

RECESS MEETING OF MAY 15, 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 May 15, 2012. Mayor Moran presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer, Dalgo and Hagan were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards.

Reverend Barrette gave the invocation and the Mayor led the Pledge of Allegiance.

PROCLAMATION

The Mayor read a proclamation declaring the week of May 20-26, 2012 as National Public Works Week (Exhibit 3-a).

ADDENDUM

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

OLD BUSINESS

The City Attorney gave an overview of what the proposed noise ordinance entails. He explained it will be unlawful for any person, persons or places to play, use, operate or permit to be played, used or operated any sound amplification or producing device or similar equipment outdoors on the premises of a commercial establishment during the following days and times: Weekdays (Sunday Night through Friday Morning) between the hours of 11:00 p.m. through 8:00 a.m. and Weekends (Friday night through Sunday morning) between the hours of 11:59 p.m. through 8:00 a.m. The Mayor and Board heard public comments from many residents and business owners concerning the noise ordinances with most encouraging the use of decibel meters to determine sound levels.

Motion was made by Alderman McDonnell and seconded by Alderman Cody to adopt **Ordinance No. 2012-04 AN ORDINANCE CREATING CHAPTER 15, ARTICLE 16, OF THE OCEAN SPRINGS MUNICIPAL CODE TO REGULATE OUTDOOR USE OF SOUND BY COMMERCIAL ESTABLISHMENTS** (Exhibit 4-a). The motion carried with a roll call vote as follows:

Alderman Cox	<u>Voting Aye</u>
Alderman Gill	<u>Voting Aye</u>
Alderman McDonnell	<u>Voting Aye</u>
Alderman Cody	<u>Voting Aye</u>
Alderman Denyer	<u>Voting Aye</u>
Alderman Dalgo	<u>Voting Nay</u>
Alderman Hagan	<u>Voting Nay</u>

Motion was made by Alderman Hagan and seconded by Alderman McDonnell to adopt **Ordinance No. 2012-05 AN ORDINANCE CREATING CHAPTER 15, ARTICLE 17, OF THE OCEAN SPRINGS MUNICIPAL CODE TO REGULATE SPECIAL EVENTS AND OUTDOOR FESTIVALS** (Exhibit 4-b).

The motion carried with a roll call vote as follows:

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

NEW BUSINESS

Ms. Kellie Lamb with the MS Tobacco Free Coalition of Jackson County gave a presentation concerning regulating second hand smoke exposure in the workplace (Exhibit 5-a).

Ms. Kate Penrose stated her concerns of safety issues at the library and asked to have the grounds around the library cleaned and flowers planted (Exhibit 5-c).

PUBLIC COMMENTS

Mr. Nate Wilson invited everyone to come and support the City's Relay for Life team on Friday night at the high school football stadium.

Mr. Randy Hines presented a statement of intent of the Wildlife Care and Rescue Center to accept the title to the mobile home previously used by the Police Department. Motion was made by Alderman Dalgo, seconded by Alderman Denyer and unanimously carried to donate the mobile home

previously used by the Police Department to the Wildlife Care and Rescue Center to match other funds, pending execution of all appropriate documentation and include signage indicating it was donated by the City of Ocean Springs.

Motion was made by Alderman Dalgo, seconded by Alderman McDonnell and unanimously carried to include the letter of intent by the Wildlife Care and Rescue Center, Inc. in the minutes (Exhibit 6-a).

Motion was made by Alderman Gill, seconded by Alderman Hagan and unanimously carried to provide security through the reserves at the Relay for Life on Friday, May 18th from 5:30 p.m. – 1:30 a.m.

CONSENT AGENDA AND ADDENDUM

Motion was made by Alderman Denyer, seconded by Alderman Gill and unanimously carried to approve the Consent Agenda and Addendum with exception of items (a) and (m) which were pulled by Alderman Denyer.

Alderman Denyer pulled item (a) for clarification. The Grants Administrator advised it is the Safe Routes to School Program grant to provide safe access to the school. Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to authorize the Mayor to execute the Contract with BKI (Burk-Kleinpeter, Inc.) for Preliminary Engineering for services related to the sidewalk improvements at the Ocean Springs Middle School, funded by the MDOT Safe Routes to School Program, this grant provides 100% funding and is a coordinated effort with the City, OS Middle School and Jackson County, funds are already included in the budget for this fiscal year and no local match is required, pending legal approval and MDOT concurrence (Exhibit 7-a).

Alderman Denyer pulled item (m) for clarification from the Public Works Department. The Assistant Public Works Director advised they are in agreement with this plan. Motion was made by Alderman Denyer, seconded by Dalgo and unanimously carried to accept the Planning Commission recommendation to approve a minor subdivision sketch plat to reconfigure three (3) existing parcels into four lots and a proposed private right-of-way or road at Seaside for East Beach at the North side of East Beach (Exhibit 7-m).

ALDERMEN'S FORUM

Motion was made by Alderman Denyer, seconded by Alderman Hagan and unanimously carried authorize up to \$500.00 from Ward 4 Capital Improvement

Account and \$50.00 from Wards 1, 2, 3, 4, 5 and 6 Capital Improvement Accounts; \$50.00 from Alderman at Large Capital Improvement Account and \$50.00 from Mayor's Capital Improvement Account to replace the pump at the Clay Boyd Splash Pad.

Alderman McDonnell asked when the landscaping would begin at the entrance to Forest Hill Drive. The Assistant Public Works Director and Alderman Gill will meet with the City's landscaper concerning this matter.

Alderman Gill asked the Mayor to contact Highway Commissioner Tom King to ask for assistance with the concrete medians.

DEPARTMENT REPORTS

City Attorney:

Motion was made by Alderman Hagan, seconded by Alderman McDonnell and unanimously carried to adopt the Resolution Objecting to the Eastern portion of the Mississippi Gulf Coast Being Excluded from BP Settlement Zone A (Exhibit 8-a).

EXECUTIVE SESSION

Motion was made by Alderman Hagan, seconded by Alderman Gill 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 Hagan, seconded by Alderman Cody and unanimously carried to remain in executive session to discuss personnel in the Court Department; potential litigation regarding Parks; potential litigation regarding zoning and current litigation in County Court.

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

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to accept Judge Mestayer's recommendation to accept retirement of Kristy Jones, Court Clerk, effective July 31, 2012, and begin the process to fill the vacancy.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to accept Judge Mestayer's recommendation to accept

resignation of Meredith Massey, Deputy Court Clerk, effective immediately, allow the pay out and begin the process to fill the vacancy.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize amendment of \$4,300.00 in court salary from ending balance.

Mr. Joey Furr updated the Board on the emergency repairs done by the replacement contractor at Highway 57 Sports Complex. Mr. Furr explained the emergency work was due to the original contractor not providing adequate drainage swales to the drain areas and not grading properly. The drainage repairs were done on an emergency basis so as not to hinder the opening of the park on June 15, 2012. The estimate for the repair is approximately \$15,000.00. He further stated he is running a test tonight on first swale to see how effectively it is draining.

Alderman McDonnell left the meeting at 9:27 p.m.

Motion was made by Alderman Denyer, seconded by Alderman Hagan and unanimously carried to back up the Purchase Order for the drainage repairs based on an emergency basis as explained by Landscape Architect Joey Furr, if the seeding in common areas is included.

Motion was made by Alderman Hagan, seconded by Alderman Cody and unanimously carried to adjourn until 6:00 p.m. on June 5, 2012.

Meeting ended at 9:39 p.m.

City Clerk

Mayor

Date

Date

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
May 15, 2012 - 6:00 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PROCLAMATION**
 - a) Week of May 20-26, 2012 as National Public Works Week (Exhibit 3-a)
- 4. OLD BUSINESS**
 - a) An Ordinance Creating Chapter 15, Article 16, of the Ocean Springs Municipal Code to Regulate Outdoor Use of Sound by Commercial Establishments – City Attorney John Edwards (Exhibit 4-a)
 - b) An Ordinance Creating Chapter 15, Article 17, of the Ocean Springs Municipal Code to Regulate Special Events and Outdoor Festivals – City Attorney John Edwards (Exhibit 4-b)
- 5. NEW BUSINESS**
 - a) Presentation from MS Tobacco Free Coalition of Jackson County – Ms. Kellie Lamb (Exhibit 5-a)
 - b) Building Insurance Renewal – Scott Lemon
 - c) Discussion about problems at the Library – Ms. Kate Penrose (Exhibit 5-c)
- 6. 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.
- 7. CONSENT AGENDA***
** Consent Agenda – All matters listed under Item 7, 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 the Contract with BKI (Burk-Kleinpeter, Inc.) for Preliminary Engineering services related to the sidewalk improvements at the Ocean Springs Middle School, funded by the MDOT Safe Routes to School Program, this grant provides 100% funding and is a coordinated effort with the City, OS Middle School and Jackson County, funds are already included in the budget for this fiscal year and no local match is required, pending legal approval and MDOT concurrence (Exhibit 7-a)**City Clerk:**
 - b) Approve Minutes: Special Call Meeting May 1, 2012 (Exhibit 7-b)
 - c) Approve Minutes: Regular Meeting May 1, 2012 (Exhibit 7-c)
 - d) Approve Minutes: Recess Meeting May 7, 2012 (Exhibit 7-d)
 - e) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 7-e)
 - f) Accept Action Report (Exhibit 7-f)
 - g) Authorize removal of Wendi Devita, Accountant, from probationary status and placement on full time status, effective immediately (Exhibit 7-g)**Police Dept.:**
 - h) Approve Special Event Permit Information Only for Strides for Life/Aids Awareness Walk on Saturday, July 14th, 8:00 a.m. – 11:00 a.m. on Biloxi/OS Bridge (Exhibit 7-h)
 - i) Approve Special Event Permit for Gulf Coast Bicycle Club to bike from Marshall Park to Tato Nut Shop for toy drive for the Ronald McDonald House on Saturday, June 2nd from 9:00 a.m. – 10:00 a.m. (Exhibit 7-i)

Fire Dept.:

- j) Accept Monthly Department Report (Exhibit 7-j)

Human Resources/Risk Management:**City Engineer:****Public Works:**

- k) Authorize the Mayor to execute Change Order No. 3 for the Washington Avenue Pump Station No. 1 Project in the amount of \$2,149.39 and 4 additional days to S.H. Anthony, Inc. Contract to add security fence and adequate funds available in the budget (Exhibit 7-k)

Community Development & Planning:**Historic Preservation Commission:**

- l) Accept Historic Preservation Commissions recommendation to enclose the existing front porch of the Children's House Montessori School at the First Presbyterian Church, 921 Ocean Avenue (Exhibit 7-l)

Planning Commission:

- m) Accept Planning Commission recommendation to approve a minor subdivision sketch plat to reconfigure three (3) existing parcels into four lots and a proposed private right-of-way or road at for Seaside at East Beach at the North side of East Beach (Exhibit 7-m)
- n) Accept Planning Commission recommendation to deny the application for change in zoning district from R-2 Residential Zoning to C-3 Highway Commercial in order to build a dog park at the corner of Bienville Blvd. and Carolyn Drive (Exhibit 7-n)

Building Department:

- o) Accept Tree Committee Report (Exhibit 7-o)

Parks & Leisure Services:

- p) Authorize employment of Chance Payton, Parks Maintenance Worker, \$11.50 hourly, effective May 16, 2012, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit 7-p)

City Attorney:**Facilities:****8. DEPARTMENT REPORTS****Mayor:****City Clerk:****Police:****Fire:****Human Resources/Risk:****City Engineer:****Public Works:****Community Development & Planning:****Building Department:****Parks & Leisure Services:****City Attorney:****Facilities:****9. ALDERMEN'S FORUM****10. EXECUTIVE SESSION**

- a) Personnel in Police Department
- b) Personnel in Court Department
- c) Potential Litigation in Parks Department

ADJOURN until 6:00 p.m. on June 5, 2012

ADDENDUM TO AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
May 15, 2012 - 6:00 p.m.

1. PUBLIC COMMENTS regarding the Noise Ordinance

2. CONSENT AGENDA

Mayor:

- a) Authorize Pay Application No. 1 for Powell Construction Services, Inc. in the amount of \$18,387.18 for Crossover Improvements at Highway 90 and Deana Road funded by the MDOT STP funds (Exhibit A-2a)
- b) Approve invoice to Eco-Systems, Inc. in the amount of \$5,927.60 related to the revised Hazard Mitigation Plan funded by the MEMA Hazard Mitigation Grant Program (HMGP) (Exhibit A-2b)

City Clerk:

- c) Authorize payment on invoice in the amount of \$9,900.00 for "Today in America" television show (Exhibit A-2c)

Police Department:

- d) Authorize re-employment of Megan McNair, effective May 30, 2012, \$11.00 hourly, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit A-2d)
- e) Authorize resignation of Aaron Bernard, Correction Officer, effective May 23, 2012, and authorize to begin the process to fill the vacancy (Exhibit A-2e)

3. DEPARTMENT REPORTS

City Attorney:

- a) Adopt Resolution objecting to the Eastern portion of the Mississippi Gulf Coast being excluded from BP Settlement Zone A (Exhibit A-3a)