

RECESS MEETING OF DECEMBER 16, 2014

Be it remembered that the Mayor and Board of Aldermen of the City of Ocean Springs met in a Recess Meeting at City Hall in the City of Ocean Springs at 6:00 p.m. on November 18, 2014. Mayor Moran 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.

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

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

OLD BUSINESS

Mr. Christian Preus, Landscape Architect, presented an update on the conceptual plan of the Old Fort Bayou Greenway. He stated the land has potential for trail opportunities throughout the linear system of Old Fort Bayou. The developer for the Bay Village was interested in creating a picturesque greenspace behind his property overlooking the bayou to benefit the City as well as the development itself. The plan illustrates some program elements such as a pavilion, a passive greenspace overlooking the bayou, educational trails, kayak slips and launches, dog park, and playground amenities.

Mr. Kelly Castleberry, Engineer with the Mississippi Department of Transportation (MDOT) briefed the Mayor and Board about the Highway 90 widening project. He reported the project is set to begin in 2020 and would take 2-2 ½ years to complete. They have no conceptual plans of the project at this time. MDOT has completed the as-built surveys and are in the process of locating all utilities; the City's utilities as well as private utilities such as AT&T, CableOne, etc. They are in the beginning stages of a hydraulic analysis based on survey data they have received. He reported an additional lane will be added in each direction beginning at Vermont Avenue to Dolphin Drive in Gautier. There will curb and gutter from Vermont Avenue to Walmart in Ocean Springs. He also reported they will make access management changes. Street lighting will be extended to Highway 57 with the City entering into an agreement to maintain the lighting. He are no additional traffic lights at this time but will include replacing the existing traffic signals. Pedestrian crosswalks are planned for Vermont Avenue, Bristol Boulevard and Hanshaw Road. This project is anticipated for funding in 2020.

The Mayor stated there was discussion with MDOT concerning installing cameras on the bridge. MDOT will provide the City with the specifications for their cameras but it was

pointed out their cameras do not have video. Mr. Castleberry explained it is not MDOT policy to purchase cameras for the bridge but the City could apply for a MDOT Right of Way Permit that would allow the City to purchase and install the cameras at the City's costs.

CONSENT AGENDA

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

Alderman Denyer pulled item (a) to discuss the interview process for the school board. The Board discussed different options to interview the school board applicants. Motion was made by Alderman Denyer, seconded by Alderman Gill and unanimously carried to authorize to advertise to fill the vacancy; review all applications and reserve the right to conduct interviews, if the board chooses (Exhibit 6-a).

DEPARTMENT REPORTS:

Mayor:

Information Item:

The Mayor presented a letter from Ms. Lynda Brokl with the Ocean Springs Garden Club. They thanked the City for their support with the "Everyday is Holiday" Tablescape Event. They were able to raise \$3,910.00 for breast cancer patients in Jackson County.

The Mayor explained that the developer of the Bay Village property, Thrash Development, had offered the City a donation of 17.35 acres of their property bordering Fort Bayou, including an estimated one-half acre of to allow for an entryway to that parcel from Highway 90. The conceptual plan for this property includes walking paths, kayak launch, fishing pier and pavilion. The Mayor said there would be no cost to the City to acquire this property.

The Developer agrees to amend the restrictive covenants and has no problem with the City developing a greenway space. The City, developer and adjacent property owner, Ms. Moreton, would all have to agree to change the covenants. There is no correspondence with Ms. Moreton at this time. The developer agreed if the covenants are not amended within 90 days, the land would revert back to the developer.

The Real Estate Gift Agreement, drafted by the City Attorney, states the Developer would gift the property with clear title and free of liens by a warranty deed with a hazardous waste clause. There is no cost to the city to acquire the property and all taxes due and owing had been paid as shown on the receipts through 2013, they pay the City for the 2014 taxes when board accepts the property.

There was discussion about adding a reverter clause to the Warranty Deed that would cause the property to revert back to the developer if certain conditions were not met within a certain time frame.

The Mayor explained the developer needs the tax write-off in 2014 for his financing package with Trustmark National Bank for the \$11M Phase One Bay Village Project. The Board discussed a concern with the track record of the developer; he has not developed any project in the City.

The City Attorney recommended resolving some outstanding issues if the City is considering wanting to accept the property. The development agreement states if he does not pay off the lien by Friday, December 19, the deal is off and also the access parcel is supposed to be developed to have ingress and egress to the City's satisfaction to the park parcel by a certain date. The date needs to be determined. There is nothing in the agreement that addresses whether or not the developer has to build anything on the reserved commercial parcel.

Motion was made by Alderman Denyer and seconded by Alderman Gill to accept the gift of approximately 17 acres of property on the north side of Highway 90 west of Hanley Road along Fort Bayou, contingent on clear title, no charge to the City, after the City Attorney has performed due diligence regarding lien being lifted, accepting new covenants, stamped survey on access, title opinion and property will revert back to the developer in six (6) months if work has not begun on the development. Motion carried with Aldermen Gill, Denyer, Cox and Dalgo voting aye and Aldermen Impey, McDonnell and Cody voting nay.

Public Works Department:

Motion was made by Alderman McDonnell, seconded by Alderman Impey and unanimously carried to accept the Fallo-Pleasant Park Lighting Proposal received from Mississippi Power Company to install 3-20 ft. black aluminum poles (16 ft. above ground) each with two 110 watt LED lights, three underground junction boxes that will allow us to install receptacles, all underground lighting conductors, all with no upfront cost with a monthly lease of \$133.00 per month under a seven year minimum lease (Exhibit 7-b).

ALDERMEN'S FORUM

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize to close Cash Alley from Government Street to Desoto on Saturday, December 20th at 2:00 p.m. until Sunday, December 21st at 10:00 a.m. for the annual bike giveaway.

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to accept the quote from Jeff Williams, General Contractor, in the amount of \$2,885.00 for window repairs at the Senior Citizens Center.

Motion was made by Alderman Cox, seconded by Alderman McDonnell and unanimously carried to accept the quote from AC-Man in the amount of \$1,834.00 to install duct work for the central system at the armory. The Mayor asked for a report on the maintenance budget for the armory.

Alderman Denyer stated Mr. Adelchi Anthony Pilutti, a resident of Ocean Springs, recently received the French Legion of Honor for actions he took in France in 1944-1945. He would like the City to honor Mr. Pilutti with a presentation of a Proclamation. He asked that the Mayor's office coordinate this effort.

Alderman Impey thanked the public for coming out to the December 4th Christmas Tree Lighting at Marshall Park. He also commended the group who organized the Christmas Boat Parade. He said last year 8 boats participated and this year there was 21 boats in the parade.

EXECUTIVE SESSION

Motion was made by Alderman Gill, 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 Gill, seconded by Alderman Cox and unanimously carried to remain in executive session to discuss personnel in Public Works and Fire Departments and pending litigation.

Motion was made by Alderman Dalgo, seconded by Alderman Denyer and unanimously carried to return to regular session.

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to accept termination of Employee No. 1635, due to exhaustion of all leave and inability to return to work.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to terminate Employee No. 2117, probationary employee, for failure to meet expectations.

Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to adjourn until 6:00 p.m. on January 6, 2015.

Meeting ended at 8:31 p.m.

City Clerk

Mayor

Date

Date

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
December 16, 2014 - 6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. OLD BUSINESS

- a) MDOT officials to provide update on preliminary plans to widen Highway 90
- b) Review the conceptual plan of the Old Fort Bayou Greenway in conjunction with the \$11 million Phase One of the Bay Village Project. To consider a land gift of two parcels of approximately 18 acres along Fort Bayou with access from Hwy 90, pending final review of city attorney and settlement of issues delineated in attached memo, Plat in red on boundary map is the area to be conveyed (Exhibit 3-b)

4. NEW BUSINESS

- 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) Authorize to advertise to fill the vacancy on the Ocean Springs School Board due to a term expiring on February 28, 2014; deadline to submit applications will be February 6, 2014 at 5:00 p.m. (Exhibit 6-a)

City Clerk:

- b) Approve Minutes: Regular Meeting December 2, 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) Approve Run/Walk Permit Application for a Bridge Walk for the TNT Ranch Recovery Home Fundraiser on Saturday, December 20th from 9:00 a.m. – 10:00 a.m.; approved by all departments at no cost to the City (Exhibit 6-e)

Police Dept.:

Fire Dept.:

- f) Accept Monthly Fire Department Report (Exhibit 6-f)
- g) Authorize removal of Firefighter Randy Cuevas from probationary status and placement on full time status, effective immediately (Exhibit 6-g)
- h) Authorize removal of Lieutenants Ryan Heath and Justin Lopez from probationary status and placement on full time status, effective immediately (Exhibit 6-h)

Human Resources/Risk Management:

- i) Authorize to adopt Non-Discrimination Policy (Exhibit 6-i)
- j) Authorize the implementation of the recommendations of the US-DOJ for designation of ADA Coordinator, pending approval of the US-DOJ (Exhibit 6-j)

City Engineer:

Public Works:

- k) Authorize removal of Tony Smith, street department, from probationary status and placement on full time status, effective immediately (Exhibit 6-k)

- l) Authorize to declare 8 old broken sewer pumps as surplus; of no further use to the City and to dispose of this material for scrap (Exhibit 6-l)
- m) Authorize Mayor to submit an application for a Pat Harrison Waterway District (PHWD) grant to help finance the Teringo Circle/Alice Street and Cheney Street/Thorn Avenue 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 6-m)
- n) Award bid to JET Construction in the amount of \$42,968.75 for the Mulberry Grove Drainage Improvements, Pat Harrison Waterway District project (Exhibit 6-n)
- o) Approve Pay Application No. 2 and final with the Summary Change Order No. 1 to Twin L. Construction in the amount of \$4,613.20 for the Arbor Vista Drainage Improvements (Exhibit 6-o)
- p) Approve Pay Application No. 1 and final with the Summary Change Order No. 1 to Gulf Coast Underground LLC in the amount of \$48,117.20 for the Manhole Lining Section 592 (Exhibit 6-p)
- q) Approve Pay Application No. 2 and final with the Summary Change Order No. 1 to JET Construction in the amount of \$1,740.53 in the amount of Ocean Washington Drainage Improvements (Exhibit 6-q)

Community Development & Planning:

Planning Commission:

- r) Accept Planning Commission's recommendation to approve the Final Plat of Lakeview Phase III (Exhibit 6-r)

Historic Preservation Commission:

- s) Accept Historic Preservation Commission's recommendation to issue a COA to rebuild the front and rear patios and repaint exterior of home to address rotten wood at 1106 Iberville Drive (Exhibit 6-s)

Zoning & Adjustment Board:

- t) Accept Zoning and Adjustment Board's recommendation to approve the maximum variance at 100 Burton Court (Exhibit 6-t)

Building Department:

- u) Accept recommendation of the Tree Committee for application at 507 Seymour Avenue (Exhibit 6-u)
- v) Accept Building Department Permit Report for November, 2014 (Exhibit 6-v)

Parks & Leisure Services:

- w) Authorize employment of Edwin Rhoden, full-time Athletic Coordinator, \$17.00 hourly, effective December 17, 2014, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit 6-w)
- x) Accept Parks Advisory Board minutes of November 5, 2014 (Exhibit 6-x)

City Attorney:

Facilities:

Peer Review Committee:

H.R. Committee:

Finance Committee:

7. DEPARTMENT REPORTS

Mayor:

Information Item:

- a) Thank you letter from the Ocean Springs Garden Club (Exhibit 7-a)

City Clerk:

Police Dept.:

Fire Dept.:

Human Resources/Risk:

City Engineer:

Public Works:

- b) Discussion on proposal from Mississippi Power Company concerning the Fallo-Pleasant parking lot Lighting (Exhibit 7-b)

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

- a) Personnel in Public Works Department

ADJOURN UNTIL 6:00 P.M. on Tuesday, January 6, 2015

**ADDENDUM TO AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
December 16, 2014 - 6:00 p.m.**

1. CONSENT AGENDA

City Clerk:

- a) Authorize to employ Hailey Sheline, Municipal Court Clerk, \$15.00 hourly, effective January 20, 2015, six-month probationary period and pending successful completion of all pre-employment requirements, Judge Mestayer concurs (Exhibit A-1a)

Police Department:

- b) Accept recommendation of Police Chief to place a three-way stop sign on Brumbaugh Road and Seymour Avenue and authorize the City Attorney to draft the appropriate ordinance (Exhibit A-1b)