

## **RECESS MEETING OF JANUARY 17, 2017**

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 January 17, 2017. *Mayor Pro Tem* Impey presiding, Aldermen Gill, McDonnell, Cody, Dalgo and Cox were present. Also present was City Clerk Shelly Ferguson and City Attorney Kevin Melchi. The Mayor and Alderman Denyer were absent at roll call but arrived later in the meeting.

The *Mayor Pro Tem* called the meeting to order.

Alderman Chic Cody gave the invocation and the *Mayor Pro Tem* led the Pledge of Allegiance.

### **NEW BUSINESS**

Cena Holifield, Ph.D. CALT, QI, Executive Director and Founder of the 3-D School of Dyslexia, presented information on the history of the 3-D School of Dyslexia and the programs it offers. The state of Mississippi is leading in dyslexia education. Dr. Holifield stated that 1 in 5 children have dyslexia. The Mississippi dyslexia law mandates screening in kindergarten and first grade. There is a need to expand this program to the Tradition Campus of William Carey. The 3-D School was established in 2008 and is currently serving 128 students from second to fifth grade. The school is state accredited and receives state funding through MAEP and ESA funding. Dr. Holifield is proposing to establish a 3-D School program and evaluation center to serve the Gulf Coast students with dyslexia. The 3-D School would like to lease up to six classrooms next to the gym in the Taconi Building for their temporary location. This would allow them to serve 60 children in the next three years. Dr. Holifield said this is a time sensitive issue and would need an answer by the end of January 2017 in order to have all of the contracts in place and children tested before school starts in August.

Vicki Rosetti Applewhite, Economic Development Council, recommends making an application to place a Blues Trail Marker at the corner of Washington Avenue and Government Street. The cost of the marker is a one-time investment of \$9,100.00. The application and grant documents would need to be completed by January 25, 2017, in order to get on the Blues Commission agenda for the February 1, 2017 meeting.

Alderman Cody, seconded by Alderman Gill and unanimously carried to have the Grant Administrator apply for the MS Blues Marker and have the City Clerk allocate funding options for this project.

## **PUBLIC COMMENT**

Ms. Lana Hawkins, 5504 Peacock Street, stressed her concerns with the Colonial Estates water system. Ms. Hawkins stated she has worked with Randy Bosarge and John McKay in the past regarding water issues. They have been reprimanded for their water well. The city holds the certificate to this property and will supply the water. Mr. James Foster said they are ready to move forward with the project as soon as the funding is available. The aldermen stated they will maintain the certificate and have Jackson County fund the project. The project will cost \$50,000.00.

### **Alderman Denyer arrived at the meeting at 6:34 p.m.**

Jim Reeves, 1220 Sunset Drive, represents a number of East Beach residents. The residents are asking the board to table the new Bed & Breakfast Ordinance. He is concerned about the language in the ordinance. The residents are concerned with the due process and feel it is a violation because they were not given adequate notice and opportunity to give input. The final version of the ordinance up for consideration references an enhanced life safety occupant egress which is a punch list as he understands it. Mr. Reeves asked why the statement that reads, "Any bed and breakfast all applicable building codes, fire and health codes would apply as if the facility were located in a commercial zone and designated a commercial venture" was removed from the original that was considered by the planning commission. He suggests slowing the process down until ordinances from other cities that run bed and breakfasts can be referenced and to obtain a wide variety of input from many sources since it concerns the entire city and not just East Beach.

Eric Nichols, 418 Ruskin Avenue, stated as a resident of the historic Ruskin Oak Subdivision he feels the city is lowering the standards in order to allow Bed & Breakfasts in the R-1 neighborhoods. Mr. Nichols is concerned about some of the language as well. It reads that this ordinance can be prevented by an active HOA that has a covenant on the books that prevents 30 day rentals. That does not help him because he lives in a historical neighborhood, historical subdivision that was built prior to the time HOA's became prevalent. The other issue with the amendment to the ordinance as presented are the recitals seems to reduce all changes made in 1994 to the main issue of egress. He would like to have a chance to review the minutes of the intent that leads up the 1994 amendment that allowed the Bed & Breakfasts so he knows the entire intent.

Joe Cloyd, 433 East Beach Drive, thanked the board for the opportunity to give his comments about the Bed & Breakfast Ordinance that impacts his neighborhood and other R-1 neighborhoods. Mr. Cloyd asked why the passage of this amended ordinance is so urgent when there has only been one application for Bed & Breakfast submitted in the last 2 years. The residents are requesting additional time to understand the ordinance and offer some suggestions and improvements to the ordinance to allow the neighborhoods to maintain its current uses that are allowed now which are limited and should be in an R-1. He asked why this ordinance is being amended in a piece mill fashion when the city has budgeted tens of thousands of dollars to develop the Unified Development Code that could and should address this and other issues in town. He feels

the ordinance discriminates against older subdivisions that are not able to organize HOA's in the same fashion as newer subdivisions.

**The mayor arrived and assumed control of the meeting at 6:44 p.m.**

Mr. Joe Cloyd continued by stating codifying a voice for some people and limiting the voice of others sounds like discrimination to him. Mr. Cloyd has other issues that he will submit in writing at a later time. On behalf of himself and his wife they are asking the board to table this ordinance.

Mr. Dempsi Levi, 410 East Beach, stated he wanted to go on record stating he supports the comments made by the other gentleman who lives on East Beach.

Alderman Impey requested to add two items to the Consent Agenda. The Parks Director asked to accept the resignation of Stephen Grayson in her department and the Chief of Police requested authorization to hire Chantha "Nick" Lee, certified patrolman, \$14.50 hourly rate, one-year probationary period pending successful completion of all pre-employment requirements as approved by the HR committee.

Motion made by Alderman Impey, seconded by Alderman Cody and unanimously carried to accept two items as an addendum to the Consent Agenda.

**CONSENT AGENDA and ADDENDUM**

Motion was made by Alderman Impey, seconded by Alderman Cody and unanimously carried to approve the Consent Agenda as presented including the Addendum.

**DEPARTMENT REPORTS**

**Community Development & Planning:**

A roll call vote was called for to amend the Ordinance Amending the Comprehensive Zoning Ordinance of the City of Ocean Springs, Mississippi being Ordinance No. 13-1976, as amended, by Amending the Landscaping Requirements Section of the Subdivision Regulations and Creating a Landscaping Section of the Zoning Ordinance. Motion passed. (Exhibit 7-a)

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

Motion made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to table the Ordinance Amending the Comprehensive Zoning Ordinance of the City of Ocean Springs, Mississippi, Being Ordinance No. 13-1976, as amended, By

Revising Provisions for a Bed & Breakfast Enterprise in R-1 Zone for 60 days. (Exhibit 7-b)

Alderman Denyer is requesting the city attorney to research what constitutes a neighborhood and whether or not they can create an HOA.

Mr. Ricky Authement asked if the application that is on the table going to continue to be held. Aldermen Denyer stated this application is not on the agenda and does not feel it can be voted on without the applicants and their attorney present.

## **Building Department**

The Building Official gave an update on the arborist reports regarding the trees on Washington Avenue. The Building Official talked about the tree on Washington Avenue in front of Lovelace Drugs. He is concerned about the hazards mentioned in Fulgham's Inc. report of the assessment on this tree.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize the Building Official to come back to the board with his recommendation including the cost to mitigate the tree in front of Lovelace Drugs on Washington Avenue in two weeks. Alderman McDonnell amended his motion to include temporarily moving the benches, Alderman Gill amended his second. (Exhibit 7-c).

Melanie Allen stated the tree committee is alarmed about the risk factor mentioned in the report. They are concerned about the safety issues associated with it. It is recommended to move the benches, limit traffic use and limit the crosswalk use.

The Building Official gave an update on the current condition and condemned status on the house located at 1112 Turner Street. The homeowner has been given 10 days to fix and clean the property. If the issue is not corrected in 10 days the house will be boarded up. (Exhibit 7-d).

Alderman McDonnell asked if a house is boarded up how long is it able to remain boarded up without any repairs made to bring it back to code. The Building Official stated there is a one year minimum as long as corrective action is being made to repair and there is not a time line for a maximum length of time if no action is being taken.

## **ALDERMEN'S FORUM**

Alderman Gill asked to meet with the Building Official and James Foster about the retirement home drainage issue before going into executive session.

Alderman Gill asked Mr. James Foster if the engineering plans for the Fort Bayou canal dredging are done. Mr. Foster stated they are 95% complete and that he will get a printed copy for him.

Alderman McDonnell stated he is receiving complaints about the house on the corner of Jackson Avenue and Calhoun Street that has been boarded up for years. He is asked for the Building and Planning Department to come back with a way to cure the ailments for property owners who live next to this eye sore.

Alderman McDonnell asked the board to revisit the sign ordinance. He said there are several businesses that are on the verge of closing. He is asking if there is any way to relax this ordinance and allow additional footage and/or height requirements for signs including A-Frames. The Planning Director said they are compiling a list of recommendations and asked the board to forward any recommendations they may have to her as well.

Alderman McDonnell thanked James Foster for getting the list of repairs needed on some of their equipment. He is in favor of buying a new street sweeper from the funds the city was able to generate from refinancing the bonds on the 2% tax. Alderman McDonnell is concerned about the age of the existing fleet and stressed that this is something the board needs to take into consideration. He stated the city needs to repair what needs to be repaired and replace the equipment that is beyond repair. Mr. Foster said he is working on a spreadsheet that lists the repairs made to the equipment, the cost to repair, and how long the equipment was out of commission on each piece of equipment. Alderman McDonnell asked the City Clerk if the purchase orders reference the piece of equipment that repairs are being requested and asked if she would send someone from her staff to Public Works to help compile this list.

The mayor asked the Assistant Public Works Administrator to bring the information on leasing a street sweeper back to the board for review.

Alderman Cody stated the ditch behind 218 Barbara Court needs to be cleaned.

Alderman Cody stated the ditch between Bills Avenue and Clark has a refrigerator in it that needs to be removed.

Mayor Moran has been talking with Living Well Ministry and other churches and agencies that assist the homeless. She is trying to help facilitate meetings with the ministries and other churches. She has been in touch with the county about the Highway 57 emergency storm shelter and decide if this is something we want to pursue or not. It would be a county facility for cold weather that serves the Ocean Springs and Gautier area. She would coordinate with CTA to bring people to the shelter. The ministry has all the volunteers and the Red Cross brings in all the cots and blankets.

Alderman Cox asked the City Clerk where we stand on the IT Committee. The City Clerk stated the Mayor is ready to advertise to begin accepting applications.

Alderman Cox asked the Planning Director for an update on the downtown parking study. He said Government Street is terrible. The area from Holcomb to Halstead needs to be added to the list as soon as possible.

Alderman Dalgo asked about the applications for the school board interviews and when they would take place and clarified when the term ends.

Alderman Dalgo asked about the job description for Compton Engineering and James Foster serving as the Interim Public Works Director. Alderman Dalgo asked how long is this interim position for and when will the discussion to replace the position begin to take place.

Alderman Impey thanked James Foster and the Assistant Administrator of Public Works for all of their help over the last couple of months.

Alderman Impey publically thanked some of the Gulf Coast delegation for their time at the Gulf Coast Legislative Session.

Motion made by Alderman Impey, seconded by Alderman Cody and unanimously carried to go into closed session to determine the necessity of entering into executive session. Alderman Gill and McDonnell did not vote.

**Alderman Gill left the meeting at 6:55 p.m.**

**Alderman McDonnell left the meeting at 6:58 p.m.**

Motion made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to remain in executive session to discuss contract regarding Public Works and Economic Development.

**Alderman Dalgo left the meeting at 8:45 p.m.**

Motion made by Alderman Cody, seconded by Alderman Impey and unanimously carried to come out of executive session and enter into regular session.

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

The meeting ended at 8:55 p.m.

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Shelly Ferguson, City Clerk

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**AGENDA  
MAYOR AND BOARD OF ALDERMEN  
CITY OF OCEAN SPRINGS  
RECESS MEETING  
January 17, 2017 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. OLD BUSINESS**

**4. NEW BUSINESS**

- a) Dynamic Dyslexia Design proposal to lease city owned building – Cena Holifield, Ph.D, CALT, QI (Exhibit 4-a)

**5. 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.

**6. CONSENT AGENDA\***

*\* Consent Agenda – All matters listed under Item 6, 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 January 3, 2017 (Exhibit 6-a)
- b) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-b)
- c) Accept Action Report (Exhibit 6-c)
- d) Approve the Run/Walk Permit Application for the Osprey Open Water Swim and 10K Run sponsored by the YMCA to be held on Saturday, May 13, 2017 from 6:00 am – 12:00 pm., beginning and ending at Fort Maurepas Park (Exhibit 6-d)
- e) Approve the Run/Walk Permit Application for the Gulf Coast Running Club 10K run with the YMCA Charity Event to be held on Saturday, January 21, 2017 from 9:00 a.m. to 11:00 a.m.; the route is to begin at the YMCA south on Pine Drive, east on East Beach Blvd., into Gulf Islands National Seashore Park and back to the YMCA; pending cost incurred by the city from departments. (Exhibit 6-e)
- f) Authorize to remove Janice Hilton, Deputy City Clerk, from probationary status to full-time status effective February 3, 2017. (Exhibit 6-f)
- g) Ratify check to K & K Insurance Group, Inc. in the amount of \$1552.00 for blanket recreational activity accident insurance coverage. (Exhibit 6-g)
- h) Authorize to adjust water/sewer billing account #7924 due to a busted irrigation line during a heavy rain event. (Exhibit 6-h)

**Police Department:**

- i) Authorize out-of-state travel for Animal Control Officer Adam Wilson to attend the National Animal Care and Control Certification Class (part 2 of 3) in Sanford, Florida on February 20 – 24, 2017, as budgeted. (Exhibit 6-i)

**Fire Department:**

- j) Accept Monthly Fire Department Report for November 9, 2016 – January 10, 2017 (Exhibit 6-j)
- k) Authorize to co-sponsor a Hurricane Preparedness Health and Safety Seminar with the Girl Scouts and request to waive the rental fee for the use of the Ocean Springs Civic Center on March 18, 2017. (Exhibit 6-k)

**Risk Manager/HR:**

- l) Authorize travel for H.R. Director, Mindy McDowell and Building Official, Hilliard Fountain to attend the National ADA Symposium to be held in Chicago, Illinois on May 14-17, 2017, in accordance with the ADA requirements. (Exhibit 6-l)

**City Engineer:**

**Public Works Department:**

- m) Authorize removal of Chester Taylor, Thomas Wallace, and Stephen Farnsworth from probationary status to full time status, effective February 3, 2017. (Exhibit 6-m)
- n) Authorize to approve the contract revision with Compton Engineering to allow James Foster to serve as Interim Public Works Director. (6-n)

**Community Development & Planning:**

- o) Approve the Corridor Advisory Committee Meeting Minutes from January 9, 2017, regarding the MDOT Scenic Byway Request Update. (Exhibit 6-o)

Planning Commission:

Historic Preservation Commission:

- p) Accept Historic Preservation Commission's recommendation to approve the reconstruction/replacement/renovation of the existing dwelling located at 1007 Iberville Drive / Marble Springs Historic District – The Grotto Group, LLC. (Exhibit 6-p)

**Building Department:**

- q) Accept Tree Protection Committee Report from December 20, 2016. (Exhibit 6-q)
- r) Accept Tree Protection Committee Report from January 3, 2017. (Exhibit 6-r)

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**7. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

**Police Department:**

**Fire Department:**

**Risk Manager/HR:**

**City Engineer:**

**Public Works Department:**

**Community Development & Planning:**

- a) Authorize to Amend the Ordinance Amending the Comprehensive Zoning Ordinance of the City of Ocean Springs, Mississippi, being Ordinance No. 13-1976, as amended, by Amending the Landscaping Requirements Section of the Subdivision Regulations and Creating a Landscaping Section of the Zoning Ordinance. (Exhibit 7-a)
- b) Authorize to Amend an Ordinance Amending the Comprehensive Zoning Ordinance of the City of Ocean Springs, Mississippi, Being Ordinance No. 13-1976, as Amended, By Revising Provisions for a Bed & Breakfast Enterprise in R-1 Zone after Public Hearing. (Exhibit 7-b)

**Building Department:**

- c) Update on the Arborists Report regarding the trees on Washington Avenue. (Exhibit 7-c)
- d) Update on the current condition and condemned status for the house located at 1112 Turner Street. (Exhibit 7-d)

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**



**8. ALDERMEN'S FORUM**

**9. EXECUTIVE SESSION**

**ADJOURN UNTIL 6:00 P.M. on February 7, 2017**