

## **RECESS MEETING OF MAY 17, 2016**

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 May 17, 2016. 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.

Reverend Barnett gave the invocation and the Mayor led the Pledge of Allegiance.

### **PUBLIC HEARINGS**

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to open the Public Hearing for lot cleanings at the vacant lots at Government Street/Handy Avenue owned by Omar Muhammad, (Exhibit 3-a); the vacant lot at Government Street/Handy Avenue owned by Ola Mae Thomas, (Exhibit 3-b); the vacant lot at Government Street/Handy Avenue owned by Clarke Jones, (Exhibit 3-c) and the vacant lot at Government Street/Handy Avenue owned by Roger Cooley, (Exhibit 3-e).

#### **Proponents for the Lot Cleaning**

The Building Official reported the property issues for the vacant lots at Government Street and Handy Avenue owned by Omar Muhammad; Ola Mae Thomas; Clarke Jones and Roger Cooley have all been resolved and recommends removing them from the lot cleaning process.

#### **Opponents of the Lot Cleaning**

There were no opponents present at the lot cleaning.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to close the Public Hearing for lot cleaning at the vacant lot at Government Street/Handy Avenue owned by Omar Muhammad, (Exhibit 3-a); the vacant lot at Government Street/Handy Avenue owned by Ola Mae Thomas, (Exhibit 3-b); the vacant lot at Government Street/Handy Avenue owned by Clarke Jones, (Exhibit 3-c) and the vacant lot at Government Street/Handy Avenue owned by Roger Cooley, (Exhibit 3-e).

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to accept the recommendation of the Building Official and remove the vacant

lots at Government Street and Handy Avenue owned by Omar Muhammad; Ola Mae Thomas; Clarke Jones and Roger Cooley be removed from the lot cleaning process.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to open the Public Hearing for lot cleaning at the vacant lot at Government Street/Handy Avenue owned by Herman and Ethel Cochran, (Exhibit 3-d).

#### Proponents for the Cleaning

The Building Official reported the property has remnants of an old foundation and pieces of a chimney that need to be removed. Pictures were presented by the Building Official for the record. Prior to this public hearing, notices were posted on the property; notices were sent to the last known address; the address on the ad valorem tax notices, posted on the bulletin board at City Hall and published in the City's publication of record. He recommends allowing the property owner additional time to remove these items from the property.

#### Opponents of the Cleaning

Mr. Malcolm Joiner, owner of the J Spot, an adjacent property, stated the property owners have asked to be allowed to keep these remnants.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to close the Public Hearing for lot cleaning at the vacant lot at Government Street/Handy Avenue owned by Herman and Ethel Cochran (Exhibit 3-d).

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to accept the recommendation of the Building Official and allow the property owners, Herman and Ethel Cochran, until June 7, 2016 to remove the remnants from an old foundation and chimney.

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to open the Public Hearing for lot cleaning at 4013 Yosemite – Bridgett Broussard, (Exhibit 3-f).

#### Proponents for the Cleaning

The Building Official reported the structure has been previously removed but the property is now overgrown with weeds and plant growth. Pictures were presented by the Building Official for the record. Prior to this public hearing, notices were posted on the property; notices were sent to the last known address; the address on the ad valorem tax notices, posted on the bulletin board at City Hall and published in the City's publication of record. His recommendation is to obtain quotes and move forward with the lot cleaning as the weed height and plant growth present a menace to public health

and safety. Alderman Impey stated this property is located in his ward and has been an ongoing issue.

#### Opponents of the Cleaning

There were no opponents for this property.

Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to close the Public Hearing for lot cleaning at the vacant lot at 4013 Yosemite – Bridgett Broussard (Exhibit 3-f).

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to accept the recommendation of the Building Official and proceed with the lot cleaning at 4013 Yosemite – Bridgett Broussard because the property is in such a state of uncleanness so as to be a menace to public health and safety based on the matters presented.

#### **OLD BUSINESS**

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to accept the Easements from Gerrit and Marla Erickson and Roxanne L. Samies to grant the City of Ocean Springs ingress, egress and use of wharf facility for flotilla access to Fort Bayou and proceed with tidelands application (Exhibit 4-a).

Mr. Tim Wold, owner of Off the Hook, addressed the Mayor and Board about the lack of parking in downtown Ocean Springs. He asked for help with solving these problems and to designate the legal parking areas in the City. The Mayor advised a study will be done with input from the business owners in the downtown area to evaluate their parking needs. The Planning Administrator stated a map will be created indicating all of the public parking lots in the City.

Mr. Scott Lemon and Mr. Charles Rivers presented a proposal for the City's building insurance. Mr. Lemon explained the options.

Motion was made by Alderman McDonnell, seconded by Alderman Cox and unanimously carried to accept option #2 for the building insurance with a premium of \$217,150.15 which excludes the armory. The armory insurance expires in February, 2017 and will be discussed at that time.

The Mayor and Board had initial discussions concerning the "to-go cup" law HB 1223. A preliminary map was presented by the Grants/Planning Administrator to assess the right of way areas. There was discussion concerning the size of the cups; need for more trash receptacles; involving the Chamber of Commerce and the boundaries for the new entertainment district.

The City will join forces with the other cities when drafting the new ordinance to make it consistent and uniform along the coast. Mr. Barry Zuber said he is opposed to the ordinance because of the concern with the enforcement capabilities.

## **PUBLIC COMMENTS**

Mr. Alex Godbalt, 2519 Havard Street, stated he is appealing the decision of the Tree Protection Committee to not allow him to remove an oak tree that has caused damage to his patio and awning on the back porch.

Rev. Mike Barnett, 6513 Shoshonee Drive, commended Alderman Gill for having the street lights installed at the entrances to the subdivisions on Ocean Springs Road. He further stated he trusted the Board to make a reasonable policy for our City and trust the Board to continue to look out for the interest of the property owners and continue to protect the public from DUIs and keep our community safe in reference to the "go cup" law.

Ms. Jane Beaugez, Halstead Road, asked the Board to pull (Exhibit 7-p) and not vote on this issue tonight.

## **CONSENT AGENDA**

Motion was made by Alderman Gill, seconded by Alderman Cox and unanimously carried to approve the Consent Agenda with the exception of items (h) and (p) which were pulled by Alderman Cody.

Alderman Cody pulled item (h) at the request of the City Clerk. Motion was made by Alderman Cody and seconded by Alderman Cox to table item (h) until the next meeting to allow the City Clerk time to study the repayment of the loan. Motion carried with Aldermen Cox, Gill, McDonnell, Cody, Dalgo and Impey voting aye and Alderman Denyer voting nay (Exhibit 7-h).

Alderman Cody pulled item (p) for discussion and a status update. The Grants/Planning Administrator reported this permit application had been reviewed and approved by the Planning Commission prior to the meeting where the moratorium was discussed and this permit was in the ten (10) day appeal period. There was no appeal filed or input received concerning this short term residential application. Alderman Cody advised he received a noise complaint but the Planning Administrator stated she never received the complaint and none were documented through the Police Department. There was discussion concerning the objection filed by the interim MS Gulf Coast YMCA Executive Director (regional) expressing concerns of the YMCA Board of Directors with the proximity to the Headstart program and wanting to require massive reporting of clearing renters from the sexual offender list. The new MSGC YMCA Executive Director met with the owner and was satisfied with the vetting process the property owner did;

withdrew that objection and provided a letter of support. Alderman McDonnell asked how the City would be assured that the vetting process takes place on each and every renter. The Planning Administrator stated the property owners do an extensive screening of their tenants far more than the City could require them to do by law and that there is no requirement for a buffer from schools in the current ordinance. She further stated the current ordinance provides that the City can receive the tenant list from the property owner within 10 days of request. This issue will be reviewed to see if and how it can be addressed formally in the current ordinance. The City Attorney stated the solution would be better addressed by the State legislature which delineated how the restriction works and how they report, and that it was better left to the State legislature rather than address it in local ordinance.

Motion was made by Alderman McDonnell and seconded by Alderman Gill to deny the Short Term Residential Permit for 710 Magnolia Avenue. Discussion took place regarding concerns related to the proximity of the property to a leased Head Start program. Motion was carried with Aldermen Cox, Gill, McDonnell and Cody voting aye and Aldermen Denyer, Dalgo and Impey voting nay.

## **DEPARTMENT REPORTS**

### **Mayor:**

Motion was made by Alderman McDonnell, seconded by Alderman Impey and unanimously carried to adopt the Resolution appointing Mississippi Municipal League 2016 Voting Delegates for the City of Ocean Springs as Connie Moran, John Gill as First Alternate and Chic Cody as Second Alternate.

### **Fire Department:**

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to appoint Fire Chief Jeff Ponson and Deputy Fire Chief Nathaniel Wilson as alternate to the EMS Advisory Board.

## **ALDERMEN'S FORUM**

Alderman Dalgo reported the City's Financial Consultant, Demery Grubbs, said the shade structure for Clay Boyd Splash Park could be funded from the 2% tax levy. Alderman Cox said the priority is the parking lot at the Highway 57 Sports Complex. The Board asked the City Clerk to provide an updated report of the actual cash flow in that account. There was discussion to complete the short term projects and look at long term project and the time frame to achieve them.

Motion was made by Alderman Denyer, seconded by Alderman McDonnell and unanimously carried to authorize the Public Works Director to obtain quotes for

reinforced, red brick color, concrete for the replacement of the crosswalks at Washington Avenue and Government Street.

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to authorize the Building Official to make the determination on the oak tree on Havard Road if damaged or potential to do damage, allow the oak tree be removed. Also, the Building Official will make a recommendation concerning tree mitigation.

Alderman Denyer suggested the Building Official have authority to make determinations concerning tree removal when causing visible or potential damage to the structure. The Building Official stated he would provide documentation and a recommendation to the Board when it is a large protected tree in question.

Alderman Cox asked to allow the American Legion to construct a 30' X 60' metal building on the grassy lot behind the Civic Center to hold meetings. The City Attorney will research how the City can donate to a non-profit.

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to allow the Seabees from the Naval Construction Battalion Center in Gulfport to make the repairs to the bridges at the Civic Center walking track.

Motion was made by Alderman Cox, seconded by Alderman Gill and unanimously carried to support the Mary C. O'Keefe Cultural Center with the Miles for Mary C. Fundraiser on Saturday, June 4<sup>th</sup>.

Alderman Cox asked Public Works to cut the kudzu lot.

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to authorize the removal of three (3) oak trees at the harbor on the leased parking area.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to provide public safety for bill fish tournament participants on June 9<sup>th</sup> in downtown Ocean Springs.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to authorize the City Engineer to provide plan for YMCA crosswalk at Government Street and Forest Hill Drive.

The Mayor commended the Building Official on remedying some code enforcement issues in the City.

Alderman McDonnell asked when the neighbors will be notified concerning the new commercial public zoning ordinance. The Grants/Planning Administrator advised it will

be advertised next week for the Planning Commission Public Hearing to be held on June 14<sup>th</sup>. The neighbors will be notified when the re-zoning change is being addressed.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize the Mayor, Public Works Director and City Engineer to meet with Supervisor Troy Ross to determine if the County can mill and repave Catchot Street at a lower grade to prevent future flooding problems.

Alderman Gill stated the sand located at the entrances along the Front beach walkway is washed away from the Yacht Club to Fort Maurepas Park. He asked the Mayor to contact the County about pushing the sand back to the seawall. Alderman Gill stated the area between the Front Beach pathway and old seawall is muddy and does not look nice.

Alderman Gill asked the Police Department to address the cat problem behind the hospital.

## **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 Deputy 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 potential litigation for water department; litigation in Chancery Court; potential litigation with city service provider and potential litigation with city contractor.

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

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize City Attorney to respond to Chancery Court case settlement offer by Plaintiffs.

Motion was made by Alderman McDonnell, seconded by Alderman Cox and unanimously carried to authorize City Engineer to demand Contractor complete work in accordance with the Contract.

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to recess until 6:00 p.m. on June 7, 2016.

Meeting ended at 9:45 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date



**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**May 17, 2016 – 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC HEARINGS**

- a) Lot Cleaning Hearing – Vacant Lot Government St./Handy Avenue – Omar Muhammad (Exhibit 3-a)
- b) Lot Cleaning Hearing – Vacant Lot Government St./Handy Avenue – Ola Mae Thomas (Exhibit 3-b)
- c) Lot Cleaning Hearing – Vacant Lot Government St./Handy Avenue – Clarke Jones, Jr. (Exhibit 3-c)
- d) Lot Cleaning Hearing – Vacant Lot Government St./Handy Avenue – Herman and Ethel Cochran (Exhibit 3-d)
- e) Lot Cleaning Hearing – Vacant Lot Government St./Handy Avenue – Roger Cooley (Exhibit 3-e)
- f) Lot Cleaning Hearing – 4013 Yosemite – Bridgett Broussard (Exhibit 3-f)

**4. OLD BUSINESS**

- a) Accept easements regarding Fort Bayou access to boat shed on Cumberland Avenue to accommodate emergency vessels (final documents forthcoming by meeting)

**5. NEW BUSINESS**

- a) Discussion concerning parking – Tim Wold (Exhibit 5-a)
- b) Discussion concerning building insurance renewal – Scott Lemon & Charles Rivers
- c) Discussion delineating a district in which the “to-go cup” law HB 1223 would apply

**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 request to waive fee for the use of the Ocean Springs Community Center by the Mississippi Department of Education, Office of Child Nutrition, for their annual training for school foodservice program managers on Tuesday, May 31, 2016 and Wednesday, June 1, 2016, with requirement to pay set –up/clean-up fee of \$150.00 and advertise the resources of the City (Exhibit 7-a)

- b) Accept Economic Development Council Meeting Minutes from May 9, 2016 (Exhibit 7-b)

**City Clerk:**

- c) Approve Minutes: Regular Meeting May 3, 2016 (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) Ratify payment to M&D Construction in the amount of \$110,598.92 to correct Pay App #5 (Exhibit 7-f)
- g) Authorize request to close the west end of Robinson Street from Washington Avenue to Church Street to allow the Bay House Fancy Flea Market to relocate to Marshall Park on Saturday, June 4, 2016 due to Red, White and Blueberry Festival being held at the Chamber parking lot (Exhibit 7-g)
- h) Authorize request to apply for a water and sewer loan in the amount of \$1,100,000.00 (Exhibit 7-h)
- i) Approve Run/Walk Permit Application for the Miles for Mary C. – 5K Fun Run/Walk and Bike Ride on Saturday, June 4, 2016 from 8:00 a.m. – 2:00 p.m. using the approved Rotary route (Exhibit 7-i)

**Police Dept.:**

- j) Authorize Mayor to execute the Revised Interlocal Agreement for the Creation of a Multi-Agency Narcotics and Interdiction Enforcement Team for the Enforcement of the Uniform Controlled Substances Laws and to Combat Smuggling Activities in the Cities of Gautier, Moss Point, Ocean Springs, Pascagoula and in the County of Jackson, Mississippi; and for related purposes (Exhibit 7-j)

**Fire Dept.:**

- k) Accept Monthly Department Report (Exhibit 7-k)
- l) Accept resignation of Probationary Firefighter Ryan Smith, effective May 14, 2016, and authorize employment of Firefighter Matthew Fowler, effective May 19, 2016, \$10.42 hourly, one-year probationary period and pending successful completion of all pre-employment requirements, H.R. Committee concurs (Exhibit 7-l)

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- m) Authorize the Mayor to execute Amendment #5 for All South Engineers, LLC for preliminary engineering services related to the Government Street Improvements Project/MDOT STP funded, pending legal approval (Exhibit 7-m)
- n) Authorize removal of two (2) live oak trees located over pipes at Government Street and Pine Drive to allow continuation of emergency repair project (Exhibit 7-n)
- o) Authorize to advertise the kayak launch/floating dock, pending a receipt of an approved Tidelands lease - CIAP-MS-30706 - Harbor Storm Water Management and Wetlands Restoration (Exhibit 7-o)

**Planning Commission:**

- p) Accept Planning Commission's recommendation to approve the Short Term Rental Permit for Barbara and Reed Webb – 710 Magnolia Avenue (Exhibit 7-p)

**Zoning and Adjustment Board:**

- q) Accept the Zoning and Adjustment Board's recommendation for a 1.5 foot encroachment into the front yard for entry steps at 520 Dewey Ave. (Exhibit 7-q)

**Building Department:**

- r) Accept Tree Protection Committee Site Visit Report and accept minutes of April 26, 2016 (Exhibit 7-r)
- s) Accept Tree Protection Committee Site Visit Report and accept minutes of May 10, 2016 (Exhibit 7-s)
- t) Accept Code Enforcement Report through May 13, 2016 (Exhibit 7-t)

**Parks & Leisure Services:**

**City Attorney:**

- u) Authorize the Mayor to execute the Answer of the City of Ocean Springs, Mississippi, relating to Gary Sullivan vs. G.J. Wells, et.al. (Exhibit 7-u)

**Facilities:**

**Peer Review Committee:**

**Finance Committee:**

**H.R. Committee:**

**8. DEPARTMENT REPORTS**

**Mayor:**

- a) Adopt Resolution Appointing Mississippi Municipal League 2016 Voting Delegates for the City of Ocean Springs and appoint First and Second Alternates (Exhibit 8-a)

**City Clerk:**

**Police Dept.:**

**Fire Dept.:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**Finance Committee:**

**H.R. Committee:**

**9. ALDERMEN'S FORUM**

**10. EXECUTIVE SESSION**

**ADJOURN UNTIL 6:00 P.M., JUNE 7, 2016**