

REGULAR MEETING OF JULY 7, 2015

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 July 7, 2015. The Mayor presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer, Dalgo and Impay were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards.

The Mayor called the meeting to order.

Mr. James Foster gave the invocation and the Mayor led the Pledge of Allegiance.

PRESENTATION

Senator Brice Wiggins presented the highlights of the 2015 Legislative Session. He reported the two largest areas estimated for state revenue for the fiscal year 2016 budget will be sales tax (\$2.135 Billion and individual income tax (\$1.814 Billion). Also, the two largest areas of appropriations are education (\$3.096 Billion) and social welfare (\$1.08 Billion).

ADDENDUM

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

PUBLIC HEARING - Open

Motion was made by Alderman Denyer, seconded by Alderman Gill and unanimously carried to open the Public Hearing concerning the Residentially Zoned Short Term Rental Ordinance.

The Planning/Grants Administrator presented the draft of the ordinance reflecting the concerns and comments made at the last Public Hearing. She stated there were two issues of concern that were impacted: the eligible residency of the property owner and/or property manager and the cap for the total number of permits at any given time. She said she estimated 20 residentially owned that are listed on a VRBO site at this time. The City Attorney stated as written in the proposed ordinance, the Board will review it annually. The Building Official stated this ordinance will operate the same as the current Bed and Breakfast Ordinance and will be required to meet all commercial construction code for fire and health. He explained they will be required to have

emergency egress lighting, hard wired smoke detectors and evaluate all openings, egress, fire extinguishers, etc. He further explained that should the property owner renovate at a 50% threshold, they are required by code to renovate the entire facility and bring it to the current code.

The Planning/Grants Administrator stated they will add a section to the permit asking if the subject property currently has a Homeowner's Association and if so, provide the contact information if the short term rental is located in a subdivision. It was further explained that the review will not be able to move forward with the application without a letter of approval from the Homeowners' Association.

The Planning/Grants Administrator explained that no properties at this time will be considered grandfather in. All property owners must complete the permit application. There will also be a flier attached to the certified letters of notification of property owners within 500 feet of the short term rental.

Proponents

Ms. Dian Wilhoite, 103 Shearwater Drive, spoke of the economic impact that vacation rentals bring to the City.

Mrs. Beth Riley, 1117 Halstead Bayou Drive, said she believes there are 24-29 short term rentals in the City. She questioned the need for having a cap and further stating the County just recently passed a referendum to add an additional tax for hotels and motels. Mrs. Riley also stated in her dealings with short term rentals, property managers work fine.

Ms. Rose Catchot Hormann, a long time Ocean Springs resident, stated she is a new vacation rental owner. She asked the Board to consider allowing the maximum number of permits to allow all of the current owners to apply for a permit. She believes current owners have invested in these types of rentals to be used for retirement or for their children and the Board should allow out of town property owners to manage their investments.

Mr. Dennis Cowart, 206 Ashley Place, stated he has been operating a legal VRBO in a commercial district for 2-1/2 months. He said the sophistication of people to find a place to stay in Ocean Springs from all over the world is incredible and most are coming for an event such as a wedding and all VRBOs are booked for Peter Anderson and Christmas season.

Ms. Brenda Johnson, resident of Madison, Mississippi, has been visiting Ocean Springs for over 20 years. Her family purchased a lot and plan to build a vacation rental as their retirement home and asked to not limit residency requirements and limit permits.

Mr. Jim Bryant, 1312 Iberville Drive, stated he and his sister each own vacation rentals in the City and feels there is not a need for a cap; the need will determine how many can survive in the City. He also stated without a privilege license issued to him by the City, he cannot obtain a Tax ID No. and therefore, cannot pay State sales taxes. Mr. Bryant feels the short term rentals can be handled by a property manager.

Opponents

Ms. Mary Marr Beckman, 1209 Cove Avenue, stated she is not opposed to short term rentals but believes they are a commercial endeavor and having them in commercial zones are great. She also stated these rentals are not good for her neighborhood.

PUBLIC HEARING – Close

Motion was made by Alderman Gill, seconded by Alderman Dalgo and unanimously carried to close the Public Hearing concerning the Residentially Zoned Short Term Rentals Ordinance.

Motion was made by Alderman Impey and seconded by Alderman Dalgo to adopt the Short Term Rental Ordinance with the option including the local property manager may be the owner or agent of the owner and shall reside within two (2) miles of the Ocean Springs city limits and a total number of permits issued for residential short term rentals shall not exceed thirty-five (35) subject to the annual review clause stated in the ordinance. There was discussion concerning the issues of allowing the planning Commission to make recommendations and notification of the surrounding property owners within 500 feet of the applicant's land boundaries should be done by certified mail and not regular mail.

Alderman Impey amended his motion and Alderman Dalgo amended his second to adopt the Short Term Rental Ordinance with the option that the local property manager may be the owner or agent of the owner and shall reside within two (2) miles of the Ocean Springs city limits; a total number of permits issued for residential short term rentals shall not exceed thirty-five (35) subject to the annual review clause; to authorize the Planning Commission to conduct hearings concerning the issuance of denial of short term rental permits and notification to property owners within 500 feet of the applicant's land boundaries will be done by certified mail. Motion carried with Aldermen Cox, Cody, Denyer, Dalgo and Impey voting aye and Aldermen Gill and McDonnell voting nay.

EXECUTIVE SESSION

Motion was made by Alderman Impey, 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 Cody, seconded by Alderman Cox and unanimously carried to remain in executive session to discuss litigation in Federal Court; potential litigation regarding annexation; personnel in all departments; property acquisition; potential litigation regarding construction services; potential litigation regarding contractual services and potential litigation regard the Police Department.

The Mayor left the meeting and *Mayor Pro Tem* Cox assumed control.

Alderman Dalgo left the meeting.

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

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to authorize Mr. Furr and the project architects to proceed with their recommended plan to repair the concrete drive at no cost to the City. Alderman Dalgo was absent.

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to authorize the Mayor to execute all necessary documents to effect the settlement with the BP parties including but not limited to the releases and resolution. Mr. Furr and the project architects to proceed with their recommended plan to repair the concrete drive at no cost to the City. Alderman Dalgo was absent.

NEW BUSINESS

Motion was made by Alderman McDonnell, seconded by Alderman Denyer and unanimously carried to repair or replace the benches at the Washington Avenue bus stop in front of the Villa Maria (Exhibit 6-a).

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to adopt the Resolution adopting an Employee Identification Policy stating that employees and volunteers issued employee identification by the City will be required to display such identification while performing their duties as a City employee or volunteer (Exhibit 6-b).

PUBLIC COMMENTS

Mrs. Pam Cox stated she did not agree with funding the fireworks show from the Parks Department budget.

CONSENT AGENDA

Motion was made by Alderman Denyer, seconded by Alderman Gill and unanimously carried to approve the Consent Agenda and Addendum.

DEPARTMENT REPORTS

Police Department:

The Police Chief asked the Board to consider adopting an Ordinance to permanently rescind Section (b) of the Ocean Springs Municipal Code Chapter 14 Article 1 Section 14-13 – Special regulations for Front Beach Drive and East Beach Drive to allow two-way traffic with no restrictions. Alderman McDonnell asked to continue under a temporary basis until the end of August to determine if there are any issues. He explained once it is amended permanently, the Board would have to go back through the ordinance process which requires a 30 day publication process.

Motion was made by Alderman McDonnell and seconded by Alderman Gill to continue on a temporary basis by allowing two-way traffic on Front Beach Drive and East Beach Drive and readdress it at the first meeting after Labor Day. Alderman Impey stated he has received numerous complaints about changing it to two-way traffic. Motion carried with Aldermen Gill, McDonnell, Cody, Denyer and Dalgo voting aye and Alderman Impey voting nay. Alderman Cox was acting Mayor Pro Tem and not voting and Alderman Dalgo was absent.

DEPARTMENT REPORTS – ADDENDUM

H.R. Department

The H.R. Director presented a proposal from the Stennis Institute of Government and Community Development to update its municipality salary information at a cost of \$3,250.00. She explained a salary survey was done by the Stennis Institute in 2009. In order to build salary ranges for all of the City positions, the cost would be \$2,750 to use her software, expertise and data to build the ranges for the City. An addition to the supplement she can add 2012 data from coastal cities and can survey coastal cities in neighboring states for \$500.00 . There was discussion concerning the age of the data being 2012 and surveying 12 more cities with 2015 data but not a whole new survey.

Motion was made by Alderman Cody and seconded by Alderman Gill to accept the Stennis Supplemental proposal. After further discussion, Alderman Cody withdrew his motion and Alderman Gill withdrew his second.

ALDERMEN'S FORUM

Motion was made by Alderman Gill, seconded by Alderman Denyer and unanimously carried to accept donations for the 4th of July Fireworks Show from Cottages in Oak Park in the amount of \$500.00; Wally and Paige Carter in the amount of \$1,200.00; BancorpSouth Insurance Services/Stewart, Sneed & Hughes in the amount of \$1,000.00 and pending receipt of a check in the amount of \$1,000.00 from Dogan & Wilkinson, City Attorneys.

Alderman McDonnell stated he did not agree that the funding for the fireworks show came from the Parks budget. He asked to allow the Finance Committee to discuss whether or not to add funding fireworks to the budget. Alderman Denyer stated the Chamber of Commerce should take the lead on the fireworks show.

Alderman Cody asked that Gulf Regional Planning Commission do a traffic study on Pine, Bechtel, Holcomb and Halstead and to consider reducing the speed limit to 25 mph.

Alderman Cody stated he received a request to consider having a Bike Memorial Ride to memorialize individuals injured or killed while biking in the area.

Alderman Cox asked the Police Department to reconsider changing East Beach Drive to one-way during the 4th of July events due to having very light traffic in that area.

Alderman Denyer thanked Public Works for the excellent job of cleaning the beach after the 4th of July event and the assistance from the Fire and Police Department for traffic control.

Alderman Impey thanked Public Works for clean-up after the 4th of July. He also commended the Police and Fire Departments for the honors shown during Retired Fire Chief Murray's funeral.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to accept the changes in the Parks Department to eliminate the Athletic Coordinator position and add Camp/Athletic/Scheduler and Lead Rec Aide.

Motion was made by Alderman Impey, seconded by Alderman Cody and unanimously carried to recess the meeting until 6:00 p.m. on July 21, 2015.

Meeting ended at 9:24 p.m.

Mayor

Date

City Clerk

Date

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
REGULAR MEETING
July 7, 2015 - 6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. PRESENTATION

- a) Update on Legislative Sessions – Senator Brice Wiggins

4. PUBLIC HEARING

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

5. OLD BUSINESS

6. NEW BUSINESS

- a) Discussion on replacing bench at bus stop on Washington Avenue – Mr. Louis Perry and Mr. Joe Bowen (Exhibit 6-a)
- b) Discussion concerning resolution adopting an employee identification policy – Alderman Cody (Exhibit 6-b)

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:

- a) Accept Economic Development Council Minutes from June 15, 2015 (Exhibit 8-a)

City Clerk:

- b) Approve Minutes: Special Call Meeting June 15, 2015 (Exhibit 8-b)
- c) Approve Minutes: Recess Meeting June 16, 2015 (Exhibit 8-c)
- d) Approve Minutes: Special Call Meeting June 25, 2015 (Exhibit 8-d)
- e) Approve Minutes: Special Call Meeting June 30, 2015 (Exhibit 8-e)
- f) Approve payment: **Docket of Claims and spread summary upon the Minutes (** Docket of Claims will be disbursed on Monday, July 6th due to the holiday (Exhibit 8-f)
- g) Accept Action Report (Exhibit 8-g)
- h) Ratify Application for Run/Walk Permit for a 2 Mile Run (YMCA Wesson Memorial Run) on Saturday, July 4, 2015 from 8:00 a.m. – 9:30 p.m., no city costs incurred (Exhibit 8-h)
- i) Ratify payment to Roy Lee Goldsmith, Jr. in the amount of \$700.00 for the summer football camp (Exhibit 8-i)
- j) Ratify payment to Shirley Phipps in the amount of \$200.00 for a deposit refund (Exhibit 8-j)

Police Department:

- k) Approve employment of Christian Nelson, as Correction Officer, effective July 8, 2015, \$12.50 hourly, one-year probationary period, one-year probationary period and successful completion of all pre-employment requirements and authorize to fill the vacant position (Exhibit 8-k)
- l) Accept resignation of Patrolman Lawrence Philip Pearson, effective July 18, 2015, and authorize to begin the process to fill the vacant position, pending H.R. Committee approval (Exhibit 8-l)

Fire Department:

Human Resources/Risk Management:

- m) Authorize the Mayor to execute the Workforce Training Agreement with MGCCC Workforce Development to facilitate training classes to receive a 5% premium discount on workers compensation insurance (Exhibit 8-m)
- n) Authorize to begin the process of advertising and filling the part-time Civil Service Assistant position, \$10.00 hourly, 10 hours per week with no benefits (Exhibit 8-n)

City Engineer:**Public Works:**

- o) Authorize removal of Gregory Webb from probationary status to full-time status, effective July 19, 2105 (Exhibit 8-o)
- p) Authorize removal of Cody Franklin from probationary status to full-time status , effective July 19, 2105 (Exhibit 8-p)
- q) Authorize employment of temporary employee, Devin Bailey, to a full-time employee in the Water Department, \$11.50 hourly, effective July 8, 2015, six-month-probationary period and successful completion of all pre-employment requirements (Exhibit 8-q)

Community Development & Planning:**Building Department:**

- r) Accept Code Enforcement Report (Exhibit 8-r)
- s) Adopt Memorandum of Understanding between Federal Emergency Management Agency (FEMA) Region IV and the City of Ocean Springs to implement a 2015 High Water Mark project and authorize the Mayor to sign all applicable documents and agreements (Exhibit 8-s)

Parks & Leisure Services:

- t) Appoint Collin Bourgeois to the Parks Advisory Board, term expiring June 30, 2020 (Exhibit 8-t)

City Attorney:**Facilities:****Peer Review Committee:****H.R. Committee:**

- u) Accept H.R. Committee Minutes of June 16, 2015 (Exhibit 8-u)

Finance Committee:**9. DEPARTMENT REPORTS****Mayor:****City Clerk:****Police Department:**

- a) Adopt Ordinance Regulating Traffic on Front Beach Drive (Exhibit 9-a)

Fire Department:**Human Resources/Risk Management:****City Engineer:****Public Works:****Community Development & Planning:****Building Department:****Parks & Leisure Services:****City Attorney:****Facilities:****Peer Review Committee:****H.R. Committee:****Finance Committee:****10. ALDERMEN'S FORUM****11. EXECUTIVE SESSION**

- a) Litigation in Federal Court
- b) Potential litigation regarding annexation

RECESS UNTIL 6:00 P.M. on Tuesday, July 21, 2015

ADDENDUM TO AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
REGULAR MEETING
July 7, 2015 - 6:00 p.m.

1. CONSENT AGENDA

Police Department:

- a) Accept recommendation of Police Chief to transfer ownership of three (3) Motorola Astro Dispatch Terminal (OS Property ID # 7247, 7248 & 7249) to the Jackson County Emergency Communications to allow them to maintain the consoles without cost to the City (Exhibit A-1a)

Community Development & Planning:

Historic Preservation Commission:

- b) Accept Historic Preservation Commission's recommendation to issue a COA for adding seven (7) feet and modifying the current roof line of the existing porch at 110 Shearwater Drive (Exhibit A-1b)
- c) Accept Historic Preservation Commission's recommendation to issue a COA to construct an 8'x12' storage building adjacent to the current cottage in the rear of the home at 612 Cleveland Avenue (Exhibit A-1c)

Parks & Leisure Services Department:

- d) Accept resignation of James Hanner, III, effective July 16, 2015, and authorize employment of Jason Calcote, effective July 20, 2015, \$12.00 hourly, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit A-1d)

2. DEPARTMENT REPORTS

Human Resource Department:

- a) Stennis Institute Supplemental Salary Survey (Exhibit A-2a)