

## **RECESS MEETING OF OCTOBER 16, 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 October 16, 2012. Mayor Moran presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer, Dalgo and Hagan were present. Also present was Deputy City Clerk Karen Kennedy and City Attorney John Edwards.

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

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to add the addendum to the Agenda.

### **PUBLIC HEARINGS – Addendum**

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to open the Public Hearing for 1823 Bienville Boulevard.

The Code Enforcement Officer gave an update on the residence at 1823 Bienville Boulevard. He reported there is major roof and siding deterioration. At a previous Public Hearing on April 5, 2011, the Board of Aldermen granted additional time to complete the probate of the Estate of Minnie Miller, the property owner and to provide an update at the first meeting in May, 2011. Prior to this public hearing, notices were posted on the property on July 2, 2012; notice was sent to the last known address; posted on the bulletin board at City Hall and published in the City publication of record. One of the heirs of the Estate of Minnie Miller, Tammy Miller, contacted the Code Enforcement Officer advising the property is still in probate and needing three (3) more signatures. He asked Ms. Miller to keep him informed of the progress but no further contact was made. On September 20, 2012, notices were posted on the property; notice was sent to the last known address and was returned not claimed; posted on the bulletin board at City Hall and published in the City publication of record. The Code Enforcement Officer presented pictures showing the condition of the property to the Board for the record. The structure is in disrepair and lacks maintenance. The building lacks illumination, ventilation and sanitary facilities adequate to protect the health or safety of the occupants or the public and there are numerous building, electrical, and plumbing code violations as well as being a fire hazard. He finds the property to be in such a state of uncleanliness, disrepair and neglect to be a menace to the public health, safety and welfare of the community. The property owner is deceased but one of the heirs of Minnie Miller, Tammy Miller, was present at the public hearing. Ms. Tammy Miller asked for additional time to obtain three

(3) signatures to complete the probate of the Estate of Minnie Miller and transfer the property to the heirs. She further stated she plans to repair and renovate the house once the probate is complete. No other opponents were present.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to close the Public Hearing for 1823 Bienville Boulevard.

Motion was made by Alderman Gill, seconded by Alderman McDonnell and unanimously carried to take no action on the lot cleaning at 1823 Bienville Boulevard and to further grant Ms. Tammy Miller, one of the heirs of the Estate of Minnie Miller, an additional ninety (90) days to complete the probate of her mother's estate; provide proof of payment of ad valorem taxes and provides a construction financing plan to rebuild the home (Exhibit A-1a).

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to open the Public Hearing for 1213 Lancelot Lane.

The Code Enforcement Officer gave an update on the residence at 1213 Lancelot Lane. He reported on the history of this property. Notices were sent on April 17, 2012, due to complaints of the overgrown yard with no response. A second notice was sent on June 4, 2012, with no response. Another address was obtained for the property owner and notice was sent to that address. On June 13, 2012, notices were posted on the property; notice was sent to the last known address; posted on the bulletin board at City Hall and published in the City publication of record. The Code Enforcement Officer presented pictures showing the condition of the property to the Board for the record. On September 18, 2012, notices were posted on the property; notice was sent to the last known address; posted on the bulletin board at City Hall and published in the City publication of record. The structure is in disrepair and lacks maintenance. The building lacks illumination, ventilation and sanitary facilities adequate to protect the health or safety of the occupants or the public and there are numerous building, electrical, and plumbing code violations as well as being a fire hazard. He further stated there was a lot of trash located on the front porch of the residence; the backyard was overgrown; complaints of mosquitoes and rodents; and the house was full of debris and trash. He finds the property to be in such a state of uncleanliness, disrepair and neglect to be a menace to the public health, safety and welfare of the community. Mr. Michael Brown, the future son-in-law of Gale M. Champiomont, was present at the public hearing. He stated he was attending the public hearing on behalf of Mr. Champiomont since he is wheel chair bound and Mary R. Champiomont is deceased. Mr. Brown stated he is Mr. Champiomont's full time care taker making it difficult to do the repairs to the house at 1213 Lancelot Lane. He is

making arrangements to be able to clean and repair the property and therefore, asked for additional time to allow him to do this.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to close the Public Hearing for 1213 Lancelot Lane.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to accept the Code Enforcement Officer's recommendation to proceed with the lot cleaning at 1213 Lancelot Lane and obtain a report from a structural engineer to determine if the structure is feasible to be salvaged.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to grant the property owner, Gale M. Champiomont, until November 20, 2012, to cut the overgrown yard, front and back; remove the trash located in the exterior and interior of the house and start on the structural repairs. The Code Enforcement Officer will give a progress report at the November 20, 2012, Board of Aldermen meeting (Exhibit A-1b).

## **NEW BUSINESS**

Mr. Lee Brumfield and Mr. Mark Seymour addressed the Mayor and Board of Aldermen concerning Ocean Pointe located on Front Beach. Mr. Brumfield stated he provided a lay-down yard for the contractors in exchange for the property to be maintained and cleaned. The most recent Contractors using the property for this purpose failed to properly clean it. They are requesting City's assistance in forcing the Contractor to clean the property as previously agreed upon. The agreement is between Mr. Brumfield and the contractor with no legal involvement with the city.

Mr. Brumfield also stated that he had worked with the various contractors in this way consideration for a future easement across his property to address drainage issues. The City is currently developing a CIAP-funded drainage project for this purpose. Mr. Brumfield asked when the pipe is installed underneath the street that it be sized large enough to accommodate not only the neighborhood's water but the water coming off his property. Based on funding amounts that are anticipated at this time, the larger pipes are not included in the design.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to locate the agreement between Lee Brumfield and the most recent contractor using the property and forward it to the Contractor reminding them of their responsibilities to clean the property.

Mr. Mark Seymour, engineer for Ocean Pointe, also asked for consideration to install outfall pipe be sized properly for future development. The Grants Administrator advised budget is the biggest restraint on options on what can be done with current CIAP budget. The total CIAP budget is \$750,000.00 for both the Front Beach and kudzu lot on Magnolia Avenue projects. Each property is expected to use half of the budget. There will be more facts in the next couple of months to be able to determine cost to do the project. In order to establish real costs for both the proposed drainage pipe size and the increased capacity requested by Mr. Brumfield, Alderman McDonnell requested a proposal from Thompson Engineering, the city's engineer for the project, to perform the additional work to create an alternate for bidding purposes. This will be brought back to the next agenda for consideration.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to adopt the Resolution of the City of Ocean Springs, Mississippi, to accept the state salvaged cottage from MEMA (Exhibit 3-b).

Motion was made by Alderman McDonnell, seconded by Alderman Hagan and unanimously carried to adopt the Resolution of the City of Ocean Springs, Mississippi, to donate the state salvaged cottage to Y.A.D.A., Inc., a Mississippi Non-profit corporation (Exhibit 3-b).

## **PUBLIC COMMENT**

Mr. Ronald Vincent, 1412 Government Street, complained of the noise coming from Crossfit Gym since they are operating during peak times of the day with the doors open.

## **CONSENT AGENDA**

Motion was made by Alderman Gill, seconded by Alderman Hagan and unanimously carried to approve the Consent Agenda with exception of items (a) and (k) which were pulled by Alderman McDonnell.

Alderman McDonnell asked for clarification of the Eco-Systems, Inc. Contract concerning the administrative items in the Contract such as attendance at Board meetings, Planning Commission meetings and HPC meetings. Eco-Systems, Inc. will only be required to attend meetings if it is determined by the Building Official to be necessary for their attendance. Motion was made by Alderman McDonnell, seconded by Alderman Hagan and unanimously carried to approve the Eco-Systems, Inc. Contract.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to approve the Special Event Permit for St. Alphonsus Fall Festival on November 2-4, 2012 and to close Washington Avenue from Joseph to Calhoun.

## **DEPARTMENT REPORTS**

### **Mayor:**

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to send a letter of support to the City of Gautier for the Highway 57 signal project at Brown Road (Exhibit 6-a).

### **City Clerk:**

Motion was made by Alderman Dalgo, seconded by Alderman Gill and unanimously carried to table item (Exhibit 6-b).

### **Public Works:**

Motion was made by Alderman Hagan, seconded by Alderman Cox and unanimously carried to approve final acceptance of the contract for the Services Agreement for Sewer Maintenance Schedule 1 – CIPP; Schedule 2 – Manholes and Wet Wells and Schedule 3 – Point Repair and authorize the Public Works Director to execute all necessary documents (Exhibit 6-e).

### **Building Department:**

Motion was made by Alderman Hagan and seconded by Alderman McDonnell to adopt **Ordinance No. 2012-12 AN ORDINANCE OF THE CITY OF OCEAN SPRINGS, MISSISSIPPI SETTING FORTH NEW CONSTRUCTION AND RELATED PERMIT FEES THEREBY AMENDING ORDINANCE #2012-10; ORDINANCE #11-2004; ORDINANCE #7-1998; ORDINANCE #9-1998, ORDINANCE #10-1998; ORDINANCE #13-1993, ORDINANCE #3-1991; ORDINANCE #10-1989; ORDINANCE #8-1989; ORDINANCE #9-1988 AND CHAPTER 7, CHAPTER 13, AND CHAPTER 18 OF THE OCEAN SPRINGS MUNICIPAL CODE** (Exhibit 6-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>Absent from the Voting</u>
Alderman Dalgo	<u>Voting Aye</u>
Alderman Hagan	<u>Voting Aye</u>

Alderman Cody asked about transient vendor fees. It was reported the State sets the transient vendor fee of \$250.00.

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to authorize the Building Department to work during event days to police the transient vendors.

**Parks and Leisure Services Department:**

Motion was made by Alderman Hagan, seconded by Alderman Dalgo and unanimously carried to accept all recommendations of the Parks Advisory Board to meet with the City Attorney to discuss the legal responsibility to the City of Ocean Springs concerning alcohol; drop/discontinue the collection of the court fees at the Halstead Tennis Court Complex and amend Tennis Pro Brian Wilson's contract to allow him to collect his fees and pay the City's commission bi-weekly as opposed to the City receiving all the fees and paying the Tennis Pro monthly (Exhibit 6-d).

Alderman McDonnell stated to remedy the conflict with the dance classes at the Civic Center, he suggested allowing the dance instructor to use the court room at the Dewey Avenue police station.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize the Parks and Leisure Services Department to utilize the Dewey Avenue substation as the dance studio and have control over this room. The Parks Director and Building Official will report back on this matter.

**Fire Department**

Motion was made by Alderman Dalgo, seconded by Alderman Hagan and unanimously carried to authorize Lt. Adam Roe to attend the Fire Ground Leadership class at the State Fire Academy.

**ALDERMEN'S FORUM**

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to create a committee to review the RFPs for garbage disposal made up of Aldermen Hagan, Cody and Cox, the City Attorney and allow the department heads to meet with them as needed.

Motion was made by Alderman Cody, seconded by Alderman Hagan and unanimously carried to authorize up to \$250.00 from the Mayor's Capital Improvement Account to advertise the City's resources at a forum at the Women's luncheon on October 16th.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to authorize the Building Official to work on Saturday, November 3<sup>rd</sup>, at the Peter Anderson Festival to police the vendors.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to authorize the First Baptist Church of Ocean Springs the use of the Civic Center for worship service in exchange for the City to use the church parking lot on November 3-4, 2012.

Alderman Cody thanked all the departments for their hard work during the Cruisin' the Coast event.

Motion was made by Alderman McDonnell, seconded by Alderman Hagan and unanimously carried to authorize up to \$100.00 from each Capital Improvement Account to offset expenses for the Cruisin' the Coast event, if needed.

Alderman McDonnell commended Alderman Cody for his hard work and dedication as the Ocean Springs Site Coordinator during the Cruisin' the Coast event.

Alderman Cody suggested assigning a phone to Public Works during festivals and events.

## **EXECUTIVE SESSION**

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

The Deputy City Clerk returned to the meeting and announced a motion was made by Alderman Hagan, seconded by Alderman McDonnell and unanimously carried to remain in executive session to discuss potential litigation in Chancery Court; personnel in the Police Department; personnel in the Court Department and potential litigation in Circuit and Federal Court.

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

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

Meeting ended at 8:56 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**  
**October 16, 2012 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. NEW BUSINESS**

- a) Discussion on Drainage Easement on Front Beach – Mr. Lee Brumfield and Mr. Mark Seymour (Exhibit 3-a)
- b) Discussion on MEMA cottage bait shop with documentation to be presented

**4. 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.

**5. CONSENT AGENDA\***

*\* Consent Agenda – All matters listed under Item 5, 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) Authorize the Mayor to execute the Agreement for Professional Services between City of Ocean Springs and Eco-Systems, Inc. (Exhibit 5-a)
- b) Authorize the Mayor to execute Change Order #4 for the Shearwater Park Project with Orocon Construction, LLC for a deduction in the amount of \$3,322.50 (Exhibit 5-b)

**City Clerk:**

- c) Approve Minutes: Regular Meeting October 2, 2012 (Exhibit 5-c)
- d) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 5-d)
- e) Accept Action Report (Exhibit 5-e)
- f) Adopt budget amendments to close out FY11-12 and authorize publication of 10% budget changes (Exhibit 5-f)

**Police Department:**

- g) Accept resignation of Patrolman Torrey Hargrow, effective October 19, 2012, and authorize to begin the process of filling the vacant patrol position (Exhibit 5-g)
- h) Authorize employment of Matthew R. Jalanivich as Patrolman, effective October 17, 2012, at hourly rate of \$12.50, one-year probationary period and pending successful completion of all pre-employment requirements; and upon completion of the academy hourly rate to increase to \$13.95 (Exhibit 5-h)
- i) Approve Special Event Permit for Trick or Treat Down the Street" on Wednesday, October 31<sup>st</sup> with requirements to close streets on Washington Avenue (from Robinson to Porter) and Government (from Washington to Handy) with the adjoining side streets and Volleyball Tournament on Saturday, October 27, 2012, from 9:00 a.m. – 7:00 p.m. at Front Beach across from Fort Maurepas (Exhibit 5-i)
- j) Approve Special Event Permit for Christmas Carols and Music at Fort Maurepas Park on Sunday, December 2<sup>nd</sup> from 6:00 p.m. – 9:00 p.m., no requirements and Elks Mardi Gras Parade on Saturday, January 26, 2013, from 1:00 p.m. – 3:00 p.m. with requirements of security, traffic direction, barricades, set up and clean up (Exhibit 5-j)
- k) Approve Special Event Permit for St. Alphonsus Fall Festival on November 2-4, 2012 with requirements of banner hanging and trash receptacles and the Free Fall Festival for the Community on Wednesday, October 31, 2012 from 5:00 p.m. – 9:00 p.m. at the property of "Real Church" with requirements of barricades, traffic direction and road closure at Martin Avenue (Exhibit 5-k)
- l) Approve Special Event Permit – Informational Purposes Only for a wedding ceremony on Saturday, October 20, 2012 from 4:00 p.m. – 5:30 p.m., no requirements (Exhibit 5-l)
- m) Authorize to declare Unit 209, 1999 Crown Victoria; Unit 215, 2000 Ford Explorer and Unit 227, 2002 Crown Victoria as surplus, of no use or value to the City, remove from City inventory and send to auction (Exhibit 5-m)

**Fire Department:**

- n) Accept Monthly Fire Department Report (Exhibit 5-n)

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

- o) Accept and record Sewer and Utility Easement from Magnolia State Development Group, LLC (Exhibit 5-o)

**Community Development & Planning:**

Planning Commission:

- p) Accept Planning Commissions' recommendation to approve a Preliminary Plat for Seaside at East Beach (Exhibit 5-p)

**Building Department:**

- q) Accept Tree Committee Report (Exhibit 5-q)

**Parks & Leisure Services:**

- r) Accept Parks Advisory Board Minutes: September 12, 2012 (Exhibit 5-r)

**City Attorney:**

**6. DEPARTMENT REPORTS**

**Mayor:**

Information Item:

- a) Highway 57 Signal Project (Exhibit 6-a)

**City Clerk:**

- b) Adopt an Ordinance Providing that No Addendums to the Agenda Shall be Submitted to the Board of Aldermen Unless it is Provided Twenty-four (24) Hours Prior to the Board Meeting Except for Matters Deemed by the City Clerk to be an Emergency Nature with State and Local Laws (Exhibit 6-b)

**Police Department:**

**Fire Department:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

- c) Adopt an Amended Ordinance of the City of Ocean Springs, Mississippi Setting Forth New Construction and Related Permit Fees..... (Exhibit 6-c)

**Parks & Leisure Services:**

- d) Discussion on Parks Advisory Board Recommendations (Exhibit 6-d)

**City Attorney:**

**7. ALDERMEN'S FORUM**

**8. EXECUTIVE SESSION**

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

**ADDENDUM TO AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**October 16, 2012 - 6:00 p.m.**

**1. PUBLIC HEARING**

- a) Lot Cleaning Hearing - 1823 Bienville Boulevard – Minnie Miller (Exhibit A-1a)
- b) Lot Cleaning Hearing - 1213 Lancelot Lane – Gale M. and Mary C. Champiomont (Exhibit A-1b)