

## **REGULAR MEETING OF AUGUST 5, 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 August 5, 2014. 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.

Rev. Barnett gave the invocation and the Mayor led the Pledge of Allegiance.

### **PRESENTATION**

The Mayor presented the video clip of "Today in America". The City was featured on Terry Bradshaw's national television magazine show. The show will air twenty (20) times in different regional markets including CNN.

### **PUBLIC HEARING**

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

At this time a public hearing to hear and act on any complaint filed in writing objecting to and petitioning for a specified reduction on any portion or portions of the uniform assessment schedule for motor vehicles ad valorem taxes affecting the complaint directly was held. No complaints were filed.

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

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to adopt the Resolution and Order of the FY14-15 Uniform Assessment Schedule for motor vehicles (Exhibit 4-a).

### **NEW BUSINESS**

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to appoint Lance St. Amant to the Parks Advisory Board, term expiring June 30, 2019 (Exhibit 5-a).

Mr. Morris Strickland, a member of the Board of Trustees for the Walter Anderson Museum of Art, requested the Board to consider making the museum a priority of the City. Mr. Strickland said the museum is an economic driver to the City. At this time, he requested the City to contribute one-half (1/2) of the cost, \$90,000.00, to purchase and install a new HVAC system. He explained the artwork along with the murals in the Community Center need to be in a controlled climate. The Community Center does have a separate HVAC system but with the doors always open, the humidity from the museum carries over. Mr. Strickland further stated WAMA receives \$25,000.00 from the Jackson County Board of Supervisors and asked that the City also contribute the same amount. He said the County agreed to match dollar for dollar what the City gives for the new HVAC system. The Mayor stated his request was duly noted and the Board would consider it during the upcoming budget discussions (Exhibit 5-b).

Mr. Spencer Buskirk, Calhoun Street, stated he is speaking on behalf of citizens who play soccer at Freedom Field along with citizens who feel they should not have to pay for the use of the public facility. He stated over the past year he and friends have participated in pick-up soccer games at Freedom Field. He said recently when the lights would not come on at the fields; he was informed that leagues need to pay for the use of the fields. He explained they were not a league but a diverse group of people ranging from under 10 years old to over 50 year olds getting together to play soccer to stay active and healthy. He further stated the players contribute significantly to the downtown eateries either before or after playing. It was explained that Mississippi Power Company had a 15-18% rate increase; therefore, the amounts the City had budgeted have been increased. The Mayor and Board stated they will have further discussion how to accommodate this request (Exhibit 5-c).

Mr. Sy Easterling, Bancorp South Insurance, reported to the Mayor and Board that Blue Cross Blue Shield will have a medical rate increase for the upcoming year. He explained they negotiated with Blue Cross Blue Shield and they agreed to a 12% increase, or \$96,000 for the next fiscal year beginning October 1, 2014. He explained the City did see a rate increase in January, 2014 due to the Affordable Care Act. He said the increase is due to claims are at 93% of premiums paid in the last seven (7) months. This is the 3<sup>rd</sup> rate increase in past 12 years with Blue Cross Blue Shield (Exhibit 5-d).

Alderman McDonnell asked that while MDOT is in the process of gathering data for the expansion of Highway 90, the City needs to request to include a turn signal in all directions at the traffic light changed at Highway 90 and Vermont. This has been a place of numerous accidents in the past and light caused much confusion to drivers. Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize the Mayor to send a letter to MDOT requesting that this request be an integral part of any design change in the Highway 90 Expansion project to include turn signals in all directions at Highway 90 and Vermont Avenue.

## **PUBLIC COMMENTS**

Mr. John Maas, 315 Front Beach Drive, stated his concerns with the City financial budget and asked the Board to oversee the Mayor's budget along with putting limits on her spending.

Ms. Marilyn Vlahos, a resident of Pascagoula and a volunteer at the Walter Anderson Museum of Art, stated the museum is a treasure and an asset to the City. She asked the Board consider including the museum's request for funding in the next budget.

Mr. Oren Zweig, owner of Big O's at 1219 Bienville Boulevard, stated that when the lights are turned off at the parks, it attracts undesirables. He said the citizens playing soccer and Frisbee are all good people who spend money in the City.

Mr. Chris Hodges, 262 McDonnell Avenue, Biloxi, an Intelligence Analyst for the U.S. Army, stated he plays alternate Frisbee at Freedom Field and asked when the City has discussions with Mississippi Power Company to ask them about solar power. He thanked the Mayor and Board for their patience and for listening to the citizens concerning this topic.

Mrs. Mary Marr Beckman, 1209 Cove Avenue, asked if old computers can be brought to the Hazardous Waste Collection Day. Supervisor John McKay stated the County holds a recycle day for old computers. The Public Works Department will advise the public of that date.

## **CONSENT AGENDA**

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to approve the Consent Agenda with exception of item (n) which was pulled at the request of the City Clerk; (f) which was pulled by Alderman Cody and (a) which was pulled by Alderman Denyer.

Alderman Denyer pulled item (8-a) and said in the 13 years since he has been an alderman, he has never been so happy with the Building Official as he has been in the last year since Mr. Fountain and Mr. Franklin, Code Enforcement Officer, were hired for these positions. Motion was made by Alderman Denyer, seconded by Alderman Dalgo and unanimously carried to authorize to place Building Official, Hilliard Fountain, on full-time status effective immediately, after successfully completing twelve (12) month probation, including the requirement to obtain Commercial Building Inspector Certification and Residential Building Inspector Certification (Exhibit 8-a).

The Mayor announced that item (n) was pulled in error and asked that item (s) be pulled from the agenda for discussion.

Alderman Cody pulled item (f) for consideration in Closed Session.

Motion was made by Alderman Cody and seconded by Alderman Cox and unanimously carried to award bid to Twin L. Construction, Inc. in the amount of \$47,499.00 for the Pat Harrison Waterway District/Arbor Vista Project (Exhibit 8-n) and pull item (s) for discussion. Motion carried with Aldermen Cox, McDonnell, Cody, Denyer and Impey voting aye and Alderman Dalgo voting nay. Alderman Gill was absent.

Alderman Cody pulled item (s) asked for an explanation for the unit price of the bumpers for the downtown Streetscape Project - parking lot at the Fallo's property. He stated he priced the same bumpers at \$23.91 each and Twin L. Construction charged the City \$123.00 each for the same bumpers. The City Engineer stated this was unit price quoted and was included in their bid. This Contract was presented to and approved by the Board. They were the low bidder for this project. Alderman Cody asked to meet with the company that quoted this price. Alderman Dalgo noted that the project was \$3,047.35 under budget.

The City Engineer further explained this is a Summary Change Order, not a change order to be considered while the Contractor is working on the project. He said if the Board does not approve the Summary Change Order that will make the contract the amount of the work the contractor did match the contract, Twin L. Construction, Inc. will still have a Contract for \$3,047.35 more for the work he actually did on this project. The purpose of the Summary Change Order is to match the contract to the actual work done based on the final pay application. The City Engineer will provide the Board with the bid tabulation for this project.

Motion was made by Alderman Dalgo and seconded by Alderman Cody to authorize the Mayor to execute Summary Change Order and Closeout Documents for Twin L. Construction – Final Phase of Downtown Streetscape Project – CDBG Phase I – former Fallo's property parking lot (Exhibit 8-s). Motion failed with Alderman Dalgo voting aye and Aldermen Cox, McDonnell, Cody, Denyer and Impey voting nay and. Alderman Gill was absent (Exhibit 8-s).

## **DEPARTMENT REPORTS**

The Building Official gave a report concerning the ice cream truck vendor permitting. He stated the Health Department will oversee the food and safety requirements for the vendors. In the proposed Ordinance, the City will require each mobile vendor to go through a permitting process to include name, age, business address, residence and corporate documents (if a corporation); description of the type and kind of vehicles to

be operated; Statement of public liability and property damage insurance meeting the requirements and the agreement to carry in force upon each such vehicle; schedule of property to be sold with a price list prominently displayed on the vehicle; all employees must show a health certificate from any licensed physician showing that they are free from any disease considered dangerous or a menace to public health; proof of required MS State vehicle inspection to ensure properly operating equipment; food safety inspection safety report from the state department of Agriculture and Consumer Services and copy of driver's license for all operators along with a background check. The proposed ordinance will state the noise ordinance must be obeyed. Motion was made by Alderman McDonnell, seconded by Alderman Impey and unanimously carried to authorize the City Attorney to draft an official City of Ocean Springs ice cream vendor Ordinance (Exhibit 9-a).

## **ALDERMEN'S FORUM**

Alderman Impey asked the Board to consider adjusting the water bill at 609 Rue Dauphin due to water being stolen from the connection her on pier. The homeowner is sealing the connection off now. Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to adjust the water bill at 609 Rue Dauphin to a three (3) month average and determine it was unreasonably increased due to unforeseen circumstances and she received no benefit of the water.

Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to accept the Code Enforcement Report dated July 31, 2014.

Motion was made by Alderman Impey, seconded by Alderman Dalgo and unanimously carried to send a letter to Gulf Islands National Seashore, National Park Service stating the Mayor and Board are opposed of the closing of VFW Road. The County and City will coordinate a response to the National Park Service.

The Mayor also reported she has spoken to Superintendent Dan Brown and he stated one of their concerns and reasons for the road closure was for the safety of pedestrians and cyclists. She stated the National Park Service has applied for some grant funding for additional bike paths and pedi paths. She said she did send a letter of support for the grants. The Mayor said Mr. Brown asked her to contact Ms. Trudy Fisher to lobby for these grants. Supervisor McKay also advised the Board they are considering closing the boat ramp.

Alderman Impey stated the residents of Parktown Subdivision cannot wait any longer for work to be done on the drainage in that area. He said the residents have reported that during a heavy downpour, the water on Parktown Drive is 1' to 1-1/2' deep causing the water to be pushed into some of the homes. Alderman Impey asked the Board to consider authorizing the City Engineer to do a comprehensive study; make

recommendations for in-kind work done by the Public Works Department; determine the work that would be contracted out and identify sources of funding. The City Engineer stated he could not quote a price tonight for this study but would report back at the next meeting.

Alderman Denyer asked the Planning/Grants Administrator to prepare a 2-minute update at the next board meeting on the Government Street Sidewalk project and the Harbor project.

Alderman Denyer thanked Public Works department for their quick response concerning the 6' road collapse.

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to authorize the OSHS Cheerleaders the use of the City tent for the pep rally to be held on Thursday, August 21st. The Assistant Public Works Director advised them to contact the Public Works Director to work out details for the set-up of the tent.

Alderman Cody reported the YMCA has requested the use of the armory, the voting precinct area, for their senior citizens bridge club. Alderman McDonnell asked for a letter of clarification for the length of time and the in-kind services they have offered. The Mayor will ask them for more detail on this matter.

Alderman McDonnell asked for an update on the Front Beach Sidewalk Repair Project. The Planning/Grants Administrator reported she received the quotes today and they are under review. She said they came in under \$50,000 and should have a recommendation within the next couple of days. She is working with the City Attorney to prepare a Contract to cover all the warranties and that will be submitted to the Board for consideration at the next board meeting. She also stated this quote is for the major repairs only but received quotes for the other items, such as grass and additional sand. That will be done as a separate project. Alderman McDonnell asked if the tideland funds are eligible for maintenance and upkeep of the sidewalk. If they are, he hopes the Board will consider using \$20,000-\$25,000 per year from the tidelands funds for the upkeep and maintenance for this asset.

Alderman McDonnell asked the City Attorney for an update on the new lighting with Mississippi Power Company. The City Attorney reported that the City needs to advertise for Request for Proposals (RFP). He is working with the Public Works Director on the specifications for the advertisement. Alderman McDonnell asked for a rough draft of the RFP at the next board meeting.

Alderman McDonnell stated he met with the Public Works Department to determine what their department could do to assist with the completion of the parking lot at the Fallo site with a limited budget. There is approximately \$8,000 left in the Downtown

Streetscape grant. Based on the initial outlay of the project, the City Engineer has determined that in order to finish the project with the current footprint, it would cost an additional \$60,000.00. After the meeting held on site, it was determined that the Public Works Department could do some of the work, some could be subbed out through existing annual contracts with concrete pouring and the County has indicated they would consider helping with this project. The City Engineer and Public Works Director will analyze the items that Public Works can do with their manpower and equipment. Alderman McDonnell said he hopes to be able to complete the current footprint of the parking lot as well as rock the back half of the property for additional parking.

Alderman McDonnell reported the Finance Committee will be meeting over the next several weeks to concerning the upcoming budget for FY14-15. He stated he has served on the Finance Committee for 4 years. He reported the City has finished in the black for 2 years due to the amazing efforts of the department heads and city employees. Alderman McDonnell stated he feels it is time for another Board member fill his position on the Finance Committee in order to learn the budget process. Alderman Impey stated he would serve on the Finance Committee for this upcoming budget year.

Alderman McDonnell stated he and the other Board members resent the remarks made by the Mayor several weeks ago at the Chamber of Commerce "Breakfast with the Mayor". He further stated the Board has been criticized for the action they took five (5) years ago when they reduced the millage by 2 mils in order to help offset the tax increase the residents would have to pay to build the new high school. He said at that time, they agreed to tighten their budgets but the City kept spending until they were down to a dangerous level in the general budget. Alderman McDonnell thanked Aldermen Cody and Cox for their efforts and all the aldermen for making the sacrifices and the department heads and city employees who did without each year.

The Mayor thanked Alderman Cody for attending the Strategic Planning session that was facilitated with all the department heads and assistants last month. She said she wished more of the Aldermen had attended to listen to what the department heads had to say during this session. In response to Alderman's McDonnell's statement, she stated her intent was not to criticize any member of the Board at the Chamber breakfast. She apologized to any of the aldermen if they felt she was personally attacking them. She understands the frustration of the city employees who have gone without raises with exception of two (2) COLA adjustments. Her point was to make it clear to the public of all the wonderful services the City provides its citizens.

Alderman Cox stated he hopes the employees do not think that the 2 mil decrease is the only reason the employees have not gotten a raise in the last five (5) years and that the City has been overspending for years.

Alderman Dalgo stated he was shocked when a majority of the Board voted to reduce millage by 2 mils, amounting to \$350,000 in revenue. He said a follow up motion was

needed stating the Board would reduce expenditures by an amount equal to the 2 mil decrease. The Board would not have had to use the ending cash balance to cover this reduction.

## **EXECUTIVE SESSION**

Motion was made by Alderman Dalgo, seconded by Alderman Cody 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 Cody and unanimously carried to remain in executive session to discuss potential litigation regarding city services and a construction contract.

Motion was made by Alderman McDonnell, seconded by Alderman Dalgo and unanimously carried to authorize the City Attorney to send the Interlocal Agreement to the Jackson County Board of Supervisors for approval for the County remitting ad valorem taxes directly to the school district.

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to approve the Docket of Claims excluding transaction nos. 108747, 108748, 108749, 108750, 108751, and 108752.

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

Motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to recess until 6:00 p.m. on August 19, 2014.

Meeting ended at 9:45 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**  
**August 5, 2014 - 6:00 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PRESENTATION – Today in America video**
- 4. PUBLIC HEARING**
  - a) Adopt Resolution and Order for the FY14-15 Uniform Assessment Schedule for Motor Vehicles (Exhibit 4-a)
- 5. NEW BUSINESS**
  - a) Review applications and vote to fill vacancy on the Parks and Advisory Board (Exhibit 5-a)
  - b) Discussion on financial support for WAMA – Morris Strickland (Exhibit 5-b)
  - c) Discussion the use of the lights at Freedom Field – Spencer Buskirk (Exhibit 5-c)
  - d) Discussion on Blue Cross Blue Shield rate increase – Sy Easterling (Exhibit 5-d)
  - e) Discussion on traffic light at Vermont and Highway 90 – Alderman McDonnell
- 6. OLD BUSINESS**
- 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 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) Authorization to place Building Official, Hilliard Fountain, on full-time status, effective immediately, after successfully completing (12) twelve month probation, including the requirement to obtain Commercial Building Inspector certification and Residential Building Inspector certification (Exhibit 8-a)
  - b) Approve the request by Longue Vue House and Gardens in New Orleans to take loan of the Trailer McQuilken sculpture which is housed at the Mary C. O’Keefe Cultural Center. No cost to be incurred by the city for transporting the piece to and from Longue Vue House (Exhibit 8-b)
  - c) Adopt Resolution to Construct a recreational area on County Property in front of the Harbor House in Ocean Springs (Exhibit 8-c)
  - d) Approve appointments to various Boards and Commissions positions (Exhibit 8-d )**City Clerk:**
  - e) Approve Minutes: Recess Meeting July 15, 2014 (Exhibit 8-e)
  - f) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 8-f)
  - g) Accept Action Report (Exhibit 8-g)
  - h) Approve Run/Walk Permit Application for a 5K Walk for Charity on Ocean Springs/Biloxi Bridge sponsored by Beau Rivage on Friday, August 22, 2014 from 7:30 p.m. – 9:30 p.m.; no costs incurred by any department (Exhibit 8-h)
  - i) Approve Special Event Permit Application for road closure at Porter to Bowen on Bellande for Grill for Youth Impact 2014 – Student Rally for Back to School – Concert and Speaker on Sunday, August 10, 2014 from 5:00 p.m. – 8:00 p.m.; no costs incurred by any department (Exhibit 8-i)

j) Approve Special Event Permit for 2014 One Coast Triathlon on Sunday, August 31, 2014, at 8:00 am – 12:00 p.m. to start at the Gulf Coast Research Lab Harbor and end with an Awards Ceremony at Fort Maurepas. No costs incurred to the city (Exhibit 8-j)

**Police Dept.:**

k) Approve transfer of Correction Officer Andrew England to Patrol position, \$12.50 hourly, upon completion of the Mississippi Law Enforcement Academy hourly rate to be \$13.94, pending successful completion of all requirements for a Police Officer. Corrections Officer to remain vacant at this time. H.R. Committee concurs (Exhibit 8-k)

**Fire Dept.:**

l) Authorize to extend probationary period for Firefighter Patrick Doswell by (90) ninety days to allow time to successfully complete requirement of passing the National Registry for First Responder Certification exam (Exhibit 8-l)

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

m) Approve transfer of Stephen Farnsworth from Drainage Department Laborer B to Drainage Equipment Operator; \$14.50 hourly, effective August 6, 2014 (Exhibit 8-m)

n) Award bid to Twin L. Construction, Inc. in the amount of \$47,499.00 for the Pat Harrison Waterway District/Arbor Vista Project (Exhibit 8-n)

o) Approve Pay Application No. 5 – Final and Closeout Documents – in the amount of \$4,914.42 to Jack Ferrill's Heavy Equipment for Hurricane Isaac Repairs Front Beach Drainage (Exhibit 8-o)

**Community Development & Planning:**

p) Accept resignation of Shea Dobson from the Zoning and Adjustment Board (ZAB), effective immediately and authorize to advertise for the vacant position (Exhibit 8-p)

q) Authorize to ratify to Execute Contract with Cowart Architects, LLC for plans and specifications for the roof replacement at the Mary C. O'Keefe that have been sent to MDAH for review and permit (Exhibit 8-q)

r) Approve to pay Cowart Architects, PC in the amount of \$3600.00 for an invoice received for Architectural Services for the Mary C. Reroof project (Exhibit 8-r)

s) Authorization to Execute Summary Change Order and Closeout Documents for Twin L Construction – Final Phase of Downtown Streetscape Project – CDBG Phase I – Former Fallo's Property Parking (Exhibit 8-s)

**Building Department:**

t) Accept Tree Committee Report

u) Approve demolition application for structure at 1112 LaFontaine (Exhibit 8-u)

v) Approve Building Permit for construction of a boathouse and living shoreline at 4010 Government Street (Exhibit 8-v)

**Parks & Leisure Services:**

w) Authorize to advertise and fill the Athletic Coordinator position in lieu of the vacant Administrative Assistant position. HR Committee concurs (Exhibit 8-w)

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**9. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

**Police:**

**Fire:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

a) Follow Up – Ice Cream Truck Vendor Permitting (Exhibit 9-a)

**Building Department:**

**Parks & Leisure Services:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**10. ALDERMEN'S FORUM**

**11. EXECUTIVE SESSION**

RECESS UNTIL 6:00 p.m. August 19, 2014