

## **REGULAR MEETING OF JUNE 3, 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 June 3, 2014. The Mayor presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer, Dalgo and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards.

The Mayor called the meeting to order.

Rev. Carl King gave the invocation and the Mayor led the Pledge of Allegiance.

### **PROCLAMATION**

The Mayor read a proclamation declaring June 3, 2014 as Frank Shockley Day, recognizing him as the longest term employee in the City's history with 43 years of service (Exhibit 3-a).

### **NEW BUSINESS**

Mr. Bobby Styron presented an American flag and a State flag donated by Woodman of the World. He stated Woodman of the World is over 130 years old and have donated over 1.5M flags in the last 50 years nationwide.

Alderman Impey read a statement in support of the Resolution he presented to the Mayor and Board. Motion was made by Alderman Impey, seconded by Alderman Gill and unanimously carried to adopt the Resolution Recognizing the History of Traditional Values in the City of Ocean Springs (Exhibit 4-b).

Alderman McDonnell explained the resolution is requesting that CMT find another location for filming but does not prohibit them filming in the City. He stated the City strives hard to develop and protect a brand that promotes us being a family destination.

Alderman Denyer stated he hopes the businesses do not allow filming in their establishments.

Alderman Gill stated he supports the Resolution because the Board's job is to protect the reputation of the City. He said this does not reflect any judgment against the movie industry.

Mr. David Rideout, business owner in the City, said he does not want to turn anyone away from filming. He further stated if they misbehave, they will not be allowed to continue filming in his business.

Rev. Barnett stated he encouraged Alderman Impey to draft the resolution. He said the City already has many issues in the downtown area with noise, vandalism and alcohol consumption.

Ms. Elizabeth Fader Hosey, Ocean Springs' resident, asked everyone to remember we live in Mississippi, the "Hospitality State".

Mr. Charlie Emerson, Ocean Springs' resident, stated he supports the resolution.

Mr. David Rideout, 628 Washington Avenue and co-owner of J-Laurie Shoes, requested the Board to consider Adoption of Human Rights Campaign (HRC) sponsored Anti-Discrimination Resolution. He said this resolution has more explicit language than the resolution the Board adopted on May 23, 2014. He explained this resolution includes the language "sexual orientation".

Alderman Dalgo stated the adopted resolution states "all" and asked how can it be more specific.

Mr. Jay Huffstatler, speaking as a former resident of Ocean Springs and not as a Red Cross employee, said he is a member of the LGBT community. He said by adopting the resolution, the City will be welcoming this community to come back again and again.

Alderman Impey read the resolution sponsored by the Human Rights Campaign (HRC) (Exhibit 4-c).

The City Attorney stated this is a symbolic gesture that is being asked to be considered.

Ms. Elizabeth Fader Hosey, Ocean Springs resident, stated throughout history, laws have to include more specific language. She said the resolution does not hurt anyone and asked the City to be gracious by being more specific in the language of the resolution.

Ms. Cathy Moraski, Ocean Springs resident, said if there is a problem in the City's policy, then the resolution will handle it.

The H.R. Director stated there has been discussion concerning the City policy to reflect non-discrimination.

Mr. Barry Page, business owner in Ocean Springs, stated cities are being pressured by the HRC and there is no need for another resolution.

Mr. Rob Hill, member of the HRC, stated they are asking the Board to adopt a resolution that welcomes their community to the City of Ocean Springs. Mr. Hill stated the adopted resolution is too vague.

After discussion, no action was taken on item (4-c).

## **ADDENDUM**

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

## **OLD BUSINESS**

The Mayor asked to move item (8-b) to Old Business for discussion.

The Mayor stated that during meetings with the Ocean Springs Chamber, representatives of the Jackson County Economic Development Committee, Mississippi Main Street Association, Mississippi Power Company, they have interviewed two (2) consulting companies to do a feasibility study and marketing plan to attract a hotel(s) in the City. Alderman Denyer announced the Chamber Commerce Board of Directors voted to contribute \$2,500.00 toward the study. Ms. Jacklyn Wrigley, member of the Ocean Springs Economic Development Council, stated the council has struggled with ways to retain visitors due to the lack of hotels in the City. The EDC unanimously agreed the City needed to pursue a feasibility study. The Mayor explained the consulting company will provide the City with a marketing tool/ packet with a summary of all the demographics, climate, attractions, the competition, as well as identifying potential hotel developers and contact information for these hotels. Alderman McDonnell stated he is in favor of completing the study if it can be funded through the 2% tax levy. The City Clerk stated the trend has the taxes coming in higher than originally projected so the study could be funded by the 2% tax levy.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to contribute up to \$5,000.00 to conduct a feasibility study and marketing plan to a hotel(s) to Ocean Springs to support tourism and economic development, funded from the unbudgeted 2% taxes with a written plan from the EDC how they will be utilizing this information to solicit hotel development.

## **OLD BUSINESS**

Motion was made by Alderman Denyer and seconded by Alderman Cody to accept the new Special Event Permit Applications. After further discussion, Alderman Denyer withdrew his motion. Motion was made by Alderman Denyer, seconded by board tabled item (5-a), discussion on Special Event Permit Applications, until the next Board meeting on June 17<sup>th</sup>, but utilize these Applications during the next two (2) weeks.

The Mayor announced a group has asked to have a triathlon on Sunday, August 31<sup>st</sup>. She stated it includes a mile of swimming, 40K bike ride and 10K run. She has approached the Gulf Coast Research Lab about allowing them to swim from the pier to the channel instead of utilizing the harbor of Labor Day weekend. The Board expressed concerns with staging of bicycles and cars and the Front Beach will be very congested during that holiday weekend. She said they were in the initial stages of planning the event.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize removing an additional 10 feet of damaged sidewalk on Front Beach.

The Mayor stated she received a cost estimate from Brown, Mitchell & Alexander, Inc. (BMA) for removal of a portion of the sidewalk and construction of a new sidewalk attached to the existing seawall in the amount of \$66,208.00, which includes engineering and contingencies.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to develop bid specifications for the repair of 260' of sidewalk to be anchored back against the toe of the seawall; authorize to advertise the bid specifications and to proceed as soon as possible.

Motion was made by Alderman McDonnell and seconded by Alderman Gill to authorize Brown, Mitchell and Alexander, Inc. (BMA) to design the bid specifications with oversight from Compton Engineering to make sure that the design will correct the current issues that are occurring now. Motion carried with Alderman Cox, Gill, McDonnell, Cody, Dalgo and Impey voting aye and Alderman Denyer voting nay.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize the Mayor to execute an amended application for award number FY2014-P401 – Ocean Springs Old Fort Bayou Greenway – Phase I, to modify the title of the project to Front Beach Sidewalk Stabilization and to identify the amount of funds to be \$50,000.00 (Exhibit 8-e).

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize the Mayor to engage the Department of Marine Resources (DMR) for the pledge of \$25,000.00 to go along with \$50,000.00 reallocated tidelands funds in

order to have the funding available to correct the 260' of damaged sidewalk and correct any additional problems identified through the ground penetrating radar (GPR).

The Mayor said she attended a meeting the boat launch project. She reported the three entities, University of Southern Mississippi, Jackson County and the City of Ocean Springs, would jointly develop and obtain tidelands funding for this project as one project. She will request approval from the Board at the next meeting.

## **PUBLIC COMMENTS**

Ms. Lori Carter, 1117 Iberville Drive, spoke against the allowance of vacation cottage rentals in residential zones.

Mr. Dennis Warren, 1215 Bristol Blvd., spoke against the allowance of vacation cottage rentals in residential zones and asked the Board to consider only allowing them in commercial zones.

## **CONSENT AGENDA AND ADDENDUM**

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

Alderman Gill pulled item (7-h) to ask for an update on the Action Report concerning the Mayor contacting MDOT about a traffic light at Maurepas Landing and Highway 90. The Mayor reported MDOT said it was too close to the intersection at Vermont/Highway 90. Alderman Gill asked for a letter from MDOT stating that fact. Motion was made by Alderman Gill, seconded by Alderman Impey and unanimously carried to accept the Action Report (Exhibit 7-h).

Alderman Gill pulled item (7-i) to ask about terminating the collection agency. The City Clerk said once the 30- day notice letter is sent, she will meet with the City Judge to look at other alternatives. Motion was made by Alderman Gill, seconded by Alderman McDonnell and unanimously carried to authorize termination of the Contract with American Municipal Services for the collection of past due fines (Exhibit 7-i).

## **ADDENDUM**

Motion was made by Alderman McDonnell, seconded by Alderman Denyer and unanimously carried to approve the Special Event Permit Application for the Welcome Party for the State Tennis Tournament participants on Friday, June 13, 2014, at the parking lot behind Mosaic, Picasso's Courtyard and Boots and Spurs, with costs incurred

by Public Works Department for tent set-up and take-down (Exhibit A-1a). Alderman McDonnell asked the employees use flex time to help alleviate the overtime costs.

Motion was made by Alderman Cody, seconded by Alderman Dalgo and unanimously carried to accept the Temporary Dedication of Land for Public Use from Alfred R. Moran, Jr. to the City of Ocean Springs for the Welcome Party for the State Tennis Tournament participants (Exhibit A-1b).

## **DEPARTMENT REPORTS**

### **Mayor:**

#### Information Item:

The Mayor presented a letter of appreciate from Board of Directors and Staff from the Child Abuse Prevention Center for a donation of \$300.00 made by the Mayor's Youth Council (Exhibit 8-a).

#### Discussion Item:

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to support the Southern Rail Commission 2014 TIGER Planning Grant Feasibility Assessment & support of in-kind match in the amount of \$25,000.00 by organizing conferences for the Rail Commission and secure donations for conference expenditures such as meeting space, food and lodging and will dedicate planning expertise and overhead toward this effort and if any changes are made about the in-kind match it be brought back to the Board for their consideration and approval (Exhibit 8-b).

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

The Planning and Grants Administrator presented a report of the issues for consideration concerning Residentially Zoned Short Term Rental Permitting. Alderman McDonnell was concerned there is no type of language to be considered in the Ordinance that allows residential property owners the ability to deny this type of activity near their home. He further stated there is consensus on the Board that there needs to be some protection for the homeowners not wanting this activity adjacent to their properties. The Planning and Grants Administrator stated it will be defined in the process. She also explained that there will be an annual renewal process subject to review of past year and any complaints received by police, building or code enforcement will be documented and affect their ability to renew. The City Attorney said the draft Ordinance will need to be discussed at a Planning Commission Public Hearing before it is brought to the Board for consideration. A mail out will be sent to surrounding neighbors (Exhibit 8-d).

### **Building Department:**

The Building Official gave an update of the code issue at 301 Hunter Drive. He advised numerous notices have been sent to the property owner concerning the feral cat problem as well as property maintenance violations. A citation was hand delivered to

the property owner earlier in the week. Capt. Harris advised the animal control officer can trap only feral cats but if there is large number of cats, the County will have to take charge of the animals.

The Building Official gave an update of the code issue at 5811 Chicopee Place. There has been no compliance by the property owner although numerous notices have been sent. He advised they have begun the process for lot cleaning. Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to proceed with the Public Hearing for lot cleaning at 5811 Chicopee Place.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to allow Mr. Gary Maniscalco to remove a root from a live oak to prevent further damage to his concrete patio to be done by a tree arborist at 1213 Wellington Lane, Fort Bayou Estates, Ocean Springs, MS.

## **ALDERMEN'S FORUM**

Alderman McDonnell asked Animal Control to check feral cat problem at 1101 and 1103 Bowen Avenue.

Alderman McDonnell asked the Parks and Leisure Services Department to provide a 6' wooden privacy fence at Marble Springs between the City park and the private business on the west side.

Alderman Cox stated he was contacted by the Promenade Subdivision Homeowners' Association asking for help from the City with a large oak tree in median that was recently struck by lightning. They have obtained one quote to have the tree trimmed and fertilized in hopes of saving it. The Building Official stated the tree committee has already made a ruling concerning the tree. The Homeowners' Association will obtain more quotes.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to authorize a police escort for the Billfish Tournament participants to walk from Manhattan Gill to the Grocery on Thursday, June 5th at 6:00 p.m.

Alderman Cox thanked Mr. Hilliard Fountain, Building Official, for his hard work with roof repairs at the Mary C. O'Keefe Cultural Center.

Alderman Cox thanked the Public Works Department for their help with opening the vault at the Armory.

Alderman Cox asked why some of the police cars are out of the city limits parked in front of houses and further stating there is a City policy about not taking city vehicles home except for those on-call. Capt. Harris said he will check on this matter.

Alderman Cox asked for an update on residence at 4013 Yosemite. The Building Official said the lot was cleaned last summer and will initiate the 2<sup>nd</sup> cleaning. The Building Official also said he would check the residence on Linda Drive for code violations.

Alderman Denyer stated there was quite a bit of confusion about voting precincts in Ward 4. He asked why the City cannot use the same voting precincts as the County to eliminate the confusion on election date. He asked for a report on why it cannot be changed.

## **EXECUTIVE SESSION**

Motion was made by Alderman Cody, seconded by Alderman Denyer 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 Denyer, seconded by Alderman McDonnell and unanimously carried to remain in executive session to discuss potential litigation with construction at Front Beach, potential litigation with Marcy C. O'Keefe Cultural Center; personnel in the Mayor's office.

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

Motion was made by Alderman McDonnell, seconded by Alderman Cox and unanimously carried to negotiate for ground penetrating radar service up to \$6,800.00 of Front Beach sidewalk.

Motion was made by Alderman McDonnell, seconded by Alderman Denyer and unanimously carried to recess until 6:00 p.m. on June 17, 2014.

Meeting ended at 10:10 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**AGENDA  
MAYOR AND BOARD OF ALDERMEN  
CITY OF OCEAN SPRINGS  
REGULAR MEETING  
June 3, 2014 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PROCLAMATION**

- a) Frank Shockley Day – June 3, 2014 (Exhibit 3-a)

**4. NEW BUSINESS**

- a) Flag Presentation – Mr. Styron
- b) Adopt Resolution Recognizing the History of Traditional Values in the City of Ocean Springs – Alderman Impey and Rev. Mike Barnett (Exhibit 4-a)
- c) Discussion requesting consideration of Adoption of Human Rights Campaign (HRC) sponsored Anti-Discrimination Resolution – Jan and David Rideout (Exhibit 4-c)

**5. OLD BUSINESS**

- a) Discussion and approval of new Special Event Permit Applications (Exhibit 5-a)
- b) Authorize to create and advertise bid specifications for 250' of Front Beach sidewalk – Alderman McDonnell

**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) Adopt Resolution Requesting Department of Defense to Recognize National Defense and Security Value of Keesler Air Force Base and Its C-130 Tactical Airlift Mission and to Preserve and Retain that Mission at Keesler During Current Fiscal Re-Organization (Exhibit 7-a)
- b) Accept Minutes of Ocean Springs Museum Commission – May 16, 2014 (Exhibit 7-b)
- c) Appoint Meghan Furr to the Tree Committee (Exhibit 7-c)

**City Clerk:**

- d) Approve Minutes: Recess Meeting May 20, 2014 (Exhibit 7-d)
- e) Approve Minutes: \*\*Special Call Meeting May 23, 2014 (Exhibit 7-e) \*\*(Minutes will be submitted by Tuesday, June 3, 2014)
- f) Approve Minutes: \*\*Special Call Meeting May 28, 2014 (Exhibit 7-f) \*\*(Minutes will be submitted by Tuesday, June 3, 2014)
- g) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 7-g)
- h) Accept Action Report (Exhibit 7-h)
- i) Authorize termination of the Contract with American Municipal Services for the collection of past due fines (Exhibit 7-i)
- j) Authorize to adjust the irrigation system billing to a three month average at 5600 Caymus Cove (Exhibit 7-j)
- k) Ratify three (3) payment to Mississippi State Department of Health in the total amount of \$150.00 for fingerprint cards for maintenance worker and two (2) youth corp. workers (Exhibit 7-k)

**Police Dept.:**

**Fire Dept.:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

- l) Accept Section 592 Grant in the amount of \$184,000.00 (\$138,000.00 federal and \$46,000.00 local) and proceed with the Sewer Rehabilitation Program (Exhibit 7-l)
- m) Approve employment of Tony Smith as laborer C, \$11.00 hourly, effective June 9, 2014, six-month probationary period and pending success completion of all pre-employment requirements (Exhibit 7-m)

**Community Development & Planning:**

**Building Department:**

- n) Accept Tree Committee Minutes – May 29, 2014 (Exhibit 7-n)

**Parks & Leisure Services:**

- o) Accept Parks Advisory Board Minutes – May 14, 2014 (Exhibit 7-o)

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**8. DEPARTMENT REPORTS**

**Mayor:**

Information Item:

- a) Mayor's Youth Council Donates \$300.00 to Child Abuse Prevention Center (Exhibit 8-a)

Discussion Item:

- b) Support for Southern Rail Commission 2014 TIGER Planning Grant Feasibility Assessment & Economic Impact Study Supporting Restoration of Gulf Coast Passenger Rail Service and City's support of in-kind match in the amount of \$25,000.00 (Exhibit 8-b)
- c) Discussion of request to contribute up to \$5000 to conduct a feasibility study and marketing plan to attract a hotel(s) to Ocean Springs to support tourism and economic development. Partnering with Ocean Springs Chamber of Commerce and other public/private entities in this effort

**City Clerk:**

**Police Dept.:**

**Fire Dept.:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- d) Discussion on Issues for Consideration Related to Residentially Zoned Short Term Rental Permitting – Status and Input (Exhibit 8-d)
- e) Authorize the Mayor to execute an amended application for award number FY2014-P401 – OS Old Fort Bayou Greenway – Phase I, to modify the title of the project to Front Beach Sidewalk Stabilization and to identify the amount of funds to be amended (Exhibit 8-e)

**Building Department:**

- f) Update on Code Enforcement Complaint at 301 Hunter Drive
- g) Update on Code Enforcement Complaint at 5811 Chicopee Place

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**9. ALDERMEN'S FORUM**

**10. EXECUTIVE SESSION**

**RECESS UNTIL 6:00 P.M. on June 17, 2014**

**ADDENDUM TO AGENDA  
MAYOR AND BOARD OF ALDERMEN  
CITY OF OCEAN SPRINGS  
REGULAR MEETING  
June 3, 2014 - 6:00 p.m.**

**1. NEW BUSINESS**

- a) Discussion on Special Event Permit for Welcome Party for State Tennis Tournament participants on Friday, June 13, 2014, at the parking lot behind Mosaic, Picasso's Courtyard and Boots and Spurs, with costs involved for tent set-up and take-down (Exhibit A-1a)
- b) Accept the Temporary Dedication of Land for Public Use from Alfred R. Moran, Jr. to the City of Ocean Springs for Welcome Party for State Tennis Tournament participants (Exhibit A-1b)

**2. CONSENT AGENDA**

**Mayor:**

- a) Accept Economic Development Council Meeting Minutes – May 30, 2014 (Exhibit A-2a)

**Public Works:**

- b) Authorize to solicit quotes/bids for CIPP projects, manhole lining and sewer flow meters, funded by the Section 592 Sewer Rehab grant (Exhibit A-2b)