

## **RECESS MEETING OF APRIL 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 April 19, 2016. Mayor Moran presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer and Impey were present. Also present was Deputy City Clerk Karen Kennedy and City Attorney John Edwards. Alderman Dalgo was absent.

The Mayor called the meeting to order.

The Mayor read a poem and led the Pledge of Allegiance.

### **OLD BUSINESS**

The Grants/Planning Administrator explained the appeal process concerning the short-term rentals (STR) in residential areas. She stated the denial and revocation portion of the ordinance does state specific items to either deny or revoke a permit. In connection with this short term rental permit application of 215A Halstead Road, those were all satisfied as part of the review and no new information was provided related to one of those items. As part of the appeal process, the permit would be brought to the Board of Aldermen to either uphold or overturn the Planning Commission's recommendation. She stated the Planning Commission has reviewed and done their due diligence concerning this particular permit application according to the Ordinance. The Mayor stated there will be no other presentation concerning 215A Halstead Drive.

Motion was made by Alderman McDonnell and seconded by Alderman Gill to deny the short term rental permit application for 215A Halstead Road based on the neighbors raising multiple objections and presented a petition with multiple signatures objecting to this permit. The Mayor called for discussion concerning this matter.

Based on existing land records from the County and combining duplicates from the same address, the Planning/Grants Administrator determined of the sixty (60) letters sent out by certified mail, a total of fourteen (14) properties objected to the short term rental at 215A Halstead Road. The original petition with fourteen (14) signatures and eight (8) addresses was received and part of the evidence the Planning Commission considered at their public hearing. It was stated that one of the objections was concerning a parking issue being the amount of cars parked on the subject property in the front yard. These issues were not presented at the Public Hearing. The Board of Alderman discussed reviewing the ordinance now and not wait until July as originally stated when the ordinance was adopted.

The City Attorney stated the City provided adequate notice for the public hearing; it was advertised, certified letters were mailed out and signage was put in the yard advising of the date for the public hearing, the time for neighbors to state any and all objections to this permit.

The Planning/Grants Administrator further stated that parking was not addressed because no one had objected to it and nor were any reports filed by the police department or code enforcement at 215A Halstead Road for the past 12 months.

Ms. Cindy Britton, property owner, 215A Halstead Road, she passed her permit process; all residents received letters but did not show up for the public hearing. She also stated the petition presented was based on hypotheticals and what ifs with no valid complaints. She advised after the last board meeting, she sent letters to the neighbors stating her intentions for the property.

Ms. Jane Beaugez stated 25 people signed the petition amounting to 41.6% not wanting the short term rental on Halstead Road. She stated there are vehicles there with out of state tags and they do not know who these people are.

Ms. Britton stated she has done her due diligence concerning her short term rental permit.

The Board asked that the ordinance be reviewed now. It was also pointed out that more short term rental permits will be coming before the Board with similar issues.

Alderman Impey pointed out that petitions presented by Ms. Beaugez represents on 23.3% of the residents objecting to the short term rental permit which would not meet the standard.

Alderman McDonnell withdrew his previous motion and Alderman Gill withdrew his second.

He stated this ordinance completely disregards the concerns and objections of the neighbors and needs to be reviewed. Motion was made by Alderman McDonnell and seconded by Alderman Denyer to table this permit along with all other pending Short Term Rental permits until such time there is an appeal process that gives the neighbors the ability to say state their objections. Motion carried with Aldermen Cox, Gill, McDonnell, Cody and Denyer voting aye and Alderman Impey voting nay. Alderman Dalgo was absent. (Exhibit 3-a).

The Board requested the Mayor to schedule a work session for more discussion on the short-term rental ordinance.

The Mayor announced the next item (4-b) as discussion concerning proposed verbiage for public properties – Section 413: Commercial Public Cultural. The Grants/Planning Administrator reported the verbiage was based on similar type cities, compilation made to fit the City of Ocean Springs, will add definitions explaining what a municipality is. It was approved by the attorney for the Alcohol Beverage Control (ABC) that this label of zoning would suit their needs and therefore, the Mary C. would be eligible to apply for an alcohol permit. This zoning keeps property under public domain and limits certain activities from a commercial standpoint. She further explained if the property comes out of public domain, the zoning reverts back to the original zoning as R-2.

Motion was made by Alderman McDonnell, seconded by Alderman Denyer and unanimously carried to concur and/or input verbiage and authorize to work within the City ordinance to move forward with creation of Ordinance for Public Hearing (Exhibit 4-b).

## **NEW BUSINESS**

Motion was made by Alderman McDonnell, seconded by Alderman Denyer and unanimously carried to adjust the irrigation bill at 207 Washington Avenue to a three (3) month average and determine it was unreasonably increased due to unforeseen circumstances and he received no benefit of the water (Exhibit 4-a).

The Mayor stated item (4-b) was discussion concerning allowing Heather Eason to approach local businesses to sponsor a parade barricade with their logo/business name to be donated to the City. Ms. Heather Eason explained she is proposing a "Buy a Barricade" project to help with the City's need for barricades. The barricades will be purchased by local businesses, individuals for "in memory of" or "donated by", "in honor of" reflected by the same type of signage the City currently has. The barricades will then be donated to the City to be used as the City determines and stored at Public Works. Ms. Eason explained she will replace any signs that become damaged or missing.

Motion was made by Alderman McDonnell, seconded by Alderman Cox and unanimously carried to participate in the "Buy a Barricade" program pending City Attorney review and approval of the Contract between Ms. Eason and the sponsor to assure the City is under no obligation and the barricades are a true donation to the City and using them as they see fit.

## **PUBLIC COMMENTS**

Mr. John Tate stated he lives across the duplex at 215A Halstead Road. He stated he is afraid the property will become unsightly as it was in the past and there are no procedures to stop these short term rentals.

Mr. John Howell, 403 Maginnis, asked where were the people when the property at 215A Halstead was in a bad state of repair, flea infested and does not believe this is commercial activity because the property owner is maintaining and improving it.

Ms. Jane Beaugez explained one her neighbors signed the petition at the recommendation of her daughter who has lived in Key West, an area with many short term rental properties and said they are not in the best interest of Ocean Springs.

## **CONSENT AGENDA**

Motion was made by Alderman Cox, seconded by Alderman Impey and unanimously carried to approve the Consent Agenda with the exception of item (6-l) which was pulled by Alderman McDonnell.

Alderman McDonnell pulled item (6-l) at the request of the Planning/Grants Administrator to amend the Change Order to add 30 additional days along with the \$4,500.00 .

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize the Mayor to execute Change Order #2 in the amount of \$4,500.00 plus 30 days for Talley Construction, Inc. for the Harbor Storm Water Management and Wetlands Restoration for a total contract amount of \$484,098.96, funds are within the grant budget (Exhibit 6-l).

## **DEPARTMENT REPORTS**

### **Public Works Department:**

Motion was made by Alderman McDonnell and seconded by Alderman Cox to adopt **Ordinance No. 2016-03 AN ORDINANCE REGULATING AND RESTRICTING PARKING IN SUCH A MANNER THAT PREVENTS ACCESS TO PUBLIC WORKS WATER EQUIPMENT OR RELATED STRUCTURES** (Exhibit 7-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>

**Fire Department:**

The Fire Chief announced the City remains at a fire insurance grading of a strong 5 by the Mississippi State Rating Bureau.

**ALDERMEN'S FORUM**

Alderman Impey thanked the American Legion Post 42 for ceremony at Pershing Square at the Mary C. O'Keefe Cultural Center.

Alderman Denyer asked that the Mayor schedule a public meeting with Senator Watson, Senator Wiggins, Rep. Guice, Rep. Zuber and Rep. Busby to discuss their plans for the prison inmate work program and HB1523.

Alderman Cox stated there is a safety concern with the brick sidewalk at the Vietnam Memorial Park located at the Civic Center. He explained there is an area approximately 6'-8' with no bricks causing a 3/4" lip making it a hazardous area and trip concern. Also in another area the bricks are broken causing a sinkhole and the sidewalk around the monument needs to be pressure washed. Alderman McDonnell asked the Mayor to apply for a grant through the Heritage Trust Fund as this is the only Vietnam Veterans Memorial located in the State. The Deputy Fire Chief stated he will pressure wash the sidewalk areas.

Alderman Cox stated the windows on the front and north side of Senior Citizens Center are in need of caulking and painting. He asked if the contractor who did the work on the south side windows can provide a quote. The Planning/Grants Administrator said she will have to provide the Department of Archives and History with a scope of work for this project.

Motion was made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to authorize the City Attorney to draft an amendment the taxi ordinance to exclude the transportation network companies.

Alderman Cody thanked the Building Official for pressure washing the Mary C. O'Keefe sidewalks and making it look nice for the dedication. He also thanked the Fire Chief and Deputy Fire Chief for their help in this ceremony.

Alderman Cody stated there is a crack in one of the windows of the Mary C. O'Keefe causing water to seep into the wall and asked Public Works to get it fixed before the next rain event.

Alderman Cody asked for an update on the quotes for cleaning the A/C vents at City Hall. The Building Official stated he was waiting on clarification concerning the 3<sup>rd</sup> quote.

Alderman Cody asked for an update on the big pipe project on Government Street. The Public Works Director stated the rain has caused some issues but he thinks they are half way complete depending on the weather.

Alderman Cody asked the City Engineer to determine where to put in a cross walk for the YMCA at Forest Hills Drive.

Alderman Cody asked if long term rentals could have the same process for approval as short term rentals. The City Attorney advised long term rentals are residential in nature and understood there is intent to make these homes as their residence but short term renters have no intent to stay and it's for tourism.

Alderman McDonnell clarified the short term rental permit applications that are pending are grandfathered in and still able to operate.

Motion was made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to authorize up to \$168.00 from Ward 2 Capital Improvement Account for plant material for an emergency project on Government Street.

Alderman McDonnell asked the Parks Department to help with the weeds growing in the sodded area on Front Beach.

Alderman McDonnell announced Ms. Betty Trammel had recently passed away and recognized her as very vocal and very active in local municipal politics. He said there would never be another Betty Trammel in the City of Ocean Springs.

The Mayor clarified if operating a short term rental as of July, 2015 or have a application on the waiting list, they may continue to operate.

Alderman Gill reported the City is waiting on the legal description for an easement to complete the application for the tidelands permit concerning the dredging project at Fort Bayou. The City Engineer explained when the City applies for the permit a spoil site will be provided and if it approved for beneficial use, it will provide the Contractor with an option for him to choose. If that site is not approved, the spoils will go to a Class 1 landfill. The City Engineer stated the cost estimate he provided of \$80,000-

\$100,000 includes the dredging work and also moving the spoils. His estimates were based on recent dredging work very similar to this project.

Alderman Gill asked for an update concerning the tree on Wellington. The Building Official reported the neighbor to the north of Mr. Maniscalco submitted an application to remove a cypress tree that was causing damage to his house and pool. When the Tree Protection Committee went for the site visit, it was determined the root had already been cut and the repairs were done indicating no visible damage. Therefore, the Tree Protection Committee denied the application to remove the cypress tree. Mr. Maniscalco stated he has concerns about the same tree falling and causing damage. The Building Official stated the tree is located on a drainage easement and has asked public works to run the camera through the drainage pipe to determine if the cypress tree has penetrated the drain line. If the tree is causing damage to the pipe, the City will remove the tree.

The Mayor stated the Economic Development Council asked for clarification on the conflict between our special events permit and the City ordinance that requires the City to end City sponsored events at 10:00 p.m. Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to work with the City Attorney to reconcile the conflict between the special events permit and the City ordinance concerning the time to end events. Alderman McDonnell cautioned that the downtown areas borders mostly residential and not change the ordinance for one or two events per year.

## **EXECUTIVE SESSION**

Motion was made by Alderman Cox, seconded by Alderman Gill and unanimously carried to go into closed session to determine the necessity of going into executive session.

The Deputy City Clerk returned to the meeting and announced a motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to remain in executive session to discuss economic development along Highway 90 and potential litigation regarding a City contract.

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

Motion was made by Alderman McDonnell, seconded by Alderman Impey and unanimously carried to authorize the City Attorney to draft and send a letter to the attorney for Gibson Maintenance.

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to approve the Resolution of the City of Ocean Springs, Mississippi to Temporarily Allow Consumption of Beer and Sale of Food and Beer on Public Property for the 1699 Weekend of Discovery, on April 30, 2016.

Motion was made by Alderman McDonnell, seconded by Alderman Cody to adjourn the meeting.

The meeting ended at 9:04 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**  
**RECESS MEETING**  
**April 19, 2016 - 6:00 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. OLD BUSINESS**
  - a) Update on appeals process for Short Term Rentals – 215A Halstead Road (Exhibit 3-a)
  - b) Discussion concerning proposed verbiage for public properties – Section 413: Commercial-Public and Civic Facilities (Exhibit 3-b)
- 4. NEW BUSINESS**
  - a) Discussion concerning request for relief from excessive water bill which occurred due to broken irrigation water line at 207 Washington Avenue – Mr. John Weldon (Exhibit 4-a)
  - b) Discussion concerning authorization allowing Heather Eason to approach local businesses to sponsor a parade barricade with their logo/business name to be donated to the City – Alderman Gill
- 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) Accept donation in the amount of \$368.04 from the Sons of American Legion SQ 42 for continued maintenance near Pershing Square at the Mary C. O'Keefe Cultural Arts Center (Exhibit 6-a)**City Clerk:**
  - b) Approve Minutes – April 5, 2016 Regular Meeting (Exhibit 6-b)
  - c) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-c)
  - d) Accept Action Report (Exhibit 6-d)
  - e) Accept Revenue and Expenditure Report through March, 2016 (Exhibit 6-e)
  - f) Approve Run/Walk Permit Application for a 2 Mile Open Water Swim/10K Run sponsored by Osprey-YMCA on Saturday, May 7, 2016 from 6:00 a.m. - Noon at Front Beach pathway and bridge, pending cost to be determined for traffic control (Exhibit 6-f)
  - g) Approve Special Event Permit Application for a 5K Fun Run/Walk sponsored by the MS Municipal Service Company on Wednesday, June 29, 2016 from 5:30 a.m. - 8:30 a.m. – Front Beach/Bridge route, no costs to the City (Exhibit 6-g)
  - h) Approve Run/Walk Permit Application for a 5K Charity Run sponsored by Congressman Steven Palazzo to fund a Desert Storm Veteran Monument on Saturday, September 24, 2016, from 8:00 a.m. – 10:30 a.m., OS/Biloxi bridge only, at no cost to the City (Exhibit 6-h)
  - i) Ratify per diem check in the amount of \$80.00 for Ryan Knobf to attend the Rope Rescue Tech 1 class in Jackson, MS (Exhibit 6-i)

**Police Department:**

**Fire Department:**

- j) Accept Monthly Fire Department Report for March 10, 2016 – April 12, 2016 (Exhibit 6-j)
- k) Authorize request to extend probationary period for Firefighter Joshua Conway by ninety (90) days to allow time to successfully complete requirement of passing the National Registry for First Responder Certification exam (Exhibit 6-k)

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works Department:**

**Community Development & Planning:**

- l) Authorize the Mayor to execute Change Order #2 in the amount of \$4,500.00 for J.E. Talley Construction, Inc. for the Harbor Storm Water Management and Wetlands Restoration for a total contract amount of \$484,098.96, funds are within grant budget (Exhibit 6-l)

**Planning Commission:**

- m) Accept Planning Commission recommendation to approve lot split at 309 Shearwater Drive – Anne Jordan (Exhibit 6-m)

**Historic Preservation Commission:**

- n) Accept Historic Preservation Commission's recommendation to issue a COA to build a detached deck structure with a privacy screen for a new exterior hot tub at 1117 Iberville Drive (Exhibit 6-n)
- o) Accept Historic Preservation Commission's recommendation to issue a COA to construct a new single-family dwelling at 405 Jackson Avenue (Exhibit 6-o)
- p) Accept Historic Preservation Commission's recommendation to issue a COA for an extension of the fence and an addition of a carport including a covered walk to the dwelling at 311 Lovers Lane (Exhibit 6-p)
- q) Accept Historic Preservation Commission's recommendation to issue a COA to construct a storage shed at 508 Martin Avenue (Exhibit 6-q)

**Building Department:**

- r) Accept Tree Committee recommendations for tree removal/maintenance (Exhibit 6-r)
- s) Authorize building permit to construct a new pier and boat enclosure at 1108 Hanley Road (Exhibit 6-s)
- t) Accept Code Enforcement Report (Exhibit 6-t)

**Parks & Leisure Services Department:**

**City Attorney:**

**Facilities:**

**Peer Review Committee:**

**H.R. Committee:**

**Finance Committee:**

**7. DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

**Police Department:**

**Fire Department:**

**Human Resources/Risk:**

**City Engineer:**

**Public Works Department:**

- a) Discussion concerning the adoption of an Ordinance Regulating and Restricting Parking in Such a Manner that Prevents Access to Public Works Water Equipment or related structures (Exhibit 7-a)

**Community Development & Planning:**  
**Building Department:**  
**Parks & Leisure Services Department:**  
**City Attorney:**  
**Facilities:**  
**Peer Review Committee:**  
**H.R. Committee:**  
**Finance Committee:**

**8. ALDERMEN'S FORUM**

**9. EXECUTIVE SESSION**

**ADJOURN until 6:00 p.m. on May 3, 2016**