

## **REGULAR MEETING OF DECEMBER 4, 2012**

Be it remembered that the Mayor and Board of Aldermen of the City of Ocean Springs met in a Regular meeting at City Hall in the City of Ocean Springs at 6:00 p.m. on December 4, 2012. The Mayor presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer, Dalgo and Hagan were present. Also present was City Clerk Shelly Ferguson and City Attorney Robert Wilkinson.

The Mayor called the meeting to order.

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

The Mayor moved the discussion of the garbage contract under Department Reports to Old Business.

### **NEW BUSINESS**

Ms. Courtney Vanderschaaf of Eco-Systems, Inc. gave an update on the City's current stormwater permit and stormwater management project (Exhibit 4-a).

Mr. Marc Poole, Chairman, spoke on behalf of the City Museum. He presented a power point on the two and one-half (2-1/2) year history of the museum (Exhibit 4-b).

### **OLD BUSINESS – Department Reports**

#### **Mayor:**

The Mayor explained her veto of awarding the garbage contract to Advanced Disposal. She further stated would like the Board to discuss specifics such as recycling bins, dumpsters, and portable toilets at a work session and then put out a new RFP containing those options. Motion was made by Alderman Denyer and seconded by Alderman Gill to schedule a work session with all three (3) contractors to discuss the garbage proposals.

Alderman Hagan asked for a ruling from the State Auditor's office concerning a campaign donation made to the Mayor from Wally Carter of Waste Pro before there are any further discussions concerning the garbage contract.

The City Attorney stated he has received a letter threatening possible litigation concerning the garbage contract.

Alderman Denyer stated his intention to withdraw his motion for the work session if the Board is willing to go into closed session to determine the need for an executive session concerning potential litigation with the garbage contract.

The Mayor clarified she received \$10,000 for her State Treasurer's race. She further stated she is happy with the present service received by the City from Waste Pro, the current garbage contractor, whether she is received a contribution or not. She agreed the Board should have an opportunity to discuss these matters with the City Attorney.

## **PUBLIC COMMENTS**

Ms. Karen Chance, 1408 Calhoun Avenue, spoke in favor of Delta Sanitation/Waste Pro.

Ms. Becky Fader spoke in favor of Delta Sanitation/Waste Pro.

A resident of Bayou Sauvolle spoke in favor of Delta Sanitation/Waste Pro.

Mr. Billy Guice, 1000 Government Street, stated he is representing Advanced Disposal and asked the Board to reconsider the Mayor's veto and avoid a legal challenge.

Mr. Wally Carter, 604 Rue Maupesant, an owner in Delta Sanitation and Waste Pro headquartered in Longwood, Florida, reiterated the final pricing he gave the Selection Committee to be \$10.03 which would keep the solid waste and recycling program exactly as it is currently. The other services not contemplated in the advertised RFP were adding a new 96 gallon cart for every resident which would cost \$1.00 per month. Any Ocean Springs resident could swap their 18 gallon bin for a new 64 gallon Recycling cart at their request. A rewards program was discussed in detail with the Selection Committee which would add \$0.35 for total of \$11.38 per month if all options were used.

A resident from Courtney Circle spoke in favor of Delta Sanitation/Waste Pro.

Mr. Bruce Duckett, 1406 Hellmers Lane, asked the Board to reconsider naming Harbor Road in honor of Tom McIlwain since a road has already been named in his honor. He asked to name the park created at the harbor for Tom McIlwain.

Ms. Amanda Kennerly questioned why a motion was not made to endorse Dr. McIlwain's plan to ensure parking, slips, and green spaces at the harbor.

Mr. Donald Scharr, 108 Shearwater Drive, thanked the Board for supporting the efforts of the Music Festival at the Mary C. O'Keefe Cultural Center and allowing the "The Unbeatables" to perform and how important it was for his sons' lives and the lives of

their friends. "The Unbeatables" will do upcoming shows as a fund raiser for the Mary C. O'Keefe.

## **CONSENT AGENDA**

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

Alderman Hagan pulled item (b) for clarification on the invoice from Bruce Tolar for the Gay Lemon Shelter Project. The Mayor explained this invoice is for an existing contract approved by the Board for the design of the storm shelter facility. The Grants Administrator was not present to further explain this project. Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to approve payment of the Docket of Claims with the exception of the invoice from Bruce Tolar (Exhibit 6-b).

## **DEPARTMENT REPORTS**

### **Community Development & Planning:**

The Building Official explained items (7-b, c, and d) were projects Eco-Systems was asked to complete. He asked for the Board's input on the direction they would like Ms. Wisco to take concerning these matters. He recommended the vacation rental ordinance be completed and brought before the Planning Commission and the Board for their consideration. Alderman McDonnell stated the Planning Commission has reservations concerning this ordinance and asked to hold a work session to determine if this is an ordinance the Board wishes to adopt.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to have a work session regarding the vacation rental ordinance and group homes and discontinue work on these issues by Eco-Systems, Inc. until after a work session by the Board.

### **Building Department:**

The Building Official stated he recommends the Board allow the representative for 1213 Lancelot Lane an additional two (2) weeks to clean and secure the property. Alderman Gill told the representative he must continue to clean the property and also maintain it once the property is cleaned and secured.

The Building Official updated the Board on the lot cleaning at 1823 Bienville Boulevard. He stated the daughter, Ms. Tammy Miller, of the deceased property owner, Minnie Miller, stated her intentions to rebuild the home as a residence. She cannot demolish the house and rebuild as a residence since it is now zoned commercial without a

variance. She has applied to the Zoning and Adjustment Board for a variance. He further stated the property is really too small to build commercially due to the setbacks. The deadline the Board of Aldermen gave her is January 2<sup>nd</sup> which coincides with the Zoning and Adjustment Board meeting will be held.

**City Attorney:**

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to table adopting the Ordinance to name Harbor Drive in honor of Tom McIlwain since there is a street already named after him (Exhibit 7-f).

**ALDERMEN'S FORUM**

Alderman McDonnell welcomed Alderman Hagan back to the Board and thanked him for maintaining his position on the Board.

Alderman Hagan thanked everyone for their support during the past year.

Motion was made by Alderman Cody, seconded by Alderman McDonnell to commit to support the Resolution from the Jackson County Board of Supervisors and the Harbor Commission to restore the property, formerly known as the "Harbor Landing Property" to public use and green space.

Alderman Cox stated he feels strongly of the recommendation made by the Selection Committee in regards to the garbage contract.

Alderman Denyer asked when the new traffic lights at Government Street and Hanley and Government Street and Ocean Springs Road would be activated. The Mayor reported the Contractor has been unable to get a response from CSX to hook up the connection with the railroad crossing bars.

Alderman Hagan asked the Board to consider breaking ties with the Jackson County Narcotics Task Force. Many Aldermen expressed they wanted to hear from the Police Chief before making a decision. The Police Chief was not present at the meeting.

Motion was made by Alderman Hagan and seconded by Alderman McDonnell to officially dissolve the association with the Jackson County Narcotics Task Force. Motion failed with Aldermen McDonnell and Hagan voting aye and Aldermen Gill, Cody, Cox, Denyer and Dalgo voting nay.

## **EXECUTIVE SESSION**

Motion was made by Alderman Cody, seconded by Alderman Hagan 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 Cody, seconded by Alderman Hagan and unanimously carried to remain in executive session to discuss potential litigation regarding the school district; current litigation regarding the Gunn/Harris case; current litigation regarding Psycamore and potential litigation regarding the garbage contract.

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 McDonnell and unanimously carried to authorize the Mayor to complete the Memorandum of Understanding with the Ocean Springs School District for the use of Taconi gym through the end of the school session.

Motion was made by Alderman Hagan, seconded by Alderman Cody and unanimously carried to authorize the City the use of the Community Center for the City Employee Christmas Party on Friday, December 14<sup>th</sup>.

Motion was made by Alderman Hagan, seconded by Alderman Cody and unanimously carried to recess until 6:00 p.m. on December 18, 2012.

Meeting ended at 10:27 p.m.

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City Clerk

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Mayor

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Date

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Date

**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**REGULAR MEETING**  
**December 4, 2012 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. OLD BUSINESS**

**4. NEW BUSINESS**

- a) Discussion of the City's current stormwater permit and stormwater management project – Ms. Courtney VanderSchaaf, Eco-Systems, Inc. (Exhibit 4-a)
- b) Update on the City Museum's accomplishments – Mr. Marc Poole (Exhibit 4-b)

**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:**

**City Clerk:**

- a) Approve Minutes: Recess Meeting November 19, 2012 (Exhibit 6-a)
- b) Approve payment: Docket of Claims and spread summary on the Minutes (Exhibit 6-b)
- c) Accept Action Report (Exhibit 6-c)
- d) Ratify travel expenses for David Groves to attend the L273 course (Managing Floodplain Development Through NFIP) (Exhibit 6-d)

**Police Dept.:**

**Fire Dept.:**

**Human Resources/Risk Management:**

- e) Authorize Third Annual City Employee Wellness Fair on Thursday, February 28, 2013, at the Ocean Springs Civic Center (Exhibit 6-e)

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- f) Approve and authorize the Mayor to execute Change Order #2 related to Dewey Avenue Renovations in the amount of \$1,791.68, within the 2% tax levy budget and no additional funds requested (Exhibit 6-f)

**Building Department:**

- g) Accept Code Enforcement Report (Exhibit 6-g)

**Parks & Leisure Services:**

- h) Accept Parks Advisory Minutes of November 14, 2012 (Exhibit 6-h)

**City Attorney:**

**Facilities:**

**7. DEPARTMENT REPORTS**

**Mayor:**

**Discussion Item:**

- a) Garbage Contract

**City Clerk:**

**Police Dept.:**

**Fire Dept.:**

**Human Resources/Risk Manager:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- b) Vacation Rental Ordinance
- c) Coordination with Jackson County Economic Development regarding demographics update of website
- d) Research City Ordinance to determine if/how group homes are supported

**Building Department:**

- e) Discussion on cleaning and securing or demolition at 1213 Lancelot Lane (Exhibit 7-e)

**Parks & Leisure Services:**

**City Attorney:**

- f) An Amendment to the Code of Ordinances, of the City of Ocean Springs, Mississippi, to Rename Harbor Drive in its Entirety as Tom McIlwain Drive (Exhibit 7-f)

**Facilities:**

**Peer Review Committee:**

**8. ALDERMEN'S FORUM**

**9. EXECUTIVE SESSION**

**RECESS UNTIL 6:00 P.M. on December 18, 2012**