

REGULAR MEETING OF DECEMBER 1, 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 December 1, 2015. The Mayor presiding, Aldermen Cox, Gill, Cody, Denyer, Dalgo and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. Alderman McDonnell was absent.

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 Gill and unanimously carried to open the Public Hearing for the appeal of the Planning Commission's recommendation to deny the request to change zoning district from R-1 to C-3 – 4204 Bienville Boulevard – Edward Deluca.

The Planning/Grants Administrator stated Mr. Deluca requested a public hearing to appeal the recommendation of the Planning Commission to deny the request for a change in a zoning district from R-1 to C-3 at 4204 Bienville Boulevard. She explained the primary concern of the Planning Commission was the proximity to residential property on both sides even though commercial zoning is very close by to the East of the property, as well as lack of representation by Mr. Deluca. She also stated at the time of the Planning Commission meeting, Mr. Deluca said the neighbor was in support of the rezoning but did not receive the letter from Mr. McVay until recently.

Mr. Doug Deluca said he appreciated the Board for considering his appeal for the rezoning now that more information has been provided and looks forward to working with the City as they start construction in January if his plans are approved and he receives a permit.

Alderman Gill stated the reasons why this property qualifies to be re-zoned, if there is a change of the character of the neighborhood or if a mistake had been made in the original zoning of a parcel of property. The Planning/Grants Administrator confirmed the properties on the service road adjacent to the subject property were re-zoned to commercial.

Also, if the proposed use is so out of character in the entire area; it would be considered spot zoning. This particular area contains both residential and commercial zoning.

Alderman Impey questioned whether this would be considered spot zoning. The City Attorney clarified that spot zoning is generally a large area such as residential and industrial and if the City allowed commercial zoning to be in the middle of the area. Alderman Gill stated the reasons why this property qualifies to be re-zoned, if there is a change of the character of the neighborhood or if a mistake had been made in the original zoning of a parcel of property. The Planning/Grants Administrator confirmed the properties on the service adjacent to the subject property were re-zoned to commercial.

Alderman Denyer clarified that one side of the subject property is zoned residential, the other side is residential and piece in back is residential. She explained the bayou runs between it and the portion that abuts it is not developable. The properties most affected are the properties on each side, primarily to the East because it abuts the entire side where the other abuts in the rear. Alderman Denyer further stated he received a letter from Mr. McVay, the property owner on the east side stating he is in favor of the zoning change. He asked if there was any correspondence from the property owner on the other side. The Planning/Grants Administrator reported they did not receive any input from the surrounding property owners.

The City Attorney stated the applicant was not at the Planning Commission Public Hearing to present his reasons for requesting the zoning change of character in the neighborhood.

Denyer stated he feels the applicant has not done his due diligence for the appeal and would recommend tabling the issue.

The Planning/Grants Administrator stated the Planning Commission fully vetted the application and had concerns of it being considered as spot zoning. She also explained the Planning Commission did not have the letter of support for the re-zoning from the property owner on the East side, Mr. Stephen McVay. The letter was submitted after the public hearing. She said they unanimously denied the application due to the proximity of the residential zoning on both sides of the subject property.

Deluca stated this neighborhood contains both commercial and residential and one will be left as residential and he has stated his intentions to apply for a change in zoning. He feels this change in zoning would benefit the other homeowner in the future and after two (2) certified mail outs, there was no opposition from any surrounding property owners.

Alderman Cody stated he is in favor of the re-zoning due to the requirement of the 25' setback and the area is conducive to this type of business Mr. Deluca is planning to put there.

Gill stated the applicant has met all legal requirements and certified letters were sent out twice with no objections.

The Planning/Grants Administrator stated because the property is currently vacant, Design Review Ordinance would ensure a development with high quality form and function will be implemented within the allowed use of the new C-3 Zoning District. Also, depending on the use, additional Site Review Restrictions could apply.

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to close the Public Hearing.

Motion was made by Alderman Gill and seconded by Alderman Impey to approve the request to change zoning from R-1 to C-3 at 4204 Bienville Boulevard – Edward Deluca. Motion carried with Aldermen Cox, Gill, Cody, Dalgo and Impey voting aye; Alderman Denyer voting nay and Alderman McDonnell was absent (Exhibit 4-a).

Motion was made by Alderman Gill, seconded by Alderman Impey and unanimously carried to spread the letter from Mr. Steven McVay upon the minutes.

OLD BUSINESS

Mr. David Cook and Mr. Colin Bourgeois, members of the Park Advisory Board, presented an updated priority list of projects for the Ocean Springs Sports Complex to be funded by the 2% tax levy. (Exhibit 5-a) The Parks Director reminded the Board that the Parks Advisory Board has been reviewing the needs at the sports complex funded by 2% funding. She stated she has twenty-two (22) requests for tournaments for the upcoming year. She explained in order to stay competitive with other cities, additional parking is needed. The proposed plan would allow 150 more parking spaces and would require approval from the Army Corps of Engineers. The City Engineer explained the plan for the proposed additional parking around the south baseball field at the Ocean Springs Sportsplex is to extend the most northern drive lane of the grass parking area west across the sidewalk from the main pavilion to the softball and baseball pavilions and the storm water retention swale. Then the roadway will turn northwesterly and follow the existing property line and fence to a point west of the existing storm water pump station. The roadway then turns southwesterly across a strip of property currently owned by the Land Trust and generally follows the arc of the baseball outfield fence and the current property line to a point just west of another storm water pump station. From this point continuing northerly and easterly the roadway and proposed parking spaces on each side of the roadway generally follows the arc of the baseball outfield fence and existing property fence to the end of the outfield fence. A cul-d-sac, turn around area is proposed at the end of the parking area. If the adjacent baseball field to the north is downsized then the roadway and parking area will be extended along that outfield fence to provide additional parking.

The long term plan is using the Highway 90 entrance into St. Paul Methodist Church's parking lot and continue to the West of their property with less impact of the wetlands. The City Engineer advised he has sent all information to Joe Gill.

CONSENT AGENDA

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

ALDERMEN'S FORUM

Alderman Impey reminded everyone of the Christmas Tree Lighting at Marshall Park on Thursday, December 4th at 6:00 p.m.

Alderman Dalgo asked to recognize Mrs. Margaret Miller with a proclamation for her many years of service as the Executive Director of the Ocean Springs Chamber of Commerce. Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to co-host the retirement party for Margaret Miller and authorize to waive the rental fee for use of the Ocean Springs Community Center on December 11th from 3:00 p.m. – 6:00 p.m.

Motion was made by Alderman Denyer, seconded by Alderman Cox and unanimously carried to close Cash Alley from the south side of Desoto to Government Street at 2:00 a.m. on December 18th through 12:00 noon for a bike giveaway and the use of six (6) barricades. The bike giveaway begins at 8:00 a.m. on December 19th.

Alderman Cox asked the Finance Committee to review a proposal received from the YMCA to offer a single membership for City employees for an amount of \$10,000.00 annually in addition to in-kind services. He stated the proposal includes an upgrade to a family membership for \$20.00 per month.

Alderman Dalgo asked for clarification concerning the beautification funds of \$10,000.00. He questioned how it was supposed to be sent. The Finance committee is to review it and make a recommendation to the Board giving clear direction to landscaping department and purchasing agent with no money being spent until further notice as well as determine if money should be replenished.

Alderman Cody stated a vendor demonstrated a new street sweeper to the Public Works Department. The cost for the new street sweeper is approximately \$140,000.00. Alderman Cody asked the Finance Committee to determine ways to fund the purchase of a new street sweeper.

Alderman Cody asked to install a street light on Government Street near Pleasant's Restaurant.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to authorize up \$200.00 each from Ward 2 and Ward 3 Capital Improvement funds for a Christmas tree and decorations for the Fallo-Pleasant parking lot.

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 Gill and unanimously carried to remain in executive session to discuss land acquisition and litigation in Federal Court.

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

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to do appraisal on a certain parcel for up to \$2,000.00.

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to recess the meeting until 6:00 p.m. on December 15, 2015.

Meeting ended at 8:03 p.m.

Shelly Ferguson, City Clerk

Connie Moran, Mayor

Date

Date

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
REGULAR MEETING
December 1, 2015 - 6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. PROCLAMATIONS

4. PUBLIC HEARING

- a) Appeal of Planning Commission Denial for Request to Change Zoning District from R-1 to C-3 – 4204 Bienville Boulevard – Edward Deluca (Exhibit 4-a)

5. OLD BUSINESS

- a) Update on priority list for the Ocean Springs Sports Complex – Parks Advisory Board (Exhibit 5-a)

6. NEW 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:

- a) Authorize removal of Police Chief Mark Dunston from probationary status to full-time status, effective immediately (Exhibit 8-a)

City Clerk:

- b) Approve Minutes: Recess Meeting November 17, 2015 (Exhibit 8-b)
- c) Approve payment: Docket of Claims and spread summary on the Minutes (Exhibit 8-c)
- d) Accept Action Report (Exhibit 8-d)
- e) Ratify payment to CableOne in the amount of \$163.38 for cable service (Exhibit 8-e)

Police Department:

- f) Authorize removal of Deputy Police Chief Derek Hoppner from probationary status to full-time status, effective immediately (Exhibit 8-f)
- g) Authorize removal of Executive Assistant Charlene Anderson from probationary status to full-time status, effective immediately (Exhibit 8-g)
- h) Authorize transfer of Latena Wallace from Dispatcher to Records Clerk at current rate of pay, effective January 4, 2016, with six-month probationary period and authorize to begin the process to fill the vacant position in Dispatch (Exhibit 8-h)
- i) Accept resignation of Patrolman Theodore West, effective November 24, 2015, and authorize to begin the process to fill the vacant position in Patrol (Exhibit 8-i)
- j) Authorize employment of Terry Hines, Patrolman, effective December 2, 2105, \$17.49 hourly, twelve-month probationary period and pending successful completion of all pre-employment requirements, H.R. Committee concurs (Exhibit 8-j)
- k) Accept recommendation to declare unclaimed bicycles as surplus, of no value to the City and donate them to charity (Exhibit 8-k)

Fire Department:

- l) Authorize removal of Firefighter Kenneth Lee from probationary status to full-time status, effective immediately (Exhibit 8-l)

Human Resources/Risk Management:

City Engineer:

Public Works:

- m) Authorize removal of Edward Hale from probationary status to full-time status, effective December 8, 2015 (Exhibit 8-m)

Community Development & Planning:

- n) Authorize the Mayor to execute Contract Amendment #1 in the amount of \$33,000.00 (available within the grant funding) with Seymour Engineering for Resident Project Representative (RPR) for the Harbor Stormwater Improvement and Public Access to OS Harbor project (Exhibit 8-n)

Planning Commission:

- o) Accept Planning Commission's recommendation to approve the Short Term Rental Permit for James and Barbara Bright – 1312 Iberville Drive (Exhibit 6-l)
- p) Accept Planning Commission's recommendation to approve the Short Term Rental Permit for Beth and Jack Riley – 420 Dewey Avenue (Exhibit 6-l)
- q) Accept Planning Commission's recommendation to approve the Short Term Rental Permit for Jon David Johnson – 15 Evelyn Drive (Exhibit 6-l)

Building Department:

Parks & Leisure Services:

- r) Authorize employment of Josette Kelley, Custodian, effective December 5, 2015, \$11.00 hourly, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit 8-r)

City Attorney:

Facilities:

Peer Review Committee:

H.R. Committee:

Finance Committee:

9. DEPARTMENT REPORTS

Mayor:

City Clerk:

Police Department:

Fire Department:

Human Resources/Risk Manager:

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

RECESS UNTIL 6:00 P.M. on December 15, 2015