

REGULAR MEETING OF SEPTEMBER 1, 2020

Be it remembered that the Mayor and Board of Aldermen of the City of Ocean Springs met in a Regular Meeting at the Civic Center in the City of Ocean Springs at 6:00 p.m. on September 1, 2020. The Mayor presiding, Aldermen Gill, Authement, Bellman, Cox, Papania, Blackman and Impey were present. Also present were City Attorney Nicole Sullivan, City Clerk Patty Gaston, Deputy City Clerk Vicky Hupe, Fire Chief Derek McCoy, Police Chief Mark Dunston, Planning & Grants Administrator Carolyn Martin, Building Official Darrell Stringfellow, Public Works Assistant Director Candice Hooks, Parks & Recreation Director Stephen Glorioso, and Human Resources & Risk Management Director Mindy McDowell.

The Mayor called the meeting to order.

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

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

AGENDA PUBLIC COMMENT

Mary Ballard spoke against agenda item 6-j) approve request for Residential Short Term Rental (STR) permit – 208 Cleveland Avenue PID#61330013.000 (Exhibit 6-j). She requested the Board protect against short term rentals in residential neighborhoods.

OLD BUSINESS

Motion was made by Alderman Cox and seconded by Alderman Bellman to adopt an Ordinance amending zoning and subdivisions; to revise Chapter 14 Article 1 Section 14-10(a)(3) regarding speed limit on Government Street near the intersection of Ocean Springs Road and Pabst Road (Exhibit 5-a).

The motion carried with a roll call vote as follows:

| | |
|--------------------|-----|
| Alderman Gill | Aye |
| Alderman Authement | Aye |
| Alderman Bellman | Aye |
| Alderman Cox | Aye |
| Alderman Papania | Aye |
| Alderman Blackman | Nay |
| Alderman Impey | Nay |

OLD BUSINESS

The Planning & Grants Administrator said the Public Hearing for Savannah Estates Subdivision on the SW Corner of Riley Road and Old CCC Camp Road (Exhibit 4-a) has been deferred indefinitely.

The tree appeal for 119 Surgeres Place was tabled at the August 18, 2020 meeting (Exhibit 4-b). Alderman Authement said that he was able to view the Cypress tree with the homeowner and the neighbor having issues with the tree. Motion was made by Alderman Authement, seconded by Alderman Gill and unanimously carried to approve the appeal and grant the removal of a Cypress tree at 119 Surgeres Place on the north east corner of the property.

Motion was made by Alderman Cox, seconded by Alderman Authement and unanimously carried to approve the refund or rescheduling for Northwood Church for the Sundays in which church services could not be held at the Civic Center during the COVID-19 pandemic (Exhibit 4-c).

Motion was made by Alderman Gill, seconded by Alderman Papania and unanimously carried to accept the Certificate of Clerk and the Report of Election Commissioners for the MS Power Franchise Special Election on August 4, 2020 which carried in favor of the franchise (Exhibit 4-d).

Motion was made by Alderman Cox and seconded by Alderman Gill to adopt a Resolution declaring the results of the Special Election for the MS Power Franchise (Exhibit 4-e).

The motion carried with a roll call vote as follows:

| | |
|--------------------|-----|
| Alderman Gill | Aye |
| Alderman Authement | Aye |
| Alderman Bellman | Aye |
| Alderman Cox | Aye |
| Alderman Papania | Aye |
| Alderman Blackman | Aye |

NEW BUSINESS

Eric Page from Jackson County Utility Authority (JCUA) explained that in 2016 JCUA applied for Corp 592 funds to improve water and sewer lines in Colonial Estates. He said Corp 592 funds are shared 75% federal and 25% local. The Corp of Engineers has requested JCUA renew the cost to verify accuracy of application. It was determined for JCUA to complete the project, the 25% would be \$600,000 to \$650,000 since they would save some cost with in house engineering. He said that they will be notified in November if the grant is awarded. At that time, the City will need to decide if JCUA or the City will

complete the project. If JCUA will complete the project, the City would be required to voluntarily release the water certificate for Colonial Estates. He said if the City decides to annex the area, a water certificate is not necessary to annex. He said all infrastructure will be installed up to the homes and will use a step tank system. He added, they are in hopes that grants will offset the cost to the homeowners for the step tank system. Alderman Papania requested the City Attorney and the Mayor work with JCUA to compile details, regulations and possible obstacles. The Mayor said he would coordinate the meeting tomorrow. Alderman Cox requested a detailed map of the area for the needed water certificate.

Motion was made by Alderman Cox, seconded by Alderman Papania and unanimously carried to move the November 3, 2020 Regular Meeting to Wednesday November 4, 2020 due to the Presidential election (Exhibit 5-b).

Alderman Authement said the agreement with the Friends of the Mary C. (FMCOK) does not end until October 8th. He asked if the agreement with the Local Creatives (Exhibit 5-c) could overlap. The City Attorney responded that there is currently an agreement between the FMCOK and the Local Creatives that also names the City but was not approved by the Board. She said since the Board did not approve, the agreement is void. She added that in multiple emails, the FMCOK have stated they do not plan to stay in the building until October 8th. She said legally the agreements can overlap. Motion was made by Alderman Gill, seconded by Alderman Cox and unanimously carried to adopt a Resolution authorizing execution of an MOU and Hold Harmless agreement with The Local Creatives for use and activities at the Mary C. O'Keefe.

CONSENT AGENDA

Motion was made by Alderman Impey, seconded by Alderman Gill and unanimously carried to approve the Consent Agenda except items 6-j and 6-k pulled by Alderman Authement.

- a) Authorize to extend the resolution proclaiming the existence of a local emergency enacted March 16, 2020 for local emergency regarding the COVID-19 outbreak (Exhibit 6-a)
- b) Adopt Resolution to match funds to the Walter Anderson Museum of Art (Exhibit 6-b)
- c) Authorize to extend the resolution proclaiming the existence of a local emergency enacted March 11, 2019 for Front Beach Drive due to the incapacitation of street lights along Front Beach Drive; extend for 30 days (Exhibit 6-c)
- d) Ratify check to Timothy Regan in the amount of \$322.00 for per diem August 16 to August 22, 2020 (Exhibit 6-d)
- e) Accept August 2020 Aged Receivable Report for utility billing (Exhibit 6-e)
- f) Approve Minutes: Regular Meeting August 5, 2020 (Exhibit 6-f)

- g) Approve Minutes: Recess Meeting August 18, 2020 (Exhibit 6-g)
- h) Approve Minutes: Special Call Meeting August 25, 2020 (Exhibit 6-h)
- i) Human Resources Action Items (Exhibit 6-i):
 - a. Authorize removal of Firefighter Adam Johnson from probationary status to full time status effective immediately
- j) Approve request for Residential Short Term Rental (STR) permit – 208 Cleveland Avenue PID#61330013.000 (Exhibit 6-j)
- k) Approve request for Residential Short Term Rental (STR) permit – 122 Booth Circle PID#31166174.000 (Exhibit 6-k)
- l) Authorization to award Dale Partners as consultant for related planning engineering services – MDOT Transportation Improvements Program (TIP) Federal Surface Transportation Program (STP) Downtown OS Traffic/Travel/Parking Study (Exhibit 6-l)
- m) Authorization to award Pickering as consultant for related planning engineering services – MDOT Transportation Improvements Program (TIP) Federal Surface Transportation Program (STP) South Ocean Springs Road/Steelman Lane Traffic Study (Exhibit 6-m)
- n) Authorization to award Brown, Mitchell & Alexander, Inc. as consultant for related planning engineering services – Tidelands Project:FY20-P412-02: East Beach Accessibility (Exhibit 6-n)
- o) Accept Code Enforcement Report through August 27, 2020 (Exhibit 6-o)
- p) Approve Tree Protection Department recommendations – Tree Application through August 27, 2020 (Exhibit 6-p)

Alderman Authement verified with the Planning & Grants Administrator, the short term rental (STR) permits are only valid for one year and if any issues are noted the permit would not be renewed. She replied that was correct, she added that there are currently 37 STR and have had zero compliance issues or complaints. She said before the permit is issued, there are several inspections and re-inspections with Planning, Building, and Code enforcement. Alderman Authement said with all of the rules and regulations with STRs, the neighbors are protected. Alderman Gill expressed his concern, that a homeowner buys a home in a R1 or R2 neighborhood but now a neighbor can run a hotel. He said he voted against STR. He asked if a HOA has covenants that restrict STR, would it still be approved by City. The Planning & Grants Administrator said that restriction was addressed in the code and the Planning Commission would not override the HOA. Alderman Gill said that would be the only recourse for a homeowner, to have the HOA restrict in the covenants. Motion made by Alderman Authement and seconded by Alderman Blackman to approve items j and k since they met the criteria. Motion carries with Aldermen Authement, Bellman, Cox, Papania, Blackman and Impey voting aye and Alderman Gill voting nay.

DEPARTMENT REPORTS

City Clerk:

Motion was made by Alderman Authement, seconded by Alderman Blackman and unanimously carried to approve the docket of claims; the Board finds that all expenditures are appropriate and authorized by law (Exhibit 7-a).

Motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to approve the monthly budget report (Exhibit 7-b).

The City Clerk reviewed the requested adjustments to water and sewer accounts (Exhibit 7-c). She said the second account, United Methodist Church at 8900 Old Spanish Trail, had a contractor, Elliott Homes, break the water line. She said Elliott Homes paid the water portion of the bill but would like the sewer cost adjusted since the water did not go through the sewer line. Alderman Authement said since this was not a natural occurrence, Elliott Homes or a sub-contractor broke the line and should have insurance to cover the cost. Alderman Blackman requested the account balance be put on hold to not incur late fees and let the church reach out to Elliott Homes to pay the balance. Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to authorize the adjustment of water/sewer accounts, except 8900 Old Spanish Trail and 4146 Bienville Blvd., due to a finding that the customers did not receive the benefit of the utility and the excess usages were due to unforeseen circumstances (Exhibit 7-c).

GENERAL PUBLIC COMMENT

None

ALDERMAN'S FORUM

The Mayor said the Mary C. transition is going well and the Parks & Recreation Director will be conducting interviews for the Art & Culture Coordinator position. He said he would like to have an interim coordinator until a final decision can be made. He said Sara Quarquish with the Local Creatives has expressed interest in serving as the interim coordinator. He requested the Board consider moving forward with an interim coordinator. Alderman Gill agreed that someone is needed now. The City Clerk asked if it would be a paid position. The Mayor responded that he is unsure and it would require more discussion with the Board and Sara. Alderman Cox asked about the FMCOK still being in building. The City Attorney said she has requested a move out date from the FMCOK and compensation would need to be discussed, these details would need to be worked out before approval was given. Motion was made by Alderman Blackman and seconded by Alderman Gill to begin negotiations and for the City Attorney to work out other details regarding an interim coordinator for the Mary C. Motion carried with

Alderman Authement asked the Public Works Assistant Director about putting out special event signs and garbage cans downtown for the Art Walk this weekend. She said they would get them out before the event.

Alderman Cox gave an update on the Mississippi Power Company light options for Front Beach. He said they are putting a street light up this weekend to preview how it will work.

Alderman Papania thanked the new Code Enforcement Officer and the Building Department for getting blights removed from the City.

Alderman Impey gave kudos to Fire Chief McCoy for the efficiency of the firefighters handling the donated supplies to take to Lake Charles for Hurricane Laura relief.

The Mayor said Come Back Coolers will be at the Fire Department Thursday at 4:00 pm to pack coolers and thanked Fire Chief McCoy for stepping up and offering the facility. He also reminded everyone that donations are still being accepted.

EXECUTIVE SESSION

Motion was made by Alderman Gill, 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 that a motion was made by Alderman Impey, seconded by Alderman Gill and unanimously carried to remain in executive session to discuss personnel in the Fire Department, potential litigation regarding the Friends of the Mary C., potential litigation regarding 321 Jackson Avenue and potential litigation regarding The Inlet tax abatement.

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

Motion was made by Alderman Cox, seconded by Alderman Authement and unanimously carried to suspend Employee # 2234 for 3 days without pay with a 12 month probationary period to follow the suspension.

Before discussions regarding potential litigation with the Friends of the Mary C. began, the City Attorney advised Alderman Authement to recuse himself from discussions considering his spouse serves on the Board for the Friends of the Mary C. Further, Alderman Authement previously recused himself when the Board discussed potential litigation regarding the Mary C. and rescission of the Management Agreement. Alderman Authement stated that because the Management Agreement had already been terminated, he saw no reason to recuse. The City Attorney explained that discussions

would revolve around litigating disputes over the Management Agreement. Alderman Authement chose to participate in the discussion regarding potential litigation with the Friends of the Mary C.

Motion was made by Alderman Impey and seconded by Alderman Bellman giving the City Attorney authority to send a final demand letter to the Friends of the Mary C. for documents relating to ownership of assets pursuant to the Management Agreement; if no response from the Friends is received within 48 hours of demand letter being received, the City Attorney is authorized to pursue an injunction against the Friends of the Mary C. for a determination of assets. Motion carried with Aldermen Gill, Bellman, Papania, Cox, Blackman, Impey voting aye and Alderman Authement abstained.

Motion was made by Alderman Impey, seconded by Alderman Papania and unanimously carried to recess the meeting until 6:00 p.m. on September 15, 2020.

Meeting ended at 7:25 p.m.

Vicky Hope 9/23/2020
City Clerk (Deputy) Date

Brian D. Moran 9/24/2020
Mayor Date

REGULAR MEETING AGENDA
MAYOR AND BOARD OF ALDERMEN – CITY OF OCEAN SPRINGS
Tuesday, September 1, 2020 – 6:00 p.m.
Ocean Springs Civic Center – 3730 Bienville Blvd.

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

3. 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, if no agenda item is stated you will be asked to hold your comment until General Public Comment at the end of the meeting.*

4. OLD BUSINESS

- a) Public Hearing deferred indefinitely – Savannah Estates Subdivision SW Corner of Riley Road and Old CCC Camp Road (Exhibit 4-a)
- b) Tree Appeal – 119 Surgeres Place – Tabled at August 18, 2020 meeting (Exhibit 4-b)
- c) Discuss refund or rescheduling for Northwood Church for the Sundays in which church service could not be held at the Civic Center during the COVID-19 pandemic (Exhibit 4-c)
- d) Accept the Certificate of Clerk and the Report of Election Commissioners for the MS Power Franchise Special Election on August 4, 2020 carried in favor of the franchise (Exhibit 4-d)
- e) Adopt Resolution declaring the results of Special Election for the MS Power Franchise (Exhibit 4-e)

5. NEW BUSINESS

- a) Discuss the Colonial Estates Utility Project with JCUA (Exhibit 5-a)
- b) Discuss moving the November 3, 2020 Regular Meeting to Wednesday November 4, 2020 due to election (Exhibit 5-b)
- c) Adopt Resolution authorizing execution of MOU and Hold Harmless agreement with The Local Creatives for use and activities at The Mary C. O’Keefe (Exhibit 5-c)

6. 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.*

Mayor:

- a) Authorize to extend the resolution proclaiming the existence of a local emergency enacted March 16, 2020 for Local Emergency regarding the COVID-19 outbreak (Exhibit 6-a)
- b) Adopt Resolution to match funds to the Walter Anderson Museum of Art (Exhibit 6-b)

City Clerk:

- c) Authorize to extend the resolution proclaiming the existence of a local emergency enacted March 11, 2019 for Front Beach Drive due to the incapacitation of street lights along Front Beach Drive; extend for 30 days (Exhibit 6-c)
- d) Ratify check to Timothy Regan in the amount of \$322.00 for per diem August 16 to August 22, 2020 (Exhibit 6-d)
- e) Accept August 2020 Aged Receivable Report for utility billing (Exhibit 6-e)
- f) Approve Minutes: Regular Meeting August 5, 2020 (Exhibit 6-f)
- g) Approve Minutes: Recess Meeting August 18, 2020 (Exhibit 6-g)
- h) Approve Minutes: Special Call Meeting August 25, 2020 (Exhibit 6-h)

Human Resources:

- i) Human Resources Action Items (Exhibit 6-i):
 - a. Authorize removal of Firefighter Adam Johnson from probationary status to full time status effective immediately

Planning Commission:

- j) Approve request for Residential Short Term Rental (STR) permit – 208 Cleveland Avenue PID#61330013.000 (Exhibit 6-j)
- k) Approve request for Residential Short Term Rental (STR) permit – 122 Booth Circle PID#31166174.000 (Exhibit 6-k)

Grants Administration:

- l) Authorization to award Dale Partners as consultant for related planning engineering services – MDOT Transportation Improvements Program (TIP) Federal Surface Transportation Program (STP) Downtown OS Traffic/Travel/Parking Study (Exhibit 6-l)
- m) Authorization to award Pickering as consultant for related planning engineering services – MDOT Transportation Improvements Program (TIP) Federal Surface Transportation Program (STP) South Ocean Springs Road/Steelman Lane Traffic Study (Exhibit 6-m)
- n) Authorization to award Brown, Mitchell & Alexander, Inc. as consultant for related planning engineering services – Tidelands Project:FY20-P412-02:East Beach Accessibility (Exhibit 6-n)

Building Department:

- o) Accept Code Enforcement Report through August 27, 2020 (Exhibit 6-o)
- p) Approve Tree Protection Department recommendations – Tree Application through August 27, 2020 (Exhibit 6-p)

7. DEPARTMENT REPORTS

Mayor:

City Clerk:

- a) Approve payment: Docket of Claims, all expenditures are appropriate and authorized by law, and spread summary on the Minutes (Exhibit 7-a)
- b) Accept Monthly Budget Report (Exhibit 7-b)
- c) Authorized adjustment of water/sewer accounts due to a finding that the customers did not receive the benefit of the utility and the excess usages were due to unforeseen circumstances (Exhibit 7-c)

Police Department:

Fire Department:

Human Resources/Risk:

City Engineer:

Public Works:

Community Development & Planning:

Building Department:

Parks & Recreation:

City Attorney:

8. GENERAL 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.*

- Please identify yourself before speaking into the microphone.

9. ALDERMEN'S FORUM

10. EXECUTIVE SESSION

- a) Personnel in Fire Department

RECESS UNTIL 6:00 P.M. on Tuesday, September 15, 2020