

## **REGULAR MEETING OF FEBRUARY 4, 2014**

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 February 4, 2014. The Mayor presiding, Aldermen Cox, Gill, McDonnell, Cody, Dalgo and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. Alderman Denyer was absent.

The Mayor called the meeting to order.

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

### **NEW BUSINESS**

Supervisor John McKay made a presentation about the county paving funds. He presented the paving history for the past five (5) years. He clarified that since no paving was done in 2011 the money rolls over to the next year. He also explained that in 2012, the City did not receive any paving funds but instead received \$223,000 as the match for the Government Street Improvement Project. Supervisor McKay asked the aldermen to prioritize the current list of streets requested to be paved. Supervisor McKay and Supervisor Ross requested that each Alderman ride with them to make a final determination of roads to be paved. He presented a history of the City of Ocean Springs Road Tax indicating the City has received \$17,620,670.10 of road taxes from 2003-2014 and of those collections, \$8,810,335.05 (50%) has been returned to the City. The City has also received \$3,098,019.00 that was budgeted and received from the County's portion of road taxes. The County has also paid \$1,907,364.76 in special paving projects from 2001-2014. He stated 78.41% of all road tax is returned to the City.

### **OLD BUSINESS**

Mr. Walter Bolton stated he was appealing the recommendation of the Planning Commission to deny the sketch plat of Stillwater Bluff Subdivision, a 14 unit subdivision located on Hanshaw Road. Mr. Andy Gillich, one of the partners with the project, presented a site plan of Stillwater Bluff along with a summary of important facts about the subdivision, a PUD (Planned Unit Development). He pointed out the only reason for the PUD was the six (6) lots was the width and depth of the lot was reconfigured in order to meet the 13,500 square feet requirement which address the city requirement not to include upland wetlands in any calculations. The Planning/Grants Administrator also presented a memo of information requested by the Board (Exhibit 6-a). Mr. Ken

Meyer, Bienville Place resident, stated his concerns with enforcing the covenants and asked the developer if they plan to build on the first four (4) lots. Ms. Ashley Zila, President of the Bienville Place Homeowner's Association, suggested putting in the covenants of the subdivision a clause stating if the Homeowner's Association is sued and receives a favorable decision; the Defendant must pay the legal fees of the Homeowner's Association. Mr. Bolton stated they do have plans to build on the first four (4) lots but will start with lots 1 and 2. Mr. Bolton reiterated the fact they will stay involved 100% with the development of the subdivision.

Motion was made by Alderman McDonnell and seconded by Alderman Dalgo to deny the Planning Commission's recommendation and approve the sketch plat of Stillwater Bluff Subdivision – PUD – Bolton Investment Group, LLC. Motion carried with Aldermen Cox, Gill, McDonnell, Cody and Denyer voting aye and Aldermen Dalgo and Impey voting nay (Exhibit 6-a).

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

## **PUBLIC COMMENTS**

Mr. Alwyn Luckey, Attorney for the Ocean Springs School District, updated the Board concerning the school board election. He explained that the school district area outside of the City limits had grown such that they are entitled to an elected school board member as previously discussed with the Board. Mr. Luckey presented a new map detailing the proposed division for the election to be held in November, 2014.

The Mayor proposed having a Special Call meeting in two weeks to interview candidates for the expiring term of a current school board member.

Ms. Beth Riley requested the Board to table the Short Term Rental Ordinance concerning commercial areas. She stated there were many comments and suggestions made at the meeting held on Monday night concerning the ordinance and therefore asked the Board to table the vote on the ordinance.

The Mayor called for a 5 minute break.

**Alderman Gill left the meeting.**

## **CONSENT AGENDA**

Motion was made by Alderman Impey, seconded by Alderman Dalgo and unanimously carried to approve the Consent Agenda and the Addendum with exception of item (a)

which was pulled by the Mayor as requested by the H.R. Director and item (n) which was pulled by Alderman McDonnell and to add a Department Report item - H.R. Committee discussion.

The Mayor pulled item (a) at the request of the H.R. Director. The H. R. Director explained there was an error in the memo on Ms. Pitre's resignation date and asked the Board to correct it to read January 31, 2014. Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to ratify the resignation date of Public Relations Officer/Executive Assistant to the Mayor and Board, Anne Pitre, as of January 31, 2014 (Exhibit 6-a).

Alderman McDonnell pulled item (n) to allow for the selection of a committee for engineering services related to CIAP Project MS-30-706, Harbor Stormwater Improvements and Public Access to Ocean Springs Harbor. Motion was made by the Alderman McDonnell, seconded by Alderman Cody and unanimously carried to appoint the current members of the Engineering Committee, Aldermen Cody, Denyer and Cox, Public Works Director Andre Kaufman and City Clerk Shelly Ferguson, and also include the Building Official, Hilliard Fountain, to the Selection Committee (Exhibit 6-n).

## **DEPARTMENT REPORTS**

### **City Clerk:**

Motion was made by Alderman Cox and seconded by Alderman Cody to adopt **Ordinance No. 2014-01 ORDINANCE BEING AN AMENDMENT TO ORDINANCE NO. 2-1955, AND THE AMENDMENT THERETO ADOPTED FEBRUARY 26, 1980, THE AMENDMENT THERETO ADOPTED SEPTEMBER 4, 1984, AND THE AMENDMENT THERETO ADOPTED SEPTEMBER 19, 1955, BEING AN AMENDMENT PRESCRIBING THE NEW CHARGES FOR WATER AND SEWER SERVICES BY THE CITY OF OCEAN SPRINGS, MISSISSIPPI** (Exhibit 7-a). The motion carried with a roll call vote as follows:

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

## **Planning Department:**

The Planning Administrator presented a summary of input received from a public meeting held on February 3<sup>rd</sup> concerning commercially zoned short term rentals. Also included in the packet were petitions and written comments made by the public and property owners. She explained if any of the modifications require substantial modification of the ordinance, it will be modified and advertised for 15 days. If no substantial modifications are made, the ordinance will be considered at the next board meeting. The Mayor stated one of the main concerns was how the maximum occupancy is calculated. It was suggested to follow life safety codes to determine maximum occupancy. She explained another concern was off-street parking and needs to be specifically address in the ordinance. She stated signage also needs to be addressed. It was suggested they should fit in the character of the neighborhood and follow the current sign ordinance. The City Attorney stated these are substantial modifications and therefore, the new ordinance will have to be advertised for 15 days before it is considered by the Board. The City Attorney stated he will draft the new ordinance and present it to the board with the changes highlighted.

## **ALDERMEN'S FORUM**

Alderman Impey thanked the Fire Department, Police Department and Public Works for their hard work during Winter Storm Leon.

Alderman Cox asked for if the City's agreement to use of the boat launch at the Gulf Coast Research Lab was still in effect. The Deputy City Clerk stated the agreement expired on December 31, 2013. The Mayor advised she will contact Chris Snyder at the Gulf Coast Research Lab and ask if they are willing to continue this agreement.

Alderman Cox reported the asbestos has been removed at the armory. He also stated he met with the Building Official, Public Works Director and Joey Duggan to compile a list of work to be able to use the armory as a practice facility and gymnasium. He will bring a report and cost estimates to the board for consideration.

The Mayor asked the Board to accept the recommendation of the H.R. Committee to advertise the position of Public Relations Officer/Executive Assistant to the Mayor and Board with a salary range of \$32,000-\$36,000.00. The H.R. Director advised the committee met and discussed that position along with an assistant mechanic position. The committee recommended filling the assistant mechanic position at a salary range of \$30,000-\$36,000.00. She also said the City Clerk requested a temporary clerical clerk in the court department for up to one (1) year at \$12.00 hourly while an employee is out on medical leave.

Motion was made by Alderman Cody and seconded by Alderman Impey to accept these recommendations of the H.R. Committee. After further discussion, an amended motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to advertise the position of the Public Relations Officer/Executive Assistant to the Mayor and Board at a salary range of \$30,000-\$36,000; Assistant Mechanic position at a salary range of \$30,000-\$36,000 and a temporary clerical clerk for the court department at \$12.00 hourly for up to one (1) year.

Alderman Cody gave an update on the Mardi Gras night parade. Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to have the Mayor contact the Seabee's and Keesler Field and ask them to participate in the Ocean Springs Carnival Association night parade on February 28, 2014. Alderman Cody will meet with the Public Works and the Police Department concerning placing barricades for the parade.

Alderman McDonnell asked the Mayor to contact MDOT to consider installing a traffic light at Highway 90 and Maurepas Landing or provide the City with a cost estimate. The Mayor stated she believes it may be too close to the existing traffic light at MLK Boulevard but will contact MDOT to ask for their consideration.

Motion was made by Alderman Dalgo, seconded by Alderman Cox and unanimously carried to recess until 6:00 p.m. on February 18, 2014.

The meeting ended at 8:23 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**  
**February 4, 2014 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. NEW BUSINESS**

- a) Discussion on County paving money – Supervisor John McKay

**4. OLD BUSINESS**

- a) Discussion on Stillwater Bluff – Bolton Investment Group LLC Sketch Plat – PUD (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) Ratify the new resignation date of Public Relations Officer/Executive Assistant to the Mayor and Board, Anne Pitre, to January 31, 2014 (Exhibit 6-a)

**City Clerk:**

- b) Approve Minutes: Recess Meeting January 21, 2014 (Exhibit 6-b)
- c) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-c)
- d) Accept Action Report (Exhibit 6-d)
- e) Ratify Proclamation of Existence of a Local Emergency, Winter Storm Leon, by the Mayor and Board of Aldermen of the City of Ocean Springs, MS (Exhibit 6-e)
- f) Authorize to lift the State of Emergency enacted by Winter Storm Leon (Exhibit 6-f)
- g) Approve Contract with Accurate Control Equipment, Inc. for water and sewer postage machine and software, pending legal review and approval (Exhibit 6-g)

**Police Department:**

- h) Approve Special Event Permit for Battle on the Bayou Kayak and Canoe Race on Saturday, March 29, 2014 from 7:00 a.m. – 2:00 p.m. on Old Fort Bayou (Exhibit 6-h)
- i) Approve Special Event Permit for U.S. Army/JROTC Physical Fitness Event on Friday, March 28, 2014 from 5:30 a.m. – 3:00 p.m. on Front Beach and Biloxi/Ocean Springs Bridge (Exhibit 6-i)
- j) Approve Special Event Permit for a 5K Run for the Gulf Coast Women's Center for Nonviolence Fundraiser on Saturday, April 5, 2014 from 7:30 a.m. – 11:00 a.m. (Exhibit 6-j)
- k) Approve Special Event Permit for an Open Water Swim and 10K Run for the YMCA/Ocean Springs Marlins Youth Swim Teams Fundraiser on Saturday, May 3, 2014 from 6:30 a.m. – 11:30 a.m. (Exhibit 6-k)

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

- l) Approve termination of probationary employee, Richard Christiansen, mechanic, effective immediately and authorize to fill the vacant position at a rate not to exceed \$17.50 hourly (Exhibit 6-l)

**Community Development & Planning:**

- m) Authorize the Mayor to execute the Consultant Contract with Ben Prisk for Video Production Services in the amount of \$5,200.00, funded by Gulf Seafood Tourism and Promotional Grant – City Museum, pending legal review and approval (Exhibit 6-m)

- n) Appoint a Selection Committee for Engineering Services related to CIAP Project MS-30-706, Harbor Stormwater Improvements and Public Access to Ocean Springs Harbor (Exhibit 6-n)
- o) Authorize to review the scope of work for reduction to an awardable base bid and to re-advertise for Final Phase of Downtown Streetscape Project – CDBG Phase I, former Fallo's Property Parking (Exhibit 6-o)

**Building Department:**

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

**Parks & Leisure Services:**

- q) Approve Individual Service Contract for Bryan King – Karate Instructor (Exhibit 6-q)

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

- r) Approve minutes of Human Resources Committee on January 16, 2014 (Exhibit 6-r)
- s) Approve minutes of Human Resources Committee on January 22, 2014 (Exhibit 6-s)

**Finance Committee:**

**7. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

- a) Adopt Ordinance being an Amendment to Ordinance No. 2-1955, and the amendment thereto adopted February 26, 1980, the amendment thereto adopted September 4, 1984, and the amendment thereto adopted September 19, 1995, being an amendment prescribing the new charges for water and sewer services by the City of Ocean Springs, Mississippi (Exhibit 7-a)

**Police Department:**

**Fire Department:**

**Human Resources/Risk Manager:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**8. ALDERMEN'S FORUM**

**9. EXECUTIVE SESSION**

**RECESS UNTIL 6:00 P.M. on Tuesday, February 18, 2014**

**ADDENDUM TO AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**REGULAR MEETING**  
**February 4, 2014 - 6:00 p.m.**

**1. CONSENT AGENDA**

**Mayor:**

- a) Authorize employment of two (2) clerks, Patricia O'Grady and Christine Magee, to fill the temporary position of Executive Assistant to the Mayor and Board of Aldermen; each to work 20 hours per week, \$12.50 hourly; effective February 5, 2014, pending successful completion of all pre-employment requirements (Exhibit A-1a)

**City Attorney:**

- b) Execute Quitclaim Deed to Clear Cloud on Title (520 Dewey Avenue) (Exhibit A-1b)

**2. DEPARTMENT REPORTS**

**Planning/Grants:**

- a) Discuss on Commercially Zoned Short Term Rental Ordinance (Exhibit A-2a)