

## **RECESS MEETING OF JUNE 17, 2014**

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 June 17, 2014. *Mayor Pro Tem* Cody presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. The Mayor and Alderman Dalgo were absent.

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

Rev. Barnett gave the invocation and the *Mayor Pro Tem* led the Pledge of Allegiance.

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

### **PRESENTATION**

Mr. George Triggs with the Auditing Firm of Culumber, Harvey & Assoc., P.A. presented the unqualified 2012-2013 Audit Report (Exhibit A-1a). Motion was made by Alderman Gill, seconded by Alderman McDonnell and unanimously carried to accept the audit report and make it available for citizens to view.

### **NEW BUSINESS**

The Planning/Grants Administrator explained this is an appeal on a Planning Commission denial and Mr. Eaton is appealing their decision to deny to the Board of Aldermen. The Board has the option of either upholding or overturning the decision of the Planning Commission to approve Sketch and Preliminary Plat for Seaside Phase III. She said all of the information presented to the Planning Commission has been given to the Board for their review.

Mrs. Mary Marr Beckman, a Planning Commission member, stated her concerns with Mr. Eaton's request for a 20' front yard setback and then also requested to be able to put the steps in the setback and normally they would not allow that to happen. Her other concern was the gated entrance on a private road. She said again this is something they normally do not allow and it would set a precedence. She said between Phase II and III, there are 46 lots in the subdivision that amounts to a large number of cars.

Mr. Chris Eaton, 523 East Beach Drive, East Beach Partners, LLC, explained how the private entrance gate would function. He also stated the Subdivision Regulations has a

provision that allows for a gate on a private easement. It will be maintained and not become a City issue.

Motion was made by Alderman Denyer and seconded by Alderman Gill carried to deny the Planning Commissions' recommendation and approve the Sketch & Preliminary Plat for Seaside Phase III. Motion carried with Aldermen Cox, Gill, Denyer, and Impey voting aye and Alderman McDonnell voting nay. Alderman Dalgo was absent and Alderman Cody was *Mayor Pro Tem* and not voting.

Alderman McDonnell asked to table item (3-b) to allow the Police Chief to make a recommendation concerning the request to make Magnolia Avenue one-way during the school year (Exhibit 3-b).

There was discussion concerning the 4<sup>th</sup> of July fireworks event at Fort Maurepas Park. Each department submitted their costs associated with hosting this event.

Alderman Impey asked where the funds were coming from to pay these additional expenses associated with the fireworks show.

Motion was made by Alderman Gill and seconded by Alderman McDonnell to approve the Special Event Permit Application for the City of Ocean Springs 4<sup>th</sup> of July Celebration with sponsorship by Rex Distributing for the band, WORX. Motion carried with Aldermen Cox, Gill, McDonnell and Denyer voting aye and Alderman Impey voting nay. Alderman Dalgo was absent and not voting.

Motion was made by Alderman McDonnell and seconded by Alderman Gill to accept the donation of \$15,000.00 from Wally and Paige Carter for to fund a fireworks event on the 4<sup>th</sup> of July Celebration on Front Beach. Motion carried with Aldermen Cox, Gill, McDonnell and Denyer voting aye and Alderman Impey voting nay. Alderman Dalgo was absent and not voting.

Alderman Denyer stated some of these costs would still be necessary event if there was no fireworks show. Alderman McDonnell advised there will be additional discussion with the department's to try and reduce some of the costs.

Motion was made by Alderman Gill and seconded by Alderman McDonnell to authorize the *Mayor Pro Tem* to ask the Jackson County Board of Supervisors to participate in the 4<sup>th</sup> of July events in the City of Ocean Springs. Motion carried with Aldermen Cox, Gill, McDonnell and Denyer voting aye and Alderman Impey voting nay. Alderman Dalgo was absent and not voting.

Motion was made by Alderman McDonnell and seconded by Alderman Gill to approve the contract with J&M Displays for the fireworks display on Front Beach with an amount

to be determined based on the City's estimated expenses and revenues received from outside sources, pending legal review and approval. Motion carried with Aldermen Cox, Gill, McDonnell and Denyer voting aye and Alderman Impey voting nay. Alderman Dalgo was absent and not voting.

## **PUBLIC COMMENT**

Mr. John Maas, 315 Front Beach Drive, stated he had a complaint with a public records request and dissatisfaction with city officials and employees. He also stated the Mayor has a warrant for her arrest.

Ms. Sue White invited the Mayor and Board of Aldermen to the American Legion Installation of Officers to be held on July 21, 2014 at 6:00 p.m. at the Methodist church on Porter Avenue.

Mr. Ronnie Lancaster, 102 LaBranche, asked the Board to consider allowing the ice cream trucks to do business on Front Beach and in the residential areas. The Board advised him the loud music is one of the main complaints from residents. It was further stated that commercial activity is not allowed in residential districts. Also, the beach is zoned public where no commercial activity can take place. The Board agreed to have this matter researched.

## **CONSENT AGENDA & ADDENDUM**

Motion was made by Alderman McDonnell, seconded by Alderman Cox and unanimously carried to approve the Consent Agenda and Addendum with exception of item (A-2b), (A-2d) and (u) which were pulled by Alderman McDonnell.

Motion was made by Alderman McDonnell, seconded by Alderman Impey and unanimously carried to table item (6-u) until the next board meeting.

Alderman McDonnell pulled items (A-2b) and (A-2d) to ask the Public Works Director to give a briefing concerning the two (2) employees retiring from his department. The Public Works Director reported that Paul Rivers is retiring effective September 30, 2014 and Jessie "Blue" Lafayette will be retiring effective June 30, 2014. He said he has reduced his department's hourly output by \$56.00 per hour by filing vacant positions at a reduced rate of pay, terminations and attrition. He requested that the position being vacated by Mr. Rivers' be advertised, in-house at this time. He further stated he has revised the job description as Public Works Administrator. He also requested the Board allow him to hire a temporary clerk, if necessary.

Motion was made by Alderman Gill, seconded by Alderman McDonnell and unanimously carried to accept the retirement of Paul Rivers, effective September 30, 2014, and authorize to fill the vacant position and accept the job description for the Public Works Administrator (Exhibit A-2b and A-2d).

## **DEPARTMENT REPORTS**

Alderman McDonnell thanked the Building Official for following through with clean-up on the residence on Wisteria Lane.

Alderman Cox asked the Building Official for an update on the Mary C. O'Keefe roof issues. He reported several weeks ago they had a partial ceiling collapse. An insurance investigator came to document the damage and also took pictures. The Building Official stated he and Alderman Cox did another large temporary patch repair on the roof. He stated the seams on the roof are opening every day. They are currently waiting on the architect for drawings to send to the MS Department of Archives and History. The Building Official said it could be 3-4 months before any work can begin for the permanent repairs to the roof. Alderman Cox said they will have to coat the whole roof.

A Peer Review Committee meeting was scheduled for Wednesday, June 18, 2014 at 8:00 a.m. at Public Works.

## **ALDERMEN'S FORUM**

Alderman Impey commended the Police Chief and Deputy Police Chief for their diligence in pursuing the Interlocal Agreement for them to join the task force.

Alderman Impey stated he was appreciative of the Public Works Director for his cost savings by reducing his payroll.

Alderman Denyer thanked the Building Official for updating the Board concerning the code issues at the residence on Hunter Drive. He further stated the problems are getting worse and keep escalating. The Building Official reported the property owner is scheduled to appear in court soon.

Motion was made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to set aside Ordinance No. 01-2001 for this fiscal year that annually increases the Mayor and Board of Aldermen's salary by 3%.

Motion was made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to authorize the Mayor to execute the Replacement Memorandum of

Understanding with MDOT related to the Government Street Improvements Project/MDOT STP funded (Exhibit A-2f).

Alderman McDonnell also commended all of the parties involved in getting the task force back together. He also specially thanked the County for providing a facility for them to operate and also Sheriff Britt for his work in achieving this goal.

Motion was made by Alderman McDonnell, seconded by Alderman Cox and unanimously carried to direct the Deputy City Clerk and Executive Assistant to the Mayor and Board/Public Information Officer to notify the Board of Aldermen immediately upon receiving any emails, texts, correspondence, phone calls and/or personal visits, etc. concerning 495 Productions and County Music Television (CMT).

The *Mayor Pro Tem* Cody allowed one of his constituents, Mr. John Maas, to speak during Aldermen's Forum. Mr. Maas stated there was a criminal warrant for the Mayor signed by Judge Thornton. The Mayor Pro Tem Cody requested the affidavit of the Complaint and warrant. Mr. Maas stated Mark Watts, County Prosecutor, had them. The warrant has been signed and the Mayor will be arrested.

## **EXECUTIVE SESSION**

Motion was made by Alderman Cox, seconded by Alderman McDonnell 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 McDonnell, seconded by Alderman Impey and unanimously carried to remain in executive session to discuss potential litigation concerning a public building regarding the construction contract; potential litigation concerning Front Beach infrastructure; potential litigation concerning zoning and potential litigation concerning a Chancery Court case.

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

Motion was made by Alderman McDonnell, seconded by Alderman Cox and unanimously carried to adjourn until 6:00 p.m. on July 1, 2014.

Meeting ended at 9:10 p.m.

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**June 17, 2014 - 6:00 p.m.**

**1) CALL TO ORDER**

**2) ROLL CALL**

**3) NEW BUSINESS**

- a) Discussion on Appeal of Seaside Phase III – Sketch & Preliminary Plat – PUD, East Beach Partners, LLC (Exhibit 3-a)
- b) Discussion for consideration of one-way traffic on Magnolia Street during school year (Exhibit 3-b)
- c) Discussion on Special Event Permit Application for the 4<sup>th</sup> of July event at Fort Maurepas Park (Exhibit 3-c)

**4) OLD BUSINESS**

- 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:**

- a) Accept Lease Agreement with Earl H. Fayard, Jr. and the City of Ocean Springs for property located at 400 Front Beach Drive for \$250.00 from July 3, 2014 to July 4, 2014 (Exhibit 6-a)
- b) Adopt Resolution of the City of Ocean Springs, Mississippi, to temporarily allow consumption of alcoholic beverages and sale of beer of public property for the Fireworks/Concert Event at Fort Maurepas Park (Exhibit 6-ba)

**City Clerk:**

- c) Approve Minutes: Regular Meeting June 3, 2014 (Exhibit 6-c)
- d) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-d)
- e) Accept Action Report (Exhibit 6-e)
- f) Ratify payment of payment to Douglas S. Broome for deposit refund in the amount of 200.00 and payment to Mississippi Municipal Court Clerks Association for registration fee in the amount of \$50.00 (Exhibit 6-f)
- g) Approve Special Event Permit for Strawberry Moon Duathlon on Saturday, June 24, 2014, from 6:30 p.m. – 8:00 p.m., Front Beach Pedestrian Path and OS Bay Bridge; no costs incurred by City departments (Exhibit 6-g)
- h) Approve Special Event Permit for the YMCA 34<sup>th</sup> Annual Wesson Memorial 2 Mile Run and ¼ Mile Children's Run on Friday, July 4, 2014 from 8 a.m. – 9:00 a.m.; run begins south on Pine Drive to Shearwater; left on Hudson Road; left on Simon Blvd.; left on Kensington; and right on Pine Drive to YMCA; no costs incurred by City departments (Exhibit 6-h)
- i) Accept and approve Special Event Permit Application and Application for Run/Walk Permit with option of three (3) routes approved by the Police Chief (Exhibit 6-i)

**Police Dept.:**

- j) Accept the revised Interlocal Agreement for the Creation of a Multi-Agency Narcotics Enforcement Team for the Enforcement of the Uniform Controlled Substances Law in the Cities of Pascagoula, Moss Point, Gautier, Ocean Springs and in Jackson County, Mississippi, and for related purposes (Exhibit 6-j)

**Fire Dept.:**

- k) Accept Monthly Fire Department Report (Exhibit 6-k)

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

- l) Authorize Mayor to submit an application for a Pat Harrison Waterway District (PHWD) grant to help finance the Churchill Drainage Improvements Project; send a request to the Jackson County Board of Supervisors asking for their support along with asking them to send a letter to PHWD indicating their support of this project (Exhibit 6-l)
- m) Authorize Mayor to submit an application for a Pat Harrison Waterway District (PHWD) grant to help finance the Watersedge Drive Drainage Improvements Project; send a request to the Jackson County Board of Supervisors asking for their support along with asking them to send a letter to PHWD indicating their support of this project (Exhibit 6-m)

**Community Development & Planning:**

- n) Authorize the Mayor to execute the Tidelands Grant Agreement to reallocate award number FY2014-P401 – OS Old Fort Bayou Greenway-Phase I to the OS Front Beach Sidewalk Stabilization-Phase I for a total award of \$75,000.00 (Exhibit 6-n)
- o) Authorize the Mayor to execute the Agreement with Beta Group for GPR work on the Front Beach Sidewalk in the amount of \$2,200.00, funded through Tidelands Grant Agreement – FY2014-M201-2C (Exhibit 6-o)
- p) Authorize the Mayor to execute Agreement with the University of Southern Mississippi for the MS/AL Sea Grant Consortium Grant Project to Study Adopting Infrastructure to Climate Conditions and Agreement with Allen Engineering & Science for Sea Grant Project (Exhibit 6-p)

**Planning Commission:**

- q) Accept Planning Commissions' recommendation to approve the lot split/reconfiguration at 2501 Bienville Blvd. – Ike Thrash/Thrash Development – Bay Village Property Development (Exhibit 6-q)

**Zoning & Adjustment Board:**

- r) Accept Zoning & Adjustment Board's recommendation to approve 20% variance to the rear yard setback at 305 Front Beach Drive (Exhibit 6-r)

**Historic Preservation Commission:**

- s) Accept Historic Preservation Commission's recommendation to issue a COA for new home construction at 524 Jackson Avenue (Exhibit 6-s)
- t) Accept Historic Preservation Commission's recommendation to issue a COA for repair and potential modification to the existing roof at 525 Jackson Avenue (Exhibit 6-t)
- u) Accept Historic Preservation Commission's recommendation to issue a COA for demolition at 418 Martin Avenue, pending the outcome of conversations with state officials, any state requirements and the consideration of any available funding (Exhibit 6-u)

**Building Department:**

- v) Accept Tree Committee Minutes – Meeting June 12, 2014 (Exhibit 6-v)
- w) Accept Building Permit Report – May, 2014 (Exhibit 6-w)

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

- x) Approve H.R. Committee Minutes: Meeting May 13, 2014 (Exhibit 6-x)

**Finance Committee:**

**7) DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

**Police:**

**Fire:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**



**Community Development & Planning:**  
**Building Department:**  
**Parks & Leisure Services:**  
**City Attorney:**  
**Facilities:**  
**Peer Review Committee:**  
**H.R. Committee:**  
**Finance Committee:**

**8) ALDERMEN'S FORUM**

**9) EXECUTIVE SESSION**

**ADJOURN UNTIL 6:00 P.M. on July 1, 2014**

**ADDENDUM TO AGENDA  
MAYOR AND BOARD OF ALDERMEN  
CITY OF OCEAN SPRINGS  
RECESS MEETING  
June 17, 2014 - 6:00 p.m.**

**1. PRESENTATION**

- a) Presentation of FY12-13 Audit – Culumber, Harvey & Assoc., P.A.

**2. CONSENT AGENDA**

**City Clerk:**

- a) Accept donation in the amount of \$15,000.00 from Wally and Paige Carter for the purpose of a fireworks event to be held on July 4<sup>th</sup> for the citizens of Ocean Springs (Exhibit A-2a)

**Public Works:**

- b) Accept retirement of Paul Rivers, effective September 30, 2014, and authorize to fill the vacant position (Exhibit A-2b)
- c) Accept retirement of Jessie “Blue” Lafayette, effective June 30, 2014 (Exhibit A-2c)
- d) Accept job description for Public Works Administrator (Exhibit A-2d)

**Human Resource & Risk Management:**

- e) Authorize employment of Donna Jowers, Civil Service Assistant, effective June 19, 2014, pending successful completion of all pre-employment requirements (Exhibit A-2e)

**Community Development & Planning:**

- f) Authorize the Mayor to execute the Replacement Memorandum of Understanding with MDOT related to the Government Street Improvements Project/MDOT STP funded (Exhibit A-2f)