

## **REGULAR MEETING OF APRIL 5, 2016**

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 5, 2016. The Mayor 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.

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

The Mayor introduced and welcomed the City's new Planner I, Wade Morgan.

### **NEW BUSINESS**

The Planning/Grants Administrator presented a short term residential application previously submitted by Cindy Britton for 215-A Halstead Road, subject to annual renewal. The Planning Commission voted unanimously to recommended approval of the application with all members in attendance except Michael Pleasant. She further explained other than the petition and letter of appeal from Ms. Jane Beaugez that was received on the day before the public hearing, no other input was received during the public hearing.

Ms. Jane Beaugez stated she was able to obtain fourteen (14) signatures on a petition presented to her neighbors objecting to the short term rental proposed on Halstead Avenue and more would have if she was able to walk the whole neighborhood. She said the property does look better now than when it was a rental with a long term lease. She objected due to the fact that they will not know who they [renters] are and strongly opposed to what might happen. She asked the Board to vote against allowing this short term rental in her neighborhood.

Alderman Gill and Alderman McDonnell both stated they did not vote for approval of the ordinance regulating short term rentals in residential zoning. Alderman McDonnell stated he agrees with Ms. Beaugez on this issue and that residents do not want change in the neighborhood and will support any resident who objects. Alderman Impey stated he has no issue with these types of rentals in his neighborhood and long term rentals are not taken care of but short term rental property owners have a vested interest in keeping up the property.

Ms. Cindy Britton, the property owner of 215-A Halstead Road, stated she is very sympathetic to her neighbors and this duplex was purchased as her home and that she

lives there along with her belongings. She too does not want derelicts in her house. She explained she is requesting the permit because she spends time out of state visiting relatives and is able to rent it as a short term rental while away. The tenant living in the other unit is her local property manager.

The Planning/Grants Administrator explained the process was fully vetted. Related to concern for knowing who was staying in a short-term rental, the ordinance states the applicant is required to provide a copy of their registry within 10 days of a request, annual inspections are made, reports are requested from code enforcement and the Records Clerk at the Police Department to determine if any complaints have been made concerning the rental property. With long term rentals, there is no vetting process.

Alderman Cody asked if long term rentals were vetted the same as short term rentals. The City Attorney advised there is not a vetting process for long term rentals and a registry is not provided.

Alderman Denyer asked and the Planning/Grants Administrator advised that the petition filed by Ms. Beaugez was presented to the Planning Commission even though Ms. Beaugez was unable to attend the meeting due to a family illness, she was represented and her petition was read into the minutes. Ms. Britton was in attendance.

Alderman Denyer stated he feels this matter should go back to the Planning Commission to allow Ms. Beaugez and Ms. Britton to do more research to determine how many residences received letters. The Planning/Grants Administrator stated that 60 certified letters were sent within the 500' buffer and 14 signatures, one outside the buffer but she has not been able to verify the signatures.

Alderman McDonnell stated this was the first appeal of short term rentals after the Board adopted the ordinance. He will support the neighbors if they had valid concerns and strong feelings with short term rentals in their neighborhood.

The City Attorney explained the Board can either uphold the Planning Commission recommendation, deny Planning Commission and uphold the appeal along with stating the reasons why the permit should not be granted, or remand it to the Planning Commission stating there is an unresolved fact and would like them to figure it out and send back to Board once it has been clarified along with their recommendation. Obtaining signatures for approval or objection to the permit is not required in the Ordinance. Ms. Britton was fully compliant, passed the physical inspection, had no documented police reports or code enforcement reports within the past twelve (12) months as stated in the Code.

Motion was made by Alderman Cody and seconded by Alderman Cox carried to remand back to Planning Commission for further study to determine a way to allow the Appellant to provide information to surrounding neighbors such as a letter or petition to

explain situation, refine a description of the appeal process, and comparison of 10 day rental and 30 day rental and how this is vetted. Motion was carried with Alderman Cox, Cody, Denyer and Dalgo voting aye and Alderman Gill, McDonnell and Impey voting nay.

There was discussion concerning the request to rezone portions of the former Taconi School property to commercial because the current residential zoning does not allow the use of commercial storage space or an after school care. The City recently acquired the Taconi campus from the Ocean Springs School District excluding the parcel containing a portion of the playground and agreed to honor the leases that were already in place including a Head Start program, YMCA after school and summer program, and commercial storage space for the Mary C. O'Keefe Cultural Center. The Head Start is considered a school and is therefore eligible in a residential zone but none of the other uses are eligible; prompting a request to consider rezoning from R-2: Single Family Residential to C-2 Community Commercial District.

The Planning/Grants Administrator reported the after school daycare, retail, gift shop, or classes at the Mary C. create the need to look at zoning. She further explained they are reviewing different options to allow these types of activities but are being very careful with modifications to zoning. The request is to review and research different zoning options to address the City's liability issues, which is a concern.

Alderman McDonnell stated he was made aware of the request to rezone in order to obtain an alcohol permit that would allow the Mary C. to sell alcohol during their events. This would allow the programs, fundraising, and theatre rentals to provide better service to their customers on different types of events. He understands their need and does not oppose them obtaining a liquor license, but is concerned about the fashion we are going about it. He suggested a public zoning option dealing with parks, city halls, civic center, senior citizen center and Mary C. O'Keefe, without risking the factor of commercial intrusion into neighborhoods.

Alderman McDonnell asked to table the issue and for staff to report back with review of what other cities are doing and research better zoning options.

The Planning/Grants Administrator stated that the City would submit an application for a zoning change with the Planning Commission just as privately owned properties, which will be fully vetted during review.

The Mayor explained the City does not have authority to issue alcohol permits for the Mary C.; it is regulated by the State Alcoholic Beverage Control (ABC). The ABC requires the parcel be zoned commercial and that public zoning won't help the Mary C. achieve goal of getting an alcohol permit.

The Planning/Grants Administrator reported if the zoning is changed to C-2, undesirable or "nuisance" activities are governed by site plan review. With the current surrounding use, lounges, tattoo shop, funeral home or gas station that may be intrusive to residential properties would not be allowed.

The discussion covered exploring a commercial type zoning that covers public owned property. This could allow the liquor permit, all the schools and retail shops and anything else deemed appropriate for publicly owned property without risking intrusive activities.

Alderman Denyer stated the City does not want to hinder anything the YMCA is doing and make any changes. He further stated that exploring the options needs some discussion, but does not want to jeopardize the residential properties surrounding this building or create a commercial district and downgrade value and add to traffic. He asked to be patient and allow the City time to discuss it. Alderman Cox also stated he understands the needs of the Mary C. and the City is working tirelessly to determine a plan. He is active at the YMCA and does not want them disrupted and asks for time to vet this matter. Alderman Gill said the City is committed in helping the Mary C. and questioned if possible to rezone to C-2 with an addendum stating if it is ever sold by the City can the zoning revert back to R-2. The City Attorney stated you can do conditional zoning depending on what the conditions are, status on reverter clause means still have to meet the change in the character of the neighborhood test to revert back. He will look into this.

Factors to consider are the needs of MCOOK and YMCA, protection of the desired uses impacting the neighborhood, as well as the time line and considering if one option is equally effective and expeditious.

Alderman Impey wants to see the Taconi buildings used correctly as city has funneled funds into the property. He wants to do what it takes for the Mary C. to be self-sufficient and sustainable and also to keep the tenants operating at Taconi and become a revenue producer. Alderman Dalgo agreed with the Board to do what it takes to keep the activities at the Mary C. and allow the license, the sooner the better. It was suggested to create a commercial public use only that would not need a reverter clause if it created commercial zone that addressed publicly owned property. The question is if this public commercial designation would satisfy the ABC. The City Attorney advised the ABC is limited in the language in State law to either commercial or either residential.

Dr. Pat Joachim stated in addition to obtaining an alcohol permit, modification of the zoning will enable the Mary C. to move forward and bring events to the City, helping with the economic impact to the City and serving people of all ages. The programs can't generate enough revenue as it is now. Ms. Monique Greathouse also spoke very

passionately about the Mary C., how it allows her to teach at the Mary C., and that she wishes to continue teaching there.

Once the concept is clarified with concurrence from the Board, zoning changes can be proposed by submitting an application to the Planning Commission and follow standard protocol through the Planning Commission with a Public Hearing. Proposed changes will be advertised for public hearing. The concept will also be sent to the ABC attorney for opinion, as well as the City Attorney and Attorney General.

Motion was made by Alderman McDonnell, seconded by Alderman Denyer and unanimously carried to allow the Planning Department and Planning Commission to explore other options to include rezoning to C-2 and obtain input from other communities as to how they deal with their public properties and report back within 30 days.

### **Public Comments**

None.

### **CONSENT AGENDA**

Motion was made by Alderman Gill, seconded by Alderman Impey and unanimously carried to approve the Consent Agenda.

There was discussion concerning the process of the Short term Rentals and whether to re-evaluate the process.

### **DEPARTMENT REPORTS**

#### **Building Department:**

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to appoint John F. Howell to the Tree Protection Committee and Qualisha "Alexandria" Belton as an alternate to the Tree Protection Committee, terms expiring June 30, 2021.

### **ALDERMEN'S FORUM**

Alderman Impey announced the Emile Ladnier American Legion Post 42 will dedicate Pershing Square Veterans Memorial on Saturday, April 9<sup>th</sup> at 10:00 a.m. at the Mary C. O'Keefe Cultural Center.

Alderman Dalgo has a item for executive session concerning potential litigation of a contract.

Alderman Cox stated due to the heavy rains, the ditches are overflowing but Public Works is working diligently to clean them.

Alderman Cox reported the armory project has been moving forward with the help of the Seabee volunteers. He asked the Board to consider adding an HVAC system to the building for up to \$5,000.00. He stated he would be using his Ward funds for the costs of the system and asked if any other Board members would like to participate in the funding through their Ward funds. The City Clerk will provide a breakdown of Capital Improvement accounts.

The Seabees will also be volunteering at the Chamber and the Mary C. O'Keefe Cultural Center.

The Mayor announced the Board accepted the resignation of Josh Dudte, City Landscaper. There will be a change in job description that will reflect this position to report to the Public Works Administrator, Candice Hooks. Mike Hale is awaiting the results on his arborist exam. The H.R. Committee will discuss hiring Josh Dudte as a design consultant for the City.

Alderman Cody thanked Public Works for their work on the ditches and pot holes in his ward.

Alderman Cody thanked Donnie McClain for allowing the City to use his lift truck to paint the flag pole at the Mary C.

Alderman Cody requested having a discussion concerning the paving list a little earlier this year. He also recommended paving the parking area at Public Works.

Alderman McDonnell is concerned with the potential closing of the Jackson County CWC (work center) program where the MS Department of Corrections inmates are housed and provide free labor to the City. The loss of this free labor for Public Works and the Parks Department will be detrimental to the City and probably would not be able to replace from a payroll standpoint. He said the City will need to keep this in mind when discussing the various projects and events because these departments will be grossly short-handed without this labor. The Public Works Director stated he will know more as to when the CWC will close after a meeting to be held either tonight or tomorrow. Alderman McDonnell asked Public Works and Parks Department to provide a financial breakdown showing the negative impact this loss of labor will have on these City departments.

Alderman McDonnell asked how many meters have been corrected. The City Clerk advised 500 meters have been replaced and 500 remaining to be replaced. She is expecting a shipment of ten (10) cases in the about four (4) weeks.

Alderman Gill asked for an update on the survey for additional parking at the Sports Complex. The City Engineer stated it will be complete by the end of the week.

Alderman Gill stated the exterior of the library needs to be painted. The Public Works Director stated he believes the materials have already been purchased, including paint, brushes and rollers, for the building. He will report back to Alderman Gill.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize Ashlee Miller, Building Clerk, out of state travel to Baton Rouge, Louisiana, for testing.

## **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 Cody, seconded by Alderman McDonnell and unanimously carried to remain in executive session to discuss personnel in the Facilities Department and potential litigation regarding an existing contract.

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 McDonnell and unanimously carried to place Facilities Department under City Clerk with the Deputy Clerk as the Supervisor with an increase in salary of \$.50 per hour.

Motion was made by Alderman McDonnell, seconded by Alderman Dalgo and unanimously carried to recess the meeting until April 19, 2016 at 6:00 p.m.

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**  
**April 5, 2016 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. NEW BUSINESS**

- a) Discussion concerning appeal of short term rental permit at 215A Halstead Road - Jane Beaugez (Exhibit 3-a)
- b) Discussion concerning request to rezone portions of the former Taconi School property from R-2: Single-Family Residential to C-2: Community Commercial District (Exhibit 3-b)

**4. OLD 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 waive rental fees for use of the Community Center to advertise the City resources at a reception held honoring Sandra H. Robinson, National Garden Club President, on Tuesday, April 12, 2016, during the 2016 Garden Clubs of Mississippi Convention (Exhibit 6-a)
- b) Authorize to partner with Ocean Springs Health and Rehabilitation Center for The Seasonal Social for Senior Citizens and allow the use of Fort Maurepas Park for a Thursday in September, 2016, to socialize and be engaged in entertainment and lunch (Exhibit 6-b)
- c) Accept Economic Development Council Meeting Minutes from March 14, 2016 (Exhibit 6-c)

**City Clerk:**

- d) Approve Minutes – March 15, 2016 Recess Meeting (Exhibit 6-d)
- e) Approve payment: Docket of Claims and spread Summary upon the Minutes (Exhibit 6-e)
- f) Accept Action Report (Exhibit 6-f)
- g) Approve Special Event Permits for the Weekend of Discovery Events on Saturday, April 30, 2016, from 8:00 a.m. – 6:00 p.m.: 5K Race of Discovery and One (1) Mile Kids Fun Run; Children's 1699 Pet Parade and 1699 Landing Reenactment (Exhibit 6-g)
- h) Approve Run/Walk Permit Application for the annual Bridge Walk and Canned Food Drive sponsored by the MS Gulf Coast Chamber of Commerce/Coast Young Professionals on Saturday, August 27, 2016, from 6:00 a.m. – 12:00 Noon at no costs to the City (Bridge Only) (Exhibit 6-h)
- i) Authorize transfer of Heather Darby to IT Administrator, effective immediately, \$16.83 hourly, six-month probationary period and authorize to begin the process of filing the Deputy Court Clerk position (Exhibit 6-i)

**Police Department:**

**Fire Department:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works:**

- j) Authorize employment of Chester Taylor, Street Department Laborer, \$12.00 hourly, effective April 6, 2016, six-month probationary period and pending successful completion of all pre-employment requirements (Exhibit 6-j)
- k) Authorize naming Mechanic, Kevin Ewing as Interim Head Mechanic, \$19.00 hourly, effective immediately and authorize to begin the process to fill the Head Mechanic position (Exhibit 6-k)
- l) Accept resignation of Josh Dudte, City Landscaper, effective April 4, 2016 and authorize to begin the process to fill the vacant position (Exhibit 6-l)
- m) Authorize to award the annual contracts for the round reinforced concrete pipe to Foley Concrete Products and the arch reinforced concrete pipe Design Precast (Exhibit 6-m)
- n) Authorize the Mayor to submit an application for a Pat Harrison Waterway District (PHWD) grant to help finance the Dewey Avenue and Holcomb Boulevard Ditch Improvements project; send a request to the Jackson County Board of Supervisors asking for their support along with them to send a letter to PHWD indicating their support of this project (Exhibit 6-n)

**Community Development & Planning:**

- o) Authorize to submit Application for MDOT Youth Corps Program Funds and sign appropriate documents when funds are awarded (Exhibit 6-o)
- p) Authorize the Mayor to execute Memorandum of Understanding with MDOT related to STP Project – Downtown Sidewalk Project to improve the accessibility and safety for all pedestrians in the downtown area through sidewalk improvements to increase ADA compliance (Exhibit 6-s)
- q) Authorize the Mayor to execute the Memorandum of Agreement with Ship Tracks as part of the application process for the MDA Development Infrastructure Program – Grant Application for Waterways Network Operations Center (Exhibit 6-t)
- r) Authorize correction of approved amounts related to the authorization to award the Government Street Improvements Project to D. O'Brian Construction, LLC pending MDOT authorization, MDOT STP Funded and authorize the Mayor to execute all project required contracts and official documents (Exhibit 6-u)
- s) Authorized the Mayor to execute the License to Encroach related to the east side of the Right of Way used for Fort Avenue that ends at Fort Bayou (Exhibit 6-v)

**Planning Commission:**

- t) Accept Planning Commission's recommendation to approve the Short Term Rental Permit for Tammy Creel Alvarez – 517 Rayburn Avenue (Exhibit 6-p)
- u) Accept Planning Commission's recommendation to approve the Short Term Rental Permit for Tina Sullivan – 605 Kotzum Avenue (Exhibit 6-q)
- v) Accept Planning Commission's recommendation to approve the Short Term Rental Permit for Dian Willhoite – 102 Gun Street (Exhibit 6-r)

**Building Department:**

- w) Accept Tree Protection Committee Minutes of March 22, 2016 (Exhibit 6-w)
- x) Accept Code Enforcement Report (Exhibit 6-x)

**Parks & Leisure Services:**

- y) Approve the Facility Use Agreement for the Ocean Springs Girls Softball League to utilize the Ocean Springs Sports Complex from March 7, 2016 – June 10, 2016 (Exhibit 6-y)

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

**7. DEPARTMENT REPORTS**

**Mayor:**  
**City Clerk:**  
**Police:**  
**Fire:**  
**Human Resources/Risk:**  
**City Engineer:**  
**Public Works:**  
**Community Development & Planning:**  
**Building Department:**  
a) Selection of Tree Committee member  
**Parks & Leisure Services:**  
**City Attorney:**  
**Facilities**  
**Peer Review Committee:**  
**H.R. Committee:**  
**Finance Committee:**

**8. ALDERMEN'S FORUM**

**9. EXECUTIVE SESSION**

**RECESS until 6:00 p.m. on April 19, 2016**