

## **RECESS MEETING OF OCTOBER 20, 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 October 20, 2020. The Mayor presiding, Aldermen Authement, Bellman, Cox, Papania, Blackman and Impey were present. Also present were City Attorney Nicole Sullivan, City Clerk Patty Gaston, Fire Chief Derek McCoy, Police Chief Mark Dunston, Planning & Grants Administrator Carolyn Martin, Building Official Darrell Stringfellow, Public Works Director Allan Ladnier, and Parks & Recreation Director Stephen Glorioso.

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 Cox and unanimously carried to accept the agenda and the addendum.

### **PUBLIC HEARINGS**

Item 3.a) Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to open the Public Hearing for an amendment to the Unified Development Code (UDC), to revise the tree protection and preservation plan and for related purposes (Exhibit 3-a).

The Planning & Grants Administrator said the Planning Commission did not recommend approval.

No public comment was received.

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

Alderman Authement said Cypress trees have become an issue in resident's yards becoming hazards. Currently, when the Building Official views the tree, if it not hindering the foundation, the Building Official makes the call and he does not want to have to overturn Tree Department's decision. He added that the Cypress tree is not endangered nor does he believe residents are going to rush out and start removing Cypress trees.

Motion was made by Alderman Authement and seconded by Alderman Bellman to approve the UDC amendment revising the tree protection and preservation plan and for related purposes.

The motion carried with a roll call vote as follows:

Alderman Gill	Absent
Alderman Authement	Aye

**EXHIBIT # 7-d**

Alderman Bellman	Aye
Alderman Cox	Aye
Alderman Papania	Aye
Alderman Blackman	Aye
Alderman Impey	Aye

Item 3.b) Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to open the Public Hearing for a request to approve subdivision sketch plat for Savanna Estate Subdivision at the SW corner of Riley Road and Old CCC Camp Road (Exhibit 3-b).

The Planning & Grants Administrator said this item was previously on the agenda but deferred and then was postponed until tonight, so that the applicant could redevelop it based on the comments received. She said this is a 113 lot subdivision with pocket neighborhoods, nonstandard roadways, and with the houses facing each other. She said for the sketch plat phase there are two items that will need waivers, they do not meet the code. One is the nonstandard roadways and the second is the lack of sidewalk on Old CCC Camp Rd. The ownership of the non-standard roadways (public or private) will be reviewed during the preliminary plat phase. She said the Planning Commission recommended approval with the waivers.

Alderman Impey said four of the seven members of the Planning Commission voted in favor, one voted no, and three did not participate.

Andy Phelan from Pickering Engineering was present to answer any questions and said the developer was on his way to the meeting, Kenneth Jones/Elliott Homes arrived during the Public Hearing. He said Savanna Estates has been modeled from Florence Gardens in Gulfport. He said they are coordinating with the City to remedy all issues. He said the neighborhood will have cottage homes approximately 2000 square feet and start at \$200,000.

Alderman Blackman asked where the outfall for the retention pond will be. Andy Phelan replied the plan is to extend the ditch, the west will go to new ditch and the east will go the existing Riley Road ditch. Alderman Papania asked if the ditches led to Davis Bayou; he replied yes.

Alderman Authement asked if the subdivision will convey the streets to the city. The Planning & Grants Administrator said the intent is to convey but during preliminary plat phase there will be more information provided and Public Works will make the recommendation to accept or not.

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

Alderman Impey said he does have concerns but it is only sketch plat phase and there is more to be determined. He asked the Public Works Director for his initial opinion. The Public

Works Director responded that he is concerned with the setback for the utilities as he would not want to take over the narrow streets. He said he would rather continue the hammerheads around to connect them. The Planning and Grants Administrator said currently the developer does not want to do that but they are waiting to see if the drainage and utility design will change anything else in the plans. She said it is too early to say specifically.

Motion was made by Alderman Impey, seconded by Alderman Authement and unanimously carried to approve the subdivision sketch plat for Savanna Estate Subdivision at the SW corner of Riley Road and Old CCC Camp Road including the waivers for sidewalk on Old CCC Camp Road and the non-standard roadways.

Item 3.c) Motion was made by Alderman Blackman, seconded by Alderman Authement and unanimously carried to open the Public Hearing for an amendment to the UDC, amending chapter 2, table 2.1, section 2.5, and table 2.2 related to public hearings and public meetings (Exhibit 3-c).

The Planning & Grants Administrator said this is a housekeeping issue to streamline and make the process more effective. She said that, with the addition of a Public Comment Meeting category, the advertisement requirement is being removed for major variance, appeal, simple lot split, certificate of appropriateness, and final plat. She said the Planning Commission recommended approval.

No public comment was received.

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

Alderman Impey asked the City Attorney if it is compliant to state regulations. She replied yes, the particular items do not require publication.

Alderman Blackman asked it if would be a separate meeting or just comment during a regular meeting. She replied each item would be allowed public comment but would not require publication.

Motion was made by Alderman Blackman and seconded by Alderman Cox to approve the UDC amendment amending chapter 2, table 2.1, section 2.5, and table 2.2 related to public hearings and public meetings.

The motion carried with a roll call vote as follows:

Alderman Gill	Absent
Alderman Authement	Aye
Alderman Bellman	Aye
Alderman Cox	Aye
Alderman Papania	Aye
Alderman Blackman	Aye

Item 3.d) Motion was made by Alderman Authement, seconded by Alderman Blackman and unanimously carried to open the Public Hearing for a request to approve minor subdivision sketch plat at 709 Church Street, Rosetti Park PID 60119116.000 (Exhibit 3-d).

The Planning & Grants Administrator said it is a minor subdivision with three lots and a future development area and the water line will be addressed. She said the Planning Commission recommended approval.

Alderman Authement asked if a six inch water line would be necessary and would it cause stagnant water. The Public Works Director replied that it would not cause stagnant water because the plan is to loop the line into Robinson Street and Washington Avenue. Alderman Authement asked what the timeline for that would be. He replied he didn't know at the moment. The Planning & Grants Administrator said the issue will be resolved prior to final plat.

Alderman Blackman asked the City Engineer if a six inch water line is necessary. He said it is to be able to loop into the rest of the water system and help improve fire protection.

Alderman Blackman expressed concern about requiring the property owner to handle this cost.

No public comment was received.

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

Motion was made by Alderman Authement, seconded by Alderman Blackman and unanimously carried to approve the minor subdivision sketch plat at 709 Church Street, Rosetti Park PID 60119116.000.

Item 3.e) Motion was made by Alderman Cox, seconded by Alderman Authement and unanimously carried to open the Public Hearing for 501 Rayburn Ave PID 60137584.000 request for approval of Certificate of Appropriateness (COA) for construction of two additions to dwelling (Exhibit 3-e).

The Planning & Grants Administrator said that the Historic Preservation Commission noted that the property is a contributing property, which takes place when the district was designated historic. She said the Historic Preservation Commission recommended approval pending state confirmation that the modifications would not conflict with the contributing status. This has been confirmed.

No public comment was received.

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

Motion was made by Alderman Blackman, seconded by Alderman Authement and unanimously carried to approve COA for construction of two additions to dwelling at 501 Rayburn Ave PID 60137584.000 as described in the application.

Item 3.f) Motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to open the Public Hearing for 522 Jackson Ave PID 6137206.000 request for approval of COA for removal of carport roof and structure, change one front window to two and replacement of front porch (Exhibit 3-f).

The Planning & Grants Administrator said the Historic Preservation Commission recommended approval.

No public comment was received.

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

Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to approve COA for removal of carport roof and structure, change one front window to two and replacement of front porch at 522 Jackson Ave PID 6137206.000, alterations described in application.

Item 3.g) Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to open the Public Hearing regarding Code Enforcement possible demolition at 110 Yellowstone Circle (Exhibit 3-g).

The Building Official said the demolition was postponed from a few months earlier due to the uncertainty regarding COVID.

Alderman Impey said this has been going on for many years. The previous owner had planted the yard with paths but has since been completely over grown and full of vermin. The neighbors are in full support of demolition. He said the current owner stopped demolition previously by getting a six month construction permit. He said the City has cut the yard several times. He said the current owner is unwilling to sell the property even with reasonable offers. The owner says there is a religious altar at the property.

The Code Enforcement Officer said she went to the property recently and saw cement garden figurines and a cement carving of a fountain carving embedded in the ground at the left front of the property. She said with power still at the property, she is concerned with the risk of fire.

Alderman Blackman asked Alderman Papania to reach out to Reverend Margarita Swetman to see if she would go to the property and determine if an altar can be located and if anything needs to be removed before condemning.

Alderman Impey said he has emails from neighbors Mr. Jack Dollar and Ms. Potts in favor of City action.

No in person public comment was received.

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

Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to approve Code Enforcement to begin demolition procedures at 110 Yellowstone Circle due to the property being a menace to public health and safety and allowing for religious official to check property for altar.

## **AGENDA PUBLIC COMMENT**

None.

## **NEW BUSINESS**

Motion was made by Alderman Cox, seconded by Alderman Impey and unanimously carried to approve MOU with the Ocean Springs Art Association (Exhibit 5-a).

Motion was made by Alderman Blackman, seconded by Alderman Papania and unanimously carried to authorize to advertise for Request for Proposals regarding the City of Ocean Springs Bank Depository (Exhibit 5-b).

Motion was made by Alderman Cox, seconded by Alderman Blackman and unanimously carried to request Jackson County's assistance with removal of damaged sidewalk on Front Beach due to Tropical Storm Cristobal.

Alderman Cox said that after the sidewalk is removed and replaced, to consider extending the seawall in front of the section of sidewalk for protection.

## **OLD BUSINESS**

Alderman Blackman said the list of streets in the speed limit ordinance were erroneously set to 30 miles per hour in his opinion, and the City Attorney has drafted an ordinance amendment to correct to 25 miles per hour. The City Attorney said that the strike through streets will revert back to 25 miles per hour. Alderman Blackman said to exclude the section of Government Street. Alderman Papania requested all the streets on the ordinance be changed to 25 miles per hour. Motion was made by Alderman Cox, seconded by Alderman Blackman and unanimously carried to authorize the City Attorney to amend the speed limit

ordinance to change listed streets to 25 miles per hour with the exception of the specific portion of Government Street outlined in the ordinance.

The City Attorney said she provided two options for the revision of the golf cart ordinance. She said option one is to allow for reciprocal permitting with coastal cities. She said option two will also allow for reciprocal permitting but will also include a \$20 yearly renewal fee. Motion was made by Alderman Cox, seconded by Alderman Blackman and unanimously carried to authorize the City Attorney to amend the golf cart ordinance to allow for reciprocal permits and a \$20 annual renewal fee; option two.

## **CONSENT AGENDA**

Motion was made by Alderman Cox, seconded by Alderman Blackman and unanimously carried to approve the Consent Agenda except items 7-l and 7-v pulled by Alderman Papania.

- a) Approve Special Event permit application for Eucharistic Procession & Rosary Walk, St. Alphonsus; Sunday, October 25, 2020 from 3:15 pm to 5:15 pm; Start and End at St. Alphonsus – Washington Ave. – Government Str. – State Str. – Washington; no cost to the City , applicant pays associated event cost including 3 police officers (Exhibit 7-a)
- b) Approve Special Event permit application for Lighting up the Coast for Bright Minds, Lighthouse Academy for Dyslexia; Sunday, October 25, 2020 from 6:00 pm to 7:00 pm; Front Beach – Boat in the water; no cost to the City , applicant pays associated event cost (Exhibit 7-b)
- c) Approve Special Event permit application for 42nd Peter Anderson Festival; Saturday - Sunday, November 7-8, 2020 from 9:00 am to 5:00 pm; Washington Ave. from Hwy 90 to Joseph Str., Government Str. From Magnolia Str. To Washington, and Porter Ave from Washington to City Hall; City may incur overtime cost for Police, Fire, Public Works, Parks & Rec and other city employees (Exhibit 7-c)
- d) Approve Special Event permit application for Discover Christmas Parade and Toy Drive; Sunday, December 6, 2020 from 2:00 pm to 4:00 pm; regular parade route to end at OS Lumber; City may incur overtime cost for Police, Fire, Public Works, Parks & Rec and other city employees (Exhibit 7-d)
- e) Approve Run/Walk permit application for Casino Bridge Run, Harley Sports; Saturday, January 30, 2021 from 7:30 a.m. to 10:00 a.m.; Front Beach to Washington Ave to Porter Ave to OS/Biloxi Bridge; no cost to the City , applicant pays associated event cost (Exhibit 7-e)
- f) Approve Run/Walk permit application for Harley Half Marathon, Harley Sports; Sunday, January 31, 2021 from 7:30 am to 12:00 pm; Front Beach to Harbor to La Fontaine to Front Beach to OS/Biloxi Bridge; no cost to the City , applicant pays associated event cost (Exhibit 7-f)
- g) Approve Special Event permit application for Ocean Springs Night Parade; OS Carnival Assoc; Friday, February 12, 2021 setup to begin at 3:00 pm; event from 7:00 pm to 9:00 pm; regular parade route; City may incur overtime cost for Police, Fire, Public Works, Parks & Rec and other city employees (Exhibit 7-g)

- h) Authorize transfer of \$250 rental fees from Fort Maurepas to Mary C for OS Rotary Club October event (Exhibit 7-h)
- i) Authorize transfer of Civic Center rental fees collected from OS Rotary Club for 2020 event that was cancelled due to COVID to hold same event in 2021, date to be determined (Exhibit 7-i)
- j) Accept HB1 Infrastructure Bill 2019-2020 Report (Exhibit 7-j)
- k) Approve and authorize to execute the lease of building space at the Ryan Youth Center (two offices) for two year term from November 1, 2020 - October 31, 2022 to Young Life (Exhibit 7-k)
- l) Ratify check to Dogan & Wilkinson in the amount of \$6,635.00 for Knapp Rd right of way (Exhibit 7-l)
- m) Ratify check to Police Lieutenant Josh Fox in the amount of \$280.50 for advanced per diem (Exhibit 7-m)
- n) Approve Minutes: Regular Meeting October 6, 2020 (Exhibit 7-n)
- o) Accept monthly OSPD Report for September 2020 (Exhibit 7-o)
- p) Accept monthly Fire Department Report for September 2020 (Exhibit 7-p)
- q) Accept Minutes: HR Committee Meeting October 12, 2020 (Exhibit 7-q)
- r) Human Resources action items (Exhibit 7-r):
  - a) Authorize employment of certified Patrolman John Rhodes, Step 3, \$16.35 hourly rate; effective on or about October 26, 2020; one year probationary status, pending successful completion of all pre-employment requirements
  - b) Authorize removal of Fire Chief Derek McCoy from probationary status to full time status effective October 21, 2020
  - c) Authorize removal of Sewer Laborer Connor Jarrett from probationary status to full time status effective immediately
- s) Accept resignation of Planning Commission member Timothy Fink and authorize to begin the process to fill vacancy (Exhibit 7-s)
- t) Adopt Resolution to accept donated property for a portion of Clark Levi Drive/Bienville Blvd. PID 60128320.200 for right of way from Blossman Corp (Exhibit 7-t)
- u) Accept Building Department September 2020 Permit Report (Exhibit 7-u)
- v) Approve Tree Department recommendations – Tree Applications through October 14, 2020 (Exhibit 7-v)
- w) Approve Code Enforcement Report through October 15, 2020 (Exhibit 7-w)
- x) Approve demolition of structure located at 102 LaBranche Ave; in excess of 50 years in age (Exhibit 7-x)
- y) Approve Outdoor Service Contract for outdoor exercise class at Freedom Field with Jennifer Emge for one year beginning September 3, 2020 (Exhibit 7-y)
- z) Approve facility use agreement for South MS Soccer Club at OS Sports Complex Hwy 57; October 5, 2020 – March 15, 2021 (Exhibit 7-z)
- aa) Approve facility use agreement for OS Adult Softball League at Gay Lemon; October 12 to December 16, 2020 (Exhibit 7-aa)
- bb) Authorize to Execute Professional Service Contract – Bill Oster for Karate instruction at 400 Alice Street; one year term October 1, 2020 to September 30, 2021 (Exhibit 7-bb)
- A-2a) Adopt Resolution terminating existence of local emergency due to Hurricane Delta (Exhibit A-2a)

A-2b) Accept drainage easement donation from Macedonia Missionary Baptist Church pursuant to attached documentation (Exhibit A-2b)

Alderman Papania asked if the fee listed on item 7-l would be covered in the attorneys monthly fee. The City Attorney replied no it was previously approved and the total is for the closing and purchase of land. Motion was made by Alderman Papania, seconded by Alderman Cox and unanimously carried to ratify check to Dogan & Wilkinson in the amount of \$6,635.00 for Knapp Rd right of way (Exhibit 7-l).

Alderman Papania requested that 102 LaBranche Avenue be tabled from item 7-v until the developer has a more definite plan. Motion was made by Alderman Papania, seconded by Alderman Blackman and unanimously carried to approve Tree Department recommendations – Tree Applications through October 14, 2020; except 102 LaBranche Avenue (Exhibit 7-v).

## **DEPARTMENT REPORTS**

### MAYOR:

Alderman Blackman said he received a request from home owner, Bryan Jones, to be able to tie into sewer line. He said there is a JCUA line directly across the street from the lot and the City also has a line but it is much further away on Old Spanish Trail. The City Attorney said JCUA will allow the homeowner to tie into the JCUA line if the City denies Mr. Jones' request to tie into the City line. Motion was made by Alderman Blackman, seconded by Alderman Papania and unanimously carried to deny request from Bryan Jones for septic sewer City tie in from 3913 Hanshaw Rd to Old Spanish Trail (Exhibit 8-a).

### CITY CLERK:

Motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to approve the Docket of Claims; the Board finds that all expenses are lawful and appropriate (Exhibit 8-b).

The City Clerk said she spoke with Brandon Elliott with Elliott Homes and they have ensured if the subcontractor does not pay by next week, he will make the payment for the water leak at Wesley UMC.

### BUILDING:

The Building Official said a daiquiri shop is opening at 714 Washington Avenue and the owner is wanting to serve pre-prepared pizza at the site, but by City Ordinance, a grease trap would be required. Richard Harris is the contractor for the daiquiri shop. Mr. Harris assured the Board the pizza will be pre-prepared and there is no location for a 500 gallon grease trap to be installed. He said there is a precedence with a waiver for pre-prepared foods to allow an under sink grease trap. Alderman Authement said there are at least two other businesses with under counter grease traps allowances in the City requiring a six month review. Motion was made by Alderman Authement, seconded by Alderman Blackman

and unanimously carried to allow an under sink mount grease trap at 714 Washington Avenue with an inspection after six months.

The Building Official requested that tree removal requests have a \$25 application fee added to cover the City's administrative costs including time, fuel and paperwork. Motion was made by Alderman Papania, seconded by Alderman Authement and unanimously carried to authorize the City Attorney to amend the tree ordinance to add \$25 per application fee for tree removal.

## **GENERAL PUBLIC COMMENT**

James Lewis said speeding on Old Spanish Trail near the middle school is still a problem in the mornings. He said Spanish Cove subdivision still has a cement truck running at 5:00 am, which is too early, and the retention pond still does not have a fence.

Marco St. John asked about the mask requirements for the St. Alphonsus special event approved tonight. He was assured the special event was approved to proceed. The Special Events Coordinator gave an update on Cruisin' the Coast 2020. He said there were 6,778 cars registered and 400 additional after registration ended. He said in spite of the weather, the event was a success.

## **ALDERMAN'S FORUM**

Alderman Authement requested Public Works assistance on Ruskin Avenue.

Alderman Impey said the YMCA agreement for use of the Ryan Youth Center should have been on the agenda. The City Attorney said a new agreement is needed. Motion was made by Alderman Impey, seconded by Alderman Bellman and unanimously carried to extend the agreement until the November 4th board meeting.

## **EXECUTIVE SESSION**

Motion was made by Alderman Impey, seconded by Alderman Authement 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 Authement and unanimously carried to remain in executive session to discuss 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 no action was taken.

Motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to approve post-construction tax abatement application for The Inlet (Exhibit A-1a); Alderman Impey recused himself.

Alderman Authement said today the Tennis Committee met and discussed options for the tennis courts. The Parks & Recreation Director said they recommend for the marketing management candidate offering \$1,300 to \$1,600 a month and 25% commission of all services. Alderman Blackman said he does not see a benefit and asked if day to day should be under the Athletic Director. Alderman Authement requested to give the program a year to become successful. Motion was made by Alderman Authement, seconded by Alderman Bellman and unanimously carried to allow the Parks Director to negotiate for the Tennis Manager position.

Motion was made by Alderman Impey, seconded by Alderman Bellman and unanimously carried to adjourn the meeting until 6:00 p.m. on November 4, 2020.

Meeting ended at 8:34 p.m.

Patty Maston 11/17/2020  
City Clerk Date

Eric Brown 11/17/2020  
Mayor Date