

## **REGULAR MEETING OF OCTOBER 1, 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 October 1, 2013. The Mayor presiding, Aldermen Cox, McDonnell, Cody, Denyer, Dalgo and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. Aldermen Dalgo was absent and Alderman Gill was absent at roll call but arrived later in the meeting.

The Mayor called the meeting to order.

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

### **PROCLAMATION**

The Proclamation for Domestic Violence Awareness Month will be presented at the next Board meeting on October 15, 2013.

The Mayor asked to add the Addendum to the agenda and to include an additional three (3) items – authorize the Mayor to execute the Contract with C Spire Wireless for mobile devices, reviewed and approved by the City Attorney; authorize employment of Aaron Bernard, Corrections Officer, \$12.50 hourly, effective October 7, 2013, six-month probationary period, H.R. Committee concurs and authorize employment of Tori Williams, full-time Custodian for Parks and Leisure Services Department, \$10.80 hourly, effective October 2, 2013, six-month probationary period and pending successful completion of all pre-employment requirements.

Motion was made by Alderman Denyer, seconded by Alderman Cox and unanimously carried to add the Addendum with the three (3) additional items to the Agenda.

### **OLD BUSINESS**

The Mayor presented the Board with cost estimates from LT Resources for the composite crossing panels to repair the railroad crossings throughout the City. She reported CSX agreed to install the panels at no cost if the City purchased the materials. There will be a CSX crew here in January. The District Supervisors, Troy Ross and John McKay, stated they would be willing to use some of the paving funds to fund the cost of the materials. The Public Works Director stated this particular material has been used at two (2) crossings in Mobile, AL and it has held up very well for the last four (4)

years. There was discussion concerning which crossings should be repaired and how to split up the paving money from the County. Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to authorize the Mayor to request the County to spend paving funds to repair the railroad crossings.

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to add a Peer Review issue for discussion.

## **CONSENT AGENDA AND ADDENDUM**

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

Alderman McDonnell pulled item (I) stating he was concerned about closing the streets from Government Street at Washington Avenue to Broome's Grocery. He stated Martin Luther King Blvd. is a major artery for traffic coming and going in the downtown area. He further stated he is not opposed to allowing the Zombie Pub Crawl but suggests the road be closed from Government Street at Washington Avenue to Russell Avenue. Alderman Cody also stated there is opposition from some of the restaurant owners about the closure of the streets. The festival coordinator stated a number of the restaurants, lounges and/or bars and shops will be open with extended hours. The City Attorney explained the Police Department has discretion to open and close the streets when deemed necessary.

Motion was made by Alderman McDonnell, seconded by Alderman Impey and unanimously carried to approve the Special Event Permit for the Fear Fete Horror Film Festival Zombie Pub Crawl on October 17, 2013, from 8 p.m. – 10 p.m. with street closure from Government Street to Washington Avenue to Russell Avenue. Alderman McDonnell asked the Department Heads to track their overtime and expenses for future decisions concerning these types of events (Exhibit 7-I).

## **OLD BUSINESS**

The Mayor gave an update on the Ocean Springs Harbor Project. She explained a meeting was held with representatives from the County; Mrs. Alice Martin, the City Attorney, several Aldermen, DMR, and Fish & Wildlife. The boat shed and restaurant will be removed. A parking lot is not allowed on the DMR parcel of property. There is an existing right of way for the road. The engineers for the project are revising the plans to reflect the green space where the boat shed exists. The boat slips under the restaurant building can remain but not used for any commercial venture. They will allow lighting around the periphery and also a sidewalk but no pavilions with a

slab. The Martin property is under lease with the County for the current boat launch and parking activity. Tidelands funds will be used to move the road to the west to make more spaces for boat trailer launching and staging. This will make the car traffic separate from the boating traffic. The bait shop will remain and the beach by the harbor pier could be considered for limestone. The plans for the improvements are being revised and will be presented to the Board soon.

## **DEPARTMENT REPORTS**

### **City Clerk:**

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to appoint Aldermen Denyer, Gill and McDonnell, and the Mayor to the Selection Committee for the Attorneys; Alderman Dalgo and Cox, the City Clerk and the Mayor to the Selection Committee for the Auditors and Aldermen Denyer, Cody and Impey and Public Works Director and Mayor to the Selection Committee for the Engineers.

### **City Attorney:**

Motion was made by Alderman McDonnell and seconded by Alderman Cody to adopt **Ordinance No. 2013-06 AN ORDINANCE REGULATING AND RESTRICTING PARKING IN THE CITY OF OCEAN SPRINGS ON PORTIONS OF DESOTO STREET BETWEEN BLOUNT ROAD AND STATE AVENUE** (Exhibit 8-b). The motion carried with a roll call vote as follows:

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

### **Peer Review Committee:**

Alderman Denyer explained the City has been notified of some available money from the CIAP grant to move forward with projects previously discussed. The City is a subgrantee of the County and all work and authorization goes through the Planning Department Director, Michele Coats before Department of Fish & Wildlife. The Planning/Grants Administrator explained there are two (2) CIAP award numbers totaling approximately \$1.4M. The city has the opportunity to request a revised description of work to address the following priority stormwater drainage projects: Hunter, Woodhaven, and the Monster ditch, Government Street at Pine Drive, and the drainway that crosses Ocean, Washington and Calhoun Avenues.

Motion was made by Alderman Denyer, seconded by Alderman McDonnell and unanimously carried to authorize to advertise the Front Beach Drainage component of MS.30.705 once specifications are final; authorize to proceed with a second appraisal for the Kudzu lot component of MS.30.705; authorize to submit replacement stormwater drainage activity for the MS.30.715 (Acquisition) and MS.30.706 ("Rehage Swale") projects and authorize to advertise for qualifications for Engineering services related to CIAP Stormwater Improvement Projects, pending approval of modified scope by Fish & Wildlife. (Exhibit 8-c).

The Peer Review Committee also recommended to ratify the submittal of the grant application for the MCOK Roof Repair Project funded by – MDAH Heritage Preservation. The Grants/Planning Administrator explained it was brought to her attention the grant does require an 80/20 match. The total construction estimate is approximately \$180,000.00 and the City's match would be \$36,000.00. The application was due by Friday, September 27<sup>th</sup>, and has been submitted. She has received letters of support from the Chamber, HOSA and Friends of the MCOK to collaborate to raise the match required. Motion was made by Alderman Denyer, seconded by Alderman McDonnell and unanimously carried to ratify submittal of the grant application for the MCOK roof repairs funded through the MDAH Heritage Preservation grant (Exhibit 8-d).

#### **H.R. COMMITTEE:**

The H.R. Committee recommended beginning the process to fill the position of the Correction Officer. They also discussed the Building Official position.

#### **ALDERMEN'S FORUM**

Motion was made by Alderman McDonnell, seconded by Alderman Cox and unanimously carried to appoint the Building Official as the lead Project Manager for the Harbor Project; Alderman Denyer to assist with this project and the Planning/Grants Administrator to maintain the administration of the grant.

Alderman Cox asked the Parks Director to contact the leagues about advertising at the ballfields.

Alderman Denyer commended the Parks and Leisure Services Department for their hard work during the Pee Wee football season and further stating the facilities always look great.

Alderman Cody commended the staff for their hard work in the preparation of the Cruisin' the Coast event. There will be a banner thanking all of the sponsors who donated to this event.

Motion was made by Aldermen McDonnell, seconded by Alderman Cody and unanimously carried to authorize the City Attorney to draft an Ordinance to install a 4-way stop at Porter Avenue and General Pershing.

Alderman Impey stated the Board had discussed the gym/shelter project at a previous board meeting. At that time, the Board voted to forego this project. The Mayor spoke to MEMA about an extension of the project. Alderman Impey stated none of his constituents are in favor of this project. He stated he feels the City does not have the funds to properly operate the facility and adding to the city inventory will be right back where we started before this budget process, in a deficit situation. The City needs a sound fiscal footing to do more for employees and increase the reserve fund. Alderman Denyer spoke in favor of the project and further stated the City needs a shelter and also a gym. The Mayor asked the Board to consider letting her present a plan to pay for the operation of the facility.

Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to not proceed with the Gay Lemon Shelter Project.

## **EXECUTIVE SESSION**

Motion was made by Alderman McDonnell, seconded by Alderman Cody 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 Denyer and unanimously carried to remain in executive session to discuss personnel in Building and Public Works Departments, potential litigation regarding city services and current litigation in Chancery Court.

### **Alderman Gill arrives at the meeting.**

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

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to transfer Terry Franklin from the Public Works Department to the Building Department as the Code Enforcement Officer at the same rate of pay, effective October 7, 2013, and six-month probationary period.

Motion was made by Alderman Gill, seconded by Alderman Cox and unanimously carried to recess until 6:00 p.m. on October 15, 2013.

Meeting ended at 9:13 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AGENDA  
MAYOR AND BOARD OF ALDERMEN  
CITY OF OCEAN SPRINGS  
REGULAR MEETING  
October 1, 2013 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PROCLAMATION**

- a) Domestic Violence Awareness Month – October, 2013 (Exhibit 3-a)

**4. NEW BUSINESS**

**5. OLD BUSINESS**

- 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 to enter into Memorandum of Agreement to Operate Charnley-Norwood House as part of Ocean Springs Museum System with Mississippi Heritage Trust, MS Department of Marine Resources and MS Department of Archives and History and authorize the Mayor to execute same (Exhibit 7-a)
- b) Resolution to temporarily allow sale of beer on public property for Cruisin' the Coast 2013 (Exhibit 7-b)

**City Clerk:**

- c) Approve Minutes: Recess Meeting September 12, 2013 (Exhibit 7-c)
- d) Approve Minutes: Recess Meeting September 17, 2013 (Exhibit 7-d)
- e) Approve payment: \*\*Docket of Claims and spread docket summary upon the Minutes (Exhibit 7-e) (\*\*Note- the Docket of Claims will be distributed on Tuesday, October 1, 2013 due to new fiscal year rollover)
- f) Accept Action Report (Exhibit 7-f)
- g) Adopt Municipal Compliance Questionnaire and spread upon the minutes (Exhibit 7-g)

**Police Department:**

- h) Authorize and allow parking two (2) classic cars in "No Parking" zone at 921 Cash Alley for Art Opening on Thursday, October 17<sup>th</sup> from 4:00 p.m. – 10:00 p.m. (Exhibit 7-h)
- i) Approve Special Event Permit for Annual Cruisin' the Coast for Thursday, October 10<sup>th</sup> from 7 a.m. – 9 p.m.; Friday, October 11<sup>th</sup> from 7 a.m. – 11 p.m. and Saturday, October 12<sup>th</sup> from 7 a.m. – 9 p.m. and authorize street closure for these times (Exhibit 7-i)
- j) Approve Special Event Permit for 2014 Ocean Springs Mardi Gras Parade on Saturday, February 15, 2014 from 12:00 Noon – 4:00 p.m. (Exhibit 7-j)
- k) Approve Special Event Permit for Walk on Ocean Springs/Biloxi Bridge on Saturday, November 2<sup>nd</sup> from 7:00 a.m. – 1:00 p.m. sponsored by the South MS Aids Task Force (Exhibit 7-k)

- l) Approve Special Event Permit for Fear Fete Horror Film Festival Zombie Pub Crawl on Thursday, October 17<sup>th</sup> from 8:00 p.m. – 10:00 p.m. with road closure from Crooked Letter Brewery to The Office (Exhibit 7-l)
- m) Approve Special Event Permit for Walk at Biloxi/O.S. Bridge for Domestic Violence Awareness Month on Thursday, October 3<sup>rd</sup> from 8:30 a.m. – 10:30 a.m. (Exhibit 7-m)

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

- n) Authorize two (2) fuel tanks be declared surplus; of no value to the city and allow to be disposed of (Exhibit 6-n)

**Community Development & Planning:**

- o) Ratify acceptance of grant from the Mississippi Development Authority, Tourism Development for activity during Cruisin' the Coast and adjust the budget accordingly (Exhibit 6-o)
- p) Accept resignation of Abner Oglesby from the Planning Commission; authorize to advertise for vacancy on Planning Commission and modify expiration dates for Historic Preservation Commission and Zoning and Adjustment Board (Exhibit 6-p)

**Building Department:**

- q) Accept Tree Committee Report (Exhibit 7-q)
- r) Accept Code Enforcement Report (Exhibit 7-r)
- s) Approve Building Permit for construction of a pier at 3705 Queen Elizabeth Drive (Exhibit 6-s)

**Parks & Leisure Services:**

- t) Approve the Individual Service Contract with John Sinkins, Tennis Instructor and authorize the Mayor to execute same (Exhibit 6-t)
- u) Approve Facility Use Agreement with the Ocean Springs Soccer Organization for their fall soccer program to be held at the Ocean Springs Sports Complex (Exhibit 7-u)

**City Attorney:**

- v) Accept Quitclaim Deed from the Ocean Springs Chamber of Commerce for property at 1409 Government Street (Exhibit 7-v)

**Facilities:**

**Peer Review Committee:**

- w) Approve Minutes: Peer Review Committee August 30, 2013 (Exhibit 7-w)
- x) Approve Minutes: Peer Review Committee September 26, 2013 (Exhibit 7-x)

**8. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

- a) Appoint Selection Committees for review of Request for Proposals for Auditors, Engineers and Attorneys

**Police Department:**

**Fire Department:**

**Human Resources/Risk Manager:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

**Parks & Leisure Services:**



**City Attorney:**

- b) Adopt Ordinance regulating and restricting parking in the City of Ocean Springs on portions of Desoto Street between Blount Road and State Avenue (Exhibit 8-b)

**Facilities:**

**Peer Review Committee:**

- c) Recommendations concerning CIAP Grants (Exhibit 8-c)
- d) Recommendation for Grant Application for MDAH Heritage Preservation MCOK Roof Repairs (Exhibit 8-d)

**H.R. Committee:**

- e) Recommendations of H.R. Committee (Exhibit 8-e)

**9. ALDERMEN'S FORUM**

- a) Appoint Project Manager for Ocean Springs Harbor Project – Alderman McDonnell

**10. EXECUTIVE SESSION**

- a) Personnel in Building Department and Public Works Department

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