

## **RECESS MEETING OF NOVEMBER 19, 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 November 19, 2012. Mayor Moran presiding, Aldermen Cox, McDonnell, Cody, Denyer and Dalgo were present. Also present was City Clerk Shelly Ferguson. Alderman Hagan was absent at roll call but arrived later in the meeting.

The Mayor called the meeting to order.

### **PRESENTATION**

Ms. Anne Pitre, Executive Assistant and PIO, introduced the Mayor's Youth Council for 2012-2013. The Members are Sanders Edmonson, President; Piyush Borse, Vice President; Kyle Parton, Treasurer; Alex Thompson, Secretary and Emily Dalgo, Parliamentarian, Olivia Day, Sachi Denham, Kayla Wheeler, Jessica Williams, Amy Nguyen, Maya Rex, Anna Delcastillo, Andrew Delcastillo, Caitlyn Jowett, Thomas Nolan, Caleb Suitor, Logan Leake, Mary Parker, Sammy Grunwald, Jade Lang, Sam Allen, Paige Ryder, Maggie Reid, Becca Jarvis and Bailey Wineski.

### **NEW BUSINESS**

Mr. Bill Richman, Ocean Springs Harbor Master, asked the Board to support the resolution the Jackson County Board of Supervisors adopted. The resolution proposes for the restoration of public use of the property owned by the Department of Marine Resources known as "Harbor Landing". He asked that when and if the buildings are removed the property be returned to a green space. It will alleviate some of the congestion in that area and add some extra parking for the boat ramps.

Ms. Amanda Kennerly stated her attorney, Mr. Paul Barber, will speak on her behalf. Mr. Barber spoke in favor of the proposal to restore the former "Harbor Landing" site to public use and green space. He stated it complies with the Ocean Springs zoning laws and also fits the intent of the federal grant that funded the Department of Marine Resources acquisition to purchase the property.

Motion was made by Alderman Gill, seconded by Alderman Dalgo and unanimously carried to include the Memorandum from John Paul Barber, PLLC

regarding the Department of Marine Resources Ocean Springs Harbor Property in the minutes of the City of Ocean Springs (Exhibit 4-b).

The Mayor explained in March, 2011 the Board voted to direct her to contact the Department of Marine Resources "DMR" and ask if they would be able to sell, convey or swap property Harbor Landing to a viable development. DMR responded they would be interested in exploring those options so long as they got their money back what they invested and were held harmless by the developer. A local developer, with property on the Back Bay of Biloxi, expressed interest. The Board also was concerned about losing a facility that had 168 boat spaces in the harbor because it was additional water access for our boating public. The City was interested in exploring options and still have a facility for our boating community.

Alderman McDonnell asked to hold the discussion of the Jackson County Drug Task Force until later in the meeting when Supervisor John McKay arrives.

## **DEPARTMENT REPORTS**

### **Building Department:**

The Code Enforcement Officer reported on 1213 Lancelot Lane. He stated the property has not been cleaned to satisfactory standards as set forth in the International Property Maintenance Code. The high grass has been cut but no work has been done to the thick brush growth around the property or to the structure itself. The home remains unsecured; the front section of wall between the two garage doors is still subject to fall at any time and the interior remains full of debris making it a fire hazard.

Motion was made by Alderman Gill, seconded by Alderman Dalgo and unanimously carried to begin the lot cleaning process; securing the property and cleaning the interior and exterior of the property and residence (Exhibit 7-f).

The Building Official stated he was asking for input from the Board concerning allowing MEMA cottages as permanent primary structures. He further stated the City has no means to allow these type structures in an R-1 zoned area. The City Attorney will research this issue and make a recommendation to the Board.

## **PUBLIC COMMENTS**

Mr. Wally Carter, 604 Rue Maupesant, spoke on behalf of Delta Sanitation and Waste Pro Company. He asked to discuss item (6-k) under the Consent Agenda. The Mayor stated he would be allowed to speak during the Consent Agenda discussion.

Ms. Traci James and Ms. Melanie Allen from the Ocean Springs Garden Club asked the Board for permission to place the first Blue Star Memorial Marker and Garden in the City of Ocean Springs. Motion was made by Alderman Denyer, seconded by Alderman Cox and unanimously carried to allow the Ocean Springs Garden Club to place the first Blue Star Memorial Marker and Garden at the Vietnam Memorial on Highway 90 to honor service men and women who have served in the armed forces and in coordination with the Mayor's office.

Ms. Jane Beaguez, Halstead Road, stated she was in favor of prohibiting the consumption of alcohol at the Ocean Springs Sports Complex.

Ms. Amanda Kennerly asked the Mayor and Board of Aldermen to support the County, State and Fish and Wildlife service to approve Dr. McIlwain's plan and proposal for the Harbor Landing area by adopting a resolution to restore Harbor Landing area to green space.

Mr. Bruce Duckett, 1406 Hellmers Lane, stated he was speaking as a representative of the "Friends of the Ocean Springs Harbor". They support the County's proposal and are very interested in turning property over to the County for them to manage for public benefit. They are asking the City to adopt the resolution in support of the proposal from Dr. McIlwain. He also stated he is in support of naming a recreational area after Dr. McIlwain.

## **CONSENT AGENDA**

Motion was made by Alderman Gill, seconded by Alderman Hagan and unanimously carried to approve the Consent Agenda with exception of items (a) which was pulled by Alderman Dalgo and item (k) which was pulled by Alderman Hagan.

Alderman Dalgo pulled item (a) and asked if the City Attorney had reviewed this matter. The City Attorney stated he prepared a comprehensive movie location agreement that includes insurance and hold harmless requirements for the purpose of shooting movies. Motion was made by Alderman Dalgo, seconded by Alderman Denyer and unanimously carried to authorize the use of

two (2) police vehicles, the court room and booking area for the filming of a movie "Blunt Force" pending receipt of Certificate of Insurance (Exhibit 6-a).

## **NEW BUSINESS**

Supervisor John McKay stated he firmly believes it is best for Jackson County to have one (1) task force but three (3) cities are already in the process of forming a new task force. He does not know how to get it back to one (1) task force. Alderman McDonnell asked the Police Chief to give all variables and options and further, to contact each of the Police Chiefs regarding the task force issue and report back to the Board.

## **CONSENT AGENDA – cont'd.**

Alderman Hagan pulled item (6-k) for discussion of the Selection Committee's recommendation to accept the proposal from Advanced Disposal for the waste disposal contract. Alderman Denyer thanked the Selection Committee for the work done but further stated he thought the committee would make a recommendation to the Board therefore, allowing the Board to make the final selection. He asked to have a work session with the full Board present. Alderman Cox said that was exactly what the committee had been doing for the past several weeks. There were negotiations and discussions with all three (3) companies regarding garbage pick-up, recycling and along with a 24-point questionnaire.

Motion was made by Alderman Denyer and seconded by Alderman Gill to schedule a work session and be prepared to make a recommendation regarding the solid waste contract. Motion failed with Aldermen Gill, Denyer and Dalgo voting aye and Aldermen McDonnell, Cody, Cox and Hagan voting nay.

Representatives of Advanced Disposal, Waste Pro and Waste Management were given the opportunity to speak about their proposals.

Motion was made by Alderman Hagan and seconded by Alderman Cox to accept item (6-k) - authorize the Mayor to execute the Collection and Haul Agreement for the City of Ocean Springs with Advanced Disposal as recommended by the Selection Committee and pending legal review, clarification and approval. Motion carried with Aldermen McDonnell, Cody, Cox and Hagan voting aye and Aldermen Gill, Denyer and Dalgo voting nay (Exhibit 6-k).

The Mayor stated her intentions to veto this motion.

## DEPARTMENT REPORTS

### **City Clerk:**

The City Clerk gave an update of the FY13 budget. She reported the City's sales tax collections were down 4% (\$13,000.00) in October but up in November with 20% increase from last year. The sale of cemetery plots was progressing. The food and beverage tax was also down from last year in October by 8% but 3% increase in November. She projected budget amendments for an increase in attorney fees and utilities at Highway 57 Sports Complex. Therefore, the City is looking at a \$200,000 deficit in ending balance if the City stays on the current course.

Alderman McDonnell asked the Peer Review Committee to look at the shortfalls and make some recommendations.

Motion was made by Alderman McDonnell, seconded by Alderman Denyer and unanimously carried to authorize the City Clerk to give an oral report on the current budget at the recess meeting of each month.

### **Public Works Department:**

Motion was made by Alderman Denyer and seconded by Alderman Hagan to adopt **Ordinance No. 2012-13 AN ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF OCEAN SPRINGS, MISSISSIPPI BE AMENDED BY REVISING SECTION 23-28 OF SAID CODE TO PROVIDE FOR THE SCHEDULE OF FEES FOR SEWER CONNECTIONS** (Exhibit 7-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>

Motion was made by Alderman Denyer and seconded by Alderman Hagan to adopt **Ordinance No. 2012-14 AN ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF OCEAN SPRINGS, MISSISSIPPI BE AMENDED BY REVISING SECTION 23-29 OF SAID CODE TO PROVIDE FOR THE SCHEDULE OF FEES FOR WATER SERVICE CONNECTIONS** (Exhibit 7-c). 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>

Motion was made by Alderman Denyer and seconded by Alderman Hagan to adopt **Ordinance No. 2012-15 AN ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF OCEAN SPRINGS, MISSISSIPPI BE AMENDED BY REVISING SECTION 23-30 OF SAID CODE TO PROVIDE FOR THE SCHEDULE OF FEES FOR WATER SERVICE CONNECTIONS** (Exhibit 7-d). 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>

#### **Community Development & Planning:**

Mr. Frank Burandt gave a status report of the Government Street Improvement Project (Exhibit 7-e).

#### **Peer Review Committee:**

Alderman Denyer gave the Peer Review Committee update. He reported the committee recommended paying the LED lighting invoice in the amount of \$4,288.00.

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to pay the invoice in the amount of \$4,288.00 for the LED lighting.

He reported it was determined the funding for the Porter Avenue Sidewalk project would be a minimum \$228,000.00 of unbudgeted funds to complete the project. Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to notify MDOT the City does not have the funding to complete this project and would like the opportunity to revisit the project at a later date if funds become available.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize the County's portion of the MCOK plaque be transferred to the budget for the City Museum.

The museum director notified the City that the museum would close in January due to lack of funds to remain open 5 days a week instead of 2 to 3 days a week. Alderman Denyer asked to discuss the personnel issue at the City museum during Executive Session at the next boarding.

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to appoint Geri Straight to the Peer Review Committee during the time the Public Works Director is on sick leave.

### **ALDERMEN'S FORUM**

Motion was made by Alderman McDonnell, seconded by Alderman Hagan and unanimously carried to authorize the Police Chief to obtain two (2) professional estimates for the Boston Whaler police boat to establish a minimum price to sell it and post it on EBay.

Alderman Gill asked the Mayor to send a thank you letter to Larry Semski for his service on the Historic Preservation Commission.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to rename Harbor Drive to Tom McIlwain Drive to honor him and authorize the City Attorney to draft an Ordinance.

Motion was made by Alderman Dalgo, seconded by Alderman Gill and unanimously carried to adjourn until 6:00 p.m. on December 4, 2012.

Meeting ended at 9:02 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**  
**November 19, 2012 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PRESENTATION**

- a) Introduction of the Mayor's Youth Council – Ms. Ann Pitre, Executive Assistant and PIO

**4. NEW BUSINESS**

- a) Discussion of Harbor Landing – Harbor Commission (Exhibit 4-a)
- b) Discussion of Harbor Landing - Ms. Amanda Kennerly (Exhibit 4-b)
- c) Discussion of Jackson County Drug Task Force – Alderman McDonnell

**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 use of two (2) police vehicles for the filming of a movie "Blunt Force" (Exhibit 6-a)
- b) Accept the resignation of Larry Semski from the Historic Preservation Commission and advertisement of opening on commission (Exhibit 6-b)

**City Clerk:**

- c) Approve Minutes: Regular Meeting November 6, 2012 (Exhibit 6-c)
- d) Approve payment: Docket of Claims and spread Summary upon the Minutes (Exhibit 6-d)
- e) Accept Action Report (Exhibit 6-e)
- f) Accept Minutes: Peer Review Committee of October 16, 2012 (Exhibit 6-f)
- g) Accept Minutes: Peer Review Committee of November 5, 2012 (Exhibit 6-g)
- h) Accept Minutes: Peer Review Committee of November 13, 2012 (Exhibit 6-h)
- i) Authorize to enter into a two (2) year Contract with AT&T for cellular phones (Exhibit 6-i)
- j) Adopt Resolution to memorialize the agenda procedures for regular and recess meetings of the Board of Aldermen (Exhibit 6-j)
- k) Authorize the Mayor to execute the Collection and Haul Agreement for the City of Ocean Springs with Advanced Disposal, as recommended by the Selection Committee and pending legal review and approval (Exhibit 6-k)

**Police Dept.:**

- l) Authorize employment of Joshua L. Harmon as a Correction Officer, effective November 21, 2012, \$12.50 hourly, one-year probationary period, and to attend the necessary Correction Officer School to be State Certified, pending successful completion of all pre-employment requirements (Exhibit 6-l)
- m) Approve Special Event Permit for Multiple Sclerosis Walk Event for Saturday, March 23, 2012, from 8:00 a.m. – 11:00 a.m. for use of the Front Beach Sidewalk (Exhibit 6-m)

**Fire Dept.:**

- n) Accept Monthly Fire Department Report (Exhibit 6-n)
- o) Approve employment of Ryan Knobf as a Firefighter, effective December 5, 2012, \$11.19 hourly, one-year probationary period and pending successful completion of all pre-employment requirements (Exhibit 6-o)

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- p) Authorize the Mayor to execute the revised Supplementary Agreement #1 in the amount of \$3,848.84 with Powell Construction Services per MDOT concurrence for the Crossover Improvements at Highway 90 and Deana Road funded by MDOT STP funds (Exhibit 6-p)

**Planning Commission:**

- q) Accept Planning Commissions' recommendation to approve Seaside at East Beach to change from a private development to a public development, Public Works Department, Compton Engineering and Planning Department concurs with this change (Exhibit 6-q)

**Historic Preservation Commission:**

- r) Accept Historic Preservation Commissions recommendation to issue a COA to install a 20'x10' retractable awning over the patio at 527 Front Beach Drive #5 (Exhibit 6-r)

**Building Department:**

- s) Accept Tree Committee report (Exhibit 6-s)
- t) Approve demolition permit for 1321 Bayou Drive (Exhibit 6-t)

**Parks & Leisure Services:**

- u) Authorize removal of Chance Payton from probationary status and placement on full time status, effective November 17, 2012 (Exhibit 6-u)
- v) Accept recommendation of the Parks Advisory Board to prohibit the consumption of alcohol at the Ocean Springs Sports Complex (Exhibit 6-v)

**Facilities:**

**City Attorney:**

**7. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

- a) Budget Update

**Police:**

**Fire:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

- b) Adopt Ordinance Providing that the Code of Ordinances, City of Ocean Springs, Mississippi be amended by revising Section 23-38 of said Code to Provide for the Schedule of Fees for Sewer Connections (Exhibit 7-c)
- c) Adopt Ordinance Providing that the Code of Ordinances, City of Ocean Springs, Mississippi be amended by revising Section 23-29 of said Code to Provide for the Schedule of Fees for Water Service Connections (Exhibit 7-d)
- d) Adopt Ordinance Providing that the Code of Ordinances, City of Ocean Springs, Mississippi be amended by revising Section 23-3029 of said Code to Provide for the Schedule of Fees for Water Service Connections (Exhibit 7-e)

**Community Development & Planning:**

- e) Brief Update on Government Street Improvement Project

**Building Department:**

- f) Update on Lot Cleaning at 1213 Lancelot Lane (Exhibit 7-f)
- g) Discussion to allow MEMA Cottages as Permanent Primary Structures

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

- h) Committee Update

**8. ALDERMEN'S FORUM**

- a) Discussion of the 19' Boston Whaler Police Department Boat – Alderman McDonnell

**ADJOURN UNTIL 6:00 p.m. on December 4, 2012**