

## **REGULAR MEETING OF FEBRUARY 7, 2017**

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 February 7, 2017. The Mayor 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.

Rev. Carl King gave the invocation and three players from the Soccer Association led the Pledge of Allegiance.

The Mayor introduced the film makers in town. Daniel Lewis, Producer with Active Entertainment, gave a brief description about the film they are shooting here in Ocean Springs. The movie "Mississippi River Sharks" will be out on Sci Fi Network this summer. Mr. Lewis introduced Eric Davies, veteran of the film industry, and Robby Basque, native from Biloxi, who is also part of the team filming the movie.

The Mayor asked to pull Item (7-v) from the agenda due to changes made to the agreement. The 3-D School has not had the opportunity to present to their board for approval. Requesting to table this item until the next board meeting in two weeks.

### **PROCLAMATIONS**

The Mayor read and presented a proclamation declaring February 3, 2017 as **National Wear Red Day** to Mr. Ron Schnoor. (Exhibit 3-a).

Mr. Ron Schnoor has been associated with the American Heart Association since 2010. Mr. Schnoor stated 1 in 3 women and 1 in 4 men die from heart disease. Heart disease is the #1 killer of residence in Mississippi. 80% of the risks of heart disease is preventable. There are seven steps the American Heart Association calls Life Simple Seven Measures. The seven measures are manage high blood pressure, lower cholesterol, reduce blood sugar, get active and stay active, lose weight, better eating habits, and eliminate exposure to second hand smoke. Mr. Schnoor stated he wants the City to reconsider their decision to not make the City of Ocean Springs a smoke free city.

### **NEW BUSINESS**

Mrs. Kelsey Keel, Director of Let's Go Gulf Coast, a local non-profit with a goal to combat childhood and adult obesity along the Gulf Coast. Mrs. Keel asked for support and an endorsement in hosting the 2<sup>nd</sup> Annual Lighten Up Ocean Springs. The program will be a free 8-week community wide event. The weigh-in will be taking place on March 1, 2, and 3, 2017. The initial weigh-in will be done at the YMCA with individual weight loss goals set with a nurse and an exercise physiologist. Everyone who joins the program will get a free pre-diabetes screening. They are adding community walks and bike rides to the calendar. Local businesses are getting involved by

giving discounts or offering new menu items. The final weigh-out will be held on three days this year. (Exhibit 4-a)

Motion made by Alderman Dalgo, seconded by Alderman McDonnell and unanimously carried to allow the city to participate and co-host the Lighten Up Ocean Springs Event. (Item 4-b)

Ms. Kimberly Hughes, Government Relations Director for the American Cancer Society Cancer Action Network, is here on behalf of our Smoke Free Ocean Springs Coalition who are trying to protect patrons and employees from the harmful effects of second-hand smoke. There is no safe level of second-hand smoke. Ms. Katherine Bryant, American Heart Association, stated there was a study done on the number of heart attacks in Starkville and Hattiesburg where they have had a smoke free ordinance for a while and easy access to hospitals admission data. In Hattiesburg there was a 13.4% reduction of heart attacks admissions to the hospitals. This was a cost savings of over \$2 million dollars to the City of Hattiesburg. Starkville had a reduction of 27.7% reduction of heart attack admissions to the hospital which was a cost savings of almost \$300 thousand dollars in healthcare cost to the City of Starkville. Ms. Bryant stated that \$1.23 billion dollars is the annual total for healthcare cost in Mississippi that is attributed to smoking and second-hand smoke, \$1.8 billion dollars is lost in worker productivity because of sickness and smoking on the job and the direct medical cost in the United States is \$5 billion dollars a year. (Exhibit 4-c)

Mrs. Yvonne Parton, Ocean Springs Library Branch Manager, thanked the Board for all of the support and help each of them give to the library system. Mrs. Parton presented the board with the Jackson-George Regional Library System Strategic Plan 2017-2021. (Exhibit 4-d)

The Building Official discussed the appeal of the Tree Protection Committee for tree removal at 3610 Perrymann Road. The original request for tree removal was for two magnolia trees. One was approved and one was denied. The tree that was denied was requested to be removed in order to allow access to the backyard. The Building Official stated there is not a valid application for permit to do construction in the backyard on file. The Tree Protection Committee will revisit and reconsider once a permit has been applied for. Mr. Brandon Conner, homeowner, purchased the property about one month ago. Mr. Conner is asking for the tree to be removed in order to gain access to the backyard so he can do some overdue maintenance on the property. Mr. Conner would like to develop and maintain the property so he can increase the property value. Alderman Denyer asked Mr. Conner if he is planning on doing some construction to the back of his house. Mr. Conner said he has been in touch with the Building Department about a land permit so they can bring in some fill dirt in order to grow some grass. Alderman Denyer also asked if he would be willing to plant another tree on the property if he were granted a permit to remove the tree. The Mayor stated this would be revisited for consideration once a plan for work has been done and a permit is applied for. (Exhibit 4-e)

Kathy Stafford from Disability Connection presented the Mayor and Board of Aldermen with a plaque thanking the city for their support and allowing Disability Connection to have an office in City Hall.

## **OLD BUSINESS**

Rev. Carl King, American Legion Post 42, is requesting the use of the Armory Precinct Voting Room for the American Legion to use as a permanent meeting room. Mr. King said they have been using the Senior Center once a month for one hour. The Legion is looking for a place of their own. The American Legion does community service throughout the city. Alderman Cox stated he spoke to Michael Dees with Young Life and mentioned that maybe the American Legion can mentor the children associated with Young Life. Mr. Cox would like to see these two organizations work together. Alderman Denyer stated the gym will be suitable for Young Life once basketball season is over. The mayor said she spoke to Michael Dees with Young Life and he is not interested in sharing the space. She asked if they can look at the rooms on the south side of the Taconi Building. Alderman Gill asked if the American Legion had a long range plan. Rev. King said they had asked to lease the property behind the Civic Center next to the water tower. The American Legion made a formal request to move forward with leasing this property so they can start building on it. (Exhibit 5-a)

## **PUBLIC COMMENTS**

Ben Wilder, 8008 Clamshell Avenue, is the President of the Gulf Coast Soccer Club thanked the board for all of their hard work. He stated how beautiful the city is. He stated there are beautiful parks, a nice boardwalk along the beach, there is a beautiful bridge to walk, and the Highway 57 Sports Complex is amazing. He thanked the Parks and Leisure Services Director for helping him have access to the park. The Gulf Coast Soccer Club has grown so much that they actually need access to the Highway 57 Sports Complex year round. The primary issue with the Highway 57 Sports Complex is parking. Mr. Wilder thanked the board for the short term plans to add parking immediately. The mayor stated some revisions were made to the plans as requested by the Army Corp of Engineers and returned to them. Alderman Cox stated the information went to the Army Corp of Engineers and the Public Notice went out yesterday. They have until March 8<sup>th</sup> to respond.

Jack Powell, Maguire Iron, updated the board on the 2016 Water Tank Bid. Mr. Powell stated they are currently on schedule. The first tank was completed on the 3<sup>rd</sup> of February and they have moved to the 2<sup>nd</sup> tank on Halstead Road. There is a conflict with the schedule due to a companywide safety training meeting where they will have to pull their crews off the job for a week. Maguire Iron is hoping to keep the scheduled deadline as long as there are no major setbacks. Maguire Iron will begin on the 3<sup>rd</sup> tank at Sunplex after returning from the training course. Alderman Denyer asked if Maguire Iron offered services on an annual basis so it could be a budgeted item instead of trying to come up with all of the money to repair several tanks at one time. Mr. Powell stated the maintenance agreement can include painting as well. Alderman Denyer asked Mr. Powell to get this information to the Interim Public Works Director for the finance committee to consider.

Gina Sabbatini, 902 Washington Avenue, is a business owner downtown. She came before the board to convey her concerns regarding the homeless issue in the downtown area. She is worried that the tourists coming to our area are seeing these issues and may not return to our city. Some of her issues are: 1) human feces on the sidewalk which is creating a sanitary issue; 2) the homeless come into her store and scare her customers; 3) there is an increase in panhandling;

and 4) the homeless haul trash out of the dumpsters, start fires, sleep, and defecate in the areas behind the stores. The mayor talked about the possibility of putting public restrooms downtown by Marshall Park or the Depot.

Karen Richards, 1408 Calhoun Ave., commented on the infrastructure of the city as well. Ms. Richards stated it is the responsibility of the city and citizens that own buildings in downtown Ocean Springs to come together to handle the issue with the homeless downtown. Ms. Richards feels the city needs to consider the infrastructure for future growth.

Sgt. Major James E. Lewis, Jr., 805 Canebreak Drive, stated there is a sign that is hanging low and you have to walk around it when you are walking on the sidewalk. He is concerned someone is going to hit their head on it. He is requesting to have it repaired.

## **CONSENT AGENDA**

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to approve the Consent Agenda with the exception of items (7-j) pulled by Alderman Denyer and (7-l) pulled by Alderman Cox.

Alderman Denyer pulled item (7-j) to thank Captain Terry Harris for his service to the City. Motion was made by Alderman Denyer, seconded by Alderman Impey and unanimously carried to accept item (7-j).

Alderman Cox pulled item (7-l) for discussion concerning the contract with Compton Engineer, Inc. He thinks the verbiage in the contract needs to be changed to reflect a \$5,000.00 increase per month instead of an increase of \$60,000.00. Motion was made by Alderman Cox, seconded by Alderman McDonnell and unanimously carried to table item (7-l) until the verbiage regarding the price per month in the contract can be changed and to include it is to be paid retroactive.

## **DEPARTMENT REPORTS**

The Mayor pulled item (8-c) from the agenda until more information can be received and give TriHard Sports time to come back with cost versus other cities. (Exhibit 8-c)

The City Planner gave an update on the Downtown Parking Study. The City Planner stated the Planning Departments short term recommendations for the Downtown Parking issues are as follows: to place consistent signage in the parking lots where the public may park, place wayfinding signs directing visitors to public parking lots, create a map of public downtown parking lots and on-street parking areas, and designate parking areas outside the downtown district for store employees in order to free up on-street parking for customers.

Motion made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to have the City Planner come back to the Board with signage options, costs, and maps and give a timeline on how to implement. (Exhibit 8-a)

Alderman Denyer stated the city needs to paint the area where the sidewalk and street meet so it is clear where visitors can and cannot park.

Alderman Cody suggested looking into diagonal parking instead of parallel parking along the Robinson from Washington Avenue to Church Street and make it a one way street. He also suggested doing this on Kotzum Avenue and Cash Alley.

Motion made by Alderman Cody, seconded by Alderman Cox and unanimously carried to have the City Planner and Compton Engineering bring a conceptual plan and study with parking along Robinson back to the Board.

The City Planner explained the Planning and Grants Department has applied for technical assistance from Smart Growth America. If approved the city will receive assistance in the form of a public workshop on complete streets that will focus on the relationships between land use and transportation. The workshop will be of assistance to the review and adoption of a unified development code for land development. The technical workshop does not require any direct commitment of money on the part of the city. The costs for in-state travel to attend the workshops are budgeted in the Planning Department. (Exhibit 8b)

The Building Official stated that he has received three applications for the Tree Committee. He currently has one opening on the Tree Committee. The Mayor stated she was not prepared to vote on this tonight. The Mayor said we will keep the deadline for applications open until 2-17-2017 and we will vote on the at the next board meeting.

The Building Official gave an update on the mitigation cost on the live oak tree in front of Lovelace Drugs. The Building Official met with the arborist and was given a cost estimate of \$1450.00 to \$1500.00 to trim, fertilize, aerate, and termite treatment.

Motion made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to accept the Building Officials recommendation and authorize to spend up to \$1500.00 on the live oak in front of Lovelace Drugs.

Motion made by Alderman McDonnell, seconded by Alderman Impey and unanimously carried to hire McClain's Tree Service to do the tree trimming on the live oak tree in front of Lovelace Drugs. (Exhibit 8-d)

## **ALDERMEN'S FORUM**

Alderman Gill mentioned to the Interim Public Works Director that he needs to come look at the plans for the Fort Bayou Dredging Project.

Alderman McDonnell stated he has had a number of lighting projects in Ward 2. He is requesting a survey on the streets that have been relit and what is left to do. He feels 75 – 80% of the lights have been done but he would like to have as much done as he can before he leaves office.

Alderman Cody talked about the condition of the home at 701 Pershing Avenue. Alderman Cody asked what the process of having the home demolished. He is requesting to have it expedited. This house is located in the historic district. Alderman Cody asked the City Attorney if the Building Official is able to make the determination of demolishing the home without going through the

process. The City Attorney stated it would have to pose an eminent threat to safety in order for the Building Official to make that determination. The Building and Grants Administrator said this house is on the HPC list for approval on 2-16-2017 and should be on the agenda for the 2-21-2017 board meeting.

Motion made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to pay \$300.00 to the Chamber of Commerce for one-third of the cost for the movie rental during the Christmas Tree Lighting Event to be paid from his Ward 3 account.

Alderman Cox talked about parking at the Highway 57 Sports Complex. Alderman Cox said the Corp of Engineer said we would need possibly 1.3 acres and possibly more after the Public Hearing. Alderman Cox said Alderman Gill was able to get in touch with Brandon Pike with the Mitigation Bank and was given a price of under \$10,000.00 for the 1.3 acres. Alderman Cox asked for 2 acres since the Corp of Engineers said it could possibly be more after the Public Hearing.

Motion made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to spend up to \$15,000.00 for two credits to be paid out of the 2% funds.

Alderman Denyer thanked Public Works for the work they do and the professionalism they have shown in the last couple of meetings he has had with them.

Alderman Denyer said we need to figure out who is going to stripe Government Street starting at Ocean Springs Road all the way to Holcomb Blvd. Alderman Denyer knows we do not have the funds to thermostripe the roads but stated something needs to be done. He asked the Interim Public Works Director to look into that.

Alderman Impey asked Public Works if the concrete company ever received their MDOT permit for the concrete repair on Trentwood Drive. The Interim Public Works Director stated they do not have a permit yet.

Alderman Impey asked the Building Official if the City Electrician has come up with determination for the electrical service on Reiley Road. The Building Official needs to get with the City Electrician and the City Attorney to determine what subdivisions the city does service

## **EXECUTIVE SESSION**

Motion made by Alderman Cody, seconded by Alderman Cox 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 McDonnell, seconded by Alderman Cody and unanimously carried to remain in executive session to discuss potential litigation regarding the Bed & Breakfast Ordinance and potential litigation regarding parks equipment.

Motion made by Alderman Cox, seconded by Alderman Cody and unanimously carried to come out of closed session and back into regular session.

Motion made by Alderman Cox, seconded by Alderman Cody and unanimously carried to recess the meeting until 6:00 p.m. on February 21, 2017.

The meeting ended at 9:30 p.m.

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Shelly Ferguson, City Clerk

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Connie Moran, Mayor

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Date

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Date

**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**REGULAR MEETING**  
**February 7, 2017 - 6:00 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PROCLAMATIONS**
  - a) National Wear Red Day – February 3, 2017 (Exhibit 3-a)
- 4. NEW BUSINESS**
  - a) Discussion regarding the Healthy Ocean Springs Initiative – Let's Go Gulf Coast – Kelsey Keel (Exhibit 4-a)
  - b) Request authorization to partner with Let's Go Gulf Coast for their second annual Lighten Up Ocean Springs program – Mayor Moran (Exhibit 4-b)
  - c) Discussion on making Ocean Springs Smoke Free – Laurie Johnson, Katherine Bryant, and Kimberly Hughes (Exhibit 4-c)
  - d) Present information on the Library and the services it offers; update on the Jackson-George Regional Library System Strategic Plan 2017-2021 – Yvonne Parton (Exhibit 4-d)
  - e) Discuss the request for appeal on a Tree Protection Committee ruling to remove a magnolia tree located at 3610 Perryman Road (Exhibit 4-e)
  - f) Presentation from Disability Connection on playground equipment suitable for special needs children to place in Little Children's Park – Janie O'Keefe
- 5. OLD BUSINESS**
  - a) Discussion on allowing the American Legion Post 42 use of the voting precinct room at the Ryan Youth Center – Carl King (Exhibit 5-a)
- 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:**  
**City Clerk:**
  - a) Approve Minutes: Recess Meeting January 17, 2017 (Exhibit 7-a)
  - b) Approve Minutes: Special Call Meeting January 27, 2017 (Exhibit 7-b)
  - c) Approve Minutes: Special Call Meeting January 30, 2017 (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) Approve Special Event Permit Application for the Spring Arts, Herb and Garden Festival sponsored by The Ocean Springs Chamber of Commerce on March 25-26, 2017 from 9:00 a.m. – 5:00 p.m. on Saturday and 9:00 a.m. – 4:00 p.m. on Sunday and authorize to close the road

at the L&N Depot parking lot and Washington Avenue from the railroad tracks to Porter Avenue (Exhibit 7-f)

- g) Approve Run/Walk Permit Application for an 8K Run Fundraiser for Salvation Army Kroc Center sponsored by the Gulf Coast Running Club on Saturday, February 11, 2017 from 9:00 a.m. to 11:00 a.m.; pending meeting with event organizer (Exhibit 7-g)
- h) Ratify check to Burk-Kleinپeter in the amount of \$16,463.06 for the Government Street Improvement Project (Exhibit 7-h)
- i) Ratify check to the Mississippi Municipal League in the amount of \$225.00 in registration fees for the Mayor's Youth Council to attend the 10<sup>th</sup> Annual Youth Leadership Summit on March 3-4, 2017 in Cleveland, MS (Exhibit 7-i)

**Police Department:**

- j) Accept the Retirement of Captain Terry Harris effective May 19, 2017 and authorize to announce pending promotions to captain, lieutenant, and sergeant pending Captain Harris's retirement with the actual promotions, including pay change, to go into effect May 19, 2017 (Exhibit 7-j)

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

- k) Authorize removal of Kyle Higginbotham and Eric Kordek from probationary status to full-time status effective February 17, 2017 at their current rate of pay (Exhibit 7-k)
- l) Authorize Contract Amendment No. 3 with Compton Engineering, Inc. to modify the Compensation to include providing services associated with the position of Interim Public Works Director as included in Amendment No. 2 (Exhibit 7-l)
- m) Accept the Letter of Completion for the Lily Harbour Offsite Utility line with the understanding that the lines are under a three year warranty for materials, labor and installation defects (Exhibit 7-m)

**Community Development & Planning:**

- n) Authorize the Mayor to execute the required Memorandum of Understanding and Request Letter requesting the release of State General Obligation Bonds to receive funds approved for Infrastructure and Infrastructure Related Projects; requesting \$150,000.00 of the proceeds approved as a contribution to the Porter Avenue Infrastructure Project (Exhibit 7-n)

**Planning Commission:**

- o) Approve the application for Preliminary Plat Review for The Sands at Front Beach located at 265 Front Beach Drive, PID: 60225100.000 and 60225190.000 as recommended by the Planning Commission – Lee Brumfield (Exhibit 7-o)
- p) Approve the application for a Special Permit for a Home Daycare with extended hours located at 3206 Government Street; PID: 61600426.000 pending final Use approval and final code inspection for items not related to daycare operations – Sandra Markland (Exhibit 7-p)

**Building Department:**

- q) Approve Tree Protection Committee Meeting Minutes from January 17, 2017. (Exhibit 7-q)
- r) Accept the applications for the Tree Protection Committee and make a selection to fill the current opening (Exhibit 7-r)

**Parks & Leisure Services:**

- s) Approve the Facility Use Agreement with Mississippi Gulf Coast YMCA for the use of Freedom Field beginning January 14, 2017 through December 31, 2017 (Exhibit 7-s)
- t) Authorize to hire John Carter, Parks Maintenance Worker, \$12.00 hourly rate, one- year probationary period pending successful completion of all pre-employment requirements (Exhibit 7-t)

- u) Approve the Facility Use Agreement with the Dream Program, Inc. for the use of Gay Lemon Softball Fields, Gay Lemon Football Field, Halstead Tennis Courts and the Highway 57 Sports Complex from March 15, 2017 through December 2, 2017 (Exhibit 7-u)
- v) Approve the Lease Agreement with Dynamic Dyslexia Design (“3-D”) School to lease five (5) rooms on the west side of Taconi near Ward Avenue for a period of one year commencing July 1, 2017 and terminating June 30, 2018 (Exhibit 7-v)

**City Attorney:**

**Facilities:**

**H.R. Committee:**

**Finance Committee:**

## **8. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

**Police Department:**

**Fire Department:**

**Human Resources/Risk Manager:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- a) Update on the Downtown Parking Study (Exhibit 8-a)
- b) Discussion on the Technical Assistance Application to Smart Growth America (Exhibit 8-b)
- c) Discussion on the benefits of providing a bike share program for residents and visitors to the City of Ocean Springs (Exhibit 8-c)

**Building Department:**

- d) Update on mitigation cost for the live oak tree adjacent to Lovelace Drugs (Exhibit 8-d)

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**H.R. Committee:**

**Finance Committee:**

## **9. ALDERMEN'S FORUM**

## **10. EXECUTIVE SESSION**

**RECESS UNTIL 6:00 P.M. on February 21, 2017**