

## **RECESS MEETING OF JUNE 16, 2015**

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 16, 2015. 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.

### **PRESENTATION**

Mr. Bobby Culumber with the Auditing firm of Culumber, Harvey & Associates, P.A. presented the unmodified 2013-2014 Audit Report (Exhibit 3-a). Motion was made by Alderman Dalgo, seconded by Alderman Gill and unanimously carried to accept the Audit Report and make it available for the citizens to view.

### **PUBLIC HEARING**

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to open the Public Hearing for Residentially Zoned Short Term Rental Ordinance.

The Planning/Grants Administrator presented the version of the ordinance concerning Short Term rentals in residential areas. She stated it was advertised and tonight will be the public hearing as required by law. She explained this version includes the changes addressed by the Board at the last public hearing as well as comments from citizens. One of the clarifications in this version is that the local property manager is defined as someone living within 10 miles of the subject property. The approval process was an area of concern and has been changed to state notification will be sent to property owners within 500 feet of a public hearing before the Zoning and Adjustment Board. The Zoning and Adjustment Board would make their recommendation to the Board of Aldermen who will have the final vote concerning the application. If any of the neighbors object, they would address the Zoning and Adjustment Board during the public hearing. The ZAB will consider all comments made at the public hearing before making their recommendation that is sent to the Board of Aldermen. All applications will be considered by the Board of Aldermen for a final vote. The City Attorney explained this version of the ordinance states the Building Official has the authority to issue the permit if no appeals are filed after the public

hearing. He stated he highly recommends that no permit is issued until the application has been voted on by the Board of Aldermen.

Another minor modification was to change the notification process to state "standard" mail and not "certified mail". She said the certified mail fees are very costly and she has received letters from residents complaining about having to go to the post office to pick up a certified letter. There will still be yard signs posted at the property; an advertisement in the paper and a notice posted on the bulletin board at City Hall. She further stated this would not be considered a substantial change; therefore, it would not require another public hearing.

Alderman McDonnell questioned whether the short term rental property owner would have to live within the City limits and stated that they agreed to this point. Ms. Martin advised that this version was drafted by City Attorney Chuck Bordis and this ordinance, as drafted by City Attorney Chuck Bordis, was changed to state the definition of a property manager as living within 10 miles from the rental property. This will allow any issues with the rental to be handled quickly. There was discussion concerning whether or not the property owner of the rental should live within the City limits. Alderman McDonnell and Alderman Denyer said it was agreed in previous meetings that the property owner should live within the city limits.

This version states the local property manager has to be named on the application and is responsible for the day to day operations of the short term rental. The City Attorney pointed out the local property manager can be the property owner or an agent of the owner at this time. Whether the local property manager is the owner or a designated agent, they must reside within 10 miles of the City limits. A business address would not suffice. Alderman McDonnell said a majority of the Board asked that the property owner had to live within the City limits.

The City Attorney also stated that subsection E explains denial and revocation in the same section. The City Attorney advised since there is a section on denial that all references dealing with denial should be removed so as not to be repetitive.

The Planning/Grants Administrator stated if the Board changes this version to reference the property owner's residence location, this would be a substantial change to the ordinance and has to be re-advertised and set for public hearing.

The City Attorney explained the local property manager can also be the owner, or a designee of the owner. The property owner would be the primary contact and the agent/designee would be the secondary contact and that the owner is ultimately responsible for the property.

## **Proponents**

Ms. Beth Riley, 1117 Halstead Bayou Drive, spoke on behalf of a group of citizens who are property owners of short term rentals. She said she appreciates the time the Board has taken to go through the regulations and make changes when the need arises. She thinks the current version of the ordinance is something they can live with and hopes the Board will see short term rentals are good for the City and helps preserve the neighborhoods and adds to the whole tourism package. She has advised people who seek to own short term rentals; it is a necessity to have a contact person 24 hours/7 days a week.

Mr. Travis Norman, 7514 Davenport Lane, stated he owns property at 302 Dewey Avenue and off CCC Camp Road. He said he interested in renting his house as a short term rental but lives one (1) mile outside of the City limits. He asked the Board to consider changing the requirement of the property owner to live 2-3 miles outside the City limits.

## **Opponents**

Mr. Stephen Crump, 1202 Hillcrest Drive, asked the Board to remember when considering short term rentals in residential areas, you are making profound changes in residential zoning and that changes the nature of the neighborhood. There will be strangers coming and going and they sometimes act without respect to the neighborhoods. He said by allowing short term rentals in residential areas, it will shatter the expectation of citizens for their privacy and peacefulness of their neighborhood.

Motion was made by Alderman Dalgo, seconded by Alderman Cox and unanimously carried to close the Public Hearing for Residentially Zoned Short Term Rental Ordinance.

Motion was made by Alderman Dalgo to accept this version with changes as recommended by the City Attorney by adding "after Board approval" to section 12; Section 2(C)(8); change "certified" mail to "regular" mail; amend Section 12 – Denial or Revocation of a License by taking out duplicate language that refers to the denial of the initial application; thereby, allowing this section to only deal with procedure for revocation of the license. Alderman Dalgo withdrew his motion.

It was further explained if the Board changed to state the local property manager would be required to be only an owner and not an owner's agent, it would have to be re-advertised for another public hearing.

The City Attorney clarified that this version states the property manager must reside within 10 miles of the rental property but the property owner is not required to live within the City limits.

Motion was made by Alderman Gill and seconded by Alderman McDonnell to re-advertise for a Public Hearing and to require the property owner and property manager to live within two (2) miles of the City limits and accept the City Attorney's recommendation. Motion carried with Aldermen Cox, Gill, McDonnell and Cody voting aye and Aldermen Denyer, Dalgo and Impey voting nay.

### **Board and Commissions and Annual Appointments**

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to appoint Matthew Mestayer as City Judge, term expiring June 30, 2016.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to appoint George Murphy as City Judge Pro Tem, term expiring June 30, 2016.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to appoint Monty Tynes as City Prosecutor, term expiring June 30, 2016.

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to appoint Nate Wilson as EOC Director, term expiring June 30, 2016.

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to appoint Alderman Bobby Cox as Mayor Pro Tem; term expires June 30, 2016.

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to appoint Carol Dale, Joey Rice and Judy Dalgo to the Library Board, all terms expiring June 30, 2020. Alderman Dalgo abstained from voting.

Motion was made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to reappoint Melanie Allen and Mollie Pontius to the Tree Committee, terms expiring June 30, 2020.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to appoint Terry Armstrong and Kait Sukiennik to the Zoning and Adjustment Board, terms expiring June 30, 2018.

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to appoint Jon Rivera, Robert Smith and Christopher "Stopher" Haug to the Election Commission, terms expiring June 30, 2019.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to accept the resignations of Jonathan Masiano, Mickey Williams and Kay Shafer from the Economic Development Council.

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to appoint Jaklyn Wrigley, Christopher Skrmetti, Jane Hunolt and Marques Thomas to the Economic Development Council, terms expiring June 30, 2018.

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to appoint Sylvia Bosco to the Tree Committee, term expiring June 30, 2020.

Motion was made by Alderman Cody, seconded by Alderman Dalgo and unanimously carried to appoint Jessica Zenore and Lauren Timmons to the Historic Preservation Commission, terms expiring June 30, 2019.

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to appoint Marshall Johnson, Andy Phelan and L. Teno Henderson to the Planning Commission, terms expiring June 30, 2018.

The Mayor clarified that Jonathan Masiano did not resign from the Economic Development Council; his term expired and did not wish to reapply. Mr. Mickey Williams and Ms. Kay Shafer resigned from the Economic Development Council.

## **PUBLIC COMMENTS**

Mr. Dennis Cowart, 206 Ashley Place, requested that item (8-o) – Accept Tree Committee Report be pulled from the agenda. He had made application for tree removal and was notified today of the action the Tree Committee took on his application. He asked for more time to readjust his plan or make a formal appeal to the Board of Aldermen.

## **CONSENT AGENDA**

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to approve the Consent Agenda with exception of item (8-g) which was pulled by Alderman Cox for discussion and pull item (8-o) off the Agenda.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to table item (8-o) – Accept Tree Committee Report until the next Board meeting.

Alderman Cox pulled item (8-g) for clarification. He asked for more information about the company chosen to create the new City website. The I.T. Administrator reported that six (6) companies were interviewed by the panel of City staff. It was narrowed down to three final companies. DigiPro is the same company that created the new tourism app, Ocean Springs Fun. She also explained DigiPro is willing to work with the

City on the pricing as well as intangibles that she feels are priceless. DigiPro is associated with other cities, airports and local businesses that will allow the City to be ranked much higher on a search. The City's new website will be completely redesigned and one that will allow us to either rebrand, reformat or change colors. It will also allow the City to use the website in a greater capacity in emergency situations, such as adding banners to make announcements to the public such as hurricane watches, warnings and where to get sand bags. The I.T. Administrator explained by selecting Digi Pro, the City will be able to eliminate a total of \$3,804.00 in other annually renewing service agreements.

Our contract with the current provider will expire July 1<sup>st</sup> and they will no longer host the City's website. DigiPro has also agreed to host the City's current website for the next four (4) months for \$1,000.00 and if they are chosen to create the new website, they will deduct \$1,000.00 credited towards the new contract. The new website will be much more flexible and user-friendly.

Motion was made by Alderman McDonnell and seconded by Alderman Denyer to authorize the Mayor to execute the contract with DigiPro, LLC in the amount of \$8,850.00 for the purchase of a new City of Ocean Springs Website with a continued \$500.00 monthly fee for hosting/membership to be paid from the 2% food and beverage taxes to promote tourism by dedicating a page to promote the restaurants and lounges. Motion carried with Aldermen Cox, Gill, McDonnell, Cody, Denyer and Dalgo voting aye and Alderman Impey voting nay (Exhibit 8-g).

The Building Official asked the Board to amend the earlier motion concerning the Tree Committee Report and approve the report with the exclusion of Lot 2 Seaside @ East Beach which will be considered at the next Board meeting. Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to accept the Tree Committee Report excluding Lot 2 Seaside @ East Beach (Exhibit 8-o).

## **NEW BUSINESS**

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to adopt a Resolution of the Mayor and Board of Aldermen of the City of Ocean Springs in Support of the Request by Ken and Debra Ritchey to Place 4010 Government Street on the National Register of Historic Places (Exhibit 5-a).

## **DEPARTMENT REPORTS**

### **Mayor:**

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to approve the contract with J&M Displays for a fireworks show on Friday, July

3<sup>rd</sup>, pending review and approval of the Contract by the City Attorney and securing funds for \$10,000.00 - \$15,000.00.

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

The Planning/Grants Administrator stated the City received a grant in 2014 from the MS/AL Sea Grant and Gulf of Mexico Alliance for the purpose of gathering and sharing information with the public and city staff related to preparedness and resiliency. The second of the three grants awarded to the City to date funded the study of the impact of sea level rise on the city and how it relates to resiliency in the face of future severe weather events. Part of the third and current grant is do outreach and discuss preparedness for both the city and the public. One element is a proposed survey that would be available online that would ask everyone to participate to gather information. This will give us information about people's awareness of their vulnerability and also serves as a mechanism whereby we can provide information to the public. She will be scheduling public meetings in July for outreach that will give citizens information on how to better protect their home, what scientists are saying about sea level rise and impacts. Our sea level rise for Ocean Springs and the immediate coast is projected to be ¼" per year or about one foot over the next forty (40) years. A presentation will be made to the Mayor and Board in the next month.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to gather input from the Board for the survey (Exhibit 9-d).

### **Building Department:**

The Building Official said a property owner who resides on Lover's Lane notified the Mayor, Board and City staff, by letter, of a tree clearance issue on Lover's Lane which may be a safety concern. The Building Official reported he and the Fire Chief followed the ladder truck down Lover's Lane to determine if and where these issues are located. They videoed the truck navigating down and back up Lover's Lane and identified several problem areas due to low lying tree limbs. He said it took the ladder truck several minutes to negotiate around the tree limbs and sometimes having to come to a complete stop. The Fire Chief stated this was done during the day time and feels it will be a much bigger concern when the fire truck has to travel on Lover's Lane during the night time hours when responding to an emergency call. The Building Office presented a quote in the amount of \$3,800.00 from McLain's Tree Service to trim the trees beginning at McElroy's to the end of Lover's Lane to South side of Highway 90 to the Indian head excluding the large tree on Lover's Lane. At this time, there is no funding available and therefore cannot accept the quote from McClain's Tree Service.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to task the Finance Committee to review this matter and determine if funding And make a recommendation at the next Board meeting.

**City Clerk:**

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to transfer Donna Jowers to Administration Clerk, effective immediately, \$12.00 hourly, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit 9-e).

**ALDERMEN'S FORUM**

Alderman Gill addressed the issues of the homeless population in the City, in particular at the library. After doing some research, he discovered there are three (3) kinds of shelters. One is an emergency shelter that opens during severe weather conditions; another one is a shelter when someone has an addiction from drugs and alcohol. The last is a general shelter for homeless people but they are only allowed to stay one or two nights. This is not a permanent solution only temporary. The Mayor said there is a coalition of people that administer who are interested in solutions to the homeless. She said the homeless population is growing especially in Jackson County. Church would be willing to coordinate or partner with Habitat for Humanity to help families who are displaced but it would not be a permanent solution. The Mayor suggested calling a meeting with the coalition to strategize and discuss this matter further.

Alderman Gill said since the H.R., Finance and Peer Review Committees were created two (2) years ago, the aldermen serving on them have done an excellent job. He feels it is now time to allow other members of the Board to serve on these committees. Alderman Gill said he would like to serve on the H.R. Committee. Alderman Denyer said Alderman Cox, Dalgo and Impey have expressed interest to serve on the Finance Committee.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to add Alderman Gill to the H.R. Committee along with Alderman Impey and Alderman Cody.

Motion was made by Alderman Gill, seconded by Alderman Impey and unanimously carried to appoint Aldermen Denyer, Dalgo and Impey to the Finance Committee.

Alderman McDonnell asked for an update on the hotel feasibility study. The Mayor said she will have an update on the study at the next Board meeting.

Alderman Cody asked Public Works to check the sidewalk at the corner of Bowen and Bellande. The Mayor also said there is a large hedge growing on Bowen Avenue that is obstructing traffic and making it difficult to see around. She asked Public Works to contact the property owner to trim the hedge to eliminate safety issues. Alderman Cody also asked Public Works to put up "No Parking" signs on Bellande between Bowen



and Government. This was an ordinance adopted previously and the signs were never been put up. He also asked to research where exactly the signs are to be posted.

Alderman Cody asked Public Works to clean up the sand on the street in front of Fort Maurepas Park.

Alderman Cody received a letter from a citizen asking to memorialize the bicyclist who has been killed in Ocean Springs by having a bike ride during the 4<sup>th</sup> of July weekend.

Alderman Cody reported that The Legends will be playing at the Ocean Springs site during Cruisin' the Coast this year. He said he will be meeting with the Building Official to make a plan to allow more cars to be parked during the event. He is proposing to have entertainment by a group called The Cats on Thursday or Saturday night of Cruisin'.

Alderman Cody said the brick pavers used in the walkway at Lovelace Drugstore on Government Street and Washington Avenue have been crumbling. The interim Public Works Director said the Contractor is not willing to work at night and the road will have to be shut down to one lane traffic for approximately (8) eight hours to do the repairs. Alderman Cox asked to check with other contractors and determine if they are willing to work during the night, preferably on a Sunday night.

Alderman Cox asked the Mayor if she had contacted Joe Gill to begin mitigating for more parking at the Sports Complex. She reported she had spoken to him concerning this matter.

Alderman Cox suggested creating an I.T. Committee with outside individuals to make recommendations to the Board concerning the City's I.T. needs.

Motion was made by Alderman McDonnell, seconded by Alderman Cox 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%.

Alderman Dalgo asked for an update on Government Street Improvements Project. The advertisement begins this week and bids will be open on July 22, 2015 at 2:00 p.m. at City Hall.

Alderman Dalgo said Johnny Groue has been doing a great job as Interim Public Works Director and feels it is time that the Board adjusts his salary. The Mayor advised it will be discussed during executive session as personnel in Public Works Department.

## **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 Cox, seconded by Alderman Cody and unanimously carried to remain in executive session to discuss personnel in Public Works, Parks City Clerk and Building Departments, potential litigation regarding city and county services; potential litigation regarding utility rate charges and current litigation in Federal Court.

The City Clerk announced a motion was made by Alderman Cox, seconded by Alderman McDonnell and unanimously carried to remain in Executive Session to discuss property acquisition or recreational purposes.

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

Motion was made by Alderman Impey, seconded by Alderman Cody and unanimously carried to appoint Johnny Groue as Interim Public Works Director with an annual salary of \$65,000.00 effective July 1, 2015.

Motion was made by Alderman Cody, seconded by Alderman Dalgo and unanimously carried to adjourn until 6:00 p.m. on July 7, 2015.

Meeting ended at 10:20 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  
RECESS MEETING  
June 16, 2015 - 6:00 p.m.**

**1) CALL TO ORDER**

**2) ROLL CALL**

**3) PRESENTATION**

- a) Presentation of FY13-14 Audit – Culumber, Harvey & Assoc., P.A.

**4) PUBLIC HEARING**

- a) Public Hearing – Residentially Zoned Short Term Rental Ordinance (Exhibit 4-a)

**5) NEW BUSINESS**

- a) Discussion concerning historic marker for Del Castle property – Alderman Gill

**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: Regular Meeting June 2, 2015 (Exhibit 8-a)
- b) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 8-b)
- c) Accept Action Report (Exhibit 8-c)
- d) Authorize to obtain bids for the publication of legal notices as required by MS Code 21-39-3 (Exhibit 8-d)
- e) Authorize to advertise for Request for Proposals regarding the City of Ocean Springs Bank Depository (Exhibit 8-e)
- f) Approve Run/Walk Permit Application for a 5K/10K Sunset Race sponsored by The Salvation Army Kroc Center on Saturday, July 18, 2015 from 6:00 p.m. – 7:30 p.m. with a cost for traffic control of \$150.00 (Exhibit 8-f)
- g) Authorize the Mayor to execute the contract with DigiProMedia, LLC in the amount of \$8,850.00 for the purchase of a new City of Ocean Springs Website with a continued \$500.00 monthly fee for hosting/membership (Exhibit 8-g)
- h) Authorize removal of Jennie Heines, I.T. Administrator, from probationary status to full-time status, effective immediately (Exhibit 8-h)

**Police Dept.:**

- i) Accept recommendation to hire Christopher Boyd Bryan as Patrolman, effective June 17, 2015, at a rate of \$12.50 hourly and upon graduation of the Mississippi Law Enforcement Academy hourly rate to increase to \$13.95, one-year probationary period and upon successful completion of all pre-employment requirements, H.R. Committee approves (Exhibit 8-i)
- j) Accept resignation of Patrolman Nick Sweeney, effective June 21, 2015, and to begin the process to fill the vacant Patrol position, H.R. Committee approves (Exhibit 8-j)

**Fire Dept.:**

- k) Accept Monthly Fire Department Report (Exhibit 8-k)

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

- l) Accept resignation of Martin Valore, effective June 12, 2015 and authorize to begin the process to fill the vacant position (Exhibit 8-l)
- m) Authorize to hire a temporary employee to fill the Administrative Clerk position for 8-12 weeks beginning July 2, 2015 (Exhibit 8-m)

**Community Development & Planning:**

**Zoning & Adjustment Board:**

- n) Accept Zoning & Adjustment Board's recommendation to approve 20% variance to the side yard setback to allow for construction of a new home on a currently vacant lot at 214 Halstead Road (Exhibit 8-n)

**Building Department:**

- o) Accept Tree Committee Report (Exhibit 8-o)

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**9) DEPARTMENT REPORTS**

**Mayor:**

- a) Discussion concerning filling the vacant positions on the various Boards and Commissions
- b) Discussion concerning July 3<sup>rd</sup> fireworks show

**City Clerk:**

**Police:**

**Fire:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- c) Discussion concerning MS/AL Sea Grant Project – Proactive Planning for Safe Citizens – Input for Public Survey (Exhibit 9-c)

**Building Department:**

- d) Discussion concerning roadway height clearance on Lover's Lane (Exhibit 9-d)

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**10) ALDERMEN'S FORUM**

- a) Homeless in Ocean Springs – Alderman Gill

**11) EXECUTIVE SESSION**

**ADJOURN UNTIL 6:00 P.M. on July 7, 2015**