

## **RECESS MEETING OF DECEMBER 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 December 15, 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.

### **PROCLAMATIONS**

The Mayor read a proclamation declaring December 15, 2015 as **Michael R. "Mickey" Bradley** in the City of Ocean Springs (Exhibit 3-a).

The Mayor read a proclamation declaring December 15, 2015 as **Ocean Springs Middle School Cheerleader Day** in the City of Ocean Springs (Exhibit 3-b).

### **ADDENDUM**

Motion was made by Alderman Gill, seconded by Alderman McDonnell and unanimously carried to add the Addendum to the Agenda. The Mayor also removed (Item 7-a) from the Consent Agenda.

### **OLD BUSINESS - Addendum**

The Mayor announced the City has been awarded a grant from Gulf Regional Planning Commission (GRPC) in the amount of \$108,000.00 for downtown sidewalk and crosswalk improvements by making them more ADA compliant. The City's match of \$27,000.00 would come from the sidewalk line item in the Street Department budget. She said the project will hopefully begin in January, 2016. The Public Works Director, City Engineer and H.R. Director have been assessing the more troubled areas and determining the scope of work to improve sidewalks along Washington Avenue between the railroad and Calhoun Avenue and along Government Street from Washington Avenue until the funding is exhausted. Alderman McDonnell stated if funding is available, he would like to see some work done in the area across from the YMCA and Broome's. He said there is an increase in pedestrian traffic in this area. The Public

Works Director stated they are focusing on the downtown area first because of festivals and parades.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize to accept the grant, allocate \$27,000.00 for the local match and to initiate MDOT LPA project initiation for this project (Exhibit A-1a).

The Mayor presented the letter the City submitted to Mr. Jamie Miller with the MS Department of Marine Resources (DMR) along with letters of support from the Ocean Springs Fire Department and Police Department for the Jackson County Sheriff's Office Search and Rescue Flotilla requesting approval and funding to dredge a section of Fort Bayou inlet that borders the home properties along Cumberland Road between the public boat ramp and the Condominium complex. If this area was dredged, a volunteer with the Sheriff's Search and Rescue Flotilla has offered to store the rescue boat at the boat house located on property he owns on Cumberland Road; therefore, it could be easily launched for emergency calls. The Mayor also presented the letter received from DMR stating they have received our request and asked that we submit an application to their office for review. Alderman Gill also presented photographs of the boat shed as well as the area that has been silted over time caused by the run off from the streets. The City Engineer stated after the scope of work has been determined; they would apply for the permits. Alderman Gill requested the Board to authorize up to \$1,800 to allow the City Engineer to provide a scope of work to determine how much cubic feet needs to be dredged from the canal. The Mayor stated the plan is to keep a rescue boat at the location.

The Finance Committee asked who is paying the permit fees. The Department of Marine Resources (DMR) will need the scope of work and then the Contractor would apply for the permits. The City Engineer stated the dredging permits cost approximately \$1,500.00 and if required, there are two (2) other permits for \$850.00 total. The initial study needs to be done first to determine how much dredging and the value of material to be disposed of. It was discussed that a letter of agreement should be drafted with input from the City Attorney for the property owner to sign agreeing to allow the flotilla to be stored on his property. The City will also ask the Jackson County Sheriff's Office if they will pay for the permitting costs. The tidelands application will be completed requesting funding for this project.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize up to \$2,000.00 for City Engineer to provide scope of work for Fort Bayou dredging project.

## **PUBLIC COMMENTS**

John Godsey, 502 Martin Avenue, stated the City needs to decide whether to dredge

Fort Bayou or not and moving mud and continue to come back and do it from time to time.

A citizen stated her mother lives at the end of Martin Avenue at Terrace Hill and is concerned that a developer plans to build large structures across the beach from her mother's house. After past storms, debris from the apartments was in and around her home and is afraid if anything very massive is built, it will end up in the Back Bay. She feels the City should build something everyone could enjoy and not something that could destroy all the property around it in the event of another storm.

Ms. Audry Yglesias, 411 Martin Avenue, stated her property is surrounded by property they plan to develop. She sent a letter of concern asking the Board take in consideration the problems not only that happened during Hurricane Katrina but what could happen now. Another concern is the fences built inside her property lines. She said she is not against the development but asked that they determine his property line before construction begins.

Mr. Ben Chaney, 604 Cleveland Avenue, addressed the Board concerning the potential development on the corner of Front Beach and Martin Avenue. He asked the Board to consider the questions he has during the process of this development. He believes this project developed at a time when the City did not have zoning laws and how this property became multi-unit apartment complexes. He has concerns of the possibility of these units becoming short term rentals; there is only one way in and one way out; the time frame for the development and how many years will the permit last if they are building the units one at a time; exploration of options for wetlands preservation; and adequate notification to the neighbors in the community before final decisions.

Ms. Dina Payne, 420 Martin Avenue, asked the Board to consider the nature of the neighborhood. She asked the Board to consider what the MS State study says about the wetlands and coastal land usage.

Mr. John Godsey stated he thinks the property is not zoned correctly. He said he is not against Mr. Brumfield developing his property only against what he is developing. He asked the Board to consider tabling this matter until the public has been notified.

## **CONSENT AGENDA AND ADDENDUM**

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

## **DEPARTMENT REPORTS**

**Building Department:**

The Mayor presented the survey of the large oak trees on Lover's Lane. She stated the leaning oak tree across from the Guice property is within six (6) feet of the eastern edge of the City right of way therefore, it is not located on private property. The bollards hidden by the landscaping on the west side of the road is on the Guice property. Per the report of the arborist, Jim Heinzl, he recommends the Board consider removing the tree in the interest of public safety. He discovered the tree has no root system on the east side causing issues with stabilization and was planted within a rubber tire undermining the trunk which has grown over the tree. The oak tree is also infested with ants and other insects and believes it could be hollow. The Building Official and Fire Chief also recommended removal of the tree. Alderman McDonnell stated if the City has been put on notice concerning the public safety issue from the leaning oak tree, we cannot neglect it and must address the issue. There was discussion concerning the other oak tree with the 90 degree limb. The Building Official recommends placing reflectors to enhance public awareness. Also discussed was pruning the lower limbs of the oak tree on Seapointe Boulevard in order to lift the tree canopy.

The Mayor requested a meeting be held in January and notify all of the neighbors in the Lover's Lane area to discuss the findings regarding the leaning tree and trimming the lower limbs of the oak tree on Seapointe. The property owner, Mrs. Guice, stated she would allow the City to put reflectors on the bollards. Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize placing reflectors on Ms. Guice's bollards and on the tree limb with the right angle and schedule meeting with the public tentatively at 5:30 p.m. on January 11, 2016.

**ALDERMEN'S FORUM**

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to accept a load of sand from 4010 LaCroux Court to be delivered to State Street parking lot by Phoenicia Restaurant.

Alderman McDonnell asked to have a light study performed in the Cherokee Glenn area. Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize Mayor to contact MS Power Company to perform a light study at Cherokee Glenn, Wisteria, Fort Cove, Hillcrest and Iola - Davidson Hills subdivision area and make a recommendation to improve lighting in the neighborhood.

Alderman McDonnell asked if there are guidelines for Seaman's Memorial. He said he had been contacted by a family about placing a plaque on the memorial for their father who drowned at sea while shrimping. The Mayor stated the memorial is for merchant marines but there has been discussion about building a memorial at the harbor for

commercial fisherman. Alderman McDonnell asked that this be explained on the City's website.

Alderman Cox asked for a light study in the area between the Dollar General on Government Street and the strip mall to the West. He said this area is very dark and people cannot be seen walking on the sidewalk.

Motion was made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to authorize to obtain quotes to repair and paint the second story windows and the room damaged from the fallen sheetrock at the Mary C. O'Keefe Cultural Center to be funded out of the loan.

Alderman Denyer announced there are two (2) great fundraisers going on downtown. One of the fundraisers is The Lord is My Help through a Belgium bicycle raffle. The raffle tickets are \$5.00 each with a goal to raise \$1,000.00. Another event is "Bikes for Kids" for children in the Ocean Springs school district. If you donate \$100.00, you receive a free steak dinner. The event will be held this Saturday at Kwitsky's.

Alderman Denyer stated the Finance Committee recommends that the street sweeper be considered in next year's budget. They also recommended giving additional funding of \$900.00 each to the Aldermen's capital improvements budget with the exception of Alderman Gill who will not receive any additional funding and \$300.00 to Alderman Impey's account. They also recommended increasing the beautification budget by \$10,000.00 for the City entranceways. Alderman Dalgo stated the Finance Committee recommended accepting the YMCA proposal to allow a free membership to all City employees to be funded by the split funding account and in-kind work.

Motion was made by Alderman Dalgo, seconded by Alderman Denyer and unanimously carried to approve all Finance Committee recommendations and consider purchasing a new street sweeper in next year's fiscal budget, adding \$900 to Aldermen Cox, McDonnell, Cody, Denyer, Dalgo and the Mayor's capital improvement account; adding \$300.00 to Alderman Impey's capital improvement account; increasing the beautification budget by \$10,000.00 for the marquees at Washington Avenue and Highway 90 and to accept the YMCA proposal.

Alderman Impey congratulated the OS Police Department on their re-accreditation. He also congratulated Police Officer Nicole Shavers as Officer of the Year and Deputy Court Clerk, Heather Darby as Civilian Employee of the Year. He also recognized Marina Cottage Soap Company, a small business located in the City of Ocean Springs. He said this business started in a kitchen and now has over 800 distributors in the United States and Canada. Her product has been part of the swag bags given out at the Academy Awards, MTV movie awards, Emmy Awards and Golden Globe Awards. She also received notice that she has once again been invited for the 2016 Academy Awards,

MTV movie awards and Golden Globe Awards. Her product's package states it is "Proudly made in City of Ocean Springs, MS".

The Mayor asked for input from the Board concerning a request from Mr. Charles Burns to vacate the very north end of Handy Street and Robinson. Mr. Burns wants to put up a gate and give key to the City for an easement for emergency access. The City Attorney and City Engineer do not recommend vacating this property. The Mayor asked for direction from the Board. Alderman McDonnell asked for a recommendation in writing stating the reasons why the City should not vacate this property and then discuss the reasons with Mr. Burns.

Alderman Dalgo stated he recommends hiring a full-time Animal Control Officer and asked the H.R. Committee and Finance Committee to review this request. Alderman McDonnell asked if this employee could also do other duties on light days. Alderman Cox asked if this employee could do code enforcement as well as animal control.

The Mayor presented a spreadsheet of all the drainage projects; the current status; what was spent on the project and what is under construction now as well as upcoming projects. She asked the aldermen to review and give input. They will then assess all the suggestions and prioritize each project. Alderman McDonnell asked how to include projects that were not complete due to funding issues, such as Ocean Avenue to Washington Avenue. Alderman Denyer stated you cannot readdress a project but could trade for another project. Alderman McDonnell hopes to have funding for it in the future and see it completed.

## **EXECUTIVE SESSION**

Motion was made by Alderman Cody, seconded by Alderman Gill 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 Gill, seconded by Alderman Dalgo and unanimously carried to remain in executive session to discuss personnel in Police Department.

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

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to authorize the H.R. Committee to create a job description for a full-time Animal Control Officer.

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

Meeting ended at 8:16 p.m.

\_\_\_\_\_  
Shelly Ferguson, City Clerk

\_\_\_\_\_  
Connie Moran, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PROCLAMATION**

- a) Michael R. "Mickey" Bradley Day – December 15, 2015 (Exhibit 3-a)

**4. OLD BUSINESS**

**5. NEW 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:**

- a) Authorize to advertise to fill the vacancy on the Ocean Springs School Board due to a term expiring on February 29, 2016, deadline to submit applications will be February 5, 2016 at 5:00 p.m. (Exhibit 7-a)

**City Clerk:**

- b) Approve Minutes. Regular Meeting December 1, 2015 (Exhibit 7-b)  
c) Approve Minutes: Special Call Meeting December 8, 2015 (Exhibit 7-c)  
d) Approve payment: Docket of Claims and spread Summary upon the Minutes (Exhibit 7-d)  
e) Accept Action Report (Exhibit 7-e)  
f) Accept Revenue and Expenditure Report for November, 2015 (Exhibit 7-f)  
g) Approve Run/Walk Permit Application for the Spread the Love 5K Run/Walk/Wheel on Saturday, February 13, 2016 from 8:00 p.m -- 12:00 Noon using the Front Beach/Bridge route at no cost to the City (Exhibit 7-g)  
h) Approve Special Event Permit Application for the Ocean Springs Elks Mardi Gras parade on Saturday, January 23, 2016; using the pre-approved parade route with line-up beginning at 9:00 a.m. on Front Beach (Exhibit 7-h)  
i) Approve Special Event Permit Application for the Krewe Unique Mardi Gras parade on Saturday, January 23, 2016, using the pre-approved parade route with line-up beginning at 9:00 a.m. on Front Beach; this parade follows the OS Elks Mardi Gras parade, pending proof of liability insurance naming the City as an additional insured (Exhibit 7-i)  
j) Approve Special Event Permit Application for the Ocean Springs Carnival Association Night parade on Friday, February 5, 2016; using the pre-approved parade route with line-up beginning at 5:30 p.m. on Front Beach. pending proof of liability insurance naming the City as an additional insured (Exhibit 7-j)  
k) Ratify per diem for Bob Morgan in the amount of \$82.00 and Frank Nichols in the amount of \$82.00 for assessment for re-accreditation (Exhibit 7-k)  
l) Authorize to remove Donna Jowers, Administrative Clerk, from probationary status and place on full-time status, effective December 15, 2015 (Exhibit 7-l)



**Police Dept.:**

**Fire Dept.:**

- m) Accept Monthly Fire Department Report (Exhibit 7-m)
- n) Accept resignation of Firefighter Jason McEldowney, effective December 18, 2015 and authorize to begin the process to fill the vacant position, H.R. Committee concurs (Exhibit 7-n)
- o) Accept resignation of Firefighter Brian Dawkins, effective December 18, 2015 and authorize to begin the process to fill the vacant position, H.R. Committee concurs (Exhibit 7-o)
- p) Accept resignation of Firefighter Jesse Richard, effective December 18, 2015 and authorize to begin the process to fill the vacant position, H.R. Committee concurs (Exhibit 7-p)

**Human Resources/Risk Management:**

- q) Accept resignation of Civil Service Assistant Niki Kline, effective December 1, 2015 and authorize to begin the process to fill the vacant part-time position at \$10.00 hourly for 10 hours per week (no more than 40 hours monthly to be flexed to accommodate testing and meetings) (Exhibit 7-q)

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- r) Authorize the Mayor to execute the Memorandum of Understanding to allow work on property owned and operated by Jackson County as the Harbor House – CIAP – MS-30706 – Harbor Storm Water Management and Wetlands Restoration (Exhibit 7-r)
- s) Authorize the Mayor to execute Contract Amendment #2 with Seymour Engineering for Engineering Service for Additional Activity within the Project per current contract – CIAP – MS-30706 – Harbor Stormwater Improvement and Public Access to OS Harbor (Exhibit 7-s)

Planning Commission:

- t) Accept Planning Commission's recommendation to approve the Sketch Plat for property located at 265 Front Beach Drive – Lee Brumfield (Exhibit 7-t)
- u) Accept Planning Commission's recommendation to approve the proposed Lot Split at 5211 Eagles Nest Road – Adelle Baggett Register (Exhibit 7-u)
- v) Accept Planning Commission's recommendation to approve the proposed Lot Split/Parcel Reconfiguration and accept Zoning & Adjustment Board's recommendation to approve the variance for lot width for property "A" of 80', 20% less than the 100' requirement for R-1 purposes at 3824 Chaumont Circle - Paul Harris (Exhibit 7-v)

Zoning & Adjustment Board:

- w) Accept Zoning and Adjustment Board's recommendation to approval of the 20% side yard setback variance for a historically platted, non-conforming lot at 520 Dewey Avenue – Davidson Contracting LLC, owner of record Brad and Terri Lemon (Exhibit 7-w)

**Building Department:**

**Parks & Leisure Services:**

- x) Authorize employment of Chris Pelfrey, Parks Maintenance worker, \$12.00 hourly, effective December 16, 2015, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit 7-x)

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**8. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

**Police Dept.:**

**Fire Dept.:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- a) Adopt An Amendment to Ordinance No. 13-1976 Rezoning Property Herein Described from R-1 to C-3 Parcel No. 61032101.000 – (Bienville Boulevard, Bayou End S/D, Lot 1) (Exhibit 8-a)

**Building Department:**

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee**

**Finance Committee:**

**9. ALDERMEN'S FORUM**

- a) Accept load of sand from 4010 LaCroux Court to be delivered to State Street parking lot – Alderman Cody

**10. EXECUTIVE SESSION**

**ADJOURN UNTIL 6:00 P.M. on Tuesday, January 5, 2016**