

RECESS MEETING OF NOVEMBER 19, 2013

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 November 19, 2013. Mayor Moran presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer, Dalgo and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards.

The Mayor called the meeting to order.

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

PUBLIC HEARING

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to open the Public Hearing for a lot cleaning at 4013 Yosemite Drive.

The Code Enforcement Officer gave an update on the condition of the residence at 4013 Yosemite Drive. He reported on the history of this property. He stated this matter began in April, 2012. Pictures were presented showing the condition of the property for the record. He further stated the property is in such a state of uncleanness, disrepair and neglect to be a menace to the public health, safety and welfare of the community. On October 11, 2013, 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. There has been no correspondence or contact from the property owner and she was not present at the hearing. The exterior property has overgrowth from weeds and plant in excess of eleven (11) inches. There have been complaints from residents of snakes and rodents coming from the backyard. The gate and house needs to be secured. There were no proponents or opponents present to speak at the hearing.

Motion was made by Alderman Gill, seconded by Alderman Impey and unanimously carried to close the Public Hearing for 4013 Yosemite Drive.

Motion was made by Alderman Impey, seconded by Alderman Cody and unanimously carried to accept the Code Enforcement Officer's recommendation to proceed with the lot cleaning at 4013 Yosemite Drive based upon the facts presented because it is in such a state of uncleanness, disrepair and neglect as to be a menace to the public health, safety and welfare of the community and to begin lot cleaning immediately.

ADDENDUM

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

NEW BUSINESS

Ms. Tammy Wisco, Eco-Systems, Inc., gave an update on the Stormwater Program Summary (Exhibit 5-a).

CONSENT AGENDA AND ADDENDUM

Motion was made by Alderman Gill, seconded by Alderman McDonnell and unanimously carried to approve the Consent Agenda and Addendum with exception of item (f) and (o) which were pulled by Alderman Cody; item (n) which was pulled by Alderman Cox and item (r) which was pulled by Alderman Gill. Alderman Gill abstained from voting on the Addendum.

Alderman Cody pulled item (f) stating the H.R. Committee recommends the transfer of Jennifer Simmons to fill the Accounting Clerk position. He advised that the City Clerk's staff has been helping in the Court Department, the Administrative Clerk position needs to be filled. Alderman Cox asked to table items (f) and (n) for discussion in Executive Session.

Alderman Cody pulled item (o) to ask if this position would be a permanent position after the grant is fulfilled and would the City have to retain this person. The Mayor explained the grant funds the position. The Grants Administrator also explained it is not an employment position, it is a contract for a not to exceed amount. This is an element approved in the grant and will only be funded for the duration of the grant. Alderman Cody asked if there are other grants available to continue this once the grant is fulfilled. The Grants Administrator said she would research other available grants at the time this grant runs out.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to authorize the Consultant Contract between Susan Ruddiman and the City of Ocean Springs in the amount not to exceed \$14,400.00 for Part-Time Tour Guide related to the Charnley House, funded by the Gulf Seafood Tourism and Promotional Fund – City Museum (Exhibit 8-o).

The Mayor announced there will be an open house at the Charnley House on Sunday, December 8th from 2 p.m. – 5 p.m.

Alderman Gill pulled item (r) for clarification. The Planning Administrator explained this as a step the developer must take in order to purchase the portion of the property needed for the development. They have an agreement with the property owner to split out a portion to be able to do this development. Before they could determine exactly how much property they would need, they had to determine some of the design elements. They have completed that process. This administrative step, the lot split, is the next step required to actually purchase the property. The development is located at the old Delchamps, Sea Shores Plaza. A portion of the current building will be demolished and rebuilt for the purpose of constructed a new Neighborhood Wal-Mart. The Planning and Building Department along with Public Works have been working with the engineers for the applicant, Thompson Land Company, Inc.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to accept the Planning Commission's recommendation to approve the Lot Split at 2961 Bienville Boulevard (Exhibit 8-r).

EXECUTIVE SESSION

Motion was made by Alderman Gill, 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 Impey and unanimously carried to remain in executive session to discuss an appealable decision regarding zoning.

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

PUBLIC COMMENTS

Mr. Richard Burns asked the Board for consideration to have a plaque placed on the Seaman's Memorial upon his death. He presented documents pertaining to his service as a Merchant Marine. The Mayor stated she will help to accommodate him with this request.

Ms. Britt Sondblom, Ward Avenue, spoke in favor of short term rentals. She said she decided to use her home as a short term rental while she is away in Sweden for 4-6 months of the year. She has had no complaints from neighbors and further stated her neighbors prefer her to rent the house during her absence. She also read several positive comments from her guest book.

Ms. Rosemarie Perrin stated she has a vacation home on Kensington Avenue. She uses it as a short term rental when she is unable to use the house herself. She feels they provide a service to the community and has had all favorable comments. Her neighbors know and approve of the operation of her short term rental.

Ms. Jeanne Bright, 1210 Sunset, operates Camellia Cottage as a short term rental. All of her neighbors are aware and also use her rental. She stated there is an immeasurable difference in long term and short term rentals. She said vacation rental owners have a very high standard that they must maintain. She also read one of her favorable reviews.

Ms. Beth Riley spoke in favor of short term rentals. She operates a short term rental on Russell Avenue. She agreed that there is a need for regulating short term rentals. She has been operating a short term rental since 2000 with no complaints. She also read one of her favorable reviews from July, 2013.

Ms. Wendy Hollingsworth, Canebrake Drive, operates a log cabin located on her property as a short term rental with great success. The prior owners had also used it as a rental. Property owners are providing a great service to the City. She is not opposed to regulations that may be adopted. She asked that a public hearing be held before any action is taken concerning short term rentals.

Mr. Don Abrams, 1708 Warren, stated he is not a short term rental landlord. He owns property adjacent to a long term and short term rental properties. He has never experienced any problems with the short term rental only long term rentals. He expressed these hosts build long term relationships with the kind of guests he wants visiting this City. Earlier in the year, he invested in a vacant derelict house and made the decision based on it being made into a short term rental property.

DEPARTMENT REPORTS

Community Development & Planning:

A motion was made by Alderman McDonnell to authorize the City Attorney to approve the verbiage and draft an ordinance relating to Short-Term Lodging Rentals in commercial zones. Alderman Dalgo asked to amend the motion to include verbiage concerning residential zones. Alderman McDonnell stated he wants to leave his motion as read based on the recommendation of the Planning Department and Planning Commission.

There was discussion whether or not to include in the ordinance verbiage concerning short term rentals in residential zones. The Planning Administrator explained it was an element in their discussion and based on the City Attorney's opinion, it was advised to

only address commercial zoning at this time. There was no question whether or not they were eligible in the commercial district so they decided to move forward with those types of rentals. Aldermen Dalgo and Gill asked the Board to consider short term rentals in residential zones at this time. Motion was made by Alderman McDonnell and seconded by Alderman Cody to accept item (9-a). Motion carried with Aldermen Cox, Gill, McDonnell, Cody, Denyer and Impey voting aye and Alderman Dalgo voting nay (Exhibit 9-a).

Building Department:

The Code Enforcement Officer gave an update on the lot cleaning at 1213 Lancelot Lane. The Code Enforcement Officer stated this lot cleaning has been ongoing for many years. He also stated there are issues with who actually owns the property at this time. All correspondence to the original property owners listed on the tax roll has been returned.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to authorize the Code Enforcement Officer to have the grass cut at 1213 Lancelot Lane.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to authorize the City Attorney and Code Enforcement Officer to determine the rightful property owners, contact them by registered mail advising them of the Notice of Violation and that corrective action must be taken.

ALDERMEN'S FORUM

Alderman Gill reported the Selection Committee met and discussed the RFPs for City Attorney. Motion was made by Alderman Gill, seconded by Alderman McDonnell and unanimously carried to accept the recommendation of the Selection Committee to retain Dogan and Wilkinson for a term of two (2) years ending June, 2013 at a rate to be negotiated. Two firms submitted proposals. Based on the rates submitted, Dogan & Wilkinson, would be the lowest rate.

Motion was made by Alderman McDonnell, seconded by Alderman Denyer and unanimously carried to install a street light at the intersection of Dell Trail and Forest Hill.

Alderman McDonnell asked the Fire Department to place the electric sign at General Pershing and Porter Avenue as often as possible advising the public of the new stop sign.

Alderman Gill asked the Planning Administrator to advise the Board when any large developers submit plans for development in the City.

EXECUTIVE SESSION

Motion was made by Alderman Cody, seconded by Alderman Cox 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 Denyer, seconded by Alderman Cody and unanimously carried to remain in executive session to discuss personnel in the Police Department, Public Works Department and City Clerk Department and potential litigation regarding city services.

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

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to accept the recommendation of the Police Chief to suspend Employee No. 1481 for one (1) day without pay and place on three (3) month probationary period.

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to accept the recommendation of the Police Chief to suspend Employee No. 1595 for one (1) day without pay and place on three (3) month probationary period.

Motion was made by Alderman Denyer, seconded by Alderman Dalgo and unanimously carried to increase all dispatchers pay by \$1.00 effective the beginning of the next pay period.

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to authorize the transfer of Jennifer Simmons to the Accounting Clerk position, effective November 20, 2013, and begin the process to replace the Administrative Clerk position, H.R. Committee and Civil Service concur (Exhibit 8-f).

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to accept the resignation of Patrick Irwin, Sewer Department, effective November 22, 2013, and approve employment of Gary Givens, effective November 25, 2013, \$11.00 hourly, six-month probationary period and pending successful completion of all pre-employment requirements, position budgeted from Water/Sewer (Exhibit 8-n).

Motion was made by Alderman Dalgo, seconded by Alderman Denyer and unanimously carried to discuss personnel in the Court Department in Executive Session.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to place the Court Clerk position under the supervision of the City Clerk. The City Attorney will research the applicable code.

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to adjourn until 6:00 p.m. on December 3, 2013.

Meeting ended at 9:29 p.m.

City Clerk

Mayor

Date

Date

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
November 19, 2013 - 6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. PROCLAMATION

4. PUBLIC HEARING

- a) Lot Cleaning at 4013 Yosemite Drive (Exhibit 4-a)

5. NEW BUSINESS

- a) Stormwater Program Summary and Update – Ms. Tammy Wisco, Eco-Systems Inc.

6. OLD BUSINESS

- 7. 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.

8. CONSENT AGENDA*

** Consent Agenda – All matters listed under Item 8, 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: Special Call Meeting November 5, 2013 (Exhibit 8-a)
- b) Approve Minutes: Regular Meeting November 5, 2013 (Exhibit 8-b)
- c) Approve payment: Docket of Claims and spread Summary upon the Minutes (Exhibit 8-c)
- d) Accept Action Report (Exhibit 8-d)
- e) Authorize to enter into Contract with American Municipal Service for the collection of past due court fines and Water and Sewer past due accounts and authorize the Mayor to execute same (Exhibit 8-e)
- f) Authorize transfer of Jennifer Simmons to Accounting Clerk position, \$15.00 hourly, effective November 20, 2013, and begin the process to replace the Administrative Clerk position, H.R. Committee and Civil Service concur (Exhibit 8-f)
- g) Accept Budget Update (Exhibit 8-g)

Police Department:

- h) Accept resignation of Jennifer Mizell, Dispatcher, effective November 21, 2013 and authorize to begin the process to fill the vacant position (Exhibit 8-h)
- i) Authorize employment of Patrick Brown, Jr., Dispatcher, effective November 14, 2013, \$11.00 hourly, six month probationary period, and to attend the next available Dispatcher training, pending successful completion of all pre-employment requirements (Exhibit 8-i)
- j) Authorize employment of Debra M. Powell, Dispatcher, effective November 14, 2013, \$11.00 hourly, six month probationary period, and to attend the next available Dispatcher training, pending successful completion of all pre-employment requirements (Exhibit 8-j)
- k) Authorize a Steyer .308 rifle, serial #1019964 as surplus, of no value to the City and be traded as part of a firearms purchase for the Police Department (Exhibit 8-k)

Fire Department:

- l) Authorize employment of Randall Cuevas, Firefighter, effective December 6, 2013, \$10.03 hourly, one-year probationary period, pending successful completion of all pre-employment requirements, H.R. Committee concurs (Exhibit 8-l)
- m) Accept Monthly Fire Department Report (Exhibit 8-m)

Human Resources/Risk:

City Engineer:

Public Works:

- n) Accept resignation of Patrick Irwin, Sewer Department, effective November 22, 2013 and approve employment of Gary Givens, effective November 25, 2013, \$11.00 hourly, six-month probationary period and pending successful completion of all pre-employment requirements, position budgeted from Water/Sewer (Exhibit 8-n)

Community Development & Planning:

- o) Authorize the Mayor to execute Consultant Contract between Susan Ruddiman and the City of Ocean Springs in the amount not to exceed \$14,400 for Part-Time Tour Guide related to the Charnley House, funded by Gulf Seafood Tourism and Promotional Fund – City Museum (Exhibit 7-o)
- p) Authorize the Mayor to execute the Addendum to the Memorandum of Agreement with the Land Trust for the Mississippi Coastal Plain for the Property at 101 Shearwater Drive (Exhibit 7-p)

Planning Commission:

- q) Accept Planning Commission's recommendation to approve Use Permit to construct and operate a dirt track for the racing of small, radio-controlled vehicles (cars and trucks) at 7613 Bienville Boulevard (Exhibit 6-q)
- r) Accept Planning Commission's recommendation to approve Lot Split at 2961 Bienville Boulevard (Exhibit 6-r)

Zoning & Adjustment Board:

- s) Accept Zoning and Adjustment Board's recommendation to approve 20% variance to the front yard setback at 1312 Fort Avenue (Exhibit 6-s)

Historic Preservation Commission:

- t) Accept Historic Preservation Commission's recommendation to issue a COA for the construction of an addition to an existing home, additional of pool to the rear yard, elimination of the existing storage shed in the rear yard, construction of new storage and carport area on east side of home at 1102 Bowen Avenue (Exhibit 8-t)

Building Department:

- u) Accept Tree Committee report (Exhibit 8-u)

Parks & Leisure Services:

- v) Accept resignation of Mike Davis from the Parks Advisory Board and advertise to fill the vacant position (Exhibit 8-v)

Facilities:

City Attorney:

Peer Review Committee:

H.R. Committee:

Finance Committee:

9. DEPARTMENT REPORTS

Mayor:

City Clerk:

Police Department:

Fire Department:

Human Resources/Risk:

City Engineer:

Public Works:

Community Development & Planning:

- a) Discussion on Draft Short Term Lodging Rental Ordinance (Exhibit 9-a)

Building Department:

- b) Update on Lot Cleaning at 1213 Lancelot Lane

Parks & Leisure Services:

City Attorney:

Facilities:

Peer Review Committee:

H.R. Committee:

Finance Committee:

10. ALDERMEN'S FORUM

11. EXECUTIVE SESSION

- a) Personnel in Police Department

ADJOURN UNTIL 6:00 p.m. on December 3, 2013

**ADDENDUM TO AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
November 19, 2013 - 6:00 p.m.**

1. CONSENT AGENDA

Mayor:

- a) Authorize to enter into a Consulting Agreement with Joe Gill Consulting, Inc.
and authorize the Mayor to execute same (Exhibit A-1a)