously approved the agenda for August 15, 2023, Board of Alderperson Meeting.

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Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously agreed on hearing the Proclamation for Wayne Bullock.

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FESTIVALS, FUNCTIONS & INITIATIVES

Upon motion of Alderwoman Regina Charlot and seconded by Alderman Kenny Torgeson the Board unanimously agreed to hear from former Biloxi Mayor Gerald Blessey concerning the Mississippi Sound Coalition’s request for support from the City for litigation expenses in the sum of \$30,000 to be included in the FY2023-2024 Budge (\$15,000 for FY2022-2023 and \$15,000 for FY2023-2024). No Action Taken.

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Upon motion of Alderman Kirk Kimball and seconded by Alderwoman Betty Sparkman the Board unanimously agreed to Chief Gordon’s request to hear from Andy Purchner on Christmas in the Pass concerning the resources provided by the City. This bringing favorable notice to the resources and opportunities to the City.

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Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously agreed on becoming a Silver Sponsor (\$550) for the Boys and Girls Club's Gwenn Voights Memorial Golf Tournament to be held September 29, 2023. This bringing favorable notice to the resources and opportunities of the City as requested by Alderperson Betty Sparkman. Funds are available in the Community Promotions Budget as confirmed by the City Clerk.

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ADMINISTRATIVE

Upon motion of Alderwoman Betty Sparkman and seconded by Alderman Kenny Torgeson the Board unanimously agreed to Tabel approving the following changes to Short-Term Rental Ordinance 675.

- a. Reaffirm the City’s cap of 150 short-term rentals in both commercial and residential zones
- a. Beginning August 16, 2023, and until the City’s cap is met, the City Planner will review new STR applications in residential areas to consider density of the number of STRs in the neighborhood. If the City Planner does not approve the application, it will be forwarded to the STR Advisory Committee to make a recommendation to the Mayor and Board Alderpersons.
- b. The STR Advisory Committee is comprised of a representative from each Ward, the City Planner and a Fire Inspector. In the future, the only voting members will be the representative from each Ward unless there is a tie, and in that case, the City Planner will be able to cast a vote.
- c. Amend the ordinance to allow new STR permits only in Zones T4+ and T5 in designated Short-Term Rental Districts.
- d. Amend the ordinance to establish special Short-Term Rental Districts (hereafter referred to as STR Districts) as described below. STRs are permitted within these districts in Zones T4+ and T5 only.
 - i. Central Business STR District: bounded on the West by properties fronting on Clarence Avenue and on the East by properties fronting on Fleitas Avenue. This STR District also would be bounded on the South by Hwy 90 and on the North by properties fronting on St. Louis and Second Streets and would include properties fronting on Davis Avenue from Second Street to the Railroad tracks.
 - ii. Walmart STR District: Properties to the east of Kittiwake Dr, properties fronting Holiday on the East, on the south by Hwy 90 and the north by 2nd Street.
 - iii. Menge STR District: properties fronting on Menge Ave. and 2nd Street
 - iv. West STR District: properties fronting Bayview Drive and properties fronting Cedar Ave.

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- v. Additional STR districts may be established by petition to the Planning Office and approval of the Mayor and Board of Alderpersons.
- e. Amend the ordinance to allow the following exceptions:
 - i. On or before September 30, 2023, owners of property currently under construction may notify the Planning Office of their intention to apply for a STR permit by completing a STR intention form and paying a \$400 non-refundable fee. After receiving a Certificate of Occupancy, the owner may complete the permit process. If approved, the \$400 fee paid with the intention form will be applied to the 1st year’s permit fee.
 - ii. Current STR permit holders are “grandfathered”.
- f. Only property within the STR Districts may transfer a STR permit to a new owner.

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Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Regina Charlot the Board unanimously agreed to award bid in the amount of \$249,825.00 to Warren Paving Inc. as the lowest, best and most responsive bid for Asphalt Repairs and Overlay of Lynn Circle. As recommended by City Engineer Bob Escher. To be paid out of the Modernization and Infrastructure Fund and funds are available as confirmed by the City Clerk.

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Upon motion of Alderwoman Regina Charlot and Seconded by Alderman Kenny Torgeson the Board unanimously agreed to award bid in the amount of \$279,332 from David Rush Construction as the lowest, best and most responsive bid for the Hurricane Ida Repairs - Phase I at the Pass Christian Small Craft Harbor which includes the hazard mitigation proposal to install flow-through grating on Pier C-3 as a replacement for the concrete utility chase cover. This will be a FEMA reimbursable expenditure.

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Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously agreed to reimburse Quinn Eagan (Egan Management Group, LLC) under the Development Agreement for expenses incurred for Eagan Project on East Scenic Drive.

Reimburse Eagan \$1,500 for survey expenses

Reimburse Eagan \$1,890 for engineering expenses

Authorize Eagan to employ Eustis Engineering for geotechnical services for \$12,400

To be paid out of the Capital Expenditure Grant (House Bill 1353) and funds are available as confirmed by the City Clerk.

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Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Betty Sparkman the Board unanimously discussed the sidewalks on North Street between Cedar and the Pass Christian High School. As requested by Alderman Kenny Torgeson. No Action Taken.

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Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Regina Charlot the Board unanimously agreed to ratify the renewal of SRO agreement with PC School District beginning on the first day of school on a month-to-month basis until the parties renegotiate a new agreement. [This agreement was for three years and expired on June 30, 2023].

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Upon motion of Alderman Kirk Kimball and seconded by Alderman Kenny Torgeson the Board unanimously agreed to approve the condominium plat for project at Menge and Second subject to review of condominium declaration and covenants by City Attorney.

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Upon motion of Alderwoman Regina Charlot and seconded by Alderman Kenny Torgeson the Board unanimously agreed to Table approving the contract with Ricky Richard for exterior painting of Randolph Center with a final contract price of \$31,600. (Contract will be distributed to the Board of Alderpersons by separate email).

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BEAUTIFICATION

Upon motion of Alderman Kirk Kimball and seconded by Alderman Kenny Torgeson the Board unanimously approved the request to hire Paul Tamborella II at the Beautification Department as an operator at a rate of \$12.50 an hour effective date 8/16/2023. This is to replace an open budgeted position.

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COMMUNITY DEVELOPMENT

Upon motion of Alderman Kirk Kimball and seconded by Alderman Kenny Torgeson the Board unanimously agreed with the recommendation of the City Planner to merge (2) lots to create one (1) lot; (0 Pine Crest Drive - Tax Parcel(s): 0312K-03-026.001; 0312K-03-026.002 - Owner, Pine Crest Drive, LLC) by right; ((Development Code 3.0) (Section 3.0) (Table 3A) (T3R)); Ward 4.

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Upon motion of Alderman Kirk Kimball and seconded by Alderwoman Regina Charlot the Board unanimously agreed on the recommendation from the Mayor to accept the nomination for Lolette Welch to be appointed to the Pass Christian Tree Advisory Board; Ms. Welch will be replacing Pamela Dupuy. At this time, The Mayor and Board of Alderpersons would like to thank Pamela Dupuy for her contributions to the City of Pass Christian and the Tree Advisory Board.

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COURT

Upon motion of Alderwoman Betty Sparkman and seconded by Alderwoman Regina Charlot the Board unanimously approved a refund request of \$500.00 to Attorney Donald Rafferty. Mr. Rafferty paid a cash bond for Sean Godley on his petit larceny arrest July 26, 2023. On August 2, 2023, the charge was dismissed, and a refund requested. Mayor Rafferty excused himself from this vote.

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FIRE DEPARTMENT

Upon motion of Alderman Kirk Kimbal and seconded by Alderman Kenny Torgeson the Board unanimously agreed to Chief Gordon’s request to hire Gregory Victor as a recruit Firefighter. His start date will be August 21, 2023, upon completion of physical and drug screen. The starting salary will be \$12.49 per hour with a probationary period of one year. This is a budgeted expense and funds are available as confirmed by the City Clerk. This hire replaces Jeff Klemmer.

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POLICE DEPARTMENT

Upon motion of Alderwoman Betty Sparkman and seconded by Alderman Kenny Torgeson the Board unanimously approved the purchase of an Emergency Message/Speed Sign with towable trailer for \$12,697, and Gasoline-powered Club Car for \$12,775 (all quotes for both items attached). This will be paid out of the \$25,000 Police Capital Expenditure Grant – House Bill 603 (approved at the August 01, 2023, BOA Meeting). The combined remaining balance of \$472 will be paid for by the Police Department Budget to be determined by the City Clerk. As requested by Chief Daren Freeman.

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Upon motion of Alderman Kenny Torgeson and seconded by Alderwoman Regina Charlot the Board unanimously approved the proposal from Mechanical Services, LLC to perform a test and balance of the Police Department Building Air Conditioning System in the amount of \$6,480.00 to provide a recommendation on the potential replacement of the Air Conditioning System for the Police Department.

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CONSENT AGENDA

Upon motion of Alderwoman Betty Sparkman and seconded by Alderwoman Regina Charlot the Board unanimously approved all Consent Items, except Item 6, which was voted on separately.

1. Administrative: Consider approving the closing of Scenic /Hiern and Hwy 90/Scenic in front of City Hall For previously approved SPCA charity event September 23, 2023, from 6pm to 10pm. Public Safety has approved the request. Requested by Alderman Kimball.
2. Administrative: Consider approving Work Order 23-01 to DNA Underground LLC in the amount of \$63,077.00 for the Bayview Avenue Pump Station Emergency Force Main repairs. To be paid out of the Utility Operations Sewer Contractual Services (400-702-600) and funds are available as confirmed by the City Clerk. As recommended by City Engineer Bob Escher.
3. Administrative: Consider motion to authorize Mayor Rafferty to sign Mississippi Department of Environmental Quality Mississippi Municipality and County Water Infrastructure Grant Agreement (Infrastructure Grants) as listed below:

188-2-CW-5.5 C \$400,772.50 - City Pump Stations; Rehabilitation
4. Administrative: Consider approving request by Gulf States Construction for approval to provide water service and authorize the Mayor to execute a Will Serve letter for not to exceed nine homes to be constructed outside the City Limits on the North side of Fourth Avenue and East of Fifth Avenue (see map attached). [The HCUA has agreed to provide sewer services and has approved the City to provide water services.] This approval by the City will be conditioned upon the developer/owner of the property extending the water main to the subject properties at their own expense and according to the Utility Plan as approved by WPSCO and the City Engineer. This approval will further be subject to the approval of the MS Dept. of Health for the design of the water main extension.
5. Administrative: Consider a request to pursue having The Randolph Community Center placed on the National Register of Historic Places, which would raise the public awareness of the significance of the building as well as to enable Main Street or the City to apply for significant grants in the future, as requested by Anita Giani, Pass Christian Main Street.

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6. Community Development Dept: Consider approving the request from the Director of Community Development to replace the engine on the 2016 Nissan Pathfinder, which has been permanently damaged due to major failure in the estimated amount of \$14,698.31 for a new engine. Warranty has expired on the vehicle. This will require a budget amendment to the Community Development Repairs and Maintenance Budget and funds are available from current operating revenues as recommended by the City Clerk.

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

7. Court: Consider approving the refund request of \$500.00 to Jared Robertson. Mr. Robertson paid a cash bond of \$500.00 on February 10, 2023, and on August 2, 2023, the charge was passed to the file and a refund requested.

8. Court: Consider approving the restitution payment of \$125.15 payable to Pass Christian Walmart. Randalyn Pinkham was convicted of shoplifting and ordered to pay restitution which was received by the City on July 19, 2023.

9. Fire: Consider Chief Gordon’s request to ratify sending Lt. Caleb Robinson to MSFA (MS STATE FIRE ACADEMY) for Fire Service Management 101, August 14 through August 17, 2023. The cost of the class is \$415.00 per diem of \$115.00 and use of the city vehicle. This is a budgeted expense and funds are available as confirmed by the City Clerk.

10. Fire: Consider Chief Gordon’s request to accept resignation from full time to part time, from FF John Strawn, effective August 14, 2023, and to pay any accrued time owed to him. CA-10

11. Fire: Consider Chief Gordon’s request to add Firefighter Darren Koenenn to part time call out list. Starting salary to be \$12.02 per hour.

12. Fire: Consider Chief Gordon’s request to ratify sending FF Marcos Chacon to MSFA (MS STATE FIRE ACADEMY) for DRIVER/OPERATOR NFPA 1002: PUMPER APPARATUS, August 14 through August 31, 2023. The cost of the class is \$0.00 (paid with State of Mississippi Fire rebate monies, per diem of \$230.00 and use of city vehicle).

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- 13. Fire: Consider accepting a \$3,100.00 donation from the Pass Christian Volunteer Fire Department. This donation will be used in conjunction with the previously accepted Center Point energy grant to purchase gas monitoring equipment.
- 14. Fire: Consider Chief Gordon's request to purchase a Hurst eDraulics Combi-Tool (\$13,830.00) and Door Opener Tip Set (\$1,790.00). A Forcible entry prop (\$9,070.00) for the training building, and a Dewalt K-9 rotary saw (\$1,688.00), which will be paid out of the \$25,000 Fire Capital Expenditure Grant – House Bill 603 (approved at the August 01, 2023, BOA Meeting). The amount in excess of the \$25,000 grant will be paid out of the Fire Insurance Rebate Fun (Fund 116) and funds are available as confirmed by the City Clerk.
- 15. Fire: Consider Chief Gordon's request to accept resignation from FF Caleb Burns. He will be resigning from Pass Christian Fire Dept and Police Reserves, effective August 16, 2023. Please pay for any accrued time owed to him.
- 16. Harbor: Consider ratifying the request from Pass Christian Yacht Club for the use of transient slips only on P-4 southside for: Knost Regatta from August 4th – 6th. Constituting public entertainment, and this bringing favorable notice to the resources and opportunities to the City, as requested by the Pass Christian Yacht Club.
- 17. Harbor: Consider the request from Pass Christian Yacht Club for the use of transient slips only on P-4 southside for the Lipton Regatta from September 1st – 3rd. Constituting public entertainment, and this bringing favorable notice to the resources and opportunities to the City, as requested by the Pass Christian Yacht Club.
- 18. Library: Consider allowing the Library to use the Randolph Center on October 24, 2023, for the One Book One Pass Community Read Project. The Library is also requesting the fees be waived for the day. Requested by Librarian Wendy Allard. This bringing favorable notice to the resources and opportunities of the City. Police Dept: Consider accepting resignation from Officer Mathew Stieler effective August 21, 2023, and pay him for any comp-time and vacation pay per City policy that he may have accrued while employed.

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CLAIMS DOCKET

Upon motion of Alderwoman Betty Sparkman and seconded by Alderman Kenny Torgeson the Board unanimously approved the Claims Docket in the amount of \$499,535.67.

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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.

Mayor

08-15-2023

Date

City Clerk

08-15-2023

Date