

RECESS MEETING OF OCTOBER 18, 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 October 18, 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 Kevin Melchi.

The Mayor called the meeting to order.

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

PROCLAMATION

The Mayor read a proclamation declaring the week of October 22, 2016 as **Mississippi Coastal Cleanup Day** in the City of Ocean Springs. (Exhibit 3-a)

OLD BUSINESS

Jonathan Keiser, representative from Neel-Schaffer, presented information on the multi-use trail. Mr. Keiser stated there are (2) two upcoming public meetings about this project, one on November 2, 2016 at the Gautier Community Center and one on November 3, 2016 at the Ocean Springs Civic Center. The project is a multi-use trail proposal within Highway 90. MDOT has plans to widen Highway 90 to a 6 lane facility between Ocean Springs and Gautier. The County has requested Neel-Schaffer to come up with a plan that MDOT could incorporate a multi-use trail within that right-of-way as they are doing construction on widening the roadway. MDOT plans are for the Fiscal year 2020-2021 project even though they do not currently have funding for the project. It is in the design stage. The County wants to get the consideration for a multi-use trail within their design as MDOT moves forward and potentially get funding for the project. The trail would be a 10' multi-use path within the existing right-of-way. It will extend approximately 8 ½ miles from Gautier City Hall west to Bechtel Blvd. in Ocean Springs. The western 3 miles of the project between Hanshaw Road and Bechtel Blvd. will include a trail on both sides of the roadway in areas where there is existing frontage road. There will be future connections to the multi-use path.

Alderman Gill mentioned bringing the multi-use path all the way down to Washington Avenue even if the pathway is only placed on one side of the road to make that happen.

Alderman Denyer discussed possibly putting in a walkway between Government Street in Ocean Springs and the railroad tracks. Alderman Denyer asked if there is any way to

connect this area because it would be very valuable to our city. The pathway could extend from downtown Ocean Springs all the way down to the intersection of Highway 90 and Ocean Springs Road.

Brian Fulton, County Supervisor, stated the County is also initiating a county wide bike and pedestrian study. As the project moves forward the cities will be given an opportunity to identify other routes you may want to bike and pedestrian type routes within the city of Ocean Springs. No funding is attached to the project but it can lay the foundation for the concepts might look like where future dollars may be able to be invested in bicycle and pedestrian facilities.

NEW BUSINESS

Motion was made by Alderman Dalgo, seconded by Alderman Cox and unanimously carried to issue a check in the amount of \$250.00 from miscellaneous promotions to help support the 2017 Gulf Coast Legislative Reception as budgeted.

Scott and Trinity Walker pulled their request to discuss the pending use permit for a bed and breakfast from this agenda. (Exhibit 5-a)

Ronald Vincent, 1412 Government Street, is concerned about the zoning and occupancy permit issues regarding Crossfit Gym (Project X) located at 1316 Government Street. Mr. Vincent asked the Planning Director to update the Board on the issues.

The Planning Administrator explained to the Board about the zoning issues and how the permit was initially issued. The Planning Administrator stated that after researching the issue she found that a Gymnasium is listed in the Zoning Code as indoor recreation only and is not eligible in the zoning of that property. The business that was there previously went through a Special Use Public Hearing for a tile shop. The current business should have gone through the same process. Crossfit has been in operation at this location for (5) five years. The Planning Director states there are options on how the City can handle this and she would like to discuss them with the Board for their input at a later time. She also stated Mr. Vincent is still having problems with the noise primarily when they are exercising outside and when the doors are open the amplified music and the weights are an issue. The property is currently zoned C1.

Alderman Dalgo asked Mr. Vincent if he had ever made a complaint about the noise which he stated he had done that early on but feels our police officers have better things to do than to run to that location and ask them to turn down the music on a daily basis. He also brought the issue to the court.

The Mayor stated the City will look into the options available. Mr. Vincent asked the Mayor and Board to keep him advised. (Exhibit 5-b)

PUBLIC COMMENTS

None.

CONSENT AGENDA

Motion was made by Alderman Impey, seconded by Alderman Dalgo and unanimously carried to approve the Consent Agenda with the exception of Item (7-a) to be discussed in Executive Session and (7-m).

Alderman Impey pulled Exhibit (7-m) to make a correction to the probationary period. The agenda reads one year probationary status but it should be a six month probationary period for an employee who is transferring from one department to another.

Motion made by Alderman Impey, seconded by Alderman Dalgo and unanimously carried to approve the transfer as is with the exception of a six month probationary status instead of one year. (Exhibit 7-a)

DEPARTMENT REPORTS

Mayor:

The Mayor asked the Parks and Leisure's Director for an update on the installation of the xylophone at Little Children's Park. The Parks Director stated they are ready to install. The hardware for installing the xylophone has been ordered and the location for the equipment has been decided.

Planning:

The Planning and Community Development Director stated the City is ready to move forward with the advertising for the Interior Lighting Retrofit Project. She is asking for consideration to contract with Compton Engineering for the construction administration and advertisement. The cost is to be covered under the funds from the loan proceeds.

Motion made by Alderman Gill, seconded by Alderman Cody and unanimously carried to contract with Compton Engineering to proceed with the energy efficiency Interior Lighting Retrofit Project.

ALDERMEN'S FORUM

Alderman Impey thanked Public Works Director and his crews for the work they are doing in Parktown Subdivision with moving dirt and debris from the east Walmart and Vicksburg ditches. The Mayor asked Alderman Impey for copies of the pictures that were taken to distribute to the Aldermen.

Alderman Dalgo recognized Mr. Dempsey Levi and asked if he had any concerns to discuss. Mr. Dempsey asked about Item (5-a) regarding the pending use permit for a bed and breakfast. Mr. Levi asked that this request be denied. Alderman Dalgo notified Mr. Levi that the Planning Commission had tabled this issue at their last meeting. The Planning and Community Development Director stated this is in litigation and unable to discuss this legal matter in this public forum.

Ms. Leilani Tynes stated if you pull up this property on VRBO, Air B&B, or Homeaway.com both the residence and the guest house are advertised for rental. All 5 bedrooms of the house and all 3 rooms in the guest house show being rented through the end of the year.

Doug Roll talked about the overflow parking issues from the Walker's property over the weekend of the Cruisin' the Coast event. He also stated their privacy is being violated by drones flying over the neighbor's homes and property. Mr. Roll is requesting the city take action to protect the citizens in various areas throughout the city.

The Planning Director stated a citation has been issued and steps are being taken to address the issue. Mr. Levi stated the city needs to file an injunction in the court so the city can put a stop to this.

Alderman Dalgo asked for an update on the meeting held earlier in the day with Demery Grubbs to discuss refinancing the loan for lower interest rates. The Mayor stated it went very well. The Mayor said Mr. Grubbs is willing to come before the Board on Thursday, October 27, 2016, at 6:00 p.m. to discuss the loan options with the Board and answer any questions they may have.

Alderman Denyer informed the Board that he had heard several comments from the public during Cruisin' the Coast about how nice our police officers and firemen were during the event. Alderman Denyer thanked Alderman Cody for all of his hard work and commented on the wonderful job he did.

Alderman Denyer acknowledged Alderman Cox for all of his hard work at the Armory and mentioned how phenomenal it looks. He stated it looks like a brand new gymnasium.

Motion made by Alderman Cox, seconded by Alderman Dalgo and unanimously carried to pay an invoice to Hinton's Paint in the amount of \$1496.00 out of his alderman's account for additional paint supplies needed for the Armory.

Motion made by Alderman Cox, seconded by Alderman Denyer to accept the IT Committee Ordinance. The motion carried with a roll call vote as follows:

Alderman Gill	<u>Voted Aye</u>
Alderman McDonnell	<u>Voted Aye</u>
Alderman Cody	<u>Voted Aye</u>
Alderman Cox	<u>Voted Aye</u>
Alderman Denyer	<u>Voted Aye</u>
Alderman Dalgo	<u>Voted Aye</u>
Alderman Impey	<u>Voted Aye</u>

The ordinance will need to be published and wait 30 days before the city begins accepting applications for the IT Committee.

Motion made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to spend up to \$3000.00 for a floor machine for the Armory from his alderman's account.

The Mayor has been asking the citizens what they are interested in seeing placed at the Swingster's site. The Mayor stated there is a lot of interest in placing a skate park or bike park at the site. There is a portable piece of skate equipment that is inexpensive to purchase. The Mayor said she may be able to get a grant from the MS Department of Wildlife, Fisheries, and Parks. The aldermen stated concerns about liability issues for the city. The Mayor will get more information and bring it back to the Board.

The Mayor is asking permission from the Board to place colored LED flood lights in the trees for uplighting on Washington Avenue. She wants to try it on the trees from Desoto Street to Bowman Avenue. The Board has requested the Mayor get pricing and email that information to them.

The Mayor gave an update on CSX work to be done on Washington Avenue. CSX has told the Mayor they should only be on Washington Avenue for (2) two days. The Mayor requested they postpone the work to January 2017 or wait until after Christmas to do the work. CSX told her the work has to be completed in 2016.

Alderman Cody requests to get with Public Works to put the reflective buttons in the street on Halstead Road and Forrest Hills by the side door at the YMCA.

Alderman Cody thanked all of the departments, the Aldermen, the Cruisin' sponsors, and the Jackson County Board of Supervisors for their help and hard work with Cruisin' the Coast.

Motion made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to have the Mayor contact CSX and express the Board's displeasure with the

scheduled time for the repairs on Washington Avenue and ask them to reschedule due to the economic impact it will have on the businesses downtown.

Alderman Cody asked the Mayor to mail a thank you letter on behalf of the Mayor and Board of Aldermen to the property owners for the use of the Rosetti Park property which was used for the Friday night sock hop.

The Mayor introduced the new purchasing agent, Ryheen Brown.

Motion made by Alderman Cox, seconded by Alderman Impey and unanimously carried to go into closed session to discuss remaining in Executive Session.

The City Clerk returned to the meeting and announced a motion was made by Alderman Dalgo, seconded by Alderman Cox and unanimously carried to remain in Executive Session to discuss personnel in Building Department, personnel in the Mayor's office, and current litigation regarding JCUA and Harris/Gunn East Beach.

Motion made by Alderman Dalgo, seconded by Alderman Impey and unanimously carried to come out of Executive Session.

Motion made by Alderman Dalgo, seconded by Alderman Impey to hire Amanda Edwards as presented and budgeted. (Exhibit 7-a) The motion failed with a roll call vote as follows:

Alderman Gill	<u>Voted Nay</u>
Alderman McDonnell	<u>Voted Nay</u>
Alderman Cody	<u>Voted Nay</u>
Alderman Cox	<u>Voted Nay</u>
Alderman Denyer	<u>Voted Nay</u>
Alderman Dalgo	<u>Voted Aye</u>
Alderman Impey	<u>Voted Aye</u>

Motion made by Alderman Impey, seconded by Alderman Dalgo and unanimously carried to adjourn to 6:00 p.m. on November 1, 2016.

The meeting ended at 8:08 p.m.

City Clerk

Mayor

Date

Date

**AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
October 18, 2016 - 6:00 p.m.**

1. CALL TO ORDER

2. ROLL CALL

3. PROCLAMATION

- a) Mississippi Coastal Cleanup Day – October 22, 2016 (Exhibit 3-a)

4. OLD BUSINESS

- a) Presentation on a conceptual plan for a Multiuse Bike Path – Neel-Schaffer

5. NEW BUSINESS

- a) Discussion concerning the pending use permit for a bed & breakfast - Scott and Trinity Walker (Exhibit 5-a)
- b) Discussion on zoning issues concerning Project X and Crossfit Gym located at 1316 Government Street – Ronald Vincent (Exhibit 5-b)

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 hire Amanda Edwards, Executive Assistant to the Mayor and Board of Aldermen and Public Information Officer, \$15.86 hourly, effective October 19, 2016, pending successful completion of all pre-employment requirements. (Exhibit 7-a)

City Clerk:

- b) Approve Minutes: Regular Meeting September 6, 2016 (Exhibit 7-b)
- c) Approve Minutes: Recess Meeting September 8, 2016 (Exhibit 7-c)
- d) Approve Minutes: Recess Meeting September 15, 2016 (Exhibit 7-d)
- e) Approve Minutes: Special Call Meeting September 19, 2016 (Exhibit 7-e)
- f) Approve Minutes: Recess Meeting September 20, 2016 (Exhibit 7-f)
- g) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 7-g)
- h) Accept Action Report (Exhibit 7-h)

Police Department:

Fire Department:

- i) Accept Monthly Department Report (Exhibit 7-i)

Human Resources/Risk:

City Engineer:

Public Works:

- j) Authorize to remove Edward “Mike” Hale from probationary status to full time status effective November 3, 2016 (Exhibit 7-j)
- k) Approve Pay Application No. 3 and final in the amount of \$33,069.13 to Insituform Technologies, LLC for the Cured-in-Place Pipe Lining (Exhibit 7-k)

- l) Authorize the Mayor to execute Amendment #1 of the Notice of Grant and Agreement Award for the Simon Blvd. Drainage Project to extend the completion date from November 5, 2016 to January 4, 2017 (Exhibit 7-l)
- m) Authorize the transfer of, Jason Calcote, Parks Maintenance, to Public Works Street Department Laborer C, at his current rate of pay, one-year probationary status. This request will not be effective until Parks and Leisure Services hire a replacement in the Parks Maintenance Department. (Exhibit 7-m)

Community Development & Planning:

Planning Commission:

- n) Accept Planning Commission's recommendation to approve the Lot Split located at 404 & 406 Cleveland, PID# 60225250.010, into (3) three parcels – Karen Koch Lott (Exhibit 7-n)
- o) Approve the application for Sketch Plat Approval of the Inlet located at 2501 Bienville Blvd., PID#s 60120400.000, 60120400.050, and 60120400.100, as recommended by the Planning Commission – Walker Thrash (Exhibit 7-o)
- p) Accept Planning Commission's recommendation to approve an Application for a Residential Short-Term Rental permit at 1008 Joseph Street, PID# 60137530.000 – John Almon (Exhibit 7-p)

Zoning and Adjustment Board:

- q) Accept the Zoning and Adjustment Board's recommendation to approve a 20% Front Yard and Side Yard Setback Variance on the west side of Minor Lane at its southern end, PID# 60137682.000 – Owner of Record: Anna F. Tisdale – Applicant: Henry "Hank" B. Zuber (Exhibit 7-q)
- r) Accept the Planning Commission's recommendation to approve a Front Yard Variance to allow a front porch that will be located 20 feet from the front property line abutting Porter Ave. and Rear Yard Setback Variances to allow a proposed carport to be located 4 feet from the rear (north) property line located at 1201 Porter Ave., PID# 61190019.000 – Daniel K. and Susan O. Dubaz – (Exhibit 7-r)

Historic Preservation Commission

- s) Accept Historic Preservation Commission's recommendation to issue a COA to construct a new dwelling at 508 Martin Avenue (Exhibit 7-s)
- t) Accept Historic Preservation Commission's recommendation to issue a COA modification to add an exterior addition for a master suite on the northeast corner of the building located at 312 Washington Avenue (Exhibit 7-t)

Building Department:

- u) Accept Tree Protection Committee Meeting Minutes October 4, 2016 (Exhibit 7-u)
- v) Authorize to remove a dead Pecan Tree at Little Children's Park (Exhibit 7-v)

Parks & Leisure Services:

- w) Authorize to begin the process to fill the vacant Parks Maintenance Position effective immediately at a pay range of \$12.00 - \$13.50 per hour (Exhibit 7-w)
- x) Authorize to approve the Facility Use Agreement with the Ocean Springs Girls Lacrosse Organization to utilize the Gayelemon Football Field beginning January 2017 through May 31, 2017 (Exhibit 7-x)
- y) Authorize to approve the Facility Use Agreement with the Ocean Springs Boys Lacrosse Organization to utilize the Gayelemon Football Field beginning January 2017 through April 30, 2017 (Exhibit 7-y)

City Attorney:

Peer Review Committee:

Finance Committee:

H.R. Committee:

8. DEPARTMENT REPORTS

Mayor:

City Clerk:
Police Department:
Fire Department:
Human Resources/Risk Management:
City Engineer:
Public Works:
Community Development & Planning:
Building Department:
Parks & Leisure Services:
City Attorney:
Peer Review Committee:
H. R. Committee:
Finance Committee:

9. ALDERMEN'S FORUM

10. EXECUTIVE SESSION

- a) Personnel in the Building Department

ADJOURN UNTIL 6:00 P.M. on November 1, 2016