

## **REGULAR MEETING OF JUNE 4, 2019**

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 4, 2019. The Mayor presiding, Aldermen Gill, Authement, Bellman, Papania, Blackman and Impey were present. Also present were Deputy City Clerk Vicky Hupe and City Attorney Kevin Melchi. Alderman Cox was absent.

The Mayor called the meeting to order.

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

### **ADDENDUM**

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

### **OLD BUSINESS**

The Deputy Building Official gave an update on 176 Linda Circle; he said it was completed and cleaned up as of 4:30 p.m. today.

### **NEW BUSINESS**

The City Attorney said the ordinance has been drafted to regulate private commercial property food truck operations. It regulates with required inspections by Code Enforcement, the Fire department and Building Official; making sure they have the correct permits and permission to operate. The mobile food vendors would have to have a permit and inspection, as would the site locations where they have permission to operate. He explained some changes that need to be made to Sections 2, 4-a and 4-c1. Motion was made by Alderman Blackman and seconded by Alderman to adopt an amendment to the Code of Ordinances for the City of Ocean Springs, MS to regulate mobile food vendors with changes in Section 2 – the definition of mobile food vendor strike “on a consistent basis and for a period of more than 15 days each calendar year”; Section 4-a – add “or on public property as specifically designated by the City of Ocean Springs”; Section 4-c1 – add “or on public property as specifically designated by the City of Ocean Springs” (Exhibit A - 1a) The motion carried with a roll call vote as follows:

Alderman Gill	<u>Aye</u>
Alderman Authement	<u>Aye</u>
Alderman Bellman	<u>Aye</u>
Alderman Cox	<u>Absent</u>
Alderman Papania	<u>Aye</u>

Alderman Blackman	<u>Aye</u>
Alderman Impey	<u>Aye</u>

The Mayor discussed the growing concern over Public Works debris pickup. The Public Works Director said that in April they picked up 1,065 yards, in May they picked up 2,539 yards and with only one day of pick up in June there was 369 yards. The debris piles are getting bigger and include entire trees, as well as other non-debris items including appliances, furniture, mattresses and contractor material; it is putting a strain on Public Works. Also at the dump, people are dumping prohibited items and non-residents are dumping there as well since there is currently no monitor at the facility; this is costing the city money. The Mayor suggested that a part time debris monitor at the dump site be hired to help curb the illegal dumping and ultimately save money. Alderman Gill also suggested that something be included on the water bills to notify residents that Public Works is only able to pick up yard debris. The Mayor asked the Human Resource Director and the Public Works Director to meet and discuss a job description and needed hours and schedule to bring back to the board for a decision next meeting.

The Mayor discussed the current sign ordinance and what is allowed and not allowed. He said he has received calls regarding the "feather flags", currently they can only have "open" and "welcome" printed on the signs and he feels the wording should not be regulated. The City Attorney said that there is not anything specifically prohibiting the feather flags. Alderman Blackman suggested that the feather flags be grouped with banners which have a sixty day per calendar year limitation. It was requested that the City Attorney draft an ordinance for feather flags. The Deputy Building Official said it would be difficult to monitor the 60 days use.

## **CONSENT AGENDA**

Motion was made by Alderman Impey, seconded by Alderman Authement and unanimously carried to approve the Consent Agenda except items (5-m and 5-o).

Alderman Gill removed item 5-m and asked Joey Duggan with Compton Engineering to speak about the dredging in Fort Bayou. He explained that the bids received were more than what is available in the Tidelands funds award for this project. In order to award the project as bid, the Planning and Grants Administrator is requesting authorization to submit a Reallocation Request to DMR to move funds from the Tideland award for Front Beach Infrastructure Maintenance. Motion was made by Alderman Gill, seconded by Alderman Blackman and unanimously carried to authorize the request of reallocation of funds from FY18-P501-02 – Front Beach Infrastructure Maintenance and authorize to award dredging to J.E. Borries, Inc. pending approval from DMR for the reallocation (Exhibit 5-m).

Alderman Papania explained that at 1061 Conley Circle there is a Magnolia tree that needs to be removed but the Tree Committee denied the application. The tree is ten feet from home and the roots cause the back patio area and back door area to flood during heavy rains. The homeowners have requested to remove the tree and root ball. Motion was made by Alderman

Papania, seconded by Alderman Gill to allow the removal of a Magnolia tree at 1061 Conley Circle; motion was rescinded by Alderman Papania. The City Attorney explained that the homeowner will need to file an appeal within 30 days of the Tree Committees denial. Motion was made by Alderman Papania, seconded by Alderman Blackman and unanimously carried to accept the Tree Committee minutes excluding 1061 Conley Circle (Exhibit 5-o).

## **DEPARTMENT REPORTS**

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to approve the docket of claims (Exhibit 6-a).

The Mayor and the Deputy City Clerk gave a special thanks to the Fire Department, Parks & Recreation Department and Water Department for assistance with the renovations at City Hall; specifically Water Department employees Eddie Hibbard and David Knebel; Parks Department employees Huffy Mayfield and Scott Dosett; Fire Chief Ponson and the Firefighters.

The Mayor said there are seven members on the Parks Advisory Board but it is difficult to have a quorum for their monthly meetings because members feel their voices are not being heard. Paul Kirkland, Parks Advisory Board member, said they do need to review the bylaws to see what can be done to improve attendance. Members are not only not showing up but not confirming if they will or will not attend. He will review the bylaws to see what recourse they have with absent members. He also said there is some frustration over the overall effectiveness and the level of engagement on park initiatives with the board and even though they are an advisory board with no real power; they do have an important level of insight, oversight and input. Once the level of involvement and engagement in the overall process increases, things will improve. It was suggested that the City Attorney review the bylaws of the board regarding absenteeism. Alderman Blackman suggested replacing members that do not attend, he asked the Parks & Recreation Director to supply the attendance records for the past two years. The Deputy City Clerk said there are three board members whose term will expire on June 30, 2019.

The Parks & Recreation Director asked for Water Technician Eddie Hibbard to be excused from the Tree Committee meeting June 11, 2019 to drive a bus to a fieldtrip to Stennis Space Center. Unfortunately, his attendance is required at the Tree Committee meeting on that day, another driver will have to be selected that is on the insurance.

## **PUBLIC COMMENTS**

Newman Smith, 434 Whispering Pines Drive, said his neighbor has planted too many trees on a small lot and they have grown up to be a danger to his property. He claims that there has already been damage to his property and has threatened to sue his neighbor. At the last meeting he spoke to the board and was told that his neighbor received permission to cut the trees down. He then went to his neighbor who showed him the permit he received and it says

two trees could be removed but the majority of trees could be trimmed but not cut, including the one Mr. Smith claims is damaging his fence. The Mayor said he would look into the issue and contact Mr. Smith.

Diana Schmied, 128 LaBranche Ave., was hopeful the city would have recognized June as "Pride Month" but has not seen any recognition. She said in honor of Pride Month, she would like to recognize and celebrate the diversity in the of the city of Ocean Springs, that the LGBTQ citizens are all an important part of what makes this city special and great. The Mayor responded that he is in agreement with Mrs. Schmied.

Debra Littlepage, 134 Siowan Ave., said she has been studying state law and the UDC. She gave a statement on her application to the Tree Committee being held up for four months and feels that a particular person has intimidated the Tree Protection Committee and the City Attorney. She feels her rights have been violated and they nor their experts have not been heard. She wants to be heard and for the meetings to be held according to the UDC and Mississippi open meeting laws.

James Lewis said that there are young people on bicycles without reflectors riding at night on Government Street weaving in and out of the center lane. He also said that there are senior citizens on motorized scooters going across Hwy. 90 without reflectors near Walmart. The Police Chief said he would look into the situation. Alderman Authement mentioned nearby cities have recently issued a curfew for people under 16 years old.

Adam Miller, 1316 Government Street, said he owns Merchant House which is a food truck venue at the old Crossfit building. He said they have been working with the city for several months to place up to six food trucks at the location. He has an issue with the statement in the ordinance that would defer to an event coordinator to determine if the food trucks would be able to set up and sell food during the special event. There was discussion between the Aldermen, the City Attorney and Mr. Miller regarding the four day provision in the ordinance for consideration for special events. There was some misunderstanding regarding the permitted area during special events.

Motion was made by Alderman Blackman and seconded by Alderman Impey to rescind the original motion for the Ordinance to regulate Mobile Food Vendors. The motion carried with a roll call vote as follows:

Alderman Gill	<u>Aye</u>
Alderman Authement	<u>Aye</u>
Alderman Bellman	<u>Aye</u>
Alderman Cox	<u>Absent</u>
Alderman Papania	<u>Aye</u>
Alderman Blackman	<u>Aye</u>
Alderman Impey	<u>Aye</u>

Motion was made by Alderman Blackman and seconded by Alderman Impey to adopt an amendment to the Code of Ordinances for the City of Ocean Springs, MS to regulate mobile

food vendors with the following changes: Section 2 the definition of mobile food vendor strike "on a consistent basis and for a period of more than 15 days each calendar year"; Section 4-a add "or on public property as specifically designated by the City of Ocean Springs"; Section 4-c1 add "or on public property as specifically designated by the City of Ocean Springs" and strike out section 3-d (Exhibit A - 1a). The motion carried with a roll call vote as follows:

Alderman Gill	<u>Aye</u>
Alderman Authement	<u>Aye</u>
Alderman Bellman	<u>Aye</u>
Alderman Cox	<u>Absent</u>
Alderman Papania	<u>Aye</u>
Alderman Blackman	<u>Aye</u>
Alderman Impey	<u>Aye</u>

## **ALDERMAN'S FORUM**

Alderman Gill said there is a dangerous parking situation on Diller Road and Hastings Lane north of the intersection. He would like to have an ordinance prohibiting parking on Diller Road at the intersection of Hastings Lane. The Police Chief said it is a T intersection and parking at the intersection should be controlled. Motion was made by Alderman Gill, seconded by Alderman Papania and unanimously carried to have the City Attorney draft an ordinance for no parking on Diller Road 50 ft. from the intersection of Hastings. He also requested the issues with the boardroom microphone be addressed before the next board meeting.

The Mayor recognized the new Building Official, James Leahy, that will start next week.

Alderman Bellman said he has received calls regarding installing a red light at Bechtel Blvd. and Government Street and would like the city to investigate the feasibility.

Alderman Blackman congratulated Fire Deputy Chief Ray West on his promotion and said that he looks forward to working with him for many years.

Alderman Impey said that Saturday night will be the final dance recital for Parks and Recreation Dance Instructor, Sandy Gaines. She will retire after 26 years of serving the community as a dance instructor. He also said he appreciates Fire Chief Ponson's 37 years of service and gave his best wishes on his retirement.

## **EXECUTIVE SESSION**

Motion was made by Alderman Bellman, seconded by Alderman Papania and unanimously carried to go into closed session to determine the necessity of going into executive session.

The Deputy City Clerk returned to the meeting and announced a motion was made by Alderman Blackman, seconded by Alderman Authement and unanimously carried to remain

in executive session to discuss a possible interim Fire Chief and possible legal action regarding an injunction of a trespass at City Hall.

Motion was made by Alderman Impey, seconded by Alderman Bellman and unanimously carried to hire Nate Wilson as Interim Fire Chief at the current chief's salary beginning July 1, 2019 for up to 90 days.

Motion was made by Alderman Impey, seconded by Alderman Bellman and unanimously carried to authorize the City Attorney to pursue legal action against the party harassing a City Hall employee.

Motion was made by Alderman Impey, seconded by Alderman Papania and unanimously carried to come out of executive session.

Alderman Gill asked about the possible restructuring at the Mary C. O'Keefe. The City Attorney responded that we can only restructure our contract with the Friends of the Mary C. O'Keefe. The Mayor said he has received the figures and expense reports, he is not ready tonight to discuss, but he will have something in place for the next meeting. Alderman Gill requested the City Attorney provide the contract so that the Aldermen could review for the next meeting as well.

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to recess the meeting until 6:00 p.m. on June 18, 2019.

Meeting ended at 8:25 p.m.

Bethany Maston

City Clerk

7/2/19

Date

Eric Doss

Mayor

7/3/19

Date

**ADDENDUM TO AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**June 4, 2019 - 6:00 p.m.**

**1) NEW BUSINESS**

- a) Adopt an Amendment to the Code of Ordinances for the City of Ocean Springs, MS to Regulate Mobile Food Vendors (Exhibit A - 1a)

**2) CONSENT AGENDA**

**City Clerk:**

- a) Per Agenda item 6-b, unable to provide monthly budget report due to changing accounting systems, will provide at Recess Meeting
- b) Authorize final monthly City Engineering charges from Compton Engineering for services March 29 – April 30, 2019 (Exhibit A - 2b)

**Human Resources:**

- c) Authorize employment of Andrew Hill, Firefighter, effective June 10, 2019; \$10.43 hourly rate; pending successful completion of all pre-employment requirements (Exhibit A - 2c)

**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**REGULAR MEETING**  
**June 4, 2019 – 6:00 p.m.**

**1. CALL TO ORDER**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

**3. OLD BUSINESS**

- a) Update from Code Enforcement – 176 Linda Circle (Exhibit 3-a)

**4. NEW BUSINESS**

- a) Discussion of Public Works Debris Pickup
- b) Discussion of Sign Ordinance

**5. CONSENT AGENDA\***

*\* Consent Agenda – All matters listed under Item 5, 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) Approve agreement with County for Public Defender (Exhibit 5-a)
- b) Accept Resignation of Mayor Pro Tem position, Ken Papania, effective June 30, 2019 (Exhibit 5-b)
- c) Authorize to Advertise for expiring Boards and Commissions positions (Exhibit 5-c)
- d) Authorize payment of \$74.08 to Ocean Springs Safe & Lock Service, LLC; for lock repair and service charge for American Legion Post #42 (Exhibit 5-d)

**City Clerk:**

- e) Approve Minutes: Regular Meeting May 7, 2019 (Exhibit 5-e)
- f) Approve Minutes: Special Call Meeting May 16, 2019 (Exhibit 5-f)
- g) Ratify check to Mississippi State Dept. of Health in the amount of \$50.00 for Fingerprint – Camp Counselor Schyler St. Amant (Exhibit 5-g)
- h) Ratify check to Mississippi State Dept. of Health in the amount of \$50.00 for Fingerprint – Camp Counselor Kennedy Bahr (Exhibit 5-h)

**Police Department:**

**Fire Department:**

**Human Resources/Risk Management:** (Exhibit 5 – i, j, k)

- i) Authorize removal of Dispatcher JD Martin from probationary status to full time status effective May 21, 2019
- j) Accept resignation of Fire Chief Jeffery Ponson, effective June 28, 2019; authorize to begin the process of filling the vacant position
- k) Authorize removal of Fire Lieutenant Randy Cuevas from probationary status to full time status effective June 15, 2019

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- l) Adopt Resolution of Support for the GCRL Project to Include Transfer of Tidelands Award – Public Access Improvements – FY17-P412-01 (Exhibit 5-l)
- m) Authorize to Request Reallocation of fund from FY18-P501-02 – Front Beach Infrastructure Maintenance and Authorize to Award Dredging to J.E. Borries, Inc. (Exhibit 5-m)
- n) Authorize to Execute Pre-Development Agreement for Administration and Engineering Activities for Available Katrina Disaster Recovery Funds: Bills Avenue Waterline and Sewer Main Replacement (Exhibit 5-n)

**Building Department:**

- o) Approve Tree Protection Committee meeting minutes from May 28, 2019 (Exhibit 5-o)
- p) Approve Code Enforcement Report through May 31, 2019 (Exhibit 5-p)

**Parks & Recreation:**

**City Attorney:**

## **6. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

- a) Approve payment: Docket of Claims and spread summary on the Minutes (Exhibit 6-a)
- b) Accept Monthly Budget Report (To be provided before meeting)
- c) Special Thanks from City Hall (Exhibit 6-c)

**Police Department:**

**Fire Department:**

**Human Resources/Risk Manager:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

**Parks & Recreation:**

- d) Discussion of Dissolving the Parks Advisory Board

**City Attorney:**

## **7. 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.

## **8. ALDERMEN'S FORUM**

## **9. EXECUTIVE SESSION**

**RECESS UNTIL 6:00 P.M. on June 18, 2019**