

## **RECESS MEETING OF SEPTEMBER 15, 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 September 15, 2015. Mayor Moran presiding, Aldermen Cox, McDonnell, Cody, Dalgo and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. Alderman Denyer was absent at roll call but arrived later in the meeting. Alderman Gill was absent.

The Mayor called the meeting to order.

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

The Mayor's Youth Council will be hosting a dance/get-together at the Chamber Depot parking lot on Friday, September 18 from 8 p.m. – 11 p.m. to help promote teens against drinking and to get involved in the community.

The Mayor asked to include three (3) additional items to the Addendum – New Business to make a part of the minutes the letter delivered by the City Attorney regarding the City's stance on the proposed rate increases for wastewater treatments to the City imposed by the Jackson County Utility Authority; to accept the letter of September 9, 2015 written from the Ocean Springs School District school board to the City regarding the transfer of Taconi school property to the City and accept the School District decision not to pursue any back payments of penalties and interest on delinquent school property taxes.

Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to add the Addendum to the Agenda along with the three (3) additional items previously stated.

## **PUBLIC HEARING**

### **Lot Cleaning – 1010 Chaney Street (House Demolition)**

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to open the Public Hearing for 1010 Chaney Street (House Demolition).

Proponents for the Lot Cleaning

The Building Official explained the Public Hearing for 1010 Chaney Street was renoticed to comply with state statute. The previous notice was not sent to the address on the ad valorem tax record. Pictures were presented by the Building Official for the record.

Prior to the public hearing, 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. He said the structure is unfit for human occupancy; it is a dangerous structure and is neglected, damaged, dilapidated, unsecured and abandoned so as to become an unattractive nuisance to children who might play inside.

There were no opponents present for the Lot Cleaning at 1010 Chaney Street.

Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to close the Public Hearing for 1010 Chaney Street.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to accept the recommendation of the Building Official to find the property at 1010 Chaney Street in such a state of uncleanliness so as to be a menace to public health and safety based on the matters presented and authorize to begin the demolition of 1010 Chaney Street.

## **NEW BUSINESS**

Motion was made by Alderman Dalgo, seconded by Alderman Impey and unanimously carried to adopt the FY15-16 Budget as presented (Exhibit 4-a).

Motion was made by Alderman Dalgo, seconded by Alderman Impey and unanimously carried to adopt the Resolution Fixing Tax Levy for FY15-16 and authorize the Mayor to execute same (Exhibit 4-b).

## **OLD BUSINESS**

The Building Official reported a public meeting was held on September 9, 2015 at 6:00 p.m. with the property owners from the Lover's Lane concerning the tree trimming and tree removal on Lovers Lane. He said the City received notice from a property owner concerning access to Lovers Lane for emergency vehicles. After a visual inspection, the Building Official and Fire Chief determined several "choke" points that were verified, photographed and videoed. They stated the biggest concern was a large oak tree growing over a narrow part of the road causing difficulty navigating the fire trucks down the road. At this time, he stated the City will conduct a survey to verify the exact roadway easements and an arborist is scheduled to inspect the tree to determine if it's listing. The Building Official stated the City will continue to do their due diligence and report back to the Board as well as the public.

## **NEW BUSINESS – Addendum**

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to make the letter from City Attorney Robert Wilkinson written on behalf of the Cities of Ocean Springs, Moss Point, Pascagoula and the West Jackson County Utility District to the Jackson County Utility Authority (JCUA) a part of the official minutes (Exhibit A-1b).

**Alderman Denyer arrived at the meeting.**

## **OLD BUSINESS – Addendum**

Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to make the letter dated September 9, 2015, from the Ocean Springs School District announcing the notification to the City that the School Board has chosen to not pursue the District's potential claim against the City for unpaid ad valorem taxes, interest, penalties and other damages signed by Board of Trustees President, Mrs. Sue White, a part of the official minutes of the City (Exhibit A-2c).

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to make the letter dated September 9, 2015, from the Ocean Springs School District stating School District's acceptance of the proposal by the City of Ocean Springs to transfer ownership of the Taconi school property to the City of Ocean Springs under several stipulations as stated in the letter signed by Board of Trustees President, Mrs. Sue White, a part of the official minutes of the City and authorize the Mayor to respond to the School District accordingly (Exhibit A-2d).

Alderman Denyer asked to conduct a walk-thru at Taconi with Alderman Cox, the City Building Official, Public Works Director, Asst. Parks Director and Brooks McKay from the School District.

## **NEW BUSINESS – Addendum**

Motion was made by Alderman Dalgo, seconded by Alderman Cox and unanimously carried to authorize to approve an application for a Gulf of Mexico grant from EPA to mitigate sand erosion on Front Beach, with concurrence of Jackson County (Exhibit A-1a). The Planning/Grants Administrator advised that Jackson County has been notified concerning this grant.

## **OLD BUSINESS – Addendum**

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to authorize to issue the revised Notice to Proceed effective September 28, 2015 and authorize the Mayor to execute Change Order #1 for a Not to Exceed Amount of \$25,000, pending receipt of actual costs for the OS Harbor Road Improvements Project (A-2b).

## **PUBLIC COMMENTS**

Mr. Ken Aultman, resident of Lover's Lane, asked for the name of the arborist who will be exploring the issues on the tree on Lover's Lane. The Mayor stated his name as Jim Heinzel, a State licensed arborist. Mr. Aultman stated he has lived on the lane since 2001 and he has not noticed any difference in the listing of the tree but is aware there is technology to determine the lean on a tree and whether it changes over a short period of time.

Mr. Yaya Muhammad, 1704 Davis Street, stated he has received letters from the Building Official concerning vehicles located on his properties that are not-operable and therefore need to be removed. He asked the City to put the culvert back in so that he is able to remove those vehicles.

Ms. Barbara Ruddiman, Manager of The Lord is My Help, located on Desoto Street, explained there main mission is to provide nutritious hot meals five days a week to people in need. She stated they serve over 200 people a day at the soup kitchen of which 75% is delivered to the elderly, disabled, and ill individuals. They also run a food pantry that provides groceries to families in need in the area. Ms. Ruddiman also mentioned they have provided meals to the City inmates working in the Public Works and Parks and Recreation departments at a cost of \$2.19 for each meal for over 10 years. A letter was presented by Ms. Ruddiman from Ms. Kay Woods, President of The Lord is My Help Board of Directors, asking the City for a financial donation to this non-profit organization. The City Attorney will research the City's ability to make this donation.

## **CONSENT AGENDA**

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

## **DEPARTMENT REPORT**

### **Mayor:**

Motion was made by Alderman McDonnell, seconded by Alderman Dalgo and unanimously carried to accept and approve the Resolution from the Jackson County Board of Supervisors for the donation and use of sod at the Harbor Green pursuant to the authority granted in Miss. Code Ann. 55-9-1 for the joint improvement of recreational areas (Exhibit 8-a).

## **ALDERMEN'S FORUM**

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to adopt a Resolution of the City of Ocean Springs, Mississippi, to Temporarily Allow Consumption of Beverages and Sale of Beer on Public Property for the Duration of Cruisin' the Coast 2015 and authorize the Mayor to execute same (Exhibit 9-a).

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to approve the Bailment Agreement between Gulf Hills Golf Club, Inc. and the City of Ocean Springs for the use of equipment provided by Gulf Hills during the Cruisin' the Coast 2015 event, at no cost to the City (Exhibit 9-b).

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to accept the Temporary Dedication of Land for Public Purposes between the First Baptist Church of Ocean Springs and the City of Ocean Springs to be used for parking in and around 602 Washington Avenue during the Cruisin' the Coast event and Peter Anderson Festival (Exhibit 9-c).

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to install another light fixture at 1307 Robinson Street.

Alderman Cody stated all of the departments have been preparing for the Cruisin' the Coast event in the City on October 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup>. He said the team effort has been tremendous.

The Mayor announced there will be a candlelight vigil sponsored by WAVE (Women Against Violence Everywhere) at Fort Maurepas Park on Thursday, September 17, 2015 at 6:30 p.m. to show support for the assault victim. She also announced WAVE will be accepting a large donation towards the purchase of the cameras for the Biloxi/Ocean Springs Bridge on September 29<sup>th</sup> at 10:00 a.m. at the foot of the bridge near the mosaics.

Alderman Cox thanked the City Engineer for clarifying the information concerning the shade structures being built at the OS Sports Complex. He also asked if he could be

appointed to the Parks Advisory Board. The Mayor stated the Ordinance creating the Parks Advisory Board would have to be amended but he could attend as an ex-officio Board representative. He would not be able to vote on any issues.

Alderman Cox asked the City Engineer if the dimensions had been given to Mr. Joe Gill concerning the parking lot at the OS Sports Complex. He said he needs that information to begin mitigation.

Alderman Denyer asked Public Works check the northwest corner of the road where Charter Bank is under construction; add asphalt to the area where the sewer cut was made on Washington Avenue and repaint the crosswalk in front of Fort Maurepas Park.

Alderman Impey thanked Mrs. Sue White for her leadership on the Ocean Springs School Board. It is much appreciated.

Alderman Impey reminded everyone that the Ocean Springs Veteran of Foreign Wars Post 5699 and its Auxiliary will be recognizing some of our local veterans for their service on Saturday, September 19 from 12 p.m. – 4 p.m. at 612 VFW Road. They will be serving hamburgers and hotdogs.

The Mayor stated that Public Works and Building Department have been diligently doing assessments of Washington Avenue between the depot and Calhoun for sidewalk improvements.

## **EXECUTIVE SESSION**

Motion was made by Alderman Cody, seconded by Alderman Impey 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 personnel in City Hall, Police Department, Fire Department and Building Department, potential litigation and litigation in Federal Court.

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

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to provide city resources through a sponsorship of \$500.00 MS Gulf Coast YMCA to honor the recipients of the John R. Blossman Humanitarian Award to John and Maryalice Miner on September 29, 2015, at the Beau Rivage.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to adjourn the meeting.

Meeting ended at 8:44 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**  
**September 15, 2015 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC HEARINGS**

- a) Lot Cleaning – 1010 Chaney Street (House Demolition) (Exhibit 3-a)

**4. NEW BUSINESS**

- a) Adoption of FY15-16 Budget (Exhibit 4-a)
- b) Resolution Fixing Tax Levy for FY15-16 (Exhibit 4-b)

**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:**

**City Clerk:**

- a) Approve Minutes: Regular Meeting September 1, 2015 (Exhibit 7-a)
- b) Approve Minutes: Recess Meeting September 8, 2015 (Exhibit 7-b)
- c) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 7-c)
- d) Accept Action Report (Exhibit 7-d)
- e) Approve Run/Walk Permit Application for a Fall Fun Run sponsored by Cedar Lake Christian Academy on Saturday, October 31, 2015 from 8:00 a.m. – 10:00 a.m.; Front Beach/Bridge Route; no costs to city departments (Exhibit 7-e)
- f) Approve Special Event Permit Application and street closure for the Ocean Springs Middle School Choir Fundraiser on Sunday, October 4, 2015 from 12:00 p.m. – 6:00 p.m.; requesting access road on the west side of Pleasant's BBQ be closed to set up tables and tents to sell BBQue plates with all proceeds going to the OSMS Choir in order to raise funds to be able to travel to New York City and perform at Carnegie Hall; no city resources required (Exhibit 7-f)
- g) Approve Special Event Permit Application for WAMAthon on Sunday, September 20, 2015 from 8:00 a.m. – 12:00 noon; approved by all City departments and a cost of \$225.00 for Police Department for traffic control (Exhibit 7-g)
- h) Approve Special Event Permit for “The Lot” Social Event sponsored by the Mayor’s Youth Council on Saturday, September 18, 2015 from 8:00 p.m. – 11:00 p.m. at the Welcome Center Parking Lot, no City services requested (Chamber parking lot) (Exhibit 7-h)

**Police Dept.:**

- i) Accept resignation of Michael King, Dispatcher, effective September 18, 2015, and authorize to begin the process to fill the vacant position (Exhibit 7-i)
- j) Authorize employment of Anna F. Lach, Corrections Officer, effective September 17, 2015, \$12.50 hourly, one-year probationary period, pending successful completion of all pre-employment requirements and Theodore A. West, Patrolman, effective September 21, 2015, \$13.00 hourly until successful completion of the Mississippi Law Enforcement Training Academy; upon graduation hourly rate increases to \$14.25, one-year probationary period and pending successful completion of all pre-employment requirements, H.R. Committee concurs (Exhibit 7-j)

**Fire Dept.:**

- k) Accept Monthly Fire Department Report for August 14-September 10, 2015 (Exhibit 7-k)
- l) Authorize the Mayor to execute the Intent to Participate in the 2016 Update of the District 9 Regional Hazard Mitigation Plan, funded out of EOC budget (Exhibit 7-l)

**Human Resources/Risk Management:****City Engineer:****Public Works:****Community Development & Planning:**

- m) Authorize the Mayor to execute Change Order No. 1 with Mandal's, Inc. for \$10,421.00 for a revised contract amount of \$185,103.00 for the MCOK Roof Replacement project, no additional funds are required in the budget (Exhibit 7-m)

**Planning Commission:**

- n) Accept Planning Commission's recommendation to approve the Change in Zoning District from the current R-1: Single-Family Residential to C-3: Highway Commercial at Bienville Boulevard, Bayou End S/D Lot 6 – Kenneth Ritchey and Doug Deluca (Exhibit 7-n)

**Historic Preservation Commission**

- o) Accept Historic Preservation Commissions recommendation to issue a COA to construct an addition to the existing auxiliary building at 108 Shearwater Drive (Exhibit 7-o)
- p) Accept Historic Preservation Commissions recommendation to issue a COA to replace the existing tin roof with a new galvanized metal roof at 1307 Bowen Avenue (Exhibit 7-p)

**Zoning & Adjustment Board:**

- q) Accept Zoning and Adjustment Board's recommendation to approve the 20% variance on the South side facilitating the placement of a driveway on the North side at 512 Dewey Avenue (Exhibit 7-q)

**Building Department:****Parks & Leisure Services:**

- r) Approve Facility Use Agreement for the Ocean Springs Girls Softball League for use of various City facilities (Exhibit 7-r)
- s) Approve Facility Use Agreement for the Ocean Springs Girls Lacrosse for use of various City facilities (Exhibit 7-s)
- t) Approve Facility Use Agreement for the Ocean Springs Boys Lacrosse for use of various City facilities (Exhibit 7-t)
- u) Approve Individual Service Contracts with Bill Oster – Karate Instructor; Sandra Gaines – Dance Instructor; Lisa Dickinson – Pottery Instructor (Exhibit 7-u)

**City Attorney:****Facilities:**

- v) Authorize to declare various items as surplus; of no value to the City; remove from the City inventory and dispose of them appropriately (Exhibit 7-v)

**Peer Review Committee:****H.R. Committee:****Finance Committee:**

## **8. DEPARTMENT REPORTS**

### **Mayor:**

- a) Discussion concerning the adoption of a resolution regarding the purchase of sod by the Jackson County Board of Supervisors for use by the City of Ocean Springs at the Harbor Landing property

### **City Clerk:**

### **Police Dept.:**

### **Fire Dept.:**

### **Human Resources/Risk Management:**

### **City Engineer:**

### **Public Works:**

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

### **Building Department:**

Update on tree issues on Lover's Lane

### **Parks & Leisure Services:**

### **City Attorney:**

### **Facilities:**

### **Peer Review Committee:**

### **H.R. Committee:**

### **Finance Committee:**

## **9. ALDERMEN'S FORUM**

- a) Adopt Resolution of the City of Ocean Springs, Mississippi, to Temporarily Allow Consumption of Beverages and Sale of Beer on Public Property for the Duration of Cruisin' the Coast 2015 and authorize the Mayor to execute same (Exhibit 9-a)
- b) Approve Bailment Agreement between Gulf Hills Golf Club, Inc. and the City of Ocean Springs for the use of equipment provided by Gulf Hills during the Cruisin' the Coast 2015 event, at no cost to the City (Exhibit 9-b)
- c) Accept Temporary Dedication of Land for Public Purposes between the First Baptist Church of Ocean Springs and the City of Ocean Springs to be used for parking in and around 602 Washington Avenue during the Cruisin' the Coast event and Peter Anderson Festival (Exhibit 9-c)

## **10. EXECUTIVE SESSION**

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

**ADDENDUM TO AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**September 15, 2015 - 6:00 p.m.**

**1. NEW BUSINESS**

- a) Authorize to approve an application for a Gulf of Mexico grant from EPA to mitigate sand erosion on Front Beach, with concurrence of Jackson County (Exhibit A-1a)

**2. OLD BUSINESS**

- b) Authorize to issue the revised Notice to Proceed effective September 28, 2015, and authorize the Mayor to execute Change Order #1 for a Not to Exceed Amount of \$25,000, pending receipt of actual costs for the OS Harbor Road Improvements Project (Exhibit A-2b)