

## **REGULAR MEETING OF SEPTEMBER 3, 2013**

Be it remembered that the Mayor and Board of Aldermen of the City of Ocean Springs met in a Regular meeting at City Hall in the City of Ocean Springs at 6:00 p.m. on September 3, 2013. The Mayor presiding, Aldermen Cox, McDonnell, Cody, Denyer, Dalgo and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. Alderman Gill was absent.

The Mayor called the meeting to order.

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

### **PRESENTATION**

Mr. Ron Miller with the Mississippi Department of Archives and History presented a slide show on the history of the Charnley Norwood House located on East Beach.

### **PUBLIC HEARINGS**

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to open the Public Hearing for a lot cleaning at 106 Niagara Avenue.

The Building Official gave an update on the condition of the residence at 106 Niagara Avenue. He reported on the history of this property. The Building Official presented pictures showing the condition of the property for the record. On August 9, 2013, notices were posted on the property; notice was sent to the last known address; posted on the bulletin board at City Hall and published in the City publication of record. There has been no correspondence or contact from the property owner and he was not present at the hearing. The exterior property has overgrowth from weeds and plant growth in excess of eleven (11) inches.

Motion was made by Alderman Cody, seconded by Alderman Dalgo and unanimously carried to close the Public Hearing for 106 Niagara Avenue.

Motion was made by Alderman Dalgo, seconded by Alderman Impey and unanimously carried to accept the Code Enforcement Officer's recommendation to proceed with the lot cleaning at 106 Niagara Avenue because it is such a state of uncleanliness, disrepair or neglect as to be menace to the public health, safety and welfare of the community and obtain quotes for lot cleaning.

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to open the Public Hearing for a lot cleaning at 1213 Lancelot Lane.

The Building Official gave an update on the condition of the residence at 1213 Lancelot Lane. He reported this lot cleaning issue has been a reoccurring issue over several years. On August 27, 2013, a notice was posted on the property; notice was sent to the last known address; posted on the bulletin board at City Hall and published in the City publication of record. The Building Official presented pictures showing the condition of the property for the record. The structure is in disrepair and lacks maintenance. The building lacks illumination, ventilation and sanitary facilities adequate to protect the health or safety of the occupants or the public and there are numerous building, electrical, and plumbing code violations as well as being a fire hazard. He finds the property to be in such a state of uncleanliness, disrepair and neglect to be a menace to the public health, safety and welfare of the community due to the serious overgrowth of the grass and structural damage of the residence. The property owners were not present at the Public Hearing.

To date, the property owners have made an attempt and cut a 20' strip in the front of the residence. No further work has been done.

Motion was made by Alderman Cody, seconded by Alderman Dalgo and unanimously carried to close the Public Hearing for 1213 Lancelot Lane.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to accept the Building Official's recommendation to proceed with the lot cleaning at 1213 Lancelot Lane based on the matters presented and obtain quotes for the lot cleaning with up to three (3) additional cuttings to maintain the property conditional upon the property owner remedying the issues outlined by the City.

## **NEW BUSINESS**

### **Public Hearing**

The Mayor asked that although the appeal by East Beach Partners, LLC for a zoning change for Seaside Phase III was not on the agenda, it was advertised and gave official notice to all of the neighbors, the Public Hearing be heard under New Business.

Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to add an item under New Business – Appeal of Rezone to R-2 of Seaside Phase III – East Beach Partners, LLC.

Alderman Denyer gave an overview of the matter.

He stated he held a meeting with the developers, City Attorney, Planning Administrator, two members of the Planning Commission and surrounding property owners to discuss the concerns of this rezoning issue. The City Attorney stated the reasons for rezoning are a change in the characteristics of the neighborhood and public need for that zoning in the area, and a mistake in the original zoning. The City further explained the developer, Mr. Chris Eaton, was denied by the Planning Commission to rezone the portion of the property identified as Seaside Phase III. He has asked for an appeal to the Board of Aldermen. At the appeal stage, Mr. Eaton gets another public hearing wherein proponents and opponents will speak and discussion questions and then close the public hearing.

The Planning Administrator clarified the issue before the Board is for the rezoning from R-1 to R-2. She explained the primary difference between R-1 and R-2 related to the area and width of the lot size.

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

The Mayor asked if any opponents would like to speak on the issue.

Ms. Mary Marr Beckman stated the reasons for a zoning change are set by state statute and did not feel that has not been brought forth in this matter.

Mr. Craig Bounds, 103 San Souci, stated he was not opposed to density but opposed to rezoning and also concerned about setting a precedence.

Mr. Bruce Tolar stated he along with family members are owners of property to the West of the development. He asked if there was a way to include the wetlands in the calculations but allow them to remain and preserved.

The City Attorney explained it would take 30-40 days to amend the subdivision regulations.

Ms. Altman, 100 LaBranche, asked if the city made a mistake in the zoning, can the city request the developer to resubmit the project as a single entity. It was stated the project was presented in phases and the plats have already been filed with the County. It is a legal issue and would have to be researched.

Mr. Jim Sonnier, 1226 Lover's Lane and owns property in the area, stated he is in agreement with Ms. Beckman's statement that zoning is set by state statute if the 2 criterias have not been met, it should be denied.

The following proponents spoke:

Mr. Chris Eaton, the developer, stated there is clearly a need for R-2 zoning and a mistake in the original zoning.

Ms. Helen Effinger, 133 Watersedge, stated she was originally opposed to the zoning change but is now in favor of R-2 zoning after her questions were answered during a previous meeting. She feels there has been a change in the characteristics of the neighborhood since Hurricane Katrina and trusts the developer will build quality homes.

Mr. Ken Papania, Watersedge, stated he was originally opposed to the zoning change but is now in favor of the change to R-2.

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

## **EXECUTIVE SESSION**

Motion was made by Alderman Cody, seconded by Alderman Dalgo 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 Dalgo, seconded by Alderman Impey and unanimously carried to remain in executive session to obtain the advice of Counsel on an appealable issue.

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

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to take the appeal of Rezone to R-2 of Seaside Phase III – East Beach Partners, LLC under advisement.

## **OLD BUSINESS**

Mr. David Taylor was not present for the traffic study discussion.

The Mayor presented a summary memo and additional information concerning the Gay Lemon Shelter project. She stated the City received a FEMA hazardous mitigation grant in the amount of approximately \$3.4 million to build a storm shelter at the Gay Lemon site and could also be used as a gymnasium. There was discussion concerning the grant expiration deadline of August 11, 2014 and if that would be enough time to complete the project without the City funding any remaining work done after the deadline. There were also discussion about funding the one-time cost for bleachers,

goals and scoreboards. The Mayor stated she felt she could get sponsors for those items. Motion was made by Alderman Impey and seconded by Alderman Cox to forego the Gay Lemon Shelter project. Motion carried with Alderman Cox, McDonnell, Cody, Dalgo and Impey voting aye and Alderman Denyer voting nay. Alderman Gill was absent.

## **CONSENT AGENDA**

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to approve the Consent Agenda with exception of item (e) which was pulled by Alderman McDonnell.

Alderman McDonnell pulled item (e) and commended Alderman Cox and Alderman Cody, city employees, department heads and city clerk for the budget reductions.

Motion was made by Alderman McDonnell, seconded by Alderman Dalgo and unanimously carried to adopt the budget amendments (Exhibit 8-e).

## **ALDERMEN'S FORUM**

Alderman Denyer stated his concerns with the bicyclists and runners who choose to exercise early in the mornings and are not dressed appropriately. He asked the Police Department to make a recommendation to ensure the safety of the bicyclists and runners along with the motorists.

Alderman Denyer thanked the Finance Committee for their work on the upcoming budget.

Alderman Denyer requested a traffic study on the corner of Halstead Road and Government Street.

Alderman McDonnell asked for the Fallo parking lot plan. The Grants Administrator stated there is approximately \$115,000 unobligated funds in the Streetscape grant. The grant expires at the end of September, 2013. She also reported it has been indicated that the Fallo property would be returned to the City's ownership to allow the City to make these improvements. The current proposal includes using the entire property as parking as previously requested by the Board along with improvements to the service drive. The proposed plan would extend the service drive to connect Robinson to allow access as a service drive not as an open main road to use in cases of emergencies, traffic control and to service that area. It will include the acquisition of a small portion of the southern strip of the property for an easement.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize the Grants Administrator to submit the documents to Mississippi Development Authority and ask for a budget modification for an extension of the grant and to finalize the plans and continue with negotiations with the Koontz Estate to allow for the extension of the service drive.

Alderman McDonnell stated the Board approved the tree committee report which included resolving the matter at 255 Lover's Lane.

Alderman McDonnell asked the Building Official to give an update on the status on the property located on Jackson Avenue. The Building Official stated he evaluated the residence and found no visible structural damage to take action to remove the residence. The grass has been mowed and bushes trimmed and debris removed from the yard. The City is not recommending demolition at this time but will require the property owner to maintain the property and to remove the boards on the front porch. If the residence becomes a danger to the public, the Building Official will make a recommendation to the Board for action at that time. At the present time, the City cannot enforce any further action.

Alderman McDonnell asked for a plan from Public Works concerning the landscaping maintenance at Front Beach.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to award the contract for Sewer Manhole Lining Phase 2 project to the lowest and best bidder, Gulf Coast Underground.

Motion was made by Alderman McDonnell, seconded by Alderman Denyer and unanimously carried to authorize to begin the process to fill the vacancy for the Parks and Recreation Custodian when the position becomes available as outlined in the FY13-14 budget proposal.

Alderman Impey asked for a status on the investigation to be done by Civil Service Commission. The Civil Service Commission will give an update in 2 weeks.

The Mayor commended the Public Works Department and landscaper for work done at the Dewey Avenue Substation.

## **EXECUTIVE SESSION**

Motion was made by Alderman Cody, seconded by Alderman Impey 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 personnel in the Fire Department; property acquisition; potential litigation in East Ocean Springs and current litigation.

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 authorize the Mayor to enter an agreement with Slaughter and Associates for ad valorem assessments not to exceed \$6,000.00

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to recess until 5:30 p.m. on September 12, 2013.

Meeting ended at 10:15 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**  
**REGULAR MEETING**  
**September 3, 2013 – 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PRESENTATION**

- a) Update on the Charnley House – Mr. Ronald Miller and Mr. Jeff Rosenburg – MS Department of Archives and History

**4. PUBLIC HEARING**

- a) Lot Cleaning Hearing – 106 Niagara Avenue - James Hudson (Exhibit 4-a)
- b) Lot Cleaning Hearing - 1213 Lancelot Lane – Gale M. & Mary C. Champiomont (Exhibit 4-b)

**5. NEW BUSINESS**

**6. OLD BUSINESS**

- a) Gulf Regional Planning Commission Traffic Study – Mr. David Taylor (Exhibit 6-a)
- b) Update on Gay Lemon Saferoom (Exhibit 6-b)

**7. 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.

**8. CONSENT AGENDA\***

*\* Consent Agenda – All matters listed under Item 8, 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 City to co-host a public forum with Gulf Regional Planning Commission to be held at the Ocean Springs Civic Center on Saturday, September 21, 2013, from 9:00 a.m. – 1:00 p.m. to provide input on the regional sustainability plan (Exhibit 8-a)

**City Clerk:**

- b) Approve Minutes: Recess Meeting August 20, 2013 (Exhibit 8-b)
- c) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 8-c)
- d) Accept Action Report (Exhibit 8-d)
- e) Adopt Budget Amendments (Exhibit 8-e)
- f) Authorize to reject all Request for Proposals for City of Ocean Springs Bank Depository and re-advertise (Exhibit 8-f)

**Police Department:**

- g) Approve Special Event Permits for Annual Prayer Walk on Saturday, September 21, 2013, from 9:00 a.m. – 11:00 a.m. and 5K Run to raise funds for Cox Family Adoption of child from Ethiopia on Saturday, October 19, 2013 from 8:00 a.m. – 10:00 a.m.; both to be held at the Ocean Springs/Biloxi Bridge (Exhibit 8-g)
- h) Approve Special Event Permit for 5K Rotary Run through downtown Ocean Springs for fundraiser for scholarships on Saturday, October 19, 2013 from 4:00 p.m. – 11:00 p.m. (Exhibit 8-h)

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

- i) Authorize Mayor to submit an application for a Pat Harrison Waterway District (PHWD) grant to help finance the Mulberry Grove Drainage Improvements Project; send a request to the Jackson County Board of Supervisors asking for their support along with asking them to send a letter to PHWD indicating their support of this project (Exhibit 8-i)

**Community Development & Planning:**

- j) Accept Tree Committee Report (Exhibit 8-j)
- k) Authorize the Mayor to execute the Promotional Fund Grant Agreement in reference to the grant of \$194,000 for a variety of activities designed to support the City Museum (Exhibit 8-k)
- l) Authorize the Mayor to execute the grant agreement and Resolution to accept and implement the DUI Enforcement Program (Exhibit 8-l)

**Building Department:**

- m) Accept Code Enforcement Report (Exhibit 8-m)

**Parks & Leisure Services:**

- n) Approve Facility Use Agreement for the Dream Program, Inc. to have access to Gay Lemon Football Field for the Fall Flag Football Program beginning September 3, 2013 through November 12, 2013 (Exhibit 8-n)

**City Attorney:**

- o) Authorize the Mayor to execute the Answer of the City of Ocean Springs, Mississippi to the Complaint filed by the Estate of Robert A. Pritchard to Remove Cloud on Title and Claim Adverse Possession and Other Relief to Quiet Title (Exhibit 8-o)

**Facilities:**

**Peer Review Committee:**

**9. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

**Police Department:**

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**10. ALDERMEN'S FORUM**

- a) Bicycle and Runner Safety – Alderman Denyer

**11. EXECUTIVE SESSION**

- a) Potential Litigation – Alderman Gill

**RECESS UNTIL 6:00 P.M. on September 17, 2013**