

REGULAR MEETING OF JANUARY 2, 2013

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 January 4, 2013. The *Mayor Pro Tem* presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer, Dalgo and Hagan were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. The Mayor was absent.

The *Mayor Pro Tem* called the meeting to order.

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

PUBLIC HEARING

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

The Grants and Planning Administrator gave an overview concerning the appeal of the Davis Bayou rezoning request from R-1 (Single Family Residential) to C-2 (Community Commercial District) (Exhibit 5-a) for Lots 1-9, Lot 20 and Lot 21, Davis Bayou Subdivision. She stated the Planning Commission voted unanimously to deny the application for the rezoning request stating there was no mistake in the original zoning; the characteristic of the neighborhood has not changed and there was no need to determine a public need factor for the C-2 zoning. The applicant provided a notice to appeal the recommendation made by the Planning Commission.

Mr. James Little, 3905 Queen Elizabeth Drive, applicant and property owner of Lots 1-5 Davis Bayou Subdivision, spoke in favor of the rezoning. He stated the neighborhood has changed significantly and there was a need for more commercial property.

Mr. Mark Little, #20 Davis Bayou Circle, spoke in favor of the zoning change.

Ms. Cynthia St. Amant, #8 Davis Bayou Circle, spoke in favor of the zoning change.

Mr. Gary Cooper, #9 Davis Bayou Circle, spoke in favor of the zoning change.

Ms. Caryn Hansen, Realtor, spoke in favor of the zoning change and stated the City would benefit if this property was changed to commercial.

Mr. J. Daniel Schroeder, Licensed Appraiser and Real Estate Broker, presented a map of the Davis Bayou Subdivision which was platted in 1956. He also presented an aerial view of the surrounding properties which are all commercial properties. He stated the

neighborhood has changed over the years. Mr. Schroeder explained the difference in a "neighborhood" and a "subdivision".

Mr. Mike Cavanaugh, 131 Rue Magnolia, one of the attorneys representing the applicants, presented a power point presentation showing the changes that have been made of the past several years in the area.

Mr. Bill Guice, 1000 Government Street, one of the attorneys representing the applicants, stated the City needs to increase tax base and commercial development and is also consistent with the City's Comprehensive Plan.

Mr. Steve Nettles, #12 Davis Bayou Circle, spoke against the zoning change.

Mr. Donald Catchot, #28 Davis Bayou Circle, spoke against the zoning change.

Mrs. Cathy Catchot Gemmell, #32 Davis Bayou Circle, spoke against the zoning change.

Ms. Brenda Kovacevich, #17 Davis Bayou Circle, spoke against the zoning change.

Mr. Harmon Young, #10 Davis Bayou Circle, spoke against the zoning change.

Mr. Scott Nettles, #26 Davis Bayou Circle, spoke against the zoning change.

Mr. Laird Miller, #16 Davis Bayou Circle, spoke against the zoning change.

Ms. Margaret Miller, #10 Davis Bayou Circle, spoke against the zoning change.

Ms. Anna Canington, #24 Davis Bayou Circle, spoke against the zoning change.

Mr. John James, #35 Davis Bayou Circle, spoke against the zoning change.

Alderman Dalgo's identification of the neighborhood being well defined as Highway 90, Hanshaw Rd, the Railroad tracks and Davis Bayou.

Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to close the Public Hearing.

Motion was made by Alderman Dalgo, seconded by Alderman Denyer and unanimously carried to uphold the recommendation of the Planning Commission to deny the application to rezone Lots 1 through 9, Lot 20, Lot 21 Davis Bayou Subdivision from R-1 (Single-Family Residential) to C-2 (Community Commercial District).

NEW BUSINESS

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to authorize to appoint Building Official Rob Blackman as the City's "Certified Local Government" contract with the Mississippi Department of Archives and History and to complete and execute the Certified Local Agreement with MDAH (Exhibit 5-a).

PUBLIC COMMENTS

None.

CONSENT AGENDA

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to approve the Consent Agenda with exception of item (a) which was pulled by Alderman Cody and item (h) which was pulled by Alderman Cox.

Alderman Cody pulled item (a) to clarify that the Board will have input of the final design of the Ocean Springs harbor project. Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to authorize the Mayor to execute the Tidelands Grant Agreement for Ocean Springs Harbor Road Boat Trailer Parking Improvements in the amount of \$86,320.00 (Exhibit 7-a).

Alderman Cox pulled item (h) to authorize approval and execution of Change Order No. 3 for W21 Water Transmission Improvements and Change Order No. 2 for S24A Wastewater Transmission Improvements. Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to approve item (7-h) and also authorize approval and execution of Change Order No. 3 for W21 Water Transmission Improvements and Change Order No. 2 for S24A Wastewater Transmission Improvements (Exhibit 7-h).

DEPARTMENT REPORTS

Mayor:

The *Mayor Pro Tem* explained the asset mapping project is an initiative by the Mississippi Development Authority to identify the top assets of the City.

City Clerk:

The City Clerk advised the surveyors would begin flagging the new plots at Evergreen Cemetery in anticipation of the upcoming random drawing on Monday, January 14th at 2:00 p.m. in the Board room at City Hall. The sale will be held at Evergreen Cemetery on Saturday, January 19th.

She further advised Applications to qualify for the City election can be picked up at City Hall. The deadline is March 8th at 5:00 p.m.

Peer Review Committee:

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to authorize the Public Works Director and EOC Director to attend the Governor's Hurricane Conference in Florida budgeted in Water and Sewer.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to set the reserve on the police boat at \$20,000.00 and contact all agencies who may be interested in the auction.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to authorize replacing the General Administrative Clerk position.

Concerning the Gay Lemon Shelter project, the Peer Review Committee will meet with Bruce Tolar, Architect, Grants Administrator, and Parks Director on Friday, January 4th at 8:00 a.m. before making a recommendation at this time.

ALDERMEN'S FORUM

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to authorize scheduling the Ocean Springs Mardi Gras night parade for Friday, February 8th at 7:00 p.m.

Motion was made by Alderman Hagan, seconded by Alderman Cody and unanimously carried to authorize up to \$300.00 from Ward 6 Capital Improvement Account for street signs for Gipson Road.

Motion was made by Alderman Cody, seconded by Alderman Hagan and unanimously carried to recess until 6:00 p.m. on January 15, 2013.

The meeting ended at 8:23 p.m.

Mayor

City Clerk

Date

Date

**AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
REGULAR MEETING
January 2, 2013 - 6:00 p.m.**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC HEARING

- a) Public Hearing on the Appeal of the Davis Bayou Rezoning Request from R-1 (Single Family Residential) to C-2 (Community Commercial District) (Exhibit 3-a)

4. OLD BUSINESS

5. NEW BUSINESS

- a) Authorize to appoint Building Official Rob Blackman as the City's "Certified Local Government" contact with the Mississippi Department of Archives and History and to complete and execute the Certified Local Agreement with MDAH (Exhibit 5-a)

6. 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.

7. CONSENT AGENDA*

** Consent Agenda All matters listed under Item 7, 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 Mayor to execute Tidelands Grant Agreement for Ocean Springs Harbor Road Boat Trailer Parking Improvements in the amount of \$86,320.00 (Exhibit 7-a)
- b) Ratify the Memorandum of Understanding with the City of Ocean Springs and the Ocean Springs School District for use of the space at the N.E. Taconi School Building (Exhibit 7-b)

City Clerk:

- c) Approve payment: Docket of Claims and spread summary upon the Minutes (the Docket of Claims will be disbursed on Wednesday, January 2nd) (Exhibit 7-c)
- d) Accept Action Report (Exhibit 7-d)
- e) Accept resignation of AnJanece Crain, Administrative Clerk, effective March 28, 2013, and authorize to begin the process to fill the vacancy. the Peer Review Committee concurs (Exhibit 7-e)

Police Dept.:

Fire Dept.:

- f) Authorize Lt. Phillip Dees to attend the Hazardous Materials Awareness and Operations class at the MS State Fire Academy on January 8-10, 2013 (Exhibit 7-f)

Risk Manager/HR:

City Engineer:

Public Works:

- g) Authorize the Mayor to execute Change Order No. 2 (Summary Change Order) and approve Pay Application No. 12 (Final) to Graham Construction Co., Inc. in the amount of \$104,590.05 and approve final acceptance of the Contract for the Wastewater Pump Station Meters and Monitoring and Contract Systems – Contract 3 (Exhibit 7-g)
- h) Approve final Pay Applications to W.R. Mitchell Contractor, Inc. in the amount of \$10,271.66 for project W-21, Water Transmission Improvements and \$9,253.19 for project S-24, Wastewater Transmission Improvements and approve final acceptance of the projects (Exhibit 7-h)

Community Development & Planning:

Building Department:

i) Accept Code Enforcement Report (Exhibit 7-i)

Parks & Leisure Services:

City Attorney:

8. DEPARTMENT REPORTS

Mayor:

Information Item:

a) Ocean Springs Asset Mapping (Exhibit 8-a)

City Clerk:

Police Dept.:

Fire Dept.:

Risk Manager/HR:

City Engineer:

Public Works:

Community Development & Planning:

Building Department:

Parks & Leisure Services:

City Attorney:

Peer Review Committee:

b) Recommendations of the Peer Review Committee (Exhibit 8-b)

9. ALDERMEN'S FORUM

10. EXECUTIVE SESSION

RECESS UNTIL 6:00 P.M. on January 15, 2013