

RECESS MEETING OF JANUARY 19, 2016

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 January 19, 2016. *Mayor Pro Tem* Cox presiding, Aldermen Gill, McDonnell, Cody, Denyer and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney John Edwards. The Mayor was absent at roll call but arrived later in the meeting and Alderman Dalgo was absent.

The *Mayor Pro Tem* called the meeting to order.

Rev. Mike Barnett gave the invocation and the *Mayor Pro Tem* led the Pledge of Allegiance.

PROCLAMATIONS

Alderman Impey read and presented a proclamation declaring January 19, 2016 as **John McKay Day** in the City of Ocean Springs. Mr. McKay was recognized for his many years of service and dedication to the City of Ocean Springs and Jackson County (Exhibit 3-a).

PRESENTATION

Mr. Cliff Kirkland made a presentation concerning the Coast Broadband Initiative, an ultra-high speed internet service across the Coast. He said all five (5) cities in Harrison County have adopted resolutions joining the Gulf Coast Broadband Initiative as well as Waveland and Diamondhead. They anticipate Bay St. Louis, Gautier and Harrison County will join too. Their goal is to have all 15 local governments, 12 cities and 3 counties aboard on this project at no costs to anyone. The investment is one of interest and cooperation to establish this high speed internet service across the Gulf Coast in a timely, affordable and universal fashion. Mayor Gilich stated this could be a game changer for the coast because we are touched by technology every day. He stated the downside would be to not do anything. This will provide not only quality of life but also economic development for all the cities and counties. Mr. Kirkland further explained they are not trying to establish their own public utility but to facilitate the delivery of this service by providing the infrastructure that the internet service providers themselves can take and deliver to the users, homes and businesses throughout the area. With the Gulf Coast Broadband Initiative and under the direction of Mayor Gilich, they have established a frame work, a structure where we can pursue State and Federal monies and any other potential sources to establish a fiber-optic ring that covers the Gulf Coast. Mr. Kirkland also stated their consultants said the ring can be

established for the \$15M that the Governor has initially pledged therefore, they are not looking to use any municipal finance or resources to establish that ring. They anticipate once the ring is constructed they will negotiate franchise agreements with the various internet service providers and use those monies to operate and maintain the ring. He stated the goal is to not have to use municipal or county revenue to establish and operate the ring. Mr. Kirkland stated again there is no fee to join and when moving forward if we are not as fortunate as we think we will be in securing state and federal monies, they will look at other financing components and each City and County will have the opportunity to make a decision whether or not to withdraw from initiative.

Mr. Gerald Blessey stated this is vital for future for economic development as well as education, public safety and health since they all rely on technology.

Alderman Impey asked if the long term costs, maintenance and infrastructure had been researched. He said he appreciates the economic development it will bring but his concern is this a proper use of governmental funds and are we getting into the internet business. Mr. Blessey explained it as the fiber optic ring as a big trunk line and private providers will hook up to it and pay a franchise fee.

Motion was made by Alderman Gill and seconded by Alderman Cody to adopt the Resolution Approving Amendment to Accept the City of Ocean Springs as a Party to the Interlocal Governmental Cooperation Agreement Creating the Gulf Coast Broadband Commission, for Development of Regional Fiber Optic Infrastructure for Ultra High Speed Internet and Broadband Service, and for related purposes. Motion carried with Aldermen Gill, McDonnell, Cody and Denyer; Alderman Impey voting nay; Aldermen Cox acting Mayor and not voting and Alderman Dalgo was absent (Exhibit 4-a).

ADDENDUM

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

NEW BUSINESS

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to table the discussion concerning the Taxi Cab Ordinance until the Mayor arrives at the meeting. Alderman Denyer asked for more discussion and information concerning this matter before it is presented to the Board of Aldermen.

PUBLIC COMMENTS

Mr. Ken Altman, resident of Lover's Lane, asked the Board if they will be taking action on the oak tree on Lover's Lane. The Building Official stated he was asked to table any action on this matter until Ms. Calhoun provides another arborist's report but his opinion is that it is still a public safety issue.

Mr. Don Abrams, 1710 Warren Drive, asked the Board to consider making the kudzu lot on Magnolia Street a little park with low maintenance burden by the City. He said it is highly visible with beautiful live oaks. The Planning/Grants Administrator stated that is exactly what the City is planning and are at the permitting process.

Ms. Ally Leggit, Clark Avenue, asked for a clarification about the discussion concerning items (9-a) and (9-b). The *Mayor Pro Tem* explained the discussion will be concerning an emergency drainage project on Government Street wherein the trees will have to be removed in order to repair the pipe. Trees will be replaced in the general area. The Building Official explained item (9-b) is concerning three (3) issues with water oak trees in the public right of way as well as trimming a tree for roadway clearance.

Mr. Grady Byrd, 921 Porter Avenue, asked the Board to consider not allowing removal of the cedar tree on Jackson Avenue. He stated it is the most photographed tree in this area and is a beautiful asset to our community.

Mr. Charles Burns, 1201 Desoto Avenue, stated he is asking the Board for approval to purchase of a small parcel of property (30' X 117") from the City of Ocean Springs at the North end of Handy and East end of Robinson to cut down on the crime. He plans to put up a fence and the City will have access to the property whenever necessary. The City Attorney stated it is his understanding it is an extension of the roadway and is considered public right of way.

The Mayor arrives at the meeting and assumes control.

Ms. Sylvia Bosco, 509 Front Beach, stated the Tree Committee did not have a quorum at their December, 2016 meeting and asked for discussion concerning the request for removal of a cedar tree on Jackson Avenue. Alderman Impey stated his concern with the Tree Committee report being placed on the agenda with no mention that there was not a quorum at their meeting and more than one (1) tree on the report that was addressed. He also had issues with their process of the Tree Committee and feels it should be addressed.

The Mayor asked to have another opportunity for the Board to discuss the removal of the cedar tree on Jackson Avenue and also obtain the site plan from the new owners to determine where the driveway will be placed on the lot.

Ms. Claire Brou, 313 Jackson Avenue, stated the cedar tree is located on City property and they are protected trees. She also stated this tree is over 150 years old.

Mr. Ray Bellande, 525 Jackson Avenue, stated it was astounding to have to beg the City to not destroy the trees.

Mr. Shea Dobson, 100 Roberts Circle, stated he was in favor of bringing Uber into the City. He has used their services and will be good for the Coast. He said studies have shown DUI offenses go down with people utilizing Uber services.

Mr. Paul Kirkland, 317 Magnolia Avenue, stated he lives directly across the street from the kudzu lot and asked for public acknowledgment for the allowance of pets because there are not many dedicated dog parks and would like to see more animal friendly areas.

Mrs. Molly Pontius, 1318 Hellmers Lane, stated she is a member of the Tree Committee and for the record that the decision on the issue of the Jackson Avenue cedar tree will be tabled until the Planning Commission receives a site plan and works with the Tree Committee.

NEW BUSINESS

The Mayor asked the Board for input concerning amending the Taxi Ordinance to allow services such as Uber to do business within the City of Ocean Springs. Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to allow the Economic Development Commission (EDC) to review the City's Taxi Ordinance to allow Uber services in the City with attendance of two (2) Aldermen. Alderman Impey and Alderman McDonnell asked to keep regulations to a minimum and consistent across the Coast.

Mr. Ken Altman, Mr. Shea Dobson and Ms. Jessie Deener all made positive comments concerning their past experience with Uber services.

Mr. Robert Wilkinson, City Attorney, presented a Resolution requesting certain amendments to Section 49-17-733 of the Mississippi Code by attempting to bring new restrictions to the Jackson County Utility Authority (JCUA). He reminded the Board the task force comprised of the four (4) cities in Jackson County was formed for the purpose of investigating what was going on with the JCUA. He explained that Covington Engineering will assist the Cities with looking at the operations of the JCUA, to determine if they are efficient and cost effective. They learned from the audited financial records as compared to the Harrison County Utility Authority (HCUA), the JCUA is approximately one-half (1/2) the size of the HCUA yet the salaries for the operation of the JCUA was \$1.2M more than HCUA. They also found that in August, 2014, JCUA

added 16 new positions for \$1.4M. Mr. Wilkinson explained the differences in the JCUA and other utility authorities. He said the HCUA can have elected officials on the authority; JCUA cannot. Also, any member on the HCUA can be removed for just cause by whoever sponsored them and members of the JCUA cannot be removed. He explained when floating a bond issue, the citizens can petition with a certain number of signatures to require the bond vote to go on a ballot as a referendum and JCUA has no provisions and therefore, there are no provisions to legally stop a bond issue. Another difference is any bond issue, rate increase or significant capital improvement with HCUA, requires a unanimous vote of the board but with JCUA it only requires a majority vote. The task force approached local legislatures about this issue to get the legislation changed so JCUA would run like the other utility authorities. Senator Brice Wiggins requested all cities adopt a resolution to provide to him as they attempt to move this issue through the Senate and House.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to adopt the Resolution of the Mayor and Board of Aldermen of the City of Ocean Springs requesting Certain Amendments to Section 49-17-733 of the Mississippi Code, Board of Directors of the Jackson County Utility Authority to Provide Parity with Other Coastal Utility Authorities Similarly Situated and to Provide More Effective Oversight by the Cities and County Subject to the Authority's Jurisdiction (Exhibit 6-b).

Mr. Wilkinson also learned that the JCUA hired a lobbyist to lobby against the task force's efforts to get the legislation passed; therefore, it was determined that the cities hire a lobbyist to help with our efforts.

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to rescind the previous motion to freeze any unbudgeted spending and review on a case by case basis.

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to enter into and authorize the Mayor to execute the Contract with Capital Resources, LLC at a retainer fee of \$30,000.00 per year, payable in a pro-rated monthly installment of \$2,500.00 per month to be paid from the enterprise fund.

CONSENT AGENDA

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to approve the Consent Agenda with the exception of item (8-p) which was pulled by Alderman Impey.

Alderman Impey pulled item (8-p) to clarify the amount is \$7,640.50 to the end of the term, May 31, 2016, and not annually. Motion was made by Alderman Impey, seconded by Alderman Cody and unanimously carried to authorize adding Taconi

building and contents to the City's insurance coverage in the amount of \$7,640.50 until the end of the term, May 31, 2016 (Exhibit 8-p).

Motion was made by Alderman Cody, seconded by Alderman Denyer and unanimously carried to authorize the City to co-host the Southern Rail Commission meeting at the Community Center on Friday, March 4, 2016 and waive the rental fee.

DEPARTMENT REPORTS

Mayor:

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to table the issue concerning the request to remove the cedar tree on Jackson Avenue until clarification is made determining if the cedar tree is located on the City right of way or private property. Alderman Impey stated the process needs to be reviewed for placing the Tree Committee report on the agenda for approval by the Board of Aldermen.

Community Development & Planning:

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to authorize to move forward with the removal of the live oaks and to begin the emergency, CIAP-funded repairs to the drainage system to be completed by Graham Construction under their current contract. The City will coordinate with HOSA for the appropriate placement of new oak trees (Exhibit 9-a).

Building Department

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize removal of a damaged water oak tree in the right of way near 711 Forrest Hill due to limb breakage; a damaged water oak tree in the right of way near 301 Holcomb that is in the ditch line and blocking drainage and trimming a damaged water oak in the Right of way at the north end of Ray Street (Exhibit 9-b).

DEPARTMENT REPORTS – Addendum

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to authorize to apply for a tidelands grant for the Fort Bayou – Cumberland channel dredge project for the construction (Exhibit A-1b).

Motion was made by Alderman Denyer, seconded by Alderman Impey and unanimously carried to authorize employment of Wade Morgan as Planner I, effective April, 2016, \$21.63 hourly, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit A-1c).

ALDERMEN'S FORUM

Motion was made by Alderman Impey, seconded by Alderman Cody to adopt **Ordinance No. 2016-02 An Ordinance Regulating and Restricting Parking in the City of Ocean Springs on Portions of Government Street** (Exhibit 10-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>Absent</u>
Alderman Impey	<u>Voting Aye</u>

Motion was made by Alderman Cox, seconded by Alderman Cody and unanimously carried to request Gulf Regional Planning Commission (GRPC) to conduct a parking study on downtown Government Street.

Alderman McDonnell asked the City Attorney for an update on the property the City was asked to abandon on Robinson. The City is awaiting a response from CSX Railroad to determine their intentions in order to move forward. The City Attorney explained the City's procedure would be that the person asking for the property would do the leg work and bring it before the Board for approval. Alderman McDonnell asked to relay this information on to Mr. Burns.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to request Gulf Regional Planning Commission (GRPC) to conduct a traffic study on Robinson/Cash Alley and Robinson/State for stop signs to slow down the traffic.

Alderman Cody asked the Building Official to look at a tree on Bechtel.

Alderman Cox asked the Building Official to look at the low lying limbs on Pine Villas Road.

Alderman Cox asked for an updated BP project list to review.

Alderman McDonnell asked for an update on the harbor improvements project. The Planning/Grants Administrator advised they are waiting for the County to complete their work with an estimated date of the first of February. The Contractor will be return once the County is done with their work.

Alderman Denyer asked the Mayor's office to send a letter to the Department of Wildlife, Fisheries thanking them for their services to the City and offering condolences on the loss of Mr. Noel Hughes.

Alderman Cox congratulated the Building Official, Hilliard Fountain, for being selected to serve as the King of the Krewe of Barry.

Alderman Impey recognized Building Official, Hilliard Fountain, and H.R. Director, Mindy McDowell, for their completion of the ADA training and are now certified ADA Coordinators.

EXECUTIVE SESSION

Motion was made by Alderman Cody, seconded by Alderman Impey 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 McDonnell, seconded by Alderman Gill and unanimously carried to remain in executive session to discuss personnel in the Facilities Department and Police Department.

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

Motion was made by Alderman Gill, seconded by Alderman McDonnell and unanimously carried to authorize employment of Steve Gibson as a part-time labor employee for up to 90 days at \$11.00 hourly.

Motion was made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to adjourn the meeting.

Meeting ended at 9:37 p.m.

Shelly Ferguson, City Clerk

Connie Moran, Mayor

Date

Date

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
January 19, 2016 - 6:00 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PROCLAMATION**
 - a) John McKay Day – January 19, 2016 (Exhibit 3-a)
- 4. PRESENTATION**
 - a) Coast Broadband Initiative – Gerald Blessey and Cliff Kirkland (Exhibit 4-a)
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
 - a) Discussion to amend the taxi ordinance to allow services such as Uber to do business within the City of Ocean Springs
- 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) Authorize to co-sponsor and waive the rental fee for a mobile session at the Ocean Springs Community Center during the Mississippi Chapter of the American Planning Association 2016 annual conference to be held in September, 2016, (Exhibit 8-a)
 - b) Accept Economic Development Council Meeting Minutes of December 21, 2015 (Exhibit 8-b)**City Clerk:**
 - c) Approve Minutes: Regular Meeting January 5, 2016 (Exhibit 8-c)
 - d) Approve Minutes: Special Call Meeting January 7, 2016 (Exhibit 8-d)
 - e) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 8-e)
 - f) Accept Action Report (Exhibit 8-f)
 - g) Accept Revenue and Expenditure Report for December, 2015 (Exhibit 8-g)
 - h) Authorize to begin the process to fill the Water Billing Supervisor at a salary range of \$14.00-\$16.00 hourly (Exhibit 8-h)
 - i) Accept resignation of Jennie Heines, IT Administrator, effective January 22, 2016 (Exhibit 8-i)
 - j) Approve the Run/Walk Permit Application for the Valentine Day 8K and ½ Mile Health Run/Walk sponsored by the Gulf Coast Running Club for Saturday, February 13, 2016 from 9:00 a.m. – 10:30 a.m., beginning and ending at Fort Maurepas Park (Exhibit 8-j)
 - k) Authorize the Mayor to execute the Management Agreement between the City of Ocean Springs and the Friends of Mary C. O'Keefe Cultural Center for Arts and Education (Exhibit 8-k)

Police Department:

- l) Authorize transfer of Adam Wilson from Dispatcher to Animal Control Officer, effective January 25, 2016, \$13.72 hourly, six-month probationary period and authorize to begin the process to fill the vacant dispatcher position (Exhibit 8-l)

Fire Department:

- m) Accept Monthly Fire Department Report for December 9, 2015 – January 11, 2016 (Exhibit 8-m)
- n) Authorize removal of Firefighter Roy Parkinson from probationary status to full time status, effective January 22, 2016 (Exhibit 8-n)

Risk Manager/HR:

- o) Authorize travel for H.R. Director, Mindy McDowell and Building Official, Hilliard Fountain to attend the National ADA Symposium to be held in Denver, Colorado on June 19-22, 2016, in accordance with the ADA requirements (Exhibit 8-o)
- p) Authorize to add the Taconi buildings and contents to the City's insurance coverage in the amount of \$7,640.50 annually (Exhibit 8-p)

City Engineer:**Public Works Department:**

- q) Authorize removal of Devin Baily from probationary status to full time status, effective January 8, 2016 (Exhibit 8-q)

Community Development & Planning:**Planning Commission:**

- r) Accept Planning Commission's recommendation to approve the Revised Final Plat for Southbreeze Phase II (Exhibit 8-r)

Historic Preservation Commission:

- s) Accept Historic Preservation Commission's recommendation to issue a COA to construct an addition to an existing storage building at 610 Catchot Place (Exhibit 8-s)

Building Department:

- t) Accept Tree Committee Report (Exhibit 8-t)
- u) Authorize demolition permit for a structure located at 1014 Iberville Drive (Exhibit 8-u)

Parks & Leisure Services:

- v) Authorize removal of Jason Calcote from probationary status to full time status, effective January 20, 2016 (Exhibit 8-v)
- w) Authorize removal of Briana Liddell from probationary status to full time status, effective January 18, 2016 (Exhibit 8-w)
- x) Approve Facility Use Agreement with the Mississippi Gulf Coast YMCA for use of the Freedom Field (Exhibit 8-x)
- y) Approve Facility Use Agreement with the Ocean Springs School District for use of the Halstead Tennis Courts and authorize to waive the fees (Exhibit 8-y)

City Attorney:**Facilities:****Peer Review Committee:****H.R. Committee:**

- z) Accept Human Resources Committee meeting minutes for December 9, 2015; December 15, 2015 and January 4, 2016 (Exhibit 8-z)

Finance Committee:**9. DEPARTMENT REPORTS****Mayor:****City Clerk:****Police Department:****Fire Department:****Risk Manager/HR:****City Engineer:****Public Works Department:**

Community Development & Planning:

- a) Discussion on redistributing of funds and authorize to remove live oaks to allow for emergency repairs (Exhibit 9-a)

Building Department:

- b) Discussion on roadway height clearance and right of way tree removal (Exhibit 9-b)

Parks & Leisure Services:

City Attorney:

Facilities:

Peer Review Committee:

H.R. Committee:

Finance Committee:

10. ALDERMEN'S FORUM

- a) Ordinance Regulating and Restricting Parking in the City of Ocean Springs on Portions of Government Street from the intersection with Pine Drive to its intersection with Clark Avenue – Alderman Cody (Exhibit 10-a)

11. EXECUTIVE SESSION

ADJOURN UNTIL 6:00 P.M. on February 2, 2016

ADDENDUM TO AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
January 19, 2016 - 6:00 p.m.

1. DEPARTMENT REPORTS

Building Department:

- a) Lover's Lane Right of Way Clearance Adjacent to Calhoun property - (Exhibit A-1a)

Community Development & Planning:

- b) Authorize employment of Wade Morgan as Planner I, effective April, 2016, \$21.63 hourly, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit A-1b)

Public Works:

- c) Discussion concerning Fort Bayou – Cumberland Channel Dredging project (Exhibit A-1c)