

## **RECESS MEETING OF SEPTEMBER 18, 2018**

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 September 18, 2018. Mayor Dobson presiding, Aldermen Cox, Gill, Authement, Bellman, Papania, Blackman, and Impey were present. Also present were Interim City Clerk Patty Gaston and City Attorney Kevin Melchi.

The Mayor called the meeting to order.

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

### **ADDENDUM**

Motion was made by Alderman Blackman, seconded by Alderman Gill and unanimously carried to add the Addendum to the Agenda.

### **PROCLAMATION**

Mayor Dobson read a proclamation proclaiming **September 18, 2018 Kaylee Foster Day** in the City of Ocean Springs. The proclamation and a key to the City were presented to Kaylee Foster by the Mayor. (Exhibit 3-a)

### **PUBLIC HEARING**

Motion was made by Alderman Authement, seconded by Alderman Cox and unanimously carried to open the Public Hearing for a property cleaning at 501 Halstead Road. The Deputy Building Official/Inspector presented. A family member of the property owner informed the board that the property is under contract to be sold. The Building Official has not heard anything else and wishes to move forward to get the property cleaned up.

**There were no opponents to speak against the property cleaning.**

**There were no proponents to speak in favor of the property cleaning.**

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

Motion was made by Alderman Papania, seconded by Alderman Cox and unanimously carried to approve the property cleaning at 501 Halstead Road due to it being a menace to public health. (Exhibit 4-a)

Motion was made by Alderman Cox, seconded by Alderman Authement and unanimously carried to open the Public Hearing for a property cleaning at 3604 Perryman Road. The Deputy Building Official/Inspector said that the property owners have resolved the issue. (Exhibit 4-b)

Motion was made by Alderman Cox, seconded by Aldermen Blackman and unanimously carried to come out of Public Hearing.

Motion was made by Alderman Blackman, seconded by Aldermen Gill and unanimously carried to open the Public Hearing for the FY18-19 Uniform Assessment Schedule for Motor Vehicles. The Deputy City Clerk stated this process is a formality to allow public input.

**There were no opponents to speak against the FY18-19 Uniform Assessment Schedule.**

**There were no proponents to speak in favor of the FY18-19 Uniform Assessment Schedule.**

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

Motion was made by Alderman Papania, seconded by Alderman Blackman and unanimously carried to adopt the resolution and order for the FY18-19 Uniform Assessment Schedule for Motor Vehicles. (Exhibit 4-c)

## **NEW BUSINESS**

Motion was made by Alderman Gill, seconded by Alderman Papania and unanimously carried to adopt a resolution to increase sewer rates for FY18-19 beginning October 1, 2018. The Interim City Clerk clarified this resolution will add an additional three percent to the automatic increase of three percent. Exhibit 5-a)

George Morgan with McKinney Petroleum Equipment presented a proposal for a fuel tank package which includes a tank for the police department, a second for the fire department, and a third for the public works department. Alderman Authement suggested an electronic gate at public works with a camera for police officers to fill up there which the Police Chief agreed is a good idea. Alderman Gill expressed concern that if more people used the tank, it would need to be refilled more frequently which may disrupt Public Works operations. Mr. Morgan said that investing in the equipment would allow shopping for gas prices which could save up to \$0.35 per gallon.

The City Attorney discussed The Sands development status and said the circuit court has stopped the project. There are currently two buildings under construction. A new plan

needs to be submitted and in the interim it needs to be decided by the board what the builder can do to protect what is already complete.

Robert Schwartz, attorney, 2355 Pass Road, Biloxi, Mississippi, said the developer has around \$4.4 million invested with \$600,000+ in improvements above ground. The short term problem is to secure the property; the long term problem is to complete the project. The developer is requesting installation of metal roofs; the bottoms need to be enclosed to comply with the stop-work order. The city is suggesting plywood, the developer would like to use Hardi-plank. Not happy with the current situation but want to comply and complete the project.

David Krause, attorney for the developer, stated 180 days is not enough time to give the city what they are requesting. The temporary route is going to cause an eyesore.

Glen Blackwell, attorney for citizens near The Sands development, said they wish only for the developer to follow the rules and the city to enforce them.

Motion made by Alderman Authement, seconded by Alderman Blackman and unanimously carried to go into closed session.

Motion made by Alderman Authement, seconded by Alderman Papania and unanimously carried to go into executive session to discuss litigation over The Sands.

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

Motion made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to allow The Sands to secure the roof of the structure with material of their own choosing, at their own risk, and secure the openings into the hole and underneath, and they will have 60 days to come back to meet with Planning with a preliminary concept that is compliant with city ordinances and 90 days to submit an application.

## **OLD BUSINESS**

Brent Baggett presented a discussion on water meter replacement options with Core & Main. D.C. Greer with Government Capital discussed finance options. Alderman Impey asked the Public Works Director for his assessment of the water meters and he responded that he does not like the quality of the meters.

The City Attorney discussed a resolution regarding the AT&T cell tower at Dewey Avenue. He said that decades ago ownership was to be transferred to the city which never happened. AT&T will keep ownership and lease it from the city at a rate of \$800 per month for five years, with four extensions of five year terms, and the rate will increase

by ten percent at each renewal. Also, a one-time \$60,000 payment will be made due to a lack of past payments.

Motion was made by Alderman Papania, seconded by Alderman Bellman and unanimously carried to allow the City Attorney to negotiate with AT&T on the terms discussed for a five year lease at \$800 per month.

The Planning Administrator updated the board on the non-exclusive addition to the License to Encroach for a driveway within undeveloped Joyce Street Right-of-Way, Lot 12 Davidson Subdivision.

Motion was made by Alderman Blackman and seconded by Alderman Cox to approve a non-exclusive, revocable, license to encroach for a driveway in undeveloped Joyce Street right-of-way, lot 12 of Davidson Subdivision. The motion carried with Aldermen Cox, Gill, Authement, Bellman, Blackman, and Impey voting Aye and Alderman Papania voting Nay. (Exhibit 6-c)

### **CONSENT AGENDA and ADDENDUM**

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to approve the Consent Agenda with the exception of item (7-x) which was pulled by Alderman Authement.

Alderman Authement pulled item (7-x) to approve the application for lot split located at 1216 Iberville Drive, PID #60119190.000, as recommended by the Planning Commission. Alderman Authement stated that he is not opposed to this lot split but wants to confirm that the purchaser and seller have walked the property and have agreed to the way the property is being split. Alderman Cox stated he liked the original proposed plan more than this one. Donovan Scruggs, representing both, agreed with Alderman Cox, but said that the regulations did not allow for a straight line.

Motion was made by Alderman Authement, seconded by Alderman Gill and unanimously carried to approve the application for the lot split located 1216 Iberville Drive. (Exhibit 7-x)

### **DEPARTMENT REPORTS**

#### **CITY CLERK:**

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to approve the docket of claims. (Exhibit 8-a)

#### **PARKS & RECREATION**

The Parks Director discussed bids for the sports complex restrooms and concessions that opened September 18, 2018. The lowest bidder came in extremely low which was

erroneous. If he was awarded the bid, he would reject due to the error. Alderman Cox would like to move forward with the bid. Alderman Blackman would like to explore further with clarification from the city attorney. The City Attorney responded that the mistake is their mistake, but if the mistake is obvious, amendments can be made.

## **COMMUNITY DEVELOPMENT & PLANNING:**

The Community Development & Grants Administrator said that Steelman Lane is approximately 20 feet in width and will not accommodate two-way traffic currently. Mr. Glouner, property owner adjacent to Steelman Lane is offering donation of the southern portion three parcels (60128700.000, 60128700.010, and 60138370.000) to contribute to improving the Right-of-Way for all adjacent properties in the area.

Motion was made by Alderman Cox, seconded by Alderman Gill and unanimously carried to accept the donation of right-of-way which is not a financial detriment nor against public policy to accept it.

The Community Development & Grants Administrator discussed a right-of-way donation from the Spanish Cove development that includes the ditch and other utilities typically located in the public right-of-way. Infrastructure improvements would be made by the developer during construction but would be within the public right-of-way rather than located on private property. Alderman Papania is concerned with the power pole within the right-of-way. The Community Development & Grants Administrator responded that nothing would change, all private utility issues are beyond the city's obligation to move it. The City Planner interjected that the developer plans on moving around the power pole. Alderman Papania wants to assure the city will not incur any costs in moving the pole.

Motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to authorize the acceptance of the donation of property from Elliot Land Development, LLC, Kenneth Jones, the property on the north side of Old Spanish Trail just west of Hanshaw Road, PID# 60135060.000 which is not a financial detriment nor against public policy to accept it.

## **PUBLIC COMMENT**

Katie Yow discussed issues with drainage coming out of the ditch which she said is a big problem in her area of Parktown. She said that man hours should be used to clean out the ditch, not cutting the grass. She made a call to the police department to block the street which she said that she could not get out if she had to. Alderman Cox stated the rain event that we recently had affected everybody. The Public Works Director added there is no obstruction in the ditches and with 5 inches of rain, everyone is dealing with

it. Alderman Impey referenced the ditch by the cemetery; the Public Works Director confirmed it had been cleaned out.

Dr. Bill Moore complimented Lafontaine Avenue and said he is concerned with the bids for the restrooms and concessions for parks and recreation, which he said is shocking.

## **ALDERMEN'S FORUM**

Alderman Gill discussed the dog park and said that Jason Overstreet Engineering submitted drawings which he feels is ready to be bid out. He said a lot of grading work needs to be done and the Mayor said that he will confer with the county to see if they can grade the area.

Alderman Authement talked about the drainage on Vermont Avenue.

Alderman Authement discussed the upkeep of the sidewalk and grass areas on Front Beach. He said the area on the north side of Front Beach where the retaining wall was cut into by the owner is slippery. The Public Works Director suggested using chlorine tablets to keep the slime down and said that the homeowner put in French drains. Alderman Authement requested Public Works to check on it once a week or so. Alderman Impey asked if the home owner received permission to cut into the retaining wall and the Planning & Grants Administrator added that all entities involved signed off on the owner cutting into it.

Alderman Authement talked about adding solar lights for temporary use at Front Beach and he said he would like to see them used prior to purchasing new ones in the future. The Interim City Clerk interjected that five solar lights were placed by the pier.

Mayor Dobson discussed a death due to a fire on Holcomb Boulevard and read a letter from the deceased's family congratulating the following people for their "quick response to perform lifesaving efforts on their beloved mother and grandmother": Firefighters Keith Guice, Simon Wagner, Sean Lopes, Tristan Garriga, and Ron Farr.

Alderman Cox thanked the Department Heads and staff for their hard work getting ready for events.

Alderman Impey reminded everyone to check out the Songwriters Festival this weekend.

Motion was made by Alderman Papania, seconded by Alderman Bellman and unanimously carried to adjourn until 6:00 p.m. on October 2, 2018.

Meeting ended at 8:24 p.m.

**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**September 18, 2018 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PROCLAMATION**

- a) Kaylee Foster Day – September 18, 2018 – Kaylee Foster (Exhibit 3-a)

**4. PUBLIC HEARING**

- a) Property cleaning for 501 Halstead Road – Earnest & Helen Pendas (Exhibit 4-a)
- b) Property cleaning for 3604 Perryman Road – Peter Pervez & Michelle Gorana (Exhibit 4-b)
- c) Adopt Resolution and Order for the FY18-19 Uniform Assessment Schedule for Motor Vehicles (Exhibit 4-c)

**5. NEW BUSINESS**

- a) Adopt Resolution of the City of Ocean Springs, Mississippi to Increase Sewer Rates for Fiscal Year 2018-2019 Beginning October 1, 2018 (Exhibit 5-a)
- b) Discuss specifics on fuel tanks from McKinney Petroleum Equipment - George Morgan
- c) Discussion of The Sands: securing site and submission of new plans – Kevin Melchi

**6. OLD BUSINESS**

- a) Discuss the proposal from AT&T regarding the cell tower at Dewey Avenue – Kevin Melchi (Exhibit 6-a)
- b) Discussion on water meter replacement options with Core & Main – Brent Baggett
- c) Discuss request for Non-Exclusive, Revocable License to Encroach for Driveway within Undeveloped Joyce Street Right-of-Way, Lot 12 Davidson Subdivision (Exhibit 6-c)

**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) Adopt the Resolution of the City of Ocean Springs, Mississippi to Match Donated Funds to Friends of the Mary C. O’Keefe Cultural Center Arts and Education (Exhibit 7-a)
- b) Accept the Resolution of the Board of Supervisors of Jackson County, Mississippi Authorizing the Temporary Use of County Employee for Assisting the City of Ocean Springs with Inspection Duties for no more than (4) four hours per day at \$100.00 per (4) four hour day and not to exceed (3) three weeks (Exhibit 7-b)
- c) Authorize to approve the updated list of Annual Special Events in the City of Ocean Springs (Exhibit 7-c)

**City Clerk:**

- d) Approve Minutes: Regular Meeting August 7, 2018 (Exhibit 7-d)
- e) Approve Minutes: Recess Meeting August 21, 2018 (Exhibit 7-e)

- f) Accept letter from Donna Jowers, General Administrative Assistant, requesting to rescind her resignation (Exhibit 7-f)
- g) Authorize to terminate the status of Local Emergency enacted by Tropical Storm Gordon (Exhibit 7-g)
- h) Authorize the contract amendment with PTS Solutions, Inc. to include an American Municipal Services Interface to the Municipal Court system at a cost of \$2,500.00 to be paid by American Municipal Services (Exhibit 7-h)
- i) Accept bond of American Municipal Services for the collection of municipal court fines (Exhibit 7-i)
- j) Authorize to award the City bank depository bids to Hancock Whitney Bank for a period of (2) two years; authorize to discontinue the split funding among multiple banks which would result in a cost savings for the City (Exhibit 7-j)
- k) Authorize the following street closures for the 2018 Cruisin' the Coast Event on October 4-6, 2018 from 7:00 a.m. – 5:00 p.m.; Washington Ave. from the railroad tracks to Joseph St.; Government St. to Handy Ave.; Church St. from the railroad tracks to Desoto St.; Robinson Ave. from Cash Alley to Church St.; Desoto St. from Cash Alley to Church St.; Porter Ave. from Bellande Ave. to Jackson Ave.; Calhoun St. will be one-way from Washington Ave. to Jackson Ave. (Exhibit 7-k)
- l) Approve the Special Event Permit Application for the Mayor's Youth Council Lot Event on Friday, October 12, 2018 from 9:00 p.m. – 11:00 p.m. at the back parking lot at the Ocean Springs Civic Center; no cost incurred by the City (Exhibit 7-l)
- m) Approve the Special Event Permit Application for the Trick or Treat Down the Street & Witches Ride on Wednesday, October 31, 2018 from 5:30 p.m. – 8:00 p.m. on the streets throughout downtown ocean Springs; authorize street closures on Washington Ave., from Porter Ave to the railroad tracks and Government St. from Washington Ave. to Handy Ave. (Exhibit 7-m)

**Police Dept.:**

**Fire Dept.:**

- n) Accept Monthly Fire Department Report (Exhibit 7-n)

**Human Resources/Risk Management:**

- o) Accept resignation of Lieutenant Mike Willis effective September 20, 2018; authorize to begin the process of filling the vacant Lieutenant position (Exhibit 7-o)
- p) Authorize to remove Patrolman Patrick Pierce from probationary status to full time status effective as of September 5, 2018 (Exhibit 7-p)
- q) Authorize to extend the probationary period for Vernon Smith an additional (90) ninety days ending December 16, 2018 (Exhibit 7-q)
- r) Authorize to remove Patrolman Cashley English from probationary status to full time status effective September 18, 2018 (Exhibit 7-r)
- s) Accept resignation of Patrolman Chad Cashin effective September 27, 2018; authorize to begin the process of filling the vacant position (Exhibit 7-s)
- t) Authorize to hire certified Patrolman Heather Skinner effective September 24, 2018; \$15.45 hourly rate; one year probationary status pending successful completion of all pre-employment requirements (Exhibit 7-t)
- u) Authorize to hire noncertified Patrolman Michael Chance Thweatt effective September 24, 2018; \$13.25 hourly rate until graduation from Academy then a \$14.50 hourly wage; one year probationary status pending successful completion of all pre-employment requirements (Exhibit 7-u)
- v) Authorize employment of Torian Brown, Full Time Camp Coordinator, effective October 1, 2018; \$16.50 hourly rate; one year probationary status pending successful completion of all pre-employment requirements (Exhibit 7-v)

**City Engineer:**



**Public Works:**

**Community Development & Planning:**

- w) Authorize request from Bruce Tolar to transfer the approved Special Use Conditions for the Katrina Cottage Corporation property located at 2151 Government Street, Cottage Square, be transferred to Artifex DBD, LLC to allow the development to continue as currently operating (Exhibit 7-w)

**PLANNING COMMISSION:**

- x) Approve the application for Lot Split located at 1216 Iberville Drive, PID #60119190.000, as recommended by the Planning Commission – Craig and Allan Duda (Exhibit 7-x)

**HISTORIC PRESERVATION COMMISSION:**

- y) Approve a Certificate of Appropriateness for a fence within the front yard at 916 State Street / Railroad Historic District, PID #60119582.000, as recommended by the Historic Preservation Commission – Rana Oliver, Applicant (Exhibit 7-y)

**ZONING AND ADJUSTMENTS BOARD:**

- z) Approve the request for a 20% variance from the minimum side setback distances on both sides at 802 Iberville Drive, PID #61030003.000, as recommended by the Zoning and Adjustments Board – Joey Shepard/Shepard Homes, Applicant (Exhibit 7-z)
- aa) Approve the request for a 20% variance from the minimum side setback distances on both sides at 800 Iberville Drive, PID #61030003.100, as recommended by the Zoning and Adjustments Board – Joey Shepard/Shepard Homes, Applicant (Exhibit 7-aa)
- bb) Approve the request to Extend the R-1 Residential Zoning District Boundary at 1218 Harbor Drive, PID #61037324.010, as recommended by the Zoning and Adjustments Board – Dennis Frulla, Applicant (Exhibit 7-bb)

**Building Department:**

- cc) Accept Tree Protection Committee Meeting Minutes from September 11, 2018 (Exhibit 7-cc)
- dd) Accept Code Enforcement Report through September 14, 2018 (Exhibit 7-dd)

**Parks & Recreation:**

- ee) Approve the Facility Use Agreement with Ocean Springs Lacrosse League for the use of Gay Lemon Football Field from October 8, 2018 – May 31, 2019 (Exhibit 7-ee)
- ff) Approve the Facility Use Agreement with Southern Elite Lacrosse for the use of Gay Lemon Football Field from September 9 – November 17, 2018 and January 7 – April 30, 2019 (Exhibit 7-ff)
- gg) Approve the Facility Use Agreement with Coast Soccer Club for the use of OS Sports Complex Soccer Fields and Gay Lemon Fields from August 1, 2018 – June 15, 2019 (Exhibit 7-gg)
- hh) Approve the Facility Use Agreement with Ocean Springs Baseball Organization for the use of OS Sports Complex Baseball and Softball Fields from September 3, 2018 – June 30, 2019 (Exhibit 7-hh)

**City Attorney:**

**8. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

- a) Approve Payment: Docket of Claims and spread summary upon the minutes (Exhibit 8-a)

**Police Dept.:**

**Fire Dept.:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- b) Authorize acceptance of the donation of property from Mr. Jeff Glouner for the southern portion of (3) parcels that abut Steelman Lane, PID #'s 60128700.000, 60128700.010,

60128370.000, for the overall plan of being developed to improve the right-of-way for all adjacent properties (Exhibit 8-b)

- c) Authorize acceptance of the donation of property from Elliot Land Development, LLC, Kenneth Jones, property on north side of Old Spanish Trail just west of Hanshaw Rd., PID # 60135060.000, to allow for planned infrastructure improvements to be included within the public right-of-way rather than located on private property (Exhibit 8-c)

**Building Department:**

**Parks & Recreation:**

**City Attorney:**

**9. PUBLIC COMMENT:** *The public is invited to address the Board for up to 3 minutes each for a maximum period of 30 minutes. The Board will take all comments under advisement to take potential action at a later date if warranted. Priority will be given to Ocean Springs residents and Business Owners.*

**10. ALDERMEN'S FORUM**

- a) Discuss responsibility and upkeep for the sidewalks and grass at Front Beach – Alderman Authement
- b) Discuss drainage between the rear yards on Ray Street abutting the new development entered from Vermont Street – Alderman Authement

**11. EXECUTIVE SESSION**

- a) Discussion of The Sands litigation

**ADJOURN UNTIL 6:00 P.M. on October 2, 2018**

**ADDENDUM TO AGENDA  
MAYOR AND BOARD OF ALDERMEN  
CITY OF OCEAN SPRINGS  
RECESS MEETING  
September 18, 2018 - 6:00 p.m.**

1. **CONSENT**

**City Clerk:**

- a) Approve payment: Docket of Claims and spread summary upon the minutes (Exhibit A-1a)
- b) Ratify check in the amount of \$270.00 to the MS Fire Service Instructor Association for Chief Jeff Ponson and Bruce Cox to attend the MS Training Chiefs Conference in Tupelo, MS (Exhibit A-1b)
- c) Accept Budget Amendments

**Human Resources/Risk Management:**

- d) Accept resignation of Brian Parker, Parks Maintenance, effective September 14, 2018; authorize to begin the process of filling the vacant position (Exhibit A-1d)

2. **DEPARTMENT REPORTS**

- a) Discuss bids for Sports Complex Restrooms and Concessions that opened September 18, 2018 (Exhibit A-2a)