

## **RECESS MEETING OF MARCH 6, 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 March 6, 2014. The Mayor presiding, Aldermen Cox, McDonnell, Cody, Dalgo, Denyer 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.

The Mayor removed item (5-a) – Discussion on Contract for Services between the City of Ocean Springs and ISI Water Company - from the agenda. She asked that this item be reviewed by the Peer Review Committee.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to add an item to the Consent Agenda - Authorize the City to apply for Pat Harrison Waterway District grant funding for Ocean Avenue – Washington Avenue Drainage Improvements and Sheppard – Whispering Pines Drainage Improvements.

Alderman Cody asked for a list of all the Pat Harrison Water District projects and their rankings.

## **PROCLAMATION**

The Mayor read a proclamation declaring the month of March, 2014 as American Red Cross Month (Exhibit 3-a).

## **OLD BUSINESS**

Alderman McDonnell presented four (4) lists compiled by the Fire Department, Police Department and Public Works and the Ocean Springs Chamber detailing the costs incurred from the events and festivals throughout the year. He has asked the City Clerk to compile a Master List with the costs associated with each event listed by the various departments. Some of the suggestions he made to help provide a funding source were to charge a nominal fee for services to events that are for-profit; utilizing a portion of the 2% food and beverage tax to offset the costs to put on these events and to better utilize manpower from the City by flexing the employee's hours to help eliminate some

of the overtime costs. Another suggestion made by the Police Chief was to increase the manpower in the Auxiliary Police Department. He asked the Board to consider supporting some funding to help with recruiting efforts. Alderman McDonnell also asked for input from the Board and the department heads to give to the Finance Committee for their review and final recommendation within the next month.

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to task the Finance Committee with reviewing the rental fees charged for the City facilities and consider reducing the fees to make our facilities more competitive with surrounding communities.

## **PUBLIC HEARING**

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

The Mayor opened the Public Hearing by asking if there were any proponents wishing to speak concerning the Commercial Zoned Short-Term Rental Ordinance. Ms. Wisco reminded everyone this Ordinance addressed only short-term rentals that are in commercial zones. The City Attorney advised the revised Ordinance is brought to the Board for their consideration. He stated the major changes were to allow signage; fines for operating without licenses and using life safety codes to determine occupancy.

Alderman Cody expressed his concern with parking issues during festival and events. The City Attorney stated when an application is submitted to the Building Department, they have to provide a parking plan. The plan will be reviewed by the Building Department to check for specific parking plan at that location.

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

Ms. Jessica Zenor, 267 Holcomb Boulevard, stated she operates a residential short-term rental. She stated she interprets the ordinance to read it may become unlawful for her to operate her rental without a license. She stated she feels the parking is a good concern and require commercially zoned short term rentals to have decals in the vehicles of the guests. This would help when trying to locate guests who are parking in tow away zones during festivals and events.

Ms. Paige Riley asked for the criteria for issuing citations for noise violations. Alderman Cody stated the City has a noise ordinance and the City Attorney advised warnings are usually issued before citations are written.

Ms. Diane Wilhoit said the word "commercial" should be struck from the ordinance and this would allow this ordinance to address all short-term rentals in the City.

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

Motion was made by Alderman McDonnell and seconded by Alderman Cody to adopt **Ordinance No. 2014-03 A ORDINANCE AMENDING 13-1976 BEING THE "COMPREHENSIVE ZONING ORDINANCE OF OCEAN SPRINGS, MISSISSIPPI", SO AS TO PROVIDE FOR SHORT-TERM RENTALS OF DWELLINGS IN COMMERCIAL ZONES AFTER APPLICATION AND APPROVAL** (Exhibit 4-c). 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>Voting Aye</u>
Alderman Dalgo	<u>Voting Aye</u>
Alderman Impey	<u>Voting Aye</u>

The Mayor presented an update on activities regarding the City History Museum and BP Grant (4-d).

## **PUBLIC COMMENTS**

Ms. Paige Riley thanked the Public Works Department for their clean-up after the Mardi Gras night parade. She also asked that next year the barricades not be put out at 9:00 a.m.

Mr. Kevin Ladd stated his concern with the handling of the Ocean Springs School District appointment made by the Board of Aldermen.

## **CONSENT AGENDA**

Motion was made by Alderman Denyer, seconded by Alderman Cox and unanimously carried to approve the Consent Agenda.

## **DEPARTMENT REPORTS**

### **Public Works:**

He reported the City made application with Natural Resources Conservation Service (NRCS) for this project approximately two (2) years ago. The City has been advised that this project is now on their wait list for funding. The City Engineer reported that a part of the original project scope has already been repaired. If the funding does become available, he will ask to use it to repair the southern end of the ditch. He will report back to the Board if they will allow the City to adjust the original drawings or resubmit the application.

## **ALDERMEN'S FORUM**

Alderman Impey reported he has received lots of phone calls concerning the handling of the Ocean Springs School District appointment made by the Board of Alderman at the last Board meeting. He suggested the City look at adopting a procedure for receiving applications.

Motion was made by Alderman Dalgo, seconded by Alderman Cox and unanimously carried to authorize the City Attorney to draft a "No Parking" ordinance for North Perryman Road.

Alderman Cody stated a concern about customers parking on the street behind Quakes and blocking medical assistance to an elderly resident lives at the end of the street. Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to measure the street; survey the east right of way line of Nelson Drive (west side of Quake's) and mark the area to delineate the parking.

Alderman Cody asked for an update on the drainage issue on Poplar Dr. and the easement we need from Mr. Kostal.

Alderman McDonnell asked the City Engineer for an update on the Fallo parking lot project. Mr. Foster advised the bids will be opened on March 17<sup>th</sup>.

## **CLOSED SESSION**

Motion was made by Alderman Cody, seconded by Alderman Cox 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 Impey and unanimously carried to remain in executive session to discuss personnel in the Fire Department, Police Department and the Mayor's office and potential litigation regarding city services.

Motion was made by Alderman McDonnell, seconded by Alderman Impey and unanimously carried to return to regular session.

Motion was made by Alderman Denyer, seconded by Alderman Gill to accept the recommendation of the Human Resource/Risk Manager regarding Employee No. 1676 and authorize to fill the vacant position.

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to recess until 6:00 pm. on March 18, 2014.

Meeting ended at 8:16 p.m.

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City Clerk

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Mayor

**AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**REGULAR MEETING**  
**March 6, 2014 – 6:00 p.m.**

**1) CALL TO ORDER**

**2) ROLL CALL**

**3) PROCLAMATION**

- a) American Red Cross Month – March, 2014 (Exhibit 3-a)

**4) OLD BUSINESS**

- a) Discussion on festival fees
- b) Discussion on Ordinance related to the waiver of rental fees (Exhibit 4-b)
- c) Discussion on Revised Commercially Zoned Short -Term Rental Ordinance (Exhibit 4-c)
- d) Update on Activities Regarding City History Museum and BP Grant (Exhibit 4-d)

**5) NEW BUSINESS**

- a) Discussion on Contract for Services between the City of Ocean Spring and ISI Water Company – Mr. Brent Warr (Exhibit 5-a)

**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 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 discussions 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 Mississippi Power Company Banner Attachment Agreement to allow the City to safely attach banners, flags, holiday decorations, or similar items owned by the City to poles owned and/or controlled by Mississippi Power Company (Exhibit 7-a)
- b) Authorize the Mayor's Youth Council/Junior Auxiliary of Biloxi-Ocean Springs the use of the Board of Aldermen's Chamber at City Hall on Saturday, March 14, 2014 from 10:00 a.m. – 1:00 p.m. for the annual Prom Closet Sale (Exhibit 7-b)

**City Clerk:**

- c) Approve Minutes: Recess Meeting February 18, 2014 (Exhibit 7-c)
- d) Approve payment: Docket of Claims and spread Summary Upon the Minutes (Exhibit 7-d)
- e) Accept Action Report (Exhibit 7-e)

**Police Department:**

- f) Authorize employment of Lionel S. Cothorn, Jr., Patrolman, effective March 7, 2014; \$12.50 hourly; one-year probationary period; upon completion of the Mississippi Law Enforcement Training Academy rate of pay to be \$13.95 hourly and pending successful completion of all pre-employment requirements (Exhibit 7-f)
- g) Approve Special Event Permit Application/Information Item for a wedding on Front Beach on Sunday, July 27, 2014 from 2:00 p.m. – 7:00 p.m. (Exhibit 7-g)
- h) Approve date change for a Special Event Permit Application for the Helping Hands 5K Run Fundraiser to Saturday, May 31, 2014 from 6:30 p.m. – 7:00 p.m. (Exhibit 7-h)
- i) Approve Special Event Permit Application for 5K Run Fundraiser sponsored by the Avon Breast Cancer Crusade on Saturday, April 5, 2014 from 4:00 p.m. – 8:00 p.m. (Exhibit 7-i)
- j) Approve Special Event Permit Application for a 5K Run/Walk Fundraiser sponsored by Volunteers in Medicine Gautier on Saturday, May 10, 2014 from 8:00 a.m. – 12:00 Noon (Exhibit 7-j)

- k) Approve Special Event Permit Application for a 5K Run/Walk Fundraiser sponsored by the Mississippi Kidney Foundation/Fresenius Medical Care on Saturday, May 17, 2014 from 8:30 a.m. – 12:00 Noon (Exhibit 7-k)
- l) Authorize a seized 2001 Acura Type S, VIN 19UYA4261A014957 be declared surplus; of no value to the city and send to auction; with 20% proceeds to be sent to Jackson County DA's office and 80% to be sent to the City's Drug Forfeiture Funds Account (Exhibit 7-l)

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

- m) Authorize Public Works items to be declared surplus; of no value to the city and send to auction (Exhibit 7-m)
- n) Authorize employment of Kevin Ewing, Assistant Mechanic, effective March 10, 2014; \$16.50 hourly; six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit 7-n)
- o) Approve Pay Application No. 1 in the amount of \$25,948.45 to Jack Ferrill's Heavy Equipment for Front Beach Drainage Repair, FEMA reimbursement for Hurricane Isaac damage (Exhibit 7-o)

**Community Development & Planning:**

- p) Authorize the Mayor, Chief Cothorn, Capt. Harris and Carolyn Martin to execute the appropriate documents including the Resolution to accept and implement the grant to purchase peripheral equipment (card reader, scanner, printer, etc.) for existing citation equipment (Exhibit 7-p)
- q) Authorize the Mayor, Chief Cothorn, Capt. Harris and Carolyn Martin to execute the appropriate documents including the Resolution to accept and implement the DUI Enforcement grant (Exhibit 7-q)
- r) Authorize to award the contract to Jet Construction, Inc. in the amount of \$86,898.00, pending receipt of additional funds and concurrence from MDOT and authorize the Mayor to execute the request to accept funds from Gulf Regional Planning Commission and Jackson County for the Safe Routes to School project to construct a sidewalk on the east side of North 8<sup>th</sup> Street between Old Spanish Trail and Palmetto (Exhibit 7-r)

**Building Department:**

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

**Parks & Leisure Services:**

**City Attorney:**

**Peer Review Committee:**

**H.R. Committee:**

- t) Approve H.R. Committee Minutes: February 18, 2014 (Exhibit 7-t)

**Finance Committee:**

**8) DEPARTMENT REPORTS:**

**Mayor:**

**City Clerk:**

**Police Department:**

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

**Information Item:**

- a) Update on Natural Resource Conservation Service (NRCS) grant award for additional Simon Boulevard work (Exhibit 8-a)

**Community Development & Planning:**

**Building Department:**

**Parks & Leisure Services:**

**City Attorney:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**9) ALDERMEN'S FORUM**

**10) EXECUTIVE SESSION**

- a) Personnel in Fire Department

**RECESS until 6:00 p.m. on March 18, 2014**