

REGULAR MEETING OF APRIL 7, 2015

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 April 7, 2015. The Mayor presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer, Dalgo and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney Charles "Chuck" Bordis.

The Mayor called the meeting to order.

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

PROCLAMATIONS

The Mayor read a proclamation declaring the month of April, 2015 as **Safe Digging Month** in the City of Ocean Springs (Exhibit 3-a).

NEW BUSINESS

Supervisor John McKay gave an update on street paving. He reported the Aldermen previously submitted their road paving list which totaled \$864,000.00 worth of paving. The budgeted allocation for paving this year in the District 5 area covering Ocean Springs is \$407,306.95; therefore, he would like to pave the worst roads first. He said the city will be receiving \$616,642.00 which represents its share from the county road taxes.

Supervisor McKay stated the residents in Colonial Estates are using a well installed for 20 homes but is now servicing 50 homes. He asked the Board to allow the County to tap into the water line at Pine Grove Estates, run a 4" main approximately 1000 feet into a water line that distributed water to Colonial Estates to give the residents a better product and water pressure. He reported the Department of Marine Resources (DMR) has committed \$25,000.00 and Rep. John Read will furnish \$65,000 from a DEQ grant with the County paying any cost over that amount. The residents in Colonial Estates have agreed to collect the fees from the homeowners and pay the City for the amount of water used. Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to allow Jackson County to tie into the City's water line at Pine Grove Estates and run a 4" main for approximately 1000 feet into the water line at Colonial Estates.

Mr. Tony O'Neillion requested approval from the Board to create a cartoon map of the City. He stated the businesses would pay for recognition on the map. There would be

no cost to the City. Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to work with the Mayor's office and the OS Chamber of Commerce to consider using some of the 2% money already allocated to the Chamber for the restaurants and bars to be advertised on the map.

Ms. Robbie Wrigley, 1310 Cove Avenue, stated there is a house located in her neighborhood being used as a short-term rental that has become a nuisance. She stated it has significantly changed the characteristic of the neighborhood. She has had problems with the renters trespassing on her property. Ms. Wrigley is not in favor of having short-term rentals in her neighborhood.

Ms. Stephen Crump, 1202 Hillcrest Drive, stated there is an irresponsible house hotel across the street from his house. He said he feels the problem is pushing this into all areas of the city. He and the residents in his neighborhood have been disturbed significantly; bad driving and trespassing, intimidating staring. Mr. Crump is not in favor of having "house hotels" in his residential area.

Ms. Cynthia Figueroa, 1200 Cove Street, said there is a house located next door to her father's house being used as a house hotel. She said these house hotels are businesses and need to be in a commercial district. She has concerns about the landlords not living in the area; therefore, she feels they are not concerned about the health of the neighborhood. She is not in favor of short-term rentals in residential neighborhoods.

PUBLIC HEARINGS

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to open the Public Hearing concerning an Ordinance Amending the Comprehensive Zoning Ordinance of Ocean Springs, Mississippi, being Ordinance No. 13-1976, as amended, by adding and amending signage requirements.

The Grants/Planning Administrator briefed the Board about the changes to the sign ordinance. This ordinance addresses requests made by some of the businesses for digital message boards. It allows 20% of the eligible space but would still maintain that it would not be able to beam, flash, sidalate, scroll or move except to change the message. It would also maintain neutral colors and no pictures. This amendment addresses only businesses on Highway 90.

No proponents or opponents spoke about this amended ordinance.

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

Motion was made by Alderman Gill, seconded by Alderman Cody to adopt **Ordinance No. 2015-05 Amending the Comprehensive Zoning Ordinance of Ocean Springs, Mississippi, being Ordinance No. 13-1976, as amended, by adding and amending signage requirements** (Exhibit 6-a). The motion carried with a roll call vote as follows:

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

Motion was made by Alderman Cody, seconded by Alderman Dalgo and unanimously carried to open the Public Hearing concerning an Ordinance amending No. 13-1976 being the "Comprehensive Zoning Ordinance of Ocean Springs, Mississippi," so as to provide for short-term rentals of dwellings in residential zones after application and approval.

The Planning/Grants Administrator briefed the Board concerning the residential short-term rentals ordinance. She stated the ordinance has been vetted through the Planning Commission, they expressed concerns, and choose not to pursue it and not forward to the Board. Based on the requests received, it continued to be discussed. She explained it is not clear in the Code about what is allowed and what is not allowed; therefore, research was done to determine how to regulate on a regular basis. The permit process will require an inspection similar to the process to receive a Certificate of Occupancy, and permit would be renewed and re-inspected annually including a review of complaints, if any, received throughout the year. There would be a mandatory local representative for 24/7 response.

Proponents:

Ms. Diane Wilhoite, 103 Shearwater Drive, owns a vacation rental home in the City and presented an ordinance adopted by Gulf Shores, Alabama concerning short-term rentals.

Ms. Sue Smith, 111 San Souci Avenue, stated she has owned and operated a VRBO for four (4) years with no complaints. She is in favor of the ordinance with the exception of existing VRBOs not being grandfathered in and asked that be taken into consideration.

Ms. Sonia Cowart, stated she operates a short-term rental, Moonpie Cottage at 706 Porter Avenue, in a commercial zone. She feels this needs to be regulated as soon as possible, the City will continue to have vacation rentals with no regulations.

Mr. Chris Eaton, 523 East Beach, has had great success with a vacation rental home with repeat customers. He now no longer advertises his rental.

Ms. Beth Riley, 1117 Halstead Bayou Drive, owns two (2) short-term rentals for at least ten (10) years. Ms. Riley spoke on behalf of Ms. Cindy Butz who manages a short-term rental. Ms. Riley stated regulations are needed that will provide protection for the owners along with the vacationers who stay in the rentals. She further stated she obtained 125 signatures from downtown businesses supporting vacation rental homes in the City.

Ms. Jeanne Bright, 1210 Sunset Avenue, operates a short-term rental, Camellia Cottage, for over six (6) years and has had repeat customers indicating this is as a much needed, viable good industry providing place for guests, friends and family to stay in the City.

Mr. Don Abrams, 1708 Warren, will be operating a vacation rental in the City. He stated he has served as a defacto on-site manager for Ms. Rosemarie Perrin who owns a vacation rental. He said the worst problem in ten (10) years, a parking issue, was resolved in a matter of minutes. These rentals provide comfortable, economical, family oriented lodging in our community. He expressed concern with the legality of giving individuals veto power over citizens' property rights. He presented a spread sheet to be included in the minutes.

Ms. Wendy Hollingsworth, 819 Canebrake Drive, operates a short-term rental for two (2) years with no problems or complaints. She expressed concern with Section 11 of the Ordinance – Denial or Revocation of a License. She asked if it is legal to give veto power to your next door neighborhood to say what you can and cannot do with your property. Also language is arbitrary and capricious.

Ms. Kay Cox, 13 Evelyn Drive, stated she has been visiting and using vacation rentals in the City for the past fourteen (14) years. She said as a result of visiting here, she now lives in the City. She is in favor of short-term rentals and as a travel agent recommends visitors to this area.

Ms. Ann Baker is renting the Riley cottage at 420 Russell Avenue. She has been visiting the City for three (3) years and now is considering purchasing a home here.

Mr. Jim Bright, 1707 Carpenter Circle, operates two (2) short-term rental properties; one in the City and one in the County. He stated the average stay is 7+ days with 2 occupants. He is asking for fair representation.

Ms. Britt Sandblom, 401 Ward Avenue, stated she lives at her residence 6 months and rents it the other half of the year as a vacation rental while she is in Sweden. She stated her next door neighbor had no issues with purchasing next to a vacation rental house. She said vacation renters are the best kind of visitors because they do not cause any problems and are happy to spend money downtown.

Ms. Tina Sullivan, 1115 Porter Avenue, operates a vacation rental home directly behind her house on Kotzum Avenue. She said her renters love that they are so close proximity to the restaurants and shops in the City and enjoy the personal experience. They also leave positive comments when they leave. She is in favor of short-term rentals.

Mr. Steve Collins, 10721 Eagle Nest Road, stated he has heard about complaints from one vacation rental property and believes this does need to be regulated. He is in favor of short-term rentals in the City.

Opponents:

Ms. Mary Marr Beckman, 1209 Cove Avenue, said operating vacation rentals is a commercial endeavor and it is being done in residential areas. She said she has an issue with safety aspect. She asked the Board to consider not allowing vacation rentals in residential areas.

Mr. Dennis Warren, 1215 Bristol Boulevard, said operating a vacation rental is a commercial endeavor. He said if this is allowed in the City, it changes the residential Zoning Code.

Mr. Stephan Massong, 307 Wisteria, asked the Board to give the changes great consideration as these are very serious matters. His concern is short term rentals are changing the neighborhoods.

Ms. Patty Seymour, 304 Cove Avenue, asked who to call when people sustain injuries while trespassing on their property. She also asked if the rentals are required to be ADA compliant.

Ms. Maria Hughes, 1205 Cove Avenue, has lived in this neighborhood since 1973. She said she is not against vacation rentals except for the one operating in her neighborhood. Her main concern is the renters are infringing on her quality of life and does not appreciate that a business is located across the street from her in a residential area.

Mr. Stephen Crump stated he has registered a complaint with the Building Department concerning the short-term rental on Cove Avenue. His complaints have been with bad driving, intimidation and noise.

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

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to table item (6-b) until the next Board meeting on April 21st to determine the legality of the language in the ordinance concerning the issues raised during the Public Hearing.

CONSENT AGENDA

Motion was made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to approve the Consent Agenda with exception of item (8-b) which was pulled by Alderman McDonnell and items (8-n) and (8-o) pulled by Alderman Cody.

Alderman McDonnell stated he regretfully accepts Mr. Bradford's resignation as the City's representative to the Jackson County Utility Authority and further stating he has served the City well in this capacity. He asked the City to contact him to provide a list of duties and qualifications in order to better select a new representative. Motion was made by Alderman McDonnell, seconded by Alderman Dalgo and unanimously carried to accept the resignation of L.P. "Brad" Bradford, Jr. as the City's representative to the Jackson County Utility Authority effective May 1, 2015, and authorize to advertise to fill the vacant position with application deadline to be April 24, 2015 (Exhibit 8-b).

Alderman Cody pulled item (8-n) for clarification. The Interim Public Works Director explained Pensacola Concrete Construction asked to rescind their Contract with the City. Motion was made by Alderman Cody, seconded by Alderman Dalgo and unanimously carried to authorize to rescind the Cured in Place Pipe Lining (CIPP) contract with Pensacola Concrete Construction, Inc. and upon verification of bid bond, award the contract to the second low bid, Insituform Technologies, LLC in the amount of \$681,500.00 (Exhibit 8-n).

Motion was made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to table item (8-o) to review the City's options.

DEPARTMENT REPORTS

Mayor:

The Mayor reported after meeting with Brad Bradford, they are moving forward with the light study that was previously requested. Alderman McDonnell reported the boundaries for the light study are Church Avenue; Magnolia Avenue; Porter Avenue and Robinson Street. Alderman McDonnell also recommended that Mr. Kaufman be the point of contact on this project.

Building Department:

The Building Official presented a letter from John Edwards regarding vertical street clearance from 2008 that indicated the City had a height clearance of 14'. Alderman McDonnell recommended a minimum clearance be determined by the height of a fire truck.

The Building Official asked the Board to consider hiring a part-time Code Enforcement assistant to handle the influx of code violations during the summer months. Alderman Denyer suggested having the HR Committee review this matter and make a recommendation to the Board.

ALDERMEN'S FORUM

Alderman Impey presented a draft Filming Ordinance for review by the Mayor and Board. The intent of this ordinance is to create a permitting process for professional film companies to film within the City limits. He asked for input to finalize for adoption by the Board.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to task the HR Committee with reviewing the job description of the Public Works Director and recommend any necessary changes to the Board.

Alderman McDonnell asked the Police Department to address the problems occurring at the Yellow Tail Saloon on Government Street. He said this issue was previously brought before the Board dealing with the motorcyclist revving engines in the early hours of the morning and possibly speeding down Highway 90. Alderman Denyer also stated he has witnessed motorcycles speeding down Government Street.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to provide more patrol and consistent enforcement for laws and ordinances dealing with motorcycles in this particular location.

Motion was made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to task the City Attorney to draft a policy to deter disclosing sensitive information discussed during executive session being made to the public.

Alderman Denyer asked the Building Official to look at the horizontal growth on the Oak trees on Government Street and Bechtel Boulevard to determine if they need to be trimmed.

Alderman Denyer asked the Building Official if there is a City ordinance that addresses the feather flags. The Building Official stated the current ordinance allows for flags of non-commercial and non-advertising display and no limit on how many can be at one location.

Alderman Denyer asked for recommendations on how to address the homeless issues in the City.

Alderman Impey asked to street install a light on the north side of West Appomattox on Parktown Drive.

Motion was made by Alderman Denyer, seconded by Alderman Gill and unanimously carried to recess the meeting until 6:00 p.m. on April 21, 2015.

Meeting ended at 8:27 p.m.

City Clerk

Mayor

Date

Date

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
REGULAR MEETING
April 7, 2015 - 6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. PROCLAMATION

- a) Safe Digging Month – April, 2015 (Exhibit 3-a)

4. NEW BUSINESS

- a) Update on street paving – Supervisor John McKay
- b) Presentation on creating a cartoon map of Ocean Springs – Mr. Tony Onellion
- c) Discussion concerning vacation rentals in R1 zone – Ms. Robbie Wrigley (Exhibit 4-c)

5. OLD BUSINESS

6. PUBLIC HEARINGS

- a) Ordinance Amending the Comprehensive Zoning Ordinance of the City of Ocean Springs, Mississippi, being Ordinance No. 13-1976, as amended, by adding and amending signage requirements (Exhibit 6-a)
- b) An Ordinance amending No. 13-976 being the “Comprehensive Zoning Ordinance of Ocean Springs, Mississippi”, so as to provide for short-term rentals of dwellings in residential zones after application and approval (Exhibit 6-b)

- 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 8, 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) Accept resignation of Julie Scruggs from the Library Board and authorize to advertise for the vacant position with application deadline to be April 24, 2015 (Exhibit 8-a)
- b) Accept the resignation of L.P. “Brad” Bradford, Jr. as the City’s representative to the Jackson County Utility Authority effective May 1, 2015 and authorize to advertise for the vacant position with application deadline to be April 24, 2015 (Exhibit 8-b)
- c) Authorize to advertise the City resources by co-hosting the Spring Into Wellness Health Fair sponsored by the Jackson County Civic Action Association held each year at the Ocean Springs Civic Center on Wednesday, May 20, 2015 and waiving the rental fees (Exhibit 8-c)

City Clerk:

- d) Approve Minutes – March 17, 2015 Recess Meeting (Exhibit 8-d)
- e) Approve Minutes – March 25, 2015 Recess Meeting (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) Authorize to ratify the attached checks (Exhibit 8-h)
- i) Approve Special Event Permit for Earth Day Celebration on Saturday, April 18, 2015, from 7:00 a.m. – 1:00 p.m. at Little Children’s Park and authorize to close the street at Calhoun Street from Dewey Avenue to Washington Avenue (Exhibit 8-i)

- j) Approve Run/Walk Permit Application for a 5K Fun Run/Walk sponsored by the MS Municipal Service Company on Wednesday, June 24, 2015, from 6:30 a.m. – 8:00 a.m. on the Biloxi/Ocean Springs Bridge, no cost to the City (Exhibit 8-j)
- k) Approve Run/Walk Permit Application for a Biloxi Bay Bridge Walk sponsored by the Ohr-O'Keefe Museum of Art on Saturday, May 16, 2015, from 8:00 a.m. – 10:00 a.m. on the Biloxi/Ocean Springs Bridge, no cost to the City (Exhibit 8-k)

Police Department:

Fire Department:

- l) Authorize employment of Joshua Conway, Firefighter, effective April 21, 2015, \$10.03 hourly, one-year probationary period and pending successful completion of all pre-employment requirements, H.R. Committee concurs (Exhibit 8-l)

Human Resources/Risk:

City Engineer:

Public Works:

- m) Authorize removal of Stephen Troy Beets from probationary status to full-time status, effective April 23, 2015 (Exhibit 8-m)
- n) Authorize to rescind the Cured in Place Pipe Lining (CIPP) Contract with Pensacola Concrete Construction, Inc. and upon verification of their Bid Bond, award the contract to the second low bid, Insituform Technologies, LLC in the amount of \$681,500.00 (Exhibit 8-n)
- o) Authorize to extend water/sewer/storm water rehab contract with Graham Construction Co., Inc. for an additional one-year period beginning April 15, 2015 (Exhibit 8-o)

Community Development & Planning:

- p) Authorize to advertise the vacant position on the Zoning and Adjustment Board due to the passing of Bill Spigener in March (Exhibit 8-p)
- q) Authorize to submit the application and execute all appropriate documents for the MDOT Youth Corps Program funds (Exhibit 8-q)

Building Department:

- r) Accept Tree Committee Report (Exhibit 8-r)

Parks & Leisure Services:

City Attorney:

Peer Review Committee:

H.R. Committee:

Finance Committee:

9. DEPARTMENT REPORTS

Mayor:

City Clerk:

Police Department:

Fire Department:

Human Resources/Risk:

City Engineer:

Public Works:

Community Development & Planning:

Building Department:

- a) Update on roadway height (Exhibit 9-a)
- b) Request for part-time Code Enforcement assistance (Exhibit 9-b)

Parks & Leisure Services:

City Attorney:

Facilities

Peer Review Committee:

H.R. Committee:

Finance Committee:

10. ALDERMEN'S FORUM

- a) DRAFT Filming Ordinance – Alderman Impey (Exhibit 10-a)

11. EXECUTIVE SESSION

RECESS until 6:00 p.m. on April 21, 2015