

RECESS MEETING OF APRIL 17, 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 April 17, 2012. Mayor Moran presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer and Hagan were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. Alderman Dalgo was absent.

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

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

PUBLIC HEARING - Addendum

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

Mr. Donovan Scruggs presented the Redistricting Plan by the Redistricting Committee. He updated the Board on the redistricting process (Exhibit A-1a).

The City Clerk stated she will send a letter to all registered voters informing them of where to vote in the City elections.

Ms. Laura Murphy asked where she could obtain a copy of the new ward map. The Mayor announced it will be posted on the website.

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

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to accept the redistricting map presented by the Redistricting Committee and start the procedure for approval by the Department of Justice.

The Mayor announced she is pursuing an informal loan agreement between the Louisiana State Museum and the City requesting the display of the Iberville marker during our annual reenactment ceremony of the Landing of Pierre LeMoyne Sieur d'Iberville in present day Ocean Springs in 1699.

Ms. Margaret Miller spoke of the new exhibit in the City museum of the maritime history with 35 ships on view. She also announced the 2nd Annual

Cardboard Boat Regatta after the landing reenactment of 1699 at Fort Maurepas on Saturday, April 28th at 4:00 p.m.

OLD BUSINESS

The Mayor presented a list of all the grants the City has received since Hurricane Katrina and all the sources of matching funds. She stated less than 1% of the matching funds came from ending cash balance (Exhibit 3-a).

NEW BUSINESS

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to waive the rental fees for the Ocean Springs Community Center by the Pecan Park Elementary PTO to host a retirement party for Principal Judy Illich on Wednesday, May 16, 2012 (Exhibit 4-a).

PUBLIC COMMENTS

Mr. Irvin Cox, Maurepas Landing, encouraged the Board to do something even if it is wrong concerning the noise issues in the City and pass an ordinance that is enforceable.

Mr. Billy Guice, Rushing & Guice Law Firm, spoke on behalf of Moran Co. LLC. He stated the amendment is not in the best interest of the City; it is contradictory and not enforceable. Mr. Guice stated he lives in Maurepas Landing and has no problem with noise. He suggested making some portions of downtown a designated entertainment area on Friday and Saturday nights. He also asked the Board to seek the input of businesses that will be affected by this ordinance and look at ordinances adopted by Biloxi and Fairhope, Alabama.

Mr. Ronald Vincent, 1412 Government Street, spoke of noise issues from the gym located near his residence. The owners of the gym are working to remedy these noise issues.

Mr. Billy Miller, Miller and Fowlkes Law Firm, spoke on behalf of one of the entertainment venues he represents. He urged the Board to take some time and look at other municipalities' noise ordinances that have been upheld in court challenges. He feels the ordinance needs some sort of subjective standard and asked to have a Public Hearing before adopting any ordinance regarding noise.

Ms. Kirsten Pinto, Maurepas Landing, stated she is being woken up at 2:00 a.m. from loud music. She also spoke of an issue with her son not being able to use the tennis courts because the tennis pro had locked up the courts at 7 p.m. Her concern is that the citizens are paying the 2% restaurant and bar taxes, but are not able to use the courts.

Mr. Carroll Kovacevich, resides in Ward 2, stated the City prospered after Hurricane Katrina due to the entertainment venues moving to downtown Ocean Springs. These entertainment venues revitalized the City by investing their money and time. These venues will be greatly affected by the noise ordinance, and there are now other cities competing for these types of establishments.

Mr. Arturo Barajas, owner of Mosiac Tapas Bar, spoke on behalf of the Restaurant and Bar Owners Association. He stated a letter was submitted from the association to offer input on noise ordinance. The association is willing to work with the Board and Economic Development Council.

Mr. Ronald Vincent also stated the residents have been here long before the businesses.

Mr. Pete Pinto, Maurepas Landing, asked for an enforceable and reasonable noise ordinance.

CONSENT AGENDA AND ADDENDUM

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to approve the Consent Agenda and Addendum with exception of item (i) which was pulled by the Mayor and item (m) which was pulled by Alderman McDonnell.

The Mayor pulled item (i) for clarification of the Special Event Permit for a live music festival at Fort Maurepas on June 9 and 10 sponsored by Treme Entertainment, LLC and Mr. Beau Cox. The Mayor stated we cannot have any kind of commercial activity on the beach nor can it be restricted without a lease agreement with the Secretary of State. Mr. Beau Cox, event coordinator, stated their intentions are to have some type of music festival and are willing to work around any objections the Board may have. He requested barricades to close road but have shuttle service to and from the beach.

Alderman McDonnell stated his concerns with the boat traffic if Front Beach Drive were to be closed all weekend. He also had concerns with noise issues but Mr. Beau Cox stated the music will end at 8:00 p.m.

Motion was made by Alderman Denyer, seconded by Alderman Gill and unanimously carried to table item (6-i) to obtain more information about this event and to allow Mr. Cox to present other options to hold this event without closing Front Beach Drive.

Alderman McDonnell pulled item (m) for clarification of the lot split in Cherokee Glen Subdivision. He says procedural matters need to be addressed in order to grant this request for a lot split. The City Attorney recommended denying the application for the lot split as this action would create a lot which does not meet the requirements for an R-1 residential district. R-1 lots must have a street frontage of 100' and the proposed lots would have approximately 65' frontage. The approval would set a precedent for similar properties in the City.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize the City Attorney, City Planner, and Building Official to recommend how to recognize a substandard lot for existing subdivisions that have substandard lots if such substandard lot is found to be in harmony with the existing neighborhood/subdivision and let applicant know the Board will recommend splitting the lot based on appropriate language as recommended by the City Attorney, City Planner and Building Official (Exhibit 7-m).

DEPARTMENT REPORTS

Mayor:

Motion was made by Alderman McDonnell and seconded by Alderman Cody to adopt **Ordinance No. 2012-02 AN ORDINANCE AMENDING ORDINANCE NO. 2012-04 ADDING TO THE COMPOSITION OF THE ECONOMIC DEVELOPMENT COUNCIL** (Exhibit 7-a). The motion carried with a roll call vote as follows:

Alderman Cox	<u>Voted Aye</u>
Alderman Gill	<u>Voted Aye</u>
Alderman McDonnell	<u>Voted Aye</u>
Alderman Cody	<u>Voted Aye</u>
Alderman Denyer	<u>Voted Aye</u>
Alderman Dalgo	<u>Absent</u>
Alderman Hagan	<u>Voted Aye</u>

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to authorize up to \$50.00 from Mayor, Wards 1, 2, 3, 4, 6 and At Large Capital Improvement Accounts to sponsor the Explosion of Excellence Scholarship, a fund of the Gulf Coast Community Foundation and

jointly sponsored by the Jackson County and Ocean Springs Chambers of Commerce by advertising the City's resources (Exhibit 7-b).

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to authorize up to \$143.00 each from Mayor, Wards 1, 2, 3, 4, 6 and At Large Capital Improvement Accounts to donate to the *USS Mississippi* Commissioning Committee for the commissioning ceremony on Saturday, June 2, 2012, by advertising the City's resources (Exhibit 7-c).

Building Department:

Motion was made by Alderman McDonnell and seconded by Alderman Cody to adopt **Ordinance No. 2012-03 AN AMENDMENT TO ORDINANCE 4-1969 SEC. 20-12 OF THE CITY OF OCEAN SPRINGS, MISSISSIPPI REGARDING DISPOSAL OF DEBRIS AND REFUSE BY CONTRACTORS** (Exhibit 7-d). The motion carried with a roll call vote as follows:

Alderman Cox	<u>Voted Aye</u>
Alderman Gill	<u>Voted Aye</u>
Alderman McDonnell	<u>Voted Aye</u>
Alderman Cody	<u>Voted Aye</u>
Alderman Denyer	<u>Voted Aye</u>
Alderman Dalgo	<u>Absent</u>
Alderman Hagan	<u>Voted Aye</u>

City Attorney:

Alderman Cody asked to pull item (7-e) Noise Ordinance for possible Executive Session discussion.

ALDERMEN'S FORUM

Motion was made by Alderman Gill, seconded by Alderman Hagan and unanimously carried to authorize up to \$200.00 each from Wards 1, 2, and 3 Capital Improvement Accounts for blinds for the pottery room at the Mary C. O'Keefe Cultural Center.

Alderman Cox asked to increase advertisement to promote recycling in the City.

The Mayor announced a meeting on Thursday, April 19, with Delta Sanitation to discuss recycling cardboard.

Alderman Cox asked to have a memorial plaque honoring Fred Beaugez. Alderman Denyer stated the Police Chief was obtaining names and pictures to honor all the past Police Chiefs. He will dedicate a wall in the new Police

Department displaying all the Police Chiefs. The Fire Chief is also working on a similar project to honor all past Fire Chiefs.

Motion was made by Alderman Denyer, seconded by Alderman Hagan and unanimously carried to authorize up to \$300.00 from Ward 4 Capital Improvement Account for the Cruthirds/McRath Scholarship funds and advertise the resources of the City.

Motion was made by Alderman Denyer, seconded by Alderman Cox and unanimously carried to authorize up to \$75.00 each from Wards 1, 2, 3, 4, 6, At-Large and Mayor Capital Improvement Accounts to advertise the City resources at the American Cancer Society Relay for Life.

EXECUTIVE SESSION

Motion was made by Alderman Hagan, seconded by Alderman Cody 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 a motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to remain in Executive Session to discuss an appealable order and potential litigation.

Motion was made by Alderman Denyer, seconded by Alderman Cox and unanimously carried to return to regular session.

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to authorize up to \$50.00 each from Mayor, Wards 1, 2, 3, 6, At-Large and \$200.00 from Ward 4 Capital Improvement Accounts to advertise the City resources at the golf tournament hosted by the Dream Program as their fundraiser.

The Police Chief announced the 1699 Landing Committee will be acclimating the horses to the sand beach for the 1699 event early Sunday morning.

The Mayor stated the City will schedule a meeting with all interested parties concerning the proposed noise ordinance.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to adjourn until 6:00 p.m. on May 1, 2012.

Meeting ended at 8:41 p.m.

City Clerk

Date

Mayor

Date

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
April 17, 2012 - 6:00 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. OLD BUSINESS**
 - a) Sources of Grant Matches (Exhibit 3-a)
- 4. NEW BUSINESS**
 - a) Authorize to waive the rental fees for the Ocean Springs Community Center for the Pecan Park Elementary PTO to host a retirement party for Pecan Park building Principal Judy Illich on Wednesday, May 16, 2012 (Exhibit 4-a)
- 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 up to \$150.00 from Mayor's Capital Improvement Account to match a donation for the 25th Anniversary dinner of the Jackson County Literacy Council, Inc. on April 23, 2012 (Exhibit 6-a)
- b) Authorize the Mayor to execute Change Order No. 9 to remove a tree on the former Fallo's lot in the amount of \$1,888.00 for Delta Construction, Inc., CDBG - Downtown Streetscape Project, Phase II (Exhibit 6-b)
- c) Authorize the Mayor to execute the CE&I Contract with Neel-Schaffer, Inc. related to the Porter Avenue Sidewalk Project funded by MDOT STP Funds (Exhibit 6-c)

City Clerk:

- d) Approve Minutes: April 3, 2012 Regular Meeting (Exhibit 6-d)
- e) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-e)
- f) Accept Action Report (Exhibit 6-f)

Police Dept.:

- g) Accept resignation of Detective Bradly Byers, effective April 17, 2012, and begin the process to fill the vacant position in patrol (Exhibit 6-g)
- h) Authorize 1999 Ford Crown Victoria – Unit #212 to be declared surplus; of no value to the city and send to auction (Exhibit 6-h)
- i) Authorize the Special Event Permit for a live music festival at Fort Maurepas Park on June 9th and 10th but deny the request for a road closure for the 3-day event sponsored by Treme Enterprises, LLC, Mr. Beau Cox (Exhibit 6-i)
- j) Approve Special Event Permit for 1699 Block Party for Friday, 27, 2012 from 5 pm-9 pm from Government Street to Cash Alley (Exhibit 6-j)

Fire Dept.:

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

Human Resources/Risk:

City Engineer:

Public Works:

- l) Approve temporary employment of Sheila Ward, \$13.00 hourly, for approximately six (6) weeks while Candice Hooks is on maternity leave (Exhibit 6-l)

Community Development & Planning:**Planning Commission:**

- m) Accept Planning Commissions' recommendation to approve a lot split at 1015 E. Cherokee Avenue, Parcel No. 61054046.000 and against the recommendation of the Community Development and Planning Department and the City Attorney (Exhibit 6-m)

Historic Preservation Commission:

- n) Accept Historic Preservation Commissions recommendation to approve COA request to paint exterior of the two west side porches of the building at 1117 Iberville Drive (Exhibit 6-n)
- o) Accept Historic Preservation Commissions recommendation to approve COA request to construct a raised cottage and boat house at 303 Front Beach Drive (Exhibit 6-o)

Building Department:

- p) Accept Tree Committee Report (Exhibit 6-p)
- q) Approve the demolition permit for 3409 Government Street - Bryan Jones (Exhibit 6-q)

Parks & Leisure Services:

- r) Approve Facility Use Agreement for Girls Softball League for the use of Gay-Lemon Softball Fields and Highway 57 Sports Complex beginning February 1, 2012 – December 31, 2012 (Exhibit 6-r)
- s) Approve the proposal from Coca Cola Bottling Co., Inc. to supply and sell non-alcoholic beverages at the Highway 57 Sports Complex and concession facilities owned by the City, pending review and approval by the City Attorney (Exhibit 6-s)
- t) Award the bid to Warren Paving of Gulfport, MS to provide the asphalt overlay on the parking and roadway at the Highway 57 Sports Complex in the total amount of \$189,797.00 (Exhibit 6-t)
- u) Authorize the Mayor to execute Change Order No. 3 for Phase 3 of the Highway 57 Sports Complex to add 3,420 s.f. of additional concrete paving at the baseball and softball plazas in the amount of \$14,877.00 and an additional five (5) days to the contract time to complete the additional work plus seven (7) days for adverse weather (Exhibit 6-u)

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

- a) Adopt an Ordinance Amending Ordinance No. 2010-04 Adding to the Composition of the Economic Development Council (Exhibit 7-a)
- b) Request \$50.00 from each Aldermen and Mayor towards Explosion of Excellence Scholarship, a fund of the Gulf Coast Community Foundation and jointly sponsored by the Jackson County and Ocean Springs Chambers of Commerce (Exhibit 7-b)
- c) Request to donate to the *USS Mississippi* Commissioning Committee for the commissioning ceremony on Saturday, June 2, 2012 (Exhibit 7-c)

City Clerk:**Police Dept.:****Fire Dept.:****Human Resources/Risk:****City Engineer:****Public Works:****Community Development & Planning:****Building Department:**

- d) Adopt an Amendment to Ordinance 4-1969 Sec. 20-12 of the City of Ocean Springs, Mississippi, regarding Disposal of Debris and Refuse by Contractors (Exhibit 7-d)

Parks & Leisure Services:

City Attorney:

- e) Adopt an Amendment Amending Chapter 15, Article 13, Section 1 of the Ocean Springs Municipal Code to Regulate Amplified Sound in Commercially Zoned Districts (Exhibit 7-e)

Facilities

8. ALDERMEN'S FORUM

9. EXECUTIVE SESSION

ADJOURN UNTIL 6:00 P.M. on May 1, 2012