

## **REGULAR MEETING OF JUNE 5, 2018**

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 June 5, 2018. The Mayor presiding, Aldermen Cox, Gill, Authement, Bellman, Papania, Blackman, and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney Kevin Melchi.

The Mayor called the meeting to order.

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

### **PUBLIC HEARING**

Motion made by Alderman Authement, seconded by Alderman Bellman and unanimously carried to go into Public Hearing regarding an appeal filed by applicant Katherine Vidrine for the denial of a Use Permit – Residential Short Term Rental (Primary Structure) at 241 Lovers Lane.

The Planning and Grants Administrator stated this has been brought before the Mayor and Board of Aldermen for a final recommendation.

**The Mayor asked if there was any proponents who wanted to speak in favor of the denial of the use permit.**

Mr. Paul Broussard, 240 Lovers Lane, spoke in favor of the denial of the permit. Mr. Broussard doesn't agree with allowing a business in a residential neighborhood. Mr. Broussard said if the City allows this it would change the whole neighborhood.

Dr. Ray Weiss, 302 LaSalle Court and 305 Lovers Lane, came before the Board to speak on behalf of the Sea Point Homeowners Association. The homeowners association is opposed to the short term rental.

Renee Mitchell, 255 Lovers Lane, stated she has lived in a community where there were short term rentals and it was not a pleasant experience. Ms. Mitchell talked about her concerns with walkers, joggers, bicyclists, mother's strolling their children, and the elderly along the narrow roads in that area and feels the visitors coming in will not abide by the speed limit. Ms. Mitchell said sometimes it is difficult to see these people along the side of the road due to shadows and trees. She said they have a peaceful community and they do not need new people coming in and out every week.

Mr. Reginald Richards, 242 Lovers Lane, stated this would be a commercial establishment and he thought he was living in a residential area. Mr. Richards said he pays a lot of taxes and now there is a commercial establishment moving into the neighborhood and he does not understand that.

Mr. Ken Aultman, 318 Lovers Lane, also opposes the short term rental issue for many of the same reasons already mentioned. Mr. Aultman said it is a narrow, winding street and in some areas it is so narrow that only (1) one vehicle can get by. He said the people who live there know where

these areas are and know where to pull over. He said he feels there will be a lot of accidents and hurt people in this area if you bring people in who that are not from here on a regular basis. Mr. Aultman strongly recommends the Board oppose this and go with the Planning Commission's recommendation to deny it.

**The Mayor asked if there was any opponents who wanted to speak against the denial of the use permit.**

Mr. John Zender, 7824 Trout Street, spoke against the denial of the short term rental. He does not think there is a just and valid reason that you don't allow this permit. He said by denying the permit you are defrauding their rights to use their property.

Ms. Mary Lou Hutto lives in a house off of Lovers Lane spoke in favor of the denial of the short term rental. Ms. Hutto asked why buy a piece of property in a well-established residential neighborhood if you plan on opening a business.

Mr. Chris Corkern with Purdie & Metz Law Firm stated on behalf of the landowners they have filed a notice of appeal and position statement. Mr. Corkern said the reason for the position paper is because they feel the Board should reject the recommendation of the Planning Commission and issue a permit. Mr. Corkern mentioned the beauty of this ordinance is it can be revoked and it should alleviate all of the landowners concerns who are in proximity to this property because there is an outlet if the permit is granted and there is a legitimate complaint then they could go through the process to have the permit revoked. Mr. Corkern said all of the requirements have been met and all they are asking is to allow the property owner be allowed to utilize their property.

The Building Official stated a final site work inspection has not been done. The Building Official said what he is relating to is the original complaint where the site work starting without any permits and questions regarding enclosing in bathroom downstairs. The Building Official said they were notified and have removed the walls and associated plumbing downstairs. Mr. Zender has since then secured a land work permit.

Mr. Corkern commented on the complaints about changing the nature of the neighborhood is premature because there has been no indication at this time that the neighborhood has changed. Mr. Corkern also pointed out that there has been permits granted in the Cherokee Glenn Subdivision and there has been no issues with that changing any characteristics of the neighborhood. In conclusion the reasons for the position statement presented today is to respectfully ask the Board to reject the recommendation of the Planning Commission and to issue a short term rental permit to his client.

Mrs. Ethel Moran Alman, currently lives in Brandon, MS, inherited the property at 253 Lovers Lane. Mrs. Alman is completely opposed to the short term rental.

Motion made by Alderman Gill, seconded by Alderman Authement and unanimously carried to come out of Public Hearing.

Motion made by Alderman Authement, seconded by Alderman Gill and unanimously carried to follow the recommendation of the Planning Commission to deny a use permit – residential short

term rental (primary structure) at 241 Lovers Lane for the reasons stated by the Planning Commission. (Exhibit 3-a)

## **ADDENDUM**

Motion made by Alderman Gill, seconded by Alderman Blackman and unanimously carried to add the addendum to the agenda.

## **NEW BUSINESS**

Motion made by Alderman Impey, seconded by Alderman Cox and unanimously carried to ratify Proclamation of Existence of Local Emergency by the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi for Invest 90L. (Exhibit 4-a)

Motion made by Alderman Impey, seconded by Alderman Cox and unanimously carried to terminate the status of the Local Emergency enacted by Invest 90L. (Exhibit 4-b)

## **OLD BUSINESS**

The Building Official updated the Board on the status of the site work at the property located at 420 Jackson Avenue. The Building Official stated the Building Department has been working with the owner to bring the property into compliance since 2006. The Building Official said Ms. Gautier has been cleaning up the property and stated it looks a lot better. He also said Ms. Gautier is interested in fixing the property and the structure located on the property.

Ms. Carolyn Gautier owner of the property at 420 Jackson Avenue. Ms. Gautier apologized for the condition of the property and has all intentions of fixing the house, she has already cleaned the yard, and plans on keeping the property maintained. Ms. Gautier said she is starting to obtain quotes to repair the structure of the house. Ms. Gautier's plan is to move forward so she can move back into the home.

Alderman Blackman asked how long of a process does she think this will be once quotes are in place and will she be ready to move forward with the repairs. Ms. Gautier commented that she wants to find the right person to do the work and not just anybody.

Alderman Authement stated there is a lot to consider because the neighbors are unhappy about the looks of the home. Alderman Authement asked Ms. Gautier to come back before the Board at the Regular Meeting on July 3, 2018 and give a progress update. (Item 5-a)

## **CONSENT AGENDA and ADDENDUM**

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to approve the Consent Agenda and Addendum with the exceptions of item (h) pulled by Alderman Impey, items (k) and (s) pulled by Alderman Authement, and item (n) pulled by Alderman Bellman.

Alderman Impey pulled item (6-h) to table this item.

Alderman Authement said in regards to item (k) he would like to review the current contract with Gulf Breeze Landscaping, LLC to see if there is a way to maintain the flower beds and trees around town. Alderman Authement would like to see if we can get the suckers on the crepe myrtles in the median trimmed back.

Motion made by Alderman Authement, seconded by Alderman Impey and unanimously carried to extend the contract with Gulf Breeze Landscaping, LLC for (60) sixty days to allow the City to go out for RFP's to include cutting the crepe myrtles one time in the spring, add the concrete medians, and revise the scope of work. (Exhibit 6-k)

Alderman Bellman pulled item (n) to table it until it has gone through the proper process.

Mr. Foley Ranson stated he represents Mr. Paul Champagne and Ms. Roxana Kish who own (6) six lots in the Davidson Subdivision. Mr. Ranson said the petition presented is limited to the streets inside the perimeter of his client's property. Alderman Bellman said if the undeveloped right-of-ways are vacated then it will land lock the property if the owner ever wanted to sale his back (2) two lots on Joyce Street.

The City Attorney clarified the (2) two steps of this process. The City Attorney stated the first step is for the City to determine the right-of-way is no longer needed for public use, public safety, and has no financial need of the City then the City can abandon the right-of-way. The second step, because it is a plat change, there will have to be a determination if there are any directly affected or interested parties. If there are then the City does not have the authority to grant the plat change unless there is written consent from all such people.

Mr. John Price stated in the 50's the City said they never intended to develop those properties. Mr. Price stated the price of homes his company is planning on bringing into the City will range from \$275,000.00 to \$325,000.00. Mr. Price said an official determination needs to be made.

Alderman Papania said this was not vetted in the right procedures through our Planning Commission and asked Mr. Price to do that.

Motion made by Alderman Authement, seconded by Alderman Impey and unanimously carried to accept Mr. Drummond's revocation letter of his application based on his waiver of any rights to appeal the Zoning and Adjustments Board decision. (Exhibit 6-s)

The Director of Human Resources asked for a date change to item (v) for the effective date of Michael Carroll's resignation from June 13<sup>th</sup> to June 1<sup>st</sup>. Mr. Carroll called and stated he has already started his new job and will not be returning to his job with the City.

Motion made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to amend the effective date of Michael Carroll's resignation from June 13, 2018 to June 1, 2018. (Exhibit 6-v)

## **DEPARTMENT REPORTS**

### **City Clerk:**

Motion made by Alderman Impey, seconded by Alderman Authement and unanimously carried to approve payment of docket of claims and spread summary upon the minutes. (Exhibit 7-a)

## **PUBLIC COMMENT**

Judy Thurman, 1700 Warren Drive, asked about Mr. Drummond's property and what does that mean for the property in the future. Alderman Authement stated Mr. Drummond withdrew his application for a variance and he is waiving any rights he has for an appeal. The Planning and Grants Administrator stated he did not receive the variance so the lot split he is proposing cannot go to the Planning Commission. Mr. Drummond still has an active lot split application but he will have to come up with an alternative plan, not the current configuration he has already presented, to bring back to the Planning Commission.

Ms. Carol Jones, Katie Yow, Mr. Mark Fisher and Brandon Fisher all live in the Parktown Subdivision. They came before the Board to talk about the drainage problems they are having in that area.

The Mayor and the Public Works Director will meet with them at 10:00 a.m. tomorrow morning and see what the issues are that they are taking about to see what if anything can be done.

## **ALDERMEN'S FORUM**

Alderman Authement requested the Police Chief look into (2) two abandoned cars that are parked in the old Swingster's property.

Alderman Cox asked Public Works to address the vines that are taking over the registered tree and azaleas at Taconi at the YMCA entrance. Alderman Cox stated they need to cut the roots to the vines and trim the tree back.

Alderman Cox asked the Mayor to get with MDOT regarding painting or pressure washing the Fort Bayou Bridge.

Alderman Cox asked the Police Chief if he has any plans for landscaping at the Police Department. He said it is in really bad shape. The Public Works Director said he and a couple of his men went over and trimmed it up. The Police Chief said they have had inmates out there periodically pulling weeds but other than that he does not have any plans for the landscaping.

Alderman Papania asked about the Orocon Construction signs at the Civic Center. He commented if the work has been done then the signs need to be removed. The Building Official said the foundation has been completed but the sidewalk and walls for the Children's Memorial have not been completed so the signs cannot be removed. The Planning and Grants Administrator will verify the status.

Alderman Blackman asked the Police Chief about putting the radar trailer on Dijon Ave. next week. Alderman Blackman said he is receiving a lot of calls from Bienville regarding kids riding 4 wheelers up and down the street in the areas of Heron Bayou and Chaumont and people parking on sidewalks.

Alderman Blackman asked if the radar trailer can be placed on Bergerac the following week. He said they need to come up with a traffic plan in that area.

Alderman Impey confirmed with the Public Works Director that Parktown Subdivision is on a regular maintenance cycle.

Alderman Impey said he has a request from Matt O'Bryant at 5497 Caymus Cove where the water pipe in his yard was damaged at no fault of his own.

Motion made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to have the City Clerk adjust the water bill since the resident did not receive any benefits of the water.

Alderman Impey extended his condolences to the Kaufman family.

Alderman Impey reminded everyone about the fundraiser for Mr. Hale, who is going through some medical issues, this Saturday at Val's.

Alderman Gill asked what the process is moving forward with the dog park since we now have an engineering firm in place.

Alderman Cox mentioned the Jeepin the Coast Event that was downtown this weekend. Alderman Cox said it is very dark and when you passed the jeeps in the old Swingster's parking lot you couldn't see the jeeps. Alderman Cox asked the Board if they are interested in looking into the possibility of changing the fixtures in order to make the downtown area brighter. The Planning and Grants Administrator said a light study would help in addressing the areas that are really dark in order to get some additional lights added. Alderman Cox asked the Mayor to contact Mississippi Power to request a light study.

Alderman Cox asked the City Clerk how the City is coming along with the water meters. The City Clerk stated we have adequate cases in stock. The City Clerk also stated the City would need another \$200,000.00 to complete changing out all of the meters in town. She said if you decide to go with new meters would cost approximately \$3 million so the City would have to come up with a way to fund this. The City Clerk said we are still paying on the loan for the meters we currently have. If the City decides to go with the new meters that would mean a 2% rate increase per million dollars so we would have to raise the rates. The City Clerk said we would not be able to do anything until after the City gets the new financial software package which is about a year out.

## **EXECUTIVE SESSION**

Motion made by Alderman Cox, seconded by Alderman Blackman 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 Cox, seconded by Alderman Bellman and unanimously carried to remain in executive session to discuss JCUA litigation.

Motion made by Alderman Cox, seconded by Alderman Bellman and unanimously carried to come out of executive session and return to the regular meeting.

Motion made by Alderman Cox, seconded by Alderman Impey and unanimously carried to recess until 6:00 p.m. on June 19, 2018.

Meeting ended at 8:05 p.m.

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City Clerk

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Mayor

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Date

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Date

**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**REGULAR MEETING**  
**June 5, 2018 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC HEARING**

- a) Appeal denial of a Use Permit - Residential Short Term Rental (Primary Structure) at 241 Lovers Lane – Katherine Vidrine (Exhibit 3-a)

**4. NEW BUSINESS**

- a) Ratify Proclamation of Existence of a Local Emergency by the Mayor and Board of Aldermen of the City of Ocean Springs, Mississippi for Invest 90L (Exhibit 4-a)
- b) Authorize to terminate the status of the Local Emergency enacted by Invest 90L (Exhibit 4-b)

**5. OLD BUSINESS**

- a) Discuss property at 420 Jackson Street – Caroline Gautier

**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 May 1, 2018 (Exhibit 6-a)
- b) Approve Minutes: Recess Meeting May 15, 2018 (Exhibit 6-b)
- c) Approve Minutes: Special Call Meeting May 22, 2018 (Exhibit 6-c)
- d) Ratify check to Prep by KUG in the amount of \$135.00 for food served at the Mayor's Youth Council Banquet on May 9, 2018 (Exhibit 6-d)
- e) Authorize to declare the list of various cell phones as surplus, no value to the City, and remove from the City's inventory (Exhibit 6-e)
- f) Approve Special Event Permit Application for Ocean Springs Carnival Association Pub Crawl on Saturday, August 4, 2018, from 2:00 – 10:00 p.m.; to begin and end at Mosiacs; pub crawl through participating venues downtown; no resources from the City requested (Exhibit 6-f)
- g) Authorize change in Facility Rental procedures and fees (Exhibit 6-g)

**Police Dept.:**

- h) Authorize internal transfers of Latena Wallace from Records Clerk to Dispatcher and Danielle Hayes from Dispatcher to Records Clerk, effective June 18, 2018; no change in hourly wages (Exhibit 6-h)

**Fire Dept.:**

**Human Resources/Risk Management:**

- i) Accept the resignation of John Lee from the Civil Service Commission; authorize to advertise to fill the vacant position (Exhibit 6-i)

**City Engineer:****Public Works:**

- j) Authorize to hire Nicholas Cruthirds, Water Department Laborer, effective June 6, 2018; \$12.50 hourly rate; one year probationary period; pending successful completion of all pre-employment requirements (Exhibit 6-j)
- k) Authorize to extend the current Grounds Maintenance Contract with Gulf Breeze Landscaping, LLC with no change to the existing scope of work and/or price for an additional year from June 16, 2018 (Exhibit 6-k)

**Community Development & Planning:**

- l) Accept the request to rescind the previous approval for lot split located at the West end of Lovers Lane, PID #60224110.000, as requested by the applicant, Fred Moran, dba Jardel, Inc. (Exhibit 6-l)
- m) Authorize to refund Mr. Hank Zuber the \$250.00 application fee for a zoning change at 503 Porter Avenue that was determined to be an error in mapping and the action deemed unnecessary (Exhibit 6-m)
- n) Approve the request to vacate undeveloped right-of-way (ROW) in Davidson Subdivision which both sections transect property located at 2449 Davidson Road, PID #61062005.000, owned by Paul Champagne and Roxana Kish (Exhibit 6-n)
- o) Authorize the Mayor to execute Supplemental Agreement #1 with D. O'Brian Construction, LLC in the amount of \$20,815.16 for Government Street Improvements Project, STP-9064-00(010) LPA/106375-701000, pending MDOT concurrence (Exhibit 6-o)
- p) Approve Tax Exempt Application of Big Yella, LLC for Post-Construction Ad Valorem Tax Exemption for property located at 604 Porter Avenue, PID #60137620.000 – The Roost (Exhibit 6-p)

**PLANNING COMMISSION:**

- q) Approve the application from Charles Riley and Anne-Marie Crifasi for a Residential Short Term Rental Permit located at 1017 Lafontaine Street, PID #601337480.000, as recommended by the Planning Commission (Exhibit 6-q)

**HISTORIC PRESERVATION COMMISSION:**

- r) Authorize to replace Dr. Lauren Timmons with one of the current applicants on the Historic Preservation Commission due to lack of attendance, providing two HPC appointments (Exhibit 6-r)

**ZONING AND ADJUSTMENT BOARD:**

- s) Approve the denial of a variance located at 1802 Kensington Avenue, PID #61125020.000, to allow a proposed lot to have less than the minimum lot area as recommended by the Zoning and Adjustment Board – Drummond Real Estate and JHS Enterprises, Inc. (Exhibit 6-s)

**Building Department:**

- t) Accept Code Enforcement Report through June 1, 2018 (Exhibit 6-t)
- u) Accept Tree Protection Committee Minutes of May 24, 2018 (Exhibit 6-u)

**Parks & Recreation:**

- v) Accept the resignation of Michael Carroll, Maintenance Worker/Parks Mechanic, effective June 13, 2018; authorize to begin the process of filling the vacant full time position at the rate of up to \$14.50 per hour (Exhibit 6-v)
- w) Authorize to hire a temporary Custodian effective immediately at the rate of \$11.00 per hour (Exhibit 6-w)
- x) Approve the Lease of Building Space Agreement with Dynamic Dyslexia Design (3-D) to utilize the N. E. Taconi Building for twelve (12) months commencing on July 1, 2018 for a cost of \$12,600.00 (Exhibit 6-x)

**City Attorney:**

**7. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

a) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 7-a)

**Police Dept.:**

**Fire Dept.:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

**Parks & Recreation:**

**City Attorney:**

**8. 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.

**9. ALDERMEN'S FORUM**

**10. EXECUTIVE SESSION**

**RECESS UNTIL 6:00 P.M. on June 19, 2018**

**ADDENDUM TO AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**REGULAR MEETING**  
**June 5, 2018 - 6:00 p.m.**

**1. CONSENT AGENDA**

**Mayor:**

- a) Approve the Addendum to Engagement Agreement between the City of Ocean Springs, Mississippi and Local Government Services, LLC for an Audit of Cable One to Determine Compliance with Cable Television Franchise Ordinance for the Period of 2015-2017 (Exhibit A-1a)
- b) Authorize the Mayor to sign the Professional Services Agreement with Garner Russell & Associates Consulting Engineers for the design, permitting, preparation of construction plans and contract documents, construction engineering and inspection for the Proposed Dog Park with a maximum amount not to exceed \$5,000.00 (Exhibit A-1b)

**City Clerk:**

- c) Authorize a Budget Amendment in the Food and Beverage Account to reflect the principal as \$340,000.00 and interest as \$131,326.27 due to the bond refinancing (Exhibit A-1c)
- d) Approve an invoice to Hancock Whitney Bank in the amount of \$351,436.15 for the 2% Food and Beverage Tax Bond (Exhibit A-1d)