

## **RECESS MEETING OF MARCH 20, 2012**

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 March 20, 2012. Mayor Moran presiding, Aldermen Cox, Gill, McDonnell, Cody, Dalgo and Hagan were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. Alderman Denyer was absent.

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

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

### **NEW BUSINESS**

Ms. Bryant Whelan, Director of the Friends of the Mary C. O'Keefe Cultural Center presented the revised By-laws of the Mary C. O'Keefe. She presented a list of the new Board of Directors. There will be a new financial committee to establish new policy and procedures; streamline some operations and create a very sound future for the MCOK. She announced the new and upcoming programs. There will be a class to teach how to make a working guitar from a cigar box with an exhibit in the gallery and a musical performance in the theater. One goal of the MCOK is to expand their outreach program by making every school age child a member of the MCOK and by reaching the areas of Mobile and New Orleans (Exhibit 3-a).

Ms. Margaret Miller, Director of Ocean Springs Chamber of Commerce, made a request for support to market and promote the restaurant and lounges in Ocean Springs with the 2% food and beverage tax. They requested two (2) billboards; to begin Phase II of OceanSpringsEats.com; a banner advertising the OceanSpringsEats.com at the marquee at Washington Avenue and Highway 90 and provide a facelift of the permanent billboard at I-10 and Exit 50 (Exhibit 3-b).

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize scheduling a meeting with Demery Grubbs, Financial Advisor, City Attorney, Mayor, City Clerk and one member of the Board to determine the funding level for the debt service reserve fund and to make a recommendation to the Board.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to authorize up to \$100.00 each from Mayor, At-Large, Wards 1, 2, 3, 6 and \$400.00 from Ward 4 Capital Improvement Accounts to advertise the City resources at the 11<sup>th</sup> Annual Coach Hugh Pepper Golf Classic on May 5, 2012 (Exhibit 3-c).

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to waive the rental fees for Fort Maurepas Park for the Ocean Springs Kayak Festival and Outdoor Expo on Saturday, June 23<sup>rd</sup> (Exhibit 3-d).

## **OLD BUSINESS**

Police Chief Cothern presented his recommendation for the noise control issues. He proposed having cut off times for outdoor music: 10 p.m. on Sunday through Thursday and midnight on Saturday and Sunday. He advised if a complaint is made, an officer will warn the establishment that there has been a complaint and they must take action to limit the nuisance. A second complaint will result in a citation to the person in charge for disobeying a lawful order and the outdoor entertainment terminated or moved indoors. No variations will be permitted without prior Board approval through a resolution for a special event. If granted, the entertainment may still be shut down for a nuisance (Exhibit 4-a).

## **PUBLIC COMMENTS**

Mr. Cox, Maurepas Landing, spoke about the noise control issue. He stated he has filed charges and complaints against a particular establishment for loud music. He asked the Board to do something about the noise problem.

Mr. Pete Pinto also spoke about the problems with the noise control issue. He asked the Board to make an ordinance that is enforceable.

Mr. Ronald Vincent, 1412 Government Street, also has a noise problem during the day time hours due to the gym that opened near his residence. The weights sound like sonic booms when they are dropped on the floor and there is loud music.

Mr. Ben McKenzie, 1207 Bowen, stated his residence is located directly behind two (2) bars and is experiencing problems with having the two (2) dumpsters being dumped between 4 a.m. and 6 a.m. and the bad odor coming from the dumpsters along with flies and rodents. He requested having the dumpsters

moved further away from his property. He further stated his issues with the noise problem.

Mr. Fred Moran, 712 Washington Avenue, commented favorably on the St. Patrick's Day Event. He also stated he represents many business owners who wish to be in compliance with the noise ordinance but are not sure what is considered to be too loud.

### **CONSENT AGENDA AND ADDENDUM**

Motion was made by Alderman Dalgo, seconded by Alderman Hagan and unanimously carried to approve the Consent Agenda and Addendum with exception of item (a) which was pulled by Alderman Cox; item (d) which was pulled by the Mayor and item (A-1c) which was pulled by Alderman Denyer.

Alderman Cox pulled item (a) to ask if the funding was in place for this project. The Mayor advised the City will make the expenditure and will then be reimbursed; the Grants Administrator concurred. Motion was made by Alderman Dalgo, seconded by Alderman Gill and unanimously carried to authorize the Mayor to execute the Contract with Orocon Construction, LLC for the Shearwater Park Project, funded by the Trails Program through the Mississippi Department of Wildlife, Fisheries & Parks, pending legal concurrence (Exhibit 6-a).

The Mayor pulled item (d) to present an amended letter requesting \$8,000.00 for the Capital Campaign to renovate the Blossman Family YMCA. Motion was made by Alderman McDonnell, seconded by Alderman Hagan and unanimously carried to authorize up to \$1,000 each from Mayor, At-Large and Wards 1, 2, 3, 4, 5 and 6 Capital Improvement Accounts to donate funds from the City to be used to match other donated funds for the Capital Campaign to renovate the Blossman Family YMCA (Exhibit 6-d).

### **ADDENDUM**

Mr. Ken P'Pool, Mississippi Department of Archives and History, gave the history of the Charnley-Norwood house located on East Beach. Motion was made by Alderman Cody, seconded by Alderman Hagan and unanimously carried to accept the Historic Preservation Commissions recommendation to restore the hurricane damaged structure (Charnley-Norwood House) at 509 East Beach Drive (Exhibit A-1c).

## **DEPARTMENT REPORTS**

### **Building Department:**

The Building Official presented an amendment to an ordinance regarding the disposal of tree trimmings, debris and refuse by contractors. The current ordinance holds the property homeowners responsible to haul it off. The amended ordinance will make the contractor responsible to haul off the debris, tree trimmings, etc. Motion was made by Alderman Cox, seconded by Alderman Hagan and unanimously carried to table item (A-2a) for further revision.

## **ALDERMEN'S FORUM**

Alderman Gill asked to have the Youth Corp mulch and trim the crape myrtles on Highway 90 as their first priority when that grant program begins.

Alderman McDonnell acknowledged the report presented by the City Clerk regarding the update of the current budget. He asked the City Clerk for specific recommendations dealing with increasing revenue and reducing expenses. He also asked for a report detailing how much funding has come from ending cash balance for matching grants and to identify the revenue shortfalls for the last two (2) years.

Alderman Cody will meet with Delta Sanitation to address the dumpster issues.

Alderman Cody asked for the status of the sidewalk issues.

Alderman Cody asked if the monument built in 1918 in front of the MCOK could be moved to the Vietnam Memorial Park and to establish World War I and II areas. The Mayor will ask the Mississippi Department of Archives and History for permission to move this monument.

Alderman Cody asked for a status of paving on Government Street and Bechtel Boulevard. The Assistant Public Works Director advised only Government Street would be done at this time.

Alderman Cox stated he toured the Highway 57 Sports Complex and suggested using a different type of surface where they have put in the turf parking. The Mayor stated she will call the corps for their suggestions.

## **EXECUTIVE SESSION**

Motion was made by Alderman Hagan and seconded by Alderman Gill to go into closed session to determine the necessity of going into executive session. Motion carried with Alderman Cox, Gill, McDonnell, Cody, Denyer and Hagan voting aye and Alderman Dalgo voting nay.

The City Clerk returned to the meeting and announced a motion was made by Alderman Hagan, seconded by Alderman Cox and unanimously carried to remain in executive session to discuss economic development, potential litigation in Circuit Court and Chancery Court and personnel in the Planning Department.

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to return to regular session.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to adjourn until 6:00 p.m. on April 3, 2012.

Meeting ended at 9:20 p.m.

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City Clerk

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Mayor

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Date

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Date

**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**March 20, 2012 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. NEW BUSINESS**

- a) Presentation by the Mary C. O'Keefe Cultural Center (Exhibit 3-a)
- b) Requests regarding the 2% food and beverage tax by the Ocean Springs Chamber of Commerce (Exhibit 3-b)
- c) Request sponsorship for the 11<sup>th</sup> Annual Coach Hugh Pepper Golf Classic on Saturday, May 5<sup>th</sup> (Exhibit 3-c)
- d) Request sponsorship by waiving the rental fees for Fort Maurepas Park for the Ocean Springs Kayak Festival and Outdoor Expo on Saturday, June 23<sup>rd</sup> (Exhibit 3-d)

**4. OLD BUSINESS**

- a) Noise Ordinance Update – Chief Cothern

**5. PUBLIC COMMENT:** The public is invited to address the Board for up to 3 minutes. The Board will take all comments under advisement for potential action at a later date if warranted.

**6. CONSENT AGENDA\***

*\*Consent Agenda – All matters listed under Item 6, 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 the Mayor to execute Contract with Orocon Construction, LLC for the Shearwater Park Project, funded by the Trails Program through the MS Department of Wildlife, Fisheries & Parks, pending legal concurrence (Exhibit 6-a)
- b) Authorize the Mayor to execute Change Order #8 for a deduction of \$16,944.33 and a total of 58 days added to the Contract with Delta Construction for the Downtown Streetscape Project – Phase II, CDBG Round I (Exhibit 6-b)
- c) Authorize the Mayor to execute the Memorandum of Agreement with the Land Trust for the Mississippi Coastal Plain for the property at 101 Shearwater Drive, City Attorney concurs (Exhibit 6-c)
- d) Authorize up to \$7,000.00 per year for two years from the Mayor and Board of Aldermen's Capital Improvement Accounts to aid in the Capital Campaign to renovate the Blossman Family YMCA, the two (2) year total contribution is \$14,000.00 (Exhibit 6-d)

**City Clerk:**

- e) Approve Minutes: March 8, 2012 Recess Meeting (Exhibit 6-e)
- f) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-f)
- g) Accept Action Report (Exhibit 6-g)

**Police Department:**

- h) Approve Special Event Permit for Mayfest Pub Crawl Kickoff – 5K Run on Friday, May 4<sup>th</sup> from 6 - 10 pm (Exhibit 6-h)
- i) Approve Special Event Permit for 3-Mile Walk, for the National Multiple Sclerosis Society on Saturday, March 31<sup>st</sup> from 8 am – 12 Noon (Exhibit 6-i)
- j) Approve Special Event Permit for Walk-A-Thon for Student Medical Technologists on Saturday, April 28<sup>th</sup> from 8 – 11 am (Exhibit 6-j)
- k) Approve Special Event Permit for Ocean Springs Kayak Festival Tourism Event at Front Beach and Fort Maurepas Park on Saturday, June 23rd, from 6 am – 5 pm (Exhibit 6-k)

**Fire Department:**

- l) Accept Monthly Fire Department Report (Exhibit 6-l)

**Human Resources/Risk:**

- m) Approve recommendation of the Civil Service Commission to hire Vonda Davis as Part-time Civil Service Assistant, effective March 21, 2012, \$10.00 hourly, pending successful completion of all pre-employment requirements (Exhibit 6-m)

**City Engineer:****Public Works:**

- n) Authorize allocation to 2012 Spring Household Hazardous Waste Collection Day not to exceed \$3,125.00 and authorize four (4) representatives to work the event on April 21, 2012 (Exhibit 6-n)
- o) Authorize hosting the State American Public Works Association Annual Conference on October 24-26, 2012, at the Ocean Springs Civic Center and October 25<sup>th</sup> at Fort Maurepas and waive any associated fees (Exhibit 6-o)
- p) Authorize outdated radio system with assorted boxes of brackets, batteries, chargers and antennas to be declared as surplus; of no value to the City and donate them to the Ocean Springs School District effective March 21, 2012 (Exhibit 6-p)

**Community Development & Planning:**

- q) Accept Tree Committee Report (Exhibit 6-q)

**Historic Preservation Commission:**

- r) Accept Historic Preservation Commissions recommendation to construct a carport addition to existing garage; three (3) foot wood picket fence in front and south side of property and six (6) foot privacy fence from the south side of the property at 607 Catchot Place (Exhibit 6-r)
- s) Accept Historic Preservation Commissions recommendation to construction a bedroom addition at 610 Catchot Place (Exhibit 6-s)

**Building Department:**

- t) Accept Code Enforcement Report (Exhibit 6-t)

**Parks & Leisure Services:**

- u) Authorize the Mayor to execute Change Order # 2 for Phase 3 of Highway 57 Sports Complex for an increase of \$8,535.48 to Southwest Design & Landscaping, LLC to change ranch rail fence to 4' high black vinyl chain link fence and an additional 61 days for weather, health and shop drawing delays (Exhibit 6-u)
- v) Approve Parks Advisory Board Minutes: March 7, 2012 (Exhibit 6-v)
- w) Approve Facility Use Agreement for Chantha L. Lee for Gay Lemon Concession Stand beginning March 17-May 3, 2012 (Exhibit 6-w)

**City Attorney:****Facilities:****7. DEPARTMENT REPORTS****Mayor:****City Clerk:**

- a) Mid-year budget update

**Police Department:****Fire Department:****Human Resources/Risk:****City Engineer:****Public Works:****Community Development & Planning:****Building Department:****Parks & Leisure Services:****City Attorney:****Facilities****8. ALDERMEN'S FORUM****9. EXECUTIVE SESSION**

**ADJOURN UNTIL 6:00 P.M. on April 3, 2012**

**ADDENDUM TO AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**RECESS MEETING**  
**March 20, 2012 - 6:00 p.m.**

**1. CONSENT AGENDA**

**Mayor:**

- - a) Authorize the Mayor to execute the Memorandum of Understanding between the City and MDOT related to the STP Project for the Government Street Improvement Project, pending review by City Attorney (Exhibit A-1a)
  - b) Authorize the Mayor to execute the Supplemental Agreement #1 with Brown, Mitchell & Alexander for the Front Beach Sidewalk Project – MDOT Transportation Enhancement (TE) and Tidelands Funds (Exhibit A-1b)

**Community Development & Planning**

**Historic Preservation Commission:**

- c) Accept Historic Preservation Commissions recommendation to restore the hurricane damaged structure (Charnley –Norwood House) at 509 East Beach Drive (Exhibit A-1c)

**2. DEPARTMENT REPORTS**

**Building Department:**

- a) An Amendment to Ordinance 4-1969 Sec. 20-12 the City of Ocean Springs, Mississippi, Regarding Disposal of Debris and Refuse by Contractors – (Exhibit A-2a)