

RECESS MEETING OF JULY 21, 2020

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 July 21, 2020. The Mayor Pro-tempore Authement presiding, Aldermen Cox, Gill, Bellman, Papania, Blackman and Impey were present. Mayor Dobson was absent. Also present were City Attorney Nicole Sullivan, City Clerk Patty Gaston, Deputy City Clerk Vicky Hupe, Police Chief Mark Dunston, Fire Chief Derek McCoy, Planning & Grants Administrator Carolyn Martin, Building Official Darrell Stringfellow, Public Works Director Allan Ladnier, Parks & Recreation Assistant Director Huffy Mayfield, Human Resources & Risk Management Director Mindy McDowell and Executive Assistant to the Mayor & Board Meggan Brown.

The Mayor Pro-tempore called the meeting to order.

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

Motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to accept the agenda and the addendum.

PUBLIC HEARINGS

Item 3.a) Motion was made by Alderman Gill, seconded by Aldermen Papania and unanimously carried to open the Public Hearing for the FY20-21 Uniform Assessment Schedule for Motor Vehicles. The Deputy City Clerk stated this process is a formality to allow public input (Exhibit 3-a).

There was no public input for the FY20-21 Uniform Assessment Schedule.

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

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to adopt the resolution for the FY20-21 Uniform Assessment Schedule for Motor Vehicles.

Item 3.b) Motion was made by Alderman Gill, seconded by Alderman Papania and unanimously carried to open the Public Hearing for the 321 Jackson Avenue PID 61335022.030 request for approval of Certificate of Appropriateness (COA) for construction of a single-story, single family dwelling and 2-car parking area (Exhibit 3-b).

The Planning & Grants Administrator said the Historic Preservation Commission recommended approval. No public comment was received.

Motion was made by Alderman Blackman, seconded by Alderman Gill and unanimously carried to close the Public Hearing.

Motion was made by Alderman Impey, seconded by Alderman Gill and unanimously carried to approve the request for a Certificate of Appropriateness (COA) for the construction of a single-story, single family dwelling and 2-car parking area at 321 Jackson Avenue.

Item 3.c) Motion was made by Alderman Blackman, seconded by Alderman Gill and unanimously carried to go into Public Hearing for the 1106 Bowen Avenue request for approval of Certificate of Appropriateness (COA) for exterior renovations (Exhibit 3-c).

The Planning & Grants Administrator said the Historic Preservation Commission recommended approval. No public comment was received.

Motion was made by Alderman Gill, seconded by Alderman Cox and unanimously carried to close the Public Hearing.

Motion was made by Alderman Blackman, seconded by Alderman Gill and unanimously carried to approve the request for the Certificate of Appropriateness (COA) for exterior renovations of 1106 Bowen Avenue.

AGENDA PUBLIC COMMENT

None.

OLD BUSINESS

Alderman Blackman requested item A-1a, discussion of approval of Tax Exemption Order post construction for The Inlet, 2501 Bienville Boulevard, be discussed in Executive Session.

Motion was made by Alderman Gill, seconded by Alderman Papania and unanimously carried to relocate the August Board of Aldermen meetings to the Ocean Springs Civic Center.

CONSENT AGENDA

Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to approve the Consent Agenda.

- a) Ratify check to Belk, Inc. in the amount of \$1,480.45 for investigators clothing allowance (Exhibit 5-a)
- b) Accept monthly Fire Department Report for June 2020 (Exhibit 5-b)
- c) Ratify donation acceptance in the form of labor and material by EvoArmor, LLC to disinfect areas of Police and Fire Department buildings located at 3810 and 3820 Bienville Blvd. (Exhibit 5-c)

- d) Human Resources action items (Exhibit 5-d):
 - a. Accept resignation of Patrol Officer Heather Skinner, effective July 31, 2020; authorize to begin the process of filling the vacant position
 - b. Authorize employment of Robert Burchett, Probationary Firefighter, \$11.19 hourly rate, effective August 8, 2020, pending successful completion of all pre-employment requirements
 - c. Authorize removal of Parks Maintenance Worker Myikel Marks from probationary status to full time status effective July 27, 2020
 - d. Authorize employment of Stephen Glorioso, Parks & Recreation Director, Grade 21, Step 5, \$31.26 hourly rate, effective August 4, 2020, pending successful completion of all pre-employment requirements
- e) Approve request to construct a dwelling on a legal, non-conforming lot; 321 Jackson Avenue PID 61335022.030 (Exhibit 5-e)
- f) Approve request of a variance to allow a dwelling to encroach into the side yard setback; 321 Jackson Avenue PID 61335022.030(Exhibit 5-f)
- g) Accept Building Department June 2020 Permit Report (Exhibit 5-g)
- h) Approve Tree Protection Department recommendations – Tree Applications through July 15, 2020 (Exhibit 5-h)
- i) Accept Code Enforcement report through July 15, 2020 (Exhibit 5-i)
- A-2a) Accept termination of Probationary Police Officer #2461, effective July 19, 2020; authorize to begin the process of filling the vacant position (Exhibit A-2a)

DEPARTMENT REPORTS

CITY CLERK:

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to approve the Docket of Claims; the Board finds that all expenses are lawful and appropriate (Exhibit 6-a).

The City Clerk explained during the last legislation for the MS Infrastructure Modernization Act of 2018 (internet tax), any grant funds or loans included in the five year average expenditures, will now be exempt. She said this will reduce the City's requirement by \$218,879.19.

COMMUNITY DEVELOPMENT & PLANNING:

Motion was made by Alderman Cox, seconded by Alderman Papania and unanimously carried to reappoint Charliene Roemer to the Historic Preservation Commission, term expiring June 30, 2024 (Exhibit 6-c).

PUBLIC WORKS:

The Public Works Director said that the Bills Avenue project changed direction several times and the budget is now short to complete the project. The City Clerk explained that the Aldermen will decide if the budget is increased and if the funds will come from ending balance or the Jackson County Road fund. Motion was made by Alderman Blackman,

seconded by Alderman Cox and unanimously carried to approve the increase in the Bills Avenue Project budget by \$76,000 from the Jackson County Road fund and contingent on the total Jackson County provides for the project.

Motion was made by Alderman Impey, seconded by Alderman Bellman and unanimously carried to authorize the Mayor to execute a MOU with Jackson County Utility Authority for assistance of Utility Services (Exhibit A-3a).

BUILDING:

The Building Official said that he did a second site visit at 702 Cox Avenue and now agrees that the cedar tree should be removed. Motion was made by Alderman Blackman, seconded by Alderman Gill and unanimously carried to approve the appeal at 702 Cox Avenue to allow removal of cedar tree (Exhibit 6-e).

GENERAL PUBLIC COMMENT

Lee Brumfield questioned the City's litigation strategy as it relates to Illanne, et al. v City of Ocean Springs appeal related to The Sands development.

ALDERMAN'S FORUM

Alderman Gill said that Public Works is overloaded because of COVID-19 and unable to keep up with yard debris trash collection. John Geboy from Waste Pro said they have a spare truck to run in Ocean Springs and they are willing to work in cooperation with the City. Motion was made by Alderman Gill, seconded by Alderman Papania and unanimously carried to authorize the Mayor to contract with Waste Pro for trash curbside pickup at \$150.00 per hour on an as needed basis.

Alderman Papania asked Eric Page with JCUA if they were going to be able to work with the City to paint the City's water towers. He responded that they are unable under their contract unless the water towers are owned by JCUA. Alderman Blackman asked about getting the name of contractor to lessen the City's mobilization cost. The City Clerk said that the contract would need to be bid out.

Motion was made by Alderman Papania to meet with the Friends of the Mary C at a Special Call meeting. The motion died for lack of a second.

Alderman Impey said the Highway 90 medians have not been cut since before July 4th and look terrible. The Public Works Director said he stopped Grass Masters due to rain and wet conditions. He said the crepe myrtle trimming will begin Thursday, July 23rd.

EXECUTIVE SESSION

Motion was made by Alderman Impey, seconded by Alderman Gill 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 that a motion was made by Alderman Impey, seconded by Alderman Papania and unanimously carried to remain in executive session to discuss litigation strategy and proposed settlement in Chaney v. City of Ocean Springs, MS, potential litigation related to the Tennis Professional contract, potential litigation strategy regarding approval of Post Construction Tax Exemption Application filed by The Inlet – 2501 Bienville Blvd., litigation update in The Sands v. City of Ocean Springs, MS, and potential litigation regarding the Friends of the Mary C management contract termination.

Motion was made by Alderman Impey, seconded by Alderman Bellman and unanimously carried to come out of executive session where the following action was taken:

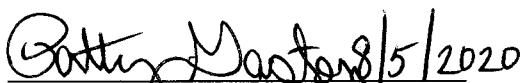
- a) Motion was made by Alderman Blackman, seconded by Alderman Gill and unanimously carried to approve settlement in Chaney v. City of Ocean Springs, MS whereby the City will have the structure located at 1307 Cove Avenue demolished in consideration for a full and final release of all claims asserted by Corey and Miranda Chaney against the City of Ocean Springs.
- b) Motion was made by Alderman Gill, seconded by Alderman Bellman and unanimously carried to authorize the City Attorney to negotiate a release and hold harmless with Jim Jones in consideration for full and final payment under current and previous Tennis Professional contracts.

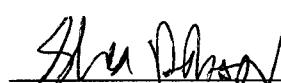
Motion was made by Alderman Impey, seconded by Alderman Gill and unanimously carried finding the post construction tax exemption application for The Inlet, 2501 Bienville Boulevard, is premature and for the applicant to refile upon Building 1, Suite 102 having power and being climate controlled pursuant to Ordinance 2018-26, Section 6.

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried finding pursuant to the policy of Mississippi Code Ann. § 17-21-5 and City Ordinance 2018-26, which is to promote business, commerce and appropriate industry within the Central Business District, the City is authorized to issue an ad valorem tax abatement for up to one unit per 500 square feet of residential for The Inlet development, as outlined in Ordinance 2018-26 Section 3.

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to adjourn the meeting until 6:00 p.m. on August 5, 2020.

Meeting ended at 7:44 p.m.


8/5/2020
City Clerk Date


8/10/2020
Mayor Date

ADDENDUM TO RECESS MEETING AGENDA
MAYOR AND BOARD OF ALDERMEN • CITY OF OCEAN SPRINGS
July 21, 2020 – 6:00 p.m. at City Hall

1) OLD BUSINESS

- a) Discussion of approval of Tax Exemption Order, Post Construction – The Inlet 2501 Bienville Boulevard (Exhibit A-1a)
- b) Discussion of moving upcoming BOA meetings to the Civic Center (Exhibit A-1b)

2) CONSENT AGENDA

- a) Accept termination of Probationary Police Officer #2461, effective July 19, 2020; authorize to begin the process of filling the vacant position (Exhibit A-2a)

3) DEPARTMENT REPORTS

Public Works:

- a) Authorize the Mayor to execute MOU with Jackson County Utility Authority for assistance of Utility Services (Exhibit A-3a)

4) EXECUTIVE SESSION

- a) Discuss litigation strategy and proposed settlement in Chaney v. City of Ocean Springs, MS.

RECESS MEETING AGENDA
MAYOR AND BOARD OF ALDERMEN • CITY OF OCEAN SPRINGS
July 21, 2020 – 6:00 p.m. at City Hall

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. PUBLIC HEARING

- 3* a) Adopt Resolution adopting the FY 2020 – 2021 Uniform Assessment Schedule for Motor Vehicles (Exhibit 3-a)
- 5* b) 321 Jackson Avenue PID 61335022.030; Request approval of Certificate of Appropriateness (COA) for construction of single-story, single family dwelling and 2-car parking area; HPC recommends approval of COA (Exhibit 3-b)
- 13* c) 1106 Bowen Ave.; Parcel Identification no. 61190015.000; Request Approval of Certificate of Appropriateness (COA) for exterior renovations; HPC recommends approval of COA (Exhibit 3-c)

4. AGENDA PUBLIC COMMENT *** The Public is invited to address the Board for up to 3 minutes each for a maximum period of 30 minutes, ONLY regarding issues listed on this agenda. The Board will take all comments under advisement for potential action if warranted. Please identify yourself and agenda item.*

5. CONSENT AGENDA* *Consent Agenda – All matters listed under 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.*

City Clerk:

- 25* a) Ratify check to Belk, Inc. in the amount of \$1,480.45 for investigators clothing allowance (Exhibit 5-a)

Fire Department:

- 32* b) Accept monthly Fire Department Report for June 2020 (Exhibit 5-b)
- 33* c) Ratify donation acceptance in the form of labor and material by EvoArmor, LLC to disinfect areas of Police and Fire Department buildings located at 3810 and 3820 Bienville Blvd. (Exhibit 5-c)

Human Resources/Risk Management:

- 36* d) Human Resources action items (Exhibit 5-d):
 - a. Accept resignation of Patrol Officer Heather Skinner, effective July 31, 2020; authorize to begin the process of filling the vacant position
 - b. Authorize employment of Robert Burchett, Probationary Firefighter, \$11.19 hourly rate, effective August 8, 2020, pending successful completion of all pre-employment requirements
 - c. Authorize removal of Parks Maintenance Worker Myikel Marks from probationary status to full time status effective July 27, 2020

- d. Authorize employment of Stephen Glorioso, Parks & Recreation Director, Grade 21, Step 5, \$31.26 hourly rate, effective August 4, 2020, pending successful completion of all pre-employment requirements

Planning Commission:

- 37 e) Approve request to construct a dwelling on a legal, non-conforming lot; 321 Jackson Avenue PID 61335022.030 (Exhibit 5-e)

Zoning Adjustment Board:

- 41 f) Approve request of a variance to allow a dwelling to encroach into the side yard setback; 321 Jackson Avenue PID 61335022.030(Exhibit 5-f)

Building Department:

- 45 g) Accept Building Department June 2020 Permit Report (Exhibit 5-g)
- 47 h) Approve Tree Protection Department recommendations – Tree Applications through July 15, 2020 (Exhibit 5-h)
- 63 i) Accept Code Enforcement report through July 15, 2020 (Exhibit 5-i)

6. DEPARTMENT REPORTS

Mayor:

City Clerk:

- 46 a) Approve payment: Docket of Claims, all expenditures are appropriate and authorized by law, and spread summary on the Minutes (Exhibit 6-a)
- 91 b) Discussion of the MS Infrastructure Modernization Act of 2018 (Exhibit 6-b)

Police Department:

Fire Department:

Human Resources/Risk Manager:

City Engineer:

Community Development & Planning:

- 92 c) Historic Preservation Commission member discussion (Exhibit 6-c)

Public Works:

- 93 d) Discussion of Bills Avenue Project budget increase of \$76,000 (Exhibit 6-d)

Building Department:

- 96 e) Appeal of Building Official denial to remove cedar tree at 702 Cox Avenue (Exhibit 6-e)

Parks & Recreation:

City Attorney:

- 7. GENERAL PUBLIC COMMENT** ** *The public is invited to address the Board regarding issues NOT listed on this agenda, 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.*

8. ALDERMEN'S FORUM

9. EXECUTIVE SESSION

ADJOURN UNTIL 6:00 P.M. on Wednesday, August 5, 2020