

## **RECESS MEETING OF SEPTEMBER 18, 2012**

Be it remembered that the Mayor and Board of Aldermen of the City of Ocean Springs met in a Recess Meeting at City Hall in the City of Ocean Springs at 6:00 p.m. on September 18, 2012. Mayor Moran presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer, Dalgo and Hagan were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards.

Alderman Cody gave the invocation and the Mayor led the Pledge of Allegiance.

Motion was made by Alderman Cody and seconded by Alderman Cox to add the addendum to the Agenda and an item under Old Business – Discussion on Highway 90/Washington Avenue Crosswalk Project. Motion carried with Alderman Cox, Gill, McDonnell, Cody, Dalgo and Hagan voting aye and Alderman Denyer voting nay.

### **NEW BUSINESS**

Mr. David Groves, Assistant Building Official/Code Enforcement, introduced the representative from Foster Green Energy, LLC. Mr. Tom Nicholson gave a presentation on LED lighting. He explained LED lighting has been placed in half of the board room and Mayor's chambers as well as Cash Alley parking lot. LED lighting provides electrical savings, very green, cleaner brighter lighting, longer lasting, lower maintenance cost.

The Building Official recommended advertising for Request for Proposals to install LED bulbs at City Hall, Dewey Avenue Police Substation, Alice Street Recreation Building, Human Resources Department, Building and Planning Department.

Alderman McDonnell asked to have the power companies involved in this process.

Motion was made by Alderman Gill, seconded by Alderman Hagan and unanimously carried to advertise for Request for Proposals for LED lighting City Hall, Dewey Avenue Police Substation, Alice Street Recreation Building, Human Resources Department, Building and Planning Department and Civic Center, include the estimated savings on all of the facilities to determine the savings and have input from the power companies.

The Mayor introduced Mrs. Tammy Wisco, the Planning Consultant with Eco-Systems, Inc.

## **OLD BUSINESS**

The Mayor introduced Ms. Janis Malpass with CDM, Inc. and Mr. David Taylor with Gulf Regional Planning Commission to discuss the Washington Avenue/Highway 90 Pedestrian Pathway Project. The Mayor explained MDOT was invited to the meeting but was unable to attend. She stated MDOT assured her this project has been vetted out twice through their planning traffic division. Ms. Malpass gave an overview of the Washington Avenue/Highway 90 Pedestrian Pathway. The crosswalk button will be placed on the Northwest corner on an island. There was discussion concerning the safety aspects of this crosswalk due to the vehicles on Washington Avenue turning right onto Highway 90 with a yield sign. Another representative from CDM, Inc. stated by comparison, MDOT gives 25 seconds to cross the intersection at a similar crosswalk in Gulfport.

Mr. David Taylor explained this is not a grant. It is funding that was allocated to the City with an agreement upfront – federal funding would be 80% of the construction costs and the local share would be 20% plus preliminary engineering. The Board entered into a Memorandum of Understanding with MDOT wherein they pledged their support for this project and provide the 20% match. MDOT and the consultants have proceeded forward with this project. The problem with trying to continue this project at a later time, is this is a one-time offer of funding that was provided through the Highway Commissioner and also the MOU wherein the Board agreed to match this project, will apparently not happen and they may not offer this again.

Alderman McDonnell expressed his concern with the upcoming budget. The City Attorney advised the Memorandum of Understanding with MDOT has a withdrawal option if funding is not complete.

Mr. Taylor will research additional funding. The City Clerk further explained this project is not budgeted. No action was taken.

The Grants Coordinator explained that a grant project is assigned a separate fund number within the general budget in order to easily identify grant expenditures. This is primarily to assist with monitoring and auditing purposes. The funds are still in the overall budget and any required match funds are transferred to this fund once approved by the Board. They are not budgeted separately and are within the approved budget document.

## **PUBLIC COMMENTS**

Mr. Norton Havelin, 1116 Lafontaine Avenue, and spoke on behalf of Ocean Springs Church of Christ. He asked for relief from on two (2) excessive water bills. The address is 1116 Washington Avenue and lot immediately behind it, house with storage. Several days shows usage of water running through the meter in an unoccupied building. The church building received a similar bill with high water usage. The City Clerk advised the Water Department has tested the meter for accurateness. Alderman McDonnell asked to postpone charging any late fees at this time to allow the City to determine if the meter is defective.

Ms. Christina Bush, 1118 Iberville Drive, spoke about an issue regarding an easement and side yard of her property with adjoining property between Highway 90 and Iberville Drive.

## **CONSENT AGENDA**

Motion was made by Alderman Denyer, seconded by Alderman Hagan and unanimously carried to approve the Consent Agenda with exception of item (A-1a) which was pulled by Alderman Denyer and item (dd) which was pulled by Alderman Hagan.

Alderman Denyer pulled item (A-1a) to discuss whether to sell these items at the City auction or an online auction. Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to sell these items on an online auction with a reserve (Exhibit A-1a).

Motion was made by Alderman Hagan, seconded by Alderman Dalgo and unanimously carried to pull item (dd) off the agenda and request to send this vehicle to auction (6-dd).

## **DEPARTMENT REPORTS**

### **Mayor:**

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to enter Closed Session to determine if the proposed scope of work and cost proposal from Eco-Systems, Inc. can be considered as an Executive Session item.

### **City Clerk:**

Motion was made by Alderman Hagan and seconded by Alderman Dalgo to adopt **Ordinance No. 2012-09 AN ORDINANCE TO PROVIDE**

## **ADMINISTRATIVE PROCEDURES FOR BUDGETING AND SPENDING**

(Exhibit 7-b). The motion carried with a roll call vote as follows:

Alderman Cox	<u>Voting Aye</u>
Alderman Gill	<u>Voting Aye</u>
Alderman McDonnell	<u>Voting Aye</u>
Alderman Cody	<u>Voting Aye</u>
Alderman Denyer	<u>Voting Aye</u>
Alderman Dalgo	<u>Voting Aye</u>
Alderman Hagan	<u>Voting Aye</u>

Alderman Dalgo also suggested adding not allowing addendums to the agenda unless provided to the Board of Aldermen at least 24 hours prior to a board meeting with the exception deemed by the City Clerk as emergency purposes and limit special call meetings for emergency purposes only.

## **BUILDING DEPARTMENT:**

Motion was made by Alderman Cody and seconded by Alderman McDonnell to adopt **Ordinance No. 2012-10 AN ORDINANCE OF THE CITY OF OCEANS SPRINGS, MISSISSIPPI SETTING FORTH NEW CONSTRUCTION AND RELATED PERMIT FEES THEREBY AMENDING ORDINANCE NO. 8-1989, ORDINANCE NO. 10-1989, ORDINANCE NO. 3-1991, ORDINANCE NO. 13-1993, ORDINANCE NO. 13-1993, ORDINANCE NO. 7-1998, ORDINANCE NO. 9-1998, ORDINANCE NO. 10-1998, ORDINANCE NO. 11-2004, ORDINANCE NO. 2-2007, ORDINANCE NO. 3-2007, ORDINANCE NO. 4-2007, ORDINANCE NO. 5-2007, ORDINANCE NO. 6-2007, ORDINANCE NO. 7-2007, ORDINANCE NO. 8-2007, ORDINANCE NO. 10-2007 AND CHAPTER 7, CHAPTER 13, CHAPTER 18 OF THE OCEAN SPRINGS MUNICIPAL CODE** (Exhibit 7-c). The motion carried with a roll call vote as follows:

Alderman Cox	<u>Voting Aye</u>
Alderman Gill	<u>Voting Aye</u>
Alderman McDonnell	<u>Voting Aye</u>
Alderman Cody	<u>Voting Aye</u>
Alderman Denyer	<u>Voting Aye</u>
Alderman Dalgo	<u>Voting Aye</u>
Alderman Hagan	<u>Voting Aye</u>

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to approve the parking lot design for Dewey Avenue Police Station (Exhibit 7-d).

**City Attorney:**

Motion was made by Alderman Hagan and seconded by Alderman Dalgo to adopt **Ordinance No. 2012-11 AN ORDINANCE EXTENDING A TAX EXEMPTION PROGRAM FOR THE CENTRAL BUSINESS DISTRICT OF THE CITY OF OCEAN SPRINGS** (Exhibit 7-e). The motion carried with a roll call vote as follows:

Alderman Cox	<u>Voting Aye</u>
Alderman Gill	<u>Voting Aye</u>
Alderman McDonnell	<u>Voting Aye</u>
Alderman Cody	<u>Voting Aye</u>
Alderman Denyer	<u>Voting Aye</u>
Alderman Dalgo	<u>Voting Aye</u>
Alderman Hagan	<u>Voting Aye</u>

**ALDERMEN'S FORUM**

Alderman Gill asked the City to continue to work with Ms. Christine Bush on the easement/road problem at Iberville Drive.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize Public Works Department to change out the water meters at Church of Christ buildings on 1116 Washington Avenue and 1014 Iberville Drive.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to delay assessing any late fees and/or penalties on the water bills at 1116 Washington Avenue and 1104 Iberville Drive until an investigation can be completed by Public Works, Water Department and the property owners.

Motion was made by Alderman McDonnell, seconded by Alderman Hagan and unanimously carried to appoint Shelly Ferguson, Lionel Cothorn, Andre Kaufman, Alderman Cox and Alderman Denyer to the Peer Review Committee.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to alternate members of the Peer Review Committee as follows: after one year, two (2) alderman rotate off the committee; after two (2) years, two (2) department heads rotate off; after year threes, one alderman and one dept. head rotates off and continue in that order to maintain continuity on this committee.

Motion was made by Alderman McDonnell, seconded by Alderman Hagan and unanimously carried to appoint Alderman Cody as the Official Site Manager for Cruisin' the Coast 2012 for the City of Ocean Springs.

Alderman Cody asked the Public Works Department to check a utility easement on Poplar Circle.

Alderman Denyer thanked the City Hall staff for their work and organization during Hurricane Isaac at the EOC.

Motion was made by Alderman Dalgo, seconded by Alderman McDonnell and unanimously carried to authorize the City Attorney to create an ordinance to stating no addendums shall not be submitted to the Board of Aldermen unless it is provided 24 hours prior to the board meeting except for matters deemed by the City Clerk to be of an emergency nature to comply with state and local law and limit special call meetings for emergency purposes only.

## **EXECUTIVE SESSION**

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to go into closed session to determine the necessity of going into executive session.

The City Clerk returned to the meeting and announced a motion was made by Alderman Dalgo, seconded by Alderman McDonnell and unanimously carried to remain in executive session to discuss current litigation in Jackson County Chancery Court and personnel in the Mayor's Department.

Motion was made by Alderman McDonnell, seconded by Alderman Dalgo and unanimously carried to return to regular session.

Motion was made by Alderman Cody, seconded by Alderman Dalgo and unanimously carried to re-negotiate the hourly rate for the Planning Consultant with Eco-Systems, Inc.

Motion was made by Alderman Dalgo, seconded by Alderman Denyer and unanimously carried to reassign the landscaper position to Public Works Department, effective October 1, 2012, at the same hours per week.

Motion was made by Alderman Dalgo, seconded by Alderman McDonnell and unanimously carried to adjourn until 6:00 p.m. on October 2, 2012.

Meeting ended at 8:53 p.m.

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City Clerk

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Date

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Mayor

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Date

**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**September 18, 2012 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. NEW BUSINESS**

a) Discussion on LED Lighting – Mr. Rob Blackman, Building Official and Mr. Thomas Nicholson (Exhibits 3-a and 3-b)

**4. OLD BUSINESS**

**5. PUBLIC COMMENT:** The public is invited to address the Board for up to 3 minutes. The Board will take all comments under advisement for potential action at a later date if warranted.

**6. CONSENT AGENDA\***

*\* Consent Agenda – All matters listed under Item 6, Consent Agenda, are considered to be routine by the Board of Aldermen and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

**Mayor:**

- a) Adopt Resolution of the City of Ocean Springs, Mississippi, to Temporarily Allow Consumption of Beverages on Public Property for the Duration of Cruisin' the Coast 2012 and authorize the Mayor to execute same (Exhibit 6-a)
- b) Approve sending a letter of support of requested zoning change from Multi-family residential (R-3) and Two Family Residential (R-2) to Highway Commercial (C-3) for Caryn Hanson to the Jackson County Planning Commissioners and the Planning Director (Exhibit 6-b)
- c) Authorize the Mayor to execute Change Order #2 for a reduction in the amount of \$830.00 with W.R. Mitchell Contractors, Inc. for the DEQ/CDBG Water/Sewer Expansion Project (Exhibit 6-c)
- d) Authorize the Mayor to execute Contract Amendment #1 with Compton Engineering for the Sanitary Sewer Rehabilitation and Sewer Metering Projects (Exhibit 6-d)
- e) Authorize the Mayor to execute Contract Amendment #2 with Compton Engineering for the DEQ/CDBG Water/Sewer Expansion Project, pending DEQ and legal concurrence (Exhibit 6-e)

**City Clerk:**

- f) Approve Minutes: Special Call Meeting September 4, 2012 (Exhibit 6-f)
- g) Approve Minutes: Regular Meeting September 4, 2012 (Exhibit 6-g)
- h) Approve Minutes: Recess Meeting September 7, 2012 (Exhibit 6-h)
- i) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-i)
- j) Ratify payment to Steven Dye in the amount of \$497.80 for airline ticket for emergency return from training in New Mexico for Hurricane Isaac (Exhibit 6-j)
- k) Accept Action Report (Exhibit 6-k)
- l) Authorize various equipment to be declared surplus; of no value to the city and send to auction (Exhibit 6-l)

**Police Dept.:**

- m) Approve Special Event Permit for OSHS Competition Squad to host a 5K Run Fundraiser and Zumba to promote health and fitness on Saturday, October 20, 2012 from 9 a.m. – 10:30 a.m. (Exhibit 6-m)
- n) Approve Special Event Permits for Informational Purposes Only for an 8K Run Race as a fundraiser for the Pink Heart Breast Cancer Charity on Saturday, September 22<sup>nd</sup> at 8 a.m. and an American Heart Association Walk on Wednesday, September 26<sup>th</sup> from 7 a.m. – 10 a.m. (Exhibit 6-n)
- o) Approve Special Event Permit for OSHS Homecoming Parade on Wednesday, September 26<sup>th</sup> from 5:30 p.m. – 6:30 p.m. (Exhibit 6-o)
- p) Approve Special Event Permits for Cystic Fibrosis Walk on Saturday, October 20<sup>th</sup> from 8 a.m. – 12 Noon and an Aids Awareness Walk on Saturday, November 3<sup>rd</sup> from 7 a.m. – 12 Noon (Exhibit 6-p)
- q) Authorize various bicycles to be declared surplus; of no value to the city and send to auction (Exhibit 6-q)

**Fire Dept.:**

- r) Accept Monthly Fire Department Report for August 17-September 12, 2012 (Exhibit 6-r)
- s) Authorize various equipment to be declared surplus; of no value to the city and send to auction (Exhibit 6-s)
- t) Authorize promotion of Firefighter David Illich to Lieutenant, \$15.90 hourly, effective September 19, 2012 with a six-month probationary period (Exhibit 6-t)

**Human Resources/Risk:**

- u) Authorize various equipment to be declared surplus; of no value to the city and send to auction (Exhibit 6-u)

**City Engineer:****Public Works:**

- v) Award bid to Talley Construction, Inc. in the amount of \$47,544.00 for the Trentwood/Parktown area (Exhibit 6-v)

**Community Development & Planning:**

- w) Accept resignation of Susan Mueller from the Historic Preservation Commission, effective immediately, appoint Marshall Johnson to Historic Preservation Commission and appoint Shea Dobson to the Zoning and Adjustment Board (Exhibit 6-w)
- x) Accept Tree Committee Report (Exhibit 6-x)

**Planning Commission**

- y) Accept Planning Commission's recommendation to approve a lot combination of Lots B10 and B11 of Heron Park Subdivision, Gulf Coast Land Group, LLC (Exhibit 6-y)

**Zoning and Adjustment Board**

- z) Accept Zoning and Adjustment Board's recommendation to approve a 3 foot front yard variance at 312 Washington Avenue – Brian and Marie Sanderson (Exhibit 6-z)
- aa) Accept Zoning and Adjustment Board's recommendation to deny the variance for additional free standing sign at 1601 Government Street – Finn McCool's (Exhibit 6-aa)

**Historic Preservation Commission**

- bb) Accept Historic Preservation Commissions recommendation to issue a COA for renovation at 312 Washington Avenue (Exhibit 6-bb)
- cc) Accept Historic Preservation Commissions recommendation to issue a COA for renovation at 929 Washington Avenue (Exhibit 6-cc)

**Building Department:**

- dd) Authorize donation of surplus vehicle, CD 2 1999 Chevrolet Tahoe to Hancock Fire Rescue (Exhibit 6-dd)
- ee) Authorize various equipment to be declared surplus; of no value to the city and send to auction (Exhibit 6-ee)

**Parks & Leisure Services:**

- ff) Accept minutes from the Parks & Leisure Advisory Board of August 8, 2012 (Exhibit 6-ff)
- gg) Authorize a Manual Gang Pull-behind Reel Mower to be declared surplus; of no value to the city and send to auction (Exhibit 6-gg)

- hh) Authorize employment of Kenneth Dossett, full-time building maintenance worker, effective September 20, 2012, \$12.50 hourly, and pending successful completion of all pre-employment requirements, in FY12-13 budget (Exhibit 6-hh)
- ii) Accept recommendation for final acceptance of Highway 57 Sports Complex, Phase 4 contract with The Arcon Group, MS and payment of \$2,500.00 in retainage to the contractor (Exhibit 6-ii)

**City Attorney:**

**Facilities:**

- jj) Authorize piano and spot light to be declared surplus; of no value to the city and send to auction (Exhibit 6-ii)

## **7. DEPARTMENT REPORTS**

**Mayor:**

- a) Proposed scope of services and cost proposal from Eco-Systems, Inc. (Exhibit 7-a)

**City Clerk:**

- b) FY12-13 Ordinances

**Police:**

**Fire:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

- c) Adopt an Ordinance Setting Forth New Construction and Related Permit Fees... (Exhibit 7-c)
- d) Dewey Avenue Police Station Parking Lot (Exhibit 7-d)

**Parks & Leisure Services:**

**City Attorney:**

- e) Adopt an Ordinance Extending Tax Exemption Program for the Central Business District of the City of Ocean Springs (Exhibit 7-e)

**Facilities:**

## **8. ALDERMEN'S FORUM**

## **9. EXECUTIVE SESSION**

**ADJOURN UNTIL 6:00 P.M. on October 2, 2012**

**ADDENDUM TO AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**September 18, 2012 - 6:00 p.m.**

**1. CONSENT AGENDA**

**Police Department:**

- a) Authorize various items to be declared surplus; of no value to the city and send to auction (Exhibit A-1a)