

## **RECESS MEETING OF APRIL 21, 2015**

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 April 21, 2015. 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.

Mr. James Foster gave the invocation and the Mayor led the Pledge of Allegiance.

### **PROCLAMATIONS**

The Mayor declared April 22, 2015 as Earth Day and April 24, 2015 as Arbor Day in the City of Ocean Springs.

### **OLD BUSINESS**

Ms. Diane Wilhoite, short term rental owner, introduced Capt. Kevin Parker, a Navy Officer who is stationed here and moving to the area. Capt. Parker said he and his wife have been staying at Ms. Wilhoite's short-term rental as temporary housing. He said the short term rentals are accommodating to him and his wife along with their pets and definitely a benefit to the City.

Ms. Melinda Zasso, 1201 Hillcrest Drive, stated she is the homeowner of a short term rental in Cherokee Glenn and lives in California. She and her cousin who lives a short distance away manage the rental. She addressed the complaints made concerning her rental at the last board meeting. She also stated that before accepting any reservations, she personally and actively researches her guests' character and intent by inquiring as the nature of their stay as well as the ages of everyone in the group. Her rules for staying at her rental include respecting quiet hours between 11 pm until 7 am. and a two-night minimum stay. She asked if there are any problems or concerns, the renters are instructed to call her cousin and asked the neighbors to call her cousin as well.

Ms. Beth Riley, 1117 Halstead Bayou Drive, addressed some of the concerns stated by the community at the last board meeting. She said one concern that she has heard was speculators would buy property and convert them into short term rentals. Ms. Riley said after speaking to her real estate friends, none of them have received any

such calls. She and her family have used vacation rentals in other areas of the world with great experiences.

Mr. Don Abrams, 1708 Ward Avenue, spoke about the Governor's go coast 2020 report on tourism, the characteristics of short term rentals as well as the estimated economic benefit from short-term rentals in Ocean Springs. Motion was made by Alderman Cox, seconded by Alderman McDonnell and unanimously carried to make the report presented by Mr. Abrams as part of the minutes.

The Planning/Grants Administrator reported all of the input was summarized and submitted to the City Attorney. There has been ongoing discussion to get a consensus on the issues addressed at the last board meeting. The 2% bed tax does apply to these types of rentals. The license would be issued to the owner and not transferrable with an annual renewal. The Mayor asked for a consensus of the notification process. There was discussion concerning the notification process as well as the veto power of the neighboring residents.

## **NEW BUSINESS**

Mr. Matt Ball, a representative of Mississippi Power Company, presented a proposal to install outdoor LED lighting in the City. He explained the proposal includes street lighting in the area just south of Bienville Boulevard continuing south to Porter Avenue, beginning at Jackson Avenue and continuing east to Vermont Avenue. The project will convert existing high pressure sodium fixtures with LED fixtures. The scope of work would include removing 98 existing City street lights and install 87 Gray LED street lights with no upfront costs. The net estimated monthly increase to the City would be \$198.63 per month. Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to accept the LED lighting proposal from Mississippi Power Company (Exhibit 5-a).

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to appoint Ken Papania as the City representative to serve on the Jackson County Utility Authority.

Motion was made by Alderman McDonnell, seconded by Alderman Impey and unanimously carried to not proceed with refinancing the City's \$10,710,000.00 Mississippi Development Bank, Special Obligation Bonds, Series 2009 (Ocean Springs Public Safety and Recreational Facilities Project) (Exhibit 5-c).

## **PUBLIC COMMENTS**

Mrs. Sonia Cowart, owner of the "Moonpie" short-term rental property. She spoke about the historic precedent of hotel and tourist homes in Ocean Springs. She stated short term rentals were and are a vital part of the economic business and residential fabric. She presented a chart showing that in 1910 there were 500 homes and 25 tourist homes in the City. In 2015, there are 8,000 homes and 20 short term rentals in residential and commercial zones along with the bed and breakfasts.

Mr. Donald Scharr, 108 Shearwater Drive, stated he and his family have used VRBOs during recent travels. He said staying in a short term rentals allows them to immerse themselves in the community for a short period of time.

## **CONSENT AGENDA**

Motion was made by Alderman Impey, seconded by Alderman Cody and unanimously carried to approve the Consent Agenda with exception of item (7-b) which was pulled by Alderman McDonnell; item (7-i) which was pulled by the Mayor; item (7-q) which was pulled by Alderman Cody; item (7-s) which was pulled by Alderman Cox.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to deny authorizing the Mayor to execute Contract with Raymond James as underwriter to consider refinancing 2% bond (Exhibit 7-b).

The Mayor pulled item (7-i) to ask the Board to consider allowing the 1699 event staff the use Public Works' tent on the DMR property to advertise the resources of the City. Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to approve the Special Event Permit Application for the 1699 Weekend of Discovery – 5K Race of Discovery and 1 mile kids fun run, pet parade and re-enactment on Saturday, April 25, 2015 from 6 a.m. – 5:00 p.m. at Ocean Springs Front Beach and also to allow the 1699 event staff the use Public Works' tent to be placed on the DMR property and advertise the resources of the City (Exhibit 7-i).

Alderman Cody pulled item (7-q) to amend the contract with Graham Construction allowing them a six (6) months extension instead of one (1) year. This will allow the Board to review the contract when discussions begin on the FY15-16 budget to determine if any of the work done by Graham Construction could be done in-house. Motion was made by Alderman Impey, seconded by Alderman Cody and unanimously carried to authorize to extend water/sewer/storm sewer rehab contract with Graham Construction Co., Inc. for a period of six (6) months contingent upon their acceptance (Exhibit 7-q).

Alderman Cox pulled item (7-s) at the request of the Building Official. The Building Official reported that Mr. Chris Eaton is appealing the decision of the Tree Committee concerning Lot 19, 20 and 21 and Lot 3 Seaside @ East Beach. Mr. Eaton asked the Board to allow him to remove six (6) very small magnolia trees in order to cut a drainage swale to satisfy a complaint made by a property owner on Watersedge adjacent to his property. Mr. Eaton stated he may not have to remove all of the trees but is asking removal of all six (6) trees so as not have to come back to the Board for approval. He will begin with 30' off the fence to make a very gradual swale that will allow water to drain to a collection point. If the complainant and engineer are satisfied, he will not remove any other trees. Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to deny the Tree Committee's recommendation and allow Mr. Eaton to remove six (6) magnolia trees on Lots 19, 20 and 21, pending Building Official and City Engineer's approval. The City Engineer reported Mr. Eaton's engineer will submit a drainage plan for approval.

The Building Official explained Mr. Eaton is also appealing the Tree Committee's recommendation to deny his application to remove two live oak trees on Lot 3 Seaside @ East Beach and requested reconsideration of the house placement on this very large, deep lot. Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to table Mr. Eaton's request concerning Lot 3 Seaside and East Beach and accept the remainder of the Tree Committee minutes of April 16, 2015 (Exhibit 7-s).

## **DEPARTMENT REPORTS**

### **Mayor:**

The Mayor asked the Board to consider hiring Ms. Pat Bertran as a part-time receptionist in the Mayor's office. Ms. Bertran was instrumental in that position and did an outstanding job when she was paid through a grant. The Mayor explained there is funding of \$5,500.00 from the Court department budget that could be transferred to a salary budget line item in the Mayor's office. Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to approve a transfer of \$5,500.00 from the court budget to the Mayor's salary budget and authorize employment of Ms. Pat Bertan as the part-time receptionist from noon until 4:00 p.m. or 5:00 p.m. at \$10.00 per hour (Exhibit 8-a).

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

Motion was made by Alderman Impey, seconded by Alderman Cody to adopt **Ordinance No. 2015-06 An Ordinance to Regulate Filming in Ocean Springs; including the Necessity to Acquire a Filming Permit Prior to Filming in Ocean Springs** (Exhibit 8-b). 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 Aye</u>
Alderman Impey	<u>Voting Aye</u>

Motion was made by Alderman Cody, seconded by Alderman Dalgo to adopt **Ordinance No. 2015-07 An Amendment to the Comprehensive Zoning Ordinance of Ocean Springs, to Repeal Section 504, Article V** (Exhibit 8-c). 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 Aye</u>
Alderman Impey	<u>Voting Aye</u>

Motion was made by Alderman McDonnell, seconded by Alderman Gill to adopt **Ordinance No. 2015-08 An Amendment to Ordinance No. 13-1976 Rezoning Property Herein Described from I-1 to C-3** (Exhibit 8-d). 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 Aye</u>
Alderman Impey	<u>Voting Aye</u>

### **Building Department:**

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize employment of David Groves as the part-time Code Enforcement officer at \$13.00 per hour, two (2) days a week until October 23, 2015 (Exhibit 8-e).

The Building Official reported there has been discussion concerning an increase in derelict and abandoned vehicles. He presented the Property Maintenance Code that addresses this issue which states that no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. The Building Official presented pictures of some of the properties in the City in violation of this Code. There was discussion about whether or not to handle this as a lot clearing. It was also stated the City cannot do anything to diminish the value of the personal property so there has to be a mechanism to store the personal property in a fenced area. Alderman Gill suggested the vehicles be towed to Public Works in their fenced in yard. The City Attorney said it could be handled as a lot cleaning. Alderman Cody reported he has the same issues in his ward and wishes to have this resolved by the next board meeting. The City Attorney stated it could be handled under the junk car ordinance and consider having a process server personally serve the property owner with a date to appear in City Court. After further discussion, it was determined that the Mayor, Alderman Gill, the Building Official and the City Attorney will meet to discuss the best way to handle the derelict and abandoned vehicles in the City. (Exhibit 8-f).

Alderman Dalgo asked to table this item (8-g) since the property owner is not present at the meeting to state his appeal. Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to table item (8-g) for a request for an appeal by property owner at 3821 Bergerac Lane of the Tree Committee's recommendation (Exhibit 8-g).

## **ALDERMEN'S FORUM**

Alderman Cody stated there are a number of schools in Ward 3 that needs striping work done and the Public Works Department does not have the equipment to do this work. The Interim Public Works Director advised that most of the striping is done by J.L. McCool. Alderman Cody asked Public Works to obtain a cost estimate to purchase the striping equipment and or also asked if they can install the reflective buttons in-house. Alderman Denyer said it is very dangerous to drive on Government Street at night and when it is raining; the turn lanes cannot be seen. Alderman Cody stated the City either needs to buy the equipment to do this work or find the funding to get it striped.

Alderman Gill said Supervisor McKay will begin paving in the next month and ask the aldermen to turn in a list of streets that need striping. He also said he does not want any striping costs taken from the road paving money. He will ask the County to do the striping as a special project.

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to obtain cost estimates for striping on Government Street at the upper elementary and Oak Park and obtain cost for thermoplastic and painting.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to obtain a list of streets that will need striping after the County paves and submit them to Public Works to turn over to the County.

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to ratify accepting a gift of \$2,500.00 from the Krewe of Barry for renovations at the armory.

Motion was made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to accept the letter from Mr. and Mrs. Crump concerning short-term rentals in residential areas as part of the minutes.

Alderman Cox spoke about the short-term rentals. He asked for a consensus from the Board in order to move forward with the ordinance. The City Attorney reported he has a consensus from the Board that will allow him to move forward on the ordinance. He said this is a permitted allowable use and not a zoning change. Also, discussed was notifying property owners within a 300 foot radius from the property line of the short term rental and requiring 80% approval of those included in this area. If the ordinance has substantial changes, the Planning/Grants Administrator advised it will need to be re-advertised for a public hearing.

Alderman Impey thanked Ms. Carolyn Martin, Grants/Planning Administrator, for all the hard work she did on the film ordinance.

Alderman Cody thanked the Planning/Grants Administrator for working with him on looking for grants.

Alderman Cody asked if the City issued permit stickers to the ice cream truck vendors. The Planning/Grants Administrator explained the vendors are issued a bright yellow sticker to be placed in one of the windows of the trucks.

## **EXECUTIVE 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 Denyer, seconded by Alderman Cody and unanimously carried to remain in executive session to discuss personnel in the Planning Department and Public Works Department and potential litigation regarding city services.

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

Motion was made by Alderman Dalgo, seconded by Alderman Impey and unanimously carried to adjourn until 6:00 p.m. on May 5, 2015.

Meeting ended at 9:41 p.m.

/s/Shelly Ferguson  
City Clerk

May 6, 2015  
Date

/s/ Connie Moran  
Mayor

May 6, 2015  
Date



**AGENDA  
MAYOR AND BOARD OF ALDERMEN  
CITY OF OCEAN SPRINGS  
RECESS MEETING  
April 21, 2015 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PROCLAMATIONS**

- a) Earth Day – April 22, 2015 (Exhibit 3-a)
- b) Arbor Day – April 24, 2015 (Exhibit 3-b)

**4. OLD BUSINESS**

- a) Statements concerning short-term rentals in residential areas – Melinda Zasso (Exhibit 4-a)
- b) Statements concerning short-term rentals in residential areas – Don Abrams, Diane Wilhoite and Beth Riley (Exhibit 4-b)
- c) Update concerning short-term rentals in residential areas

**5. NEW BUSINESS**

- a) Consideration of downtown neighborhood LED Lighting Proposal presented by Mississippi Power Company - (Exhibit 5-a)
- b) Appoint Ken Papania as City representative to the Jackson County Utility Authority to complete the unexpired term of Brad Bradford, term ending June 30, 2017
- c) Adopt Resolution to engage Government Consultants, Inc. as financial advisor and Butler Snow, LLC as bond counsel in the event the City decides to go forward with refinancing of bonds (Exhibit 5-c)

**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) Accept minutes of Economic Development Council from April 13, 2015 (Exhibit 7-a)
- b) Authorize the Mayor to execute Contract with Raymond James as underwriter to consider refinancing 2% bond with no cost to the City unless the City decides to go forward with refinancing (Exhibit 7-b)

**City Clerk:**

- c) Approve Minutes – April 6, 2015 Special Call Meeting (Exhibit 7-c)
- d) Approve Minutes – April 7, 2015 Regular Meeting (Exhibit 7-d)
- e) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 7-e)
- f) Accept Action Report (Exhibit 7-f)
- g) Authorize to declare various items as surplus; no longer of value to the City and dispose of immediately (Exhibit 7-g)
- h) Approve Special Event Permit Application for National Day of Prayer on Thursday, May 7, 2015 from 12:00 Noon to 1:00 p.m. at Ocean Springs City Hall, no cost to the City (Exhibit 7-h)
- i) Approve Special Event Permit Application for 1699 Weekend of Discovery – 5K Race of Discovery and 1 mile kids fun run, pet parade and re-enactment on Saturday, April 25, 2015 from 6:00 a.m. to 5:00 p.m. at Ocean Springs Front Beach (Exhibit 7-i)

- j) Approve Run/Walk Permit Application for a 5K Race – fundraiser for St. Jude’s sponsored by Move w/ a Purpose on Friday, June 5, 2015 from 6:00 p.m. - 10:00 p.m. – Front Beach/Bridge route (Exhibit 7-j)
- k) Approve Run/Walk Permit Application for a Walk/Run fundraiser sponsored by MGM Resorts Foundation on Friday, May 8, 2015 from 7:00 p.m. – 9:30 p.m. – Bridge only (Exhibit 7-k)
- l) Resolution to temporarily allow consumption of beer and sale of food and beer on public property for the 1699 Weekend of Discovery on April 25, 2015, pending receipt of applicable permits and insurance (Exhibit 7-l)
- m) Authorize to purchase a vehicle up to \$36,000.00 for the DEA Agent, funded by the seizure account and reimbursed by the HIDTA Grant at \$700.00 per month (Exhibit 7-m)

**Police Department:**

- n) Accept notice of retirement of Executive Assistant, Elizabeth Gillespie, effective May 28, 2015 and authorize to begin the process to fill the vacant position (Exhibit 7-n)
- o) Approve promotion of Capt. Derek Hoppner as Deputy Chief effective immediately, annual salary of \$60,862.00 (Exhibit 7-o)

**Fire Department:**

- p) Accept Monthly Fire Department Report (Exhibit 7-p)

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works Department:**

- q) 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 7-q)
- r) Authorize the Mayor to submit an application for a Pat Harrison Waterway District (PHWD) grant to help finance the Whitney Oaks 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 7-r)

**Community Development & Planning:**

**Building Department:**

- s) Accept Tree Committee Minutes of April 16, 2015 (Exhibit 7-s)
- t) Approve demolition permit for structure located at 413 Ward Avenue (Exhibit 7-t)
- u) Authorize building permit to construct a boathouse at 409 East Beach Drive (Exhibit 7-u)
- v) Authorize employment of Megan Boston, Office Administrator, effective May 7, 2015, \$14.50 hourly, six-month probationary period and pending successful completion of all pre-employment requirements and upon receiving Flood Plain Certification within one year, pay rate increases to \$15.00 hourly (Exhibit 7-v)

**Parks & Leisure Services Department:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

- w) Approve Minutes – April 8, 2015 H.R. Committee Meeting (Exhibit 7-w)

**Finance Committee:**

**8. DEPARTMENT REPORTS**

**Mayor:**

- a) Discussion concerning hiring part-time receptionist for the Mayor’s office (Exhibit 8-a)

**City Clerk:**

**Police Department:**

**Fire Department:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works Department:**

**Community Development & Planning:**

- b) Adopt Filming Ordinance (Exhibit 8-b)
- c) Adopt Amendment to the Comprehensive Zoning Ordinance of Ocean Springs to repeal Section 504, Article V (Exhibit 8-c)
- d) Adopt Amendment to Ordinance No. 13-1976 Rezoning property herein described from I-1 to C-3 (Exhibit 8-d)

**Building Department:**

- e) Discussion concerning hiring part-time code enforcement assistant in the Building Department (Exhibit 8-e)
- f) Discussion concerning derelict and abandoned vehicles (Exhibit 8-f)
- g) Request for appeal by property owner at 3821 Bergerac Lane of a recommendation of the Tree Committee (Exhibit 8-g)

**Parks & Leisure Services Department:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**9. ALDERMEN'S FORUM**

- a) Discussion about striping list for each ward – Aldermen Cody and Gill

**10. EXECUTIVE SESSION**

- a) Personnel in Planning Department

**ADJOURN until 6:00 p.m. on May 5, 2015**