

## **REGULAR MEETING OF AUGUST 2, 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 August 2, 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 and Kevin Melchi.

The Mayor called the meeting to order.

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

### **PUBLIC HEARING**

Motion was made by Alderman Cody, seconded by Alderman Cox and unanimously carried to open the Public Hearing for lot cleaning at 308 Sheppard Drive.

#### **Proponents for the Lot Cleaning**

The Building Official reported his department has had several issues with this property over the last few years. The owner lives out of town which creates an issue with maintaining of property. Numerous notices were sent and they have gone by several times and have found people living in the house with no water and no power. The structure has been condemned and the people living in the house have been asked to remove themselves. He stated he heard from the property owner today. The property owner lives in Colorado. He notified the property owner that he would be moving forward with the process. The property owner stated he was planning to make arrangements, within the next week, to have the property cleaned and maintained while he is out of town. The building official is asking permission to move forward and receive quotes to have the property cut, trimmed, and cleaned. There are excess vines all over everything, the grass is considerably high and there is a lot of debris in the yard. He stated it is a blight on the community.

Alderman Denyer stated he heard from the property owner, Lonnie Root, today who stated he has a contract with a landscaping service that is supposed to be keeping it cut but has not honored their contract. Mr. Root has contacted another company who is supposed to cut it on Friday. Other than keeping the yard cut Alderman Denyer asked the Building Official what else needed to be done. The Building Official stated that when he went to condemn it there was a gentleman living inside. He spoke to the owner about it. The owner was not aware someone was living there until the Building Official notified him of that. The owner has sent a letter to the Building Official and to the Police Chief giving them permission to enter the property, secure it, and remove any trespassers. Alderman Denyer stated the property owner was not aware of these issues. The property

owner told Alderman Denyer they would be taken care of Friday. Alderman Denyer asks the city gives him through Friday to take corrective action.

There were no opponents present at the lot cleaning.

Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to close the Public Hearing for lot cleaning at 308 Sheppard Drive.

Motion was made by Alderman Denyer, seconded by Alderman Gill and unanimously carried to accept the recommendation of the Building Official concerning the property at 308 Sheppard Drive to obtain quotes with no action to be taken within 2 weeks to allow the property owner time to have the property cleaned and move forward at that time (Exhibit 7-a).

## **NEW BUSINESS**

Mary Agnes Mestayer, the President of the Mayor's Youth Council, gave a presentation introducing the 2016-2017 Mayor's Youth Council. The council consists of 32 students from Ocean Springs High School and St. Patrick Catholic High School.

## **PROCLAMATIONS**

The Mayor read a proclamation declaring August 2, 2016 as **Asgard Motorcycle Club Day** in the City of Ocean Springs.

## **PUBLIC COMMENTS**

Chris Kwitzky, owner of Kwitzky's Dugout and Buzzy's Breakfast Joint, asks the Board to consider not allowing other businesses, who do not sell alcohol on a daily basis, sell beer on the footprint of their property during festivals as they have done in the past.

Alderman Denyer clarifies what Mr. Kwitzky is trying to communicate. If the business is presently serving alcohol or food, 365 days a year, they may continue to sell these items on the footprint of their property during festivals. Alderman Denyer asked Mr. Kwitzky what that would mean for Buzzy's Breakfast Joint since they do not currently sell alcohol. Mr. Kwitzky stated he would hate to miss any of the revenue but is willing to not sell alcohol from this property as long as it is equal with everyone in town.

Alderman Cody discussed what was talked about in the "To Go Cup Meeting" held on Monday, August 1, 2016. It was unanimous with all the business owners who attended the meeting when asked if they were in agreement with not letting businesses sell alcohol from their footprint if they are not currently doing so. He stated he was not sure if we are receiving any of the 2% money from these businesses who are doing this. State law gives them the right to obtain a temporary beer license but local

government can limit their ability to do this by creating a permit fee for the right to do this. Alderman Cody intends to ask the attorney to look into drafting an ordinance to deal with this issue. The Mayor stated an issue with this is the Building Official, Police Chief, and the Mayor gets a copy of restaurants and bars who apply for a permanent license to sell alcohol but are not notified of who is applying for a temporary license. We will have to depend on the Code Enforcement Officers to make sure this doesn't happen. The Mayor also stated we would inform ABC if we get an ordinance stating this is against our local policy.

Alderman Gill asked what happens if it is the opposite, if you sell alcohol but not food on your footprint 365 days a year, are you able to sell food? Mr. Kwitzky stated that even if you do not sell food at your bar you are still allowed to sell food because a beer license is the same license as a food license.

Mr. Kwitzky also wants to address that if a person is part owner of a bar but they also operate a different business they should not be able to sell beer in front of their business that does not sell alcohol on a daily basis.

The Mayor offered an Addendum to the Agenda to add the Kayak Launch Project to Department Reports under Planning. The Mayor is also requesting to add a report from the Human Resource Director that coincides with agenda items under Human Resources on the consent agenda. The Mayor also requests to add an appeal submitted by the Tree Protection Committee and a report from an arborist submitted today regarding the (4) four trees that were under consideration for removal at the County Inner Harbor Park on Pine and Kensington to go with item 6-s.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to add these items to the Agenda.

## **CONSENT AGENDA**

Motion was made by Alderman Gill, seconded by Alderman Impey and unanimously carried to approve the Consent Agenda and Addendum with the exception of item (6-e) pulled by Alderman Impey, items (6-j) and (6-s) which was pulled by Alderman Cody.

Alderman Impey pulled item (6-e) The Biloxi Sharkfest Swim event scheduled for October 15, 2016 has been postponed until next year. Motion was made by Alderman Gill, seconded by Alderman Cox and unanimously carried to remove this item from the Agenda.

Alderman Cody pulled item (6-j) to request to change the name of new hire in the fire department from Tony Barnett to George Wilkins as a Firefighter, \$10.42 hourly, effective August 18, 2016. Motion was made by Alderman Cox, seconded by Alderman Cody and

unanimously carried to adjust item (6-j) to add this memorandum to the agenda in place of item (6-j).

Alderman Cody pulled item (6-s) for an update by the Building Official. Alderman Cody and Troy Ross contacted him to look at several trees that were of concern in Inner Harbor Park. He looked at the trees the county has requested to be removed. The trees are within the boundaries of the Shoreline Restoration. Several of the trees are noticeably dead and diseased and several are questionable. The Tree Protection Committee was asked to do a site visit where they made their motion to go ahead and remove all (4) four of the trees. Yesterday a citizen emailed the mayor's office regarding their concern for removing all of the trees, therefore, an arborist was contacted to evaluate the trees and give a report. The county has also requested to amend their application to remove only (2) two of the trees. The amended application was presented to the Tree Protection Committee this morning. They made another site visit of the same location with the amended application where they came up with a different plan than what was initially listed. Melanie Allen, Chairperson for the Tree Protection Committee, gave a report as a follow up to the appeal. The appeal was upheld by the Tree Protection Committee requesting all (4) trees be removed with the agreement the county place (4) four mature trees elsewhere in suitable conditions in that park to replace these four trees. The report from Fulgham's requires extensive follow up maintenance, aeration, and fertilization for an extended period of time. If the funds are available then they are all for saving the trees.

The Building Official stated we have (3) three established live oak trees available to plant right now. These are the (3) three trees that we are wanting to relocate from the Pleasant-Fallo's parking lot.

Alderman Gill requests to have the trees that are being removed be reduced to mulch and placed behind the Civic Center to be used throughout the city.

Motion made by Alderman Cox, and seconded by Alderman Cody and unanimously carried to accept the Tree Protection Committee's recommendation with our recommendation that if they can save the fourth tree to do so but it is at their discretion if they see they cannot then proceed with removing the (4) four trees. Even if they leave the one tree at the shoreline the city would still request they plant new trees.

The Planning & Grants Director requested to note that the Application for a License to Encroach City Drainage Easement, item (6-o), was to include address 202 Bluff Cove in the Stillwater Bluff Subdivision. The address is listed on the application but was omitted from the memorandum.

## **DEPARTMENT REPORTS**

### **Building Department:**

Motion made by Alderman McDonnell, and seconded by Alderman Denyer and unanimously carried to authorize to spend \$1700.00 to fix the (14) fourteen lights to make the beach safe for people to walk as requested by the Building Official. Alderman McDonnell requested the Building Official to come back to the Board with options plus the cost of the equipment rental to replace all of the lights on Front Beach.

### **Community Development & Planning: - Addendum**

Motion made by Alderman Denyer, and seconded by Alderman Impey and unanimously carried to approve the information as presented to authorize the Mayor to award the Bid, sign the contract, and issue the Notice to Proceed with the Kayak Launch.

## **ALDERMEN'S FORUM**

Alderman Dalgo asked the Planning Director for an update on the Government Street Project. The Planning Director stated we do have a Notice to Proceed. Work will not start until mid-October to work around the school schedule and to allow them to order the materials needed for the project. The Planning Director will be in touch with them weekly and will be scheduling a coordination meeting in the next couple of weeks. She will also meet with the school to get a better idea of their schedule.

Alderman Denyer gave a Finance Committee update. The committee is in the process of trimming down the requests made by the department heads. The committee will meet again on Monday.

Alderman Denyer gave an update on the Exit Interview Committee. Nothing specific to report but they are seeing trends and concerns that they will be discussing with the department heads. The committee will get with the Board once they have more information.

Alderman Denyer discussed issues with Waste Pro. He received (8) eight phone calls this week with complaints about garbage pickup. The garbage on his street did not get picked up and the recycling did not get picked up all week. Certain parts of Hunter Drive was also neglected. He wants to make the Board aware of the problem.

Alderman Denyer is requesting the Building Official to have the power company go out to Stark Bayou. It has decorative lighting and the light poles are fiberglass and in bad shape and deteriorating. He would like prices to have them sanded and painted. Alderman Gill stated he has the same issue in Fort Bayou Estates Subdivision.

Alderman Denyer stated the microphone system in the Board Room needs to be fixed so the audience can hear what is being said. The City Clerk stated there is money in the current budget for a new or updated speaker system. Alderman Denyer requested the city clerk to check with other cities to see what they are using for a sound system.

Alderman Cox stated there is a street sign at the entrance of Park Road that was hit and needs to be fixed. He requested Public Works to go out and pull it out or bend it to straighten it back up.

The Mayor thanks the department heads for meeting with her to go over last year's goals and objectives, doing evaluations, and setting new goals for next year. Everyone has done an excellent job of obtaining their goals. She appreciates their hard work. She has gone over the budgets with Shelly and there are cuts that are being talked about and those will be presented to the Finance Committee.

Alderman Cody discussed the quotes he received for grass cutting in his ward and wants to ask Aldermen Denyer and McDonnell to share the cost with him on the streets that he splits with these wards. Aldermen McDonnell and Denyer requested the quotes be emailed to them before making a decision.

Alderman Cody requests the City Attorney to draft an ordinance that pertains to special events and the selling of food and drink during this time. He also requested that the attorney review the state law to see if there is a way for the city to govern the sale of food and beverages during these events that are sponsored by the Ocean Spring Chamber of Commerce, Cruisin' the Coast and any other participatory event we have with the city.

Alderman Cody requests the Mayor to send a letter to the vendors or stores explaining in detail that they are responsible for picking up their own trash and not the responsibility of the city.

Alderman Cody is requesting an ordinance to reduce the speed limit at Harbor Drive to 20 mph and also on Government Street between Martin Luther King and Pine to 20 mph for the traffic at the YMCA. He requested public works to look and see about putting a flashing light in this area and what the cost might be.

Alderman McDonnell discussed funding for the sidewalk project on Porter Avenue. County Supervisor Troy Ross has stated the county would need a Resolution from the Board before he can move money to help fund this project.

Alderman Gill requested the Planning Director to ask the company who builds the launch to find out if it can be removed and stored in the event of a storm or hurricane.

Alderman Gill asked the Parks and Leisure Director about funding to replace the planks and decking on the Fort Bayou pier.

Alderman Impey asked if the Mayor had received a response on the Harrison County inmates. She stated she has not made the inquiry.

Alderman Impey asked the Mayor for the results of the Regional Planning Commission Rail meeting that was held earlier in the day.

## **EXECUTIVE SESSION**

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

**Alderman Dalgo left the meeting**

**Mayor Moran left the meeting**

**Alderman McDonnell did not attend Executive Session**

**Alderman Impey assumes the meeting as Mayor Pro Tem**

The City Clerk returned to the meeting and announced a motion was made by Alderman Denyer, seconded by Alderman Gill and unanimously carried to remain in executive session to discuss (2) two potential litigations regarding city contractual services and personnel in the Mayor's office.

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to join in a lawsuit with Gautier against JCUA contingent on Pascagoula joining.

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

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to recess until 6:00 p.m. on August 16, 2016.

Meeting ended at 8:47 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**  
**August 2, 2016 - 6:00 p.m.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. NEW BUSINESS**

- a) Update on the MS Gulf Coast Blues Commission Inc. "Silver Anniversary" to be held at the Jackson County Fairgrounds – Phyllis Owens (Exhibit 3-a)
- b) Introduction of the Mayor's Youth Council

**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:**

**City Clerk:**

- a) Approve Minutes: Recess Meeting July 19, 2016 (Exhibit 6-a)
- b) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-b)
- c) Accept Action Report (Exhibit 6-c)
- d) Authorize transfer of Janice Hilton to Deputy City Clerk, effective August 3, 2016, \$17.50 hourly, six (6) month probationary period and authorize to begin the process of filling the vacant Purchasing Agent position (Exhibit 6-d)
- e) Approve Special Event Permit for a Biloxi Sharkfest Swim Event on Saturday, October 15, 2016 at 6:30 a.m. to 12:00 p.m. – amateur swim race starting at the Ocean Springs Yacht Club and ends at Point Cadet Beach in Biloxi, no costs incurred by any city department (Exhibit 6-e)

**Police Dept.:**

- f) Authorize employment of Windy Wheat as a Patrolman, \$13.00 hourly, effective on or about August 3, 2016, twelve (12) month probationary period and pending successful completion of all pre-employment requirements (Exhibit 6-f)
- g) Authorize removal of Animal Control Officer Adam Wilson from six month probationary period to full-time status, effective July 25, 2016 (Exhibit 6-g)
- h) Authorize removal of Corrections Officer Christian Gage Nelson from one-year probationary period to full-time status, effective July 27, 2016 (Exhibit 6-h)
- i) Authorize employment of Mellanie Hammond as a Patrolman, \$13.00 hourly, effective on or about August 3, 2016, twelve (12) month probationary period and pending successful completion of all pre-employment requirements (Exhibit 6-i)

**Fire Dept.:**

- j) Authorize employment of Tony Barnett as a Firefighter, \$10.42 hourly, effective August 3, 2016, twelve (12) month probationary period and pending successful completion of all pre-employment requirements (Exhibit 6-j)
- k) Authorize employment of Michael Dominguez as a Firefighter, \$10.42 hourly, effective August 18, 2016, twelve (12) month probationary period and pending successful completion of all pre-employment requirements (Exhibit 6-k)

**Human Resources/Risk:****City Engineer:****Public Works:**

- l) Authorize transfer of Thomas Wallace to Mechanic, effective August 3, 2016, at the current pay rate of \$18.91 hourly, (6) six month probationary period and authorize to begin the process of filling the vacant Maintenance Department Assistant Supervisor position (Exhibit 6-l)
- m) Authorize transfer of Stephen Farnsworth to Drainage Department Lead Man, effective August 3, 2016 with an increase of pay from \$15.25 hourly to \$17.00 hourly, (6) month probationary period and authorize to begin the process of filling the vacant Street Department Equipment Operator position (Exhibit 6-m)
- n) Authorize transfer of Chester Taylor to Drainage Department Laborer Class B, effective August 3, 2016, \$12.50 hourly, (6) six month probationary period and authorize to begin the process of filling the vacant Street Department Laborer Class C position (Exhibit 6-n)

**Community Development & Planning:**

- o) Authorize the Mayor to execute a license to Encroach City Drainage Easement, Chris & Sherrie Kennedy, located at 201 Bluff Cove in the Stillwater Bluff Subdivision (Exhibit 6-o)
- p) Approve a Pre-Construction Tax Exemption Application for 604 Porter Street, Big Yella, LLC – Joe Cloyd, total estimated cost \$191,000 with an expected completion date of December 15, 2016 (Exhibit 6-p)

**Historic Preservation Commission**

- q) Accept Historic Preservation Commission's recommendation to approve the Construction of a Gravel Parking Lot for Approximately 51 Vehicles at First Presbyterian Church of Ocean Springs: 921 Ocean Avenue (Exhibit 6-q)
- r) Accept Historic Preservation Commission's recommendation to approve Application for Certificate of Appropriateness for Exterior Building Modifications at 810 Cleveland Avenue, Mattie Codling (Exhibit 6-r)

**Building Department:**

- s) Authorize removal of (4) four live oak trees at Inner Harbor Park as requested by Jackson County as part of the shoreline restoration project (Exhibit 6-s)
- t) Accept Tree Protection Committee meeting minutes of July 19, 2016 (Exhibit 6-t)

**Parks & Leisure Services:**

- u) Authorize request to approve the Facility Use Agreement for the Ocean Springs Soccer Organization, effective August 15, 2016 through June 24, 2017(Exhibit 6-u)

**City Attorney:****Facilities:****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) Discuss update on Property Clearing status on 308 Sheppard Drive, Lonnie and Billie Root, and how to proceed (Exhibit 7-a)
- b) Discuss cost estimate for Energy Efficient Light Replacement on Front Beach and the Board Room at City Hall (Exhibit 7-b)

**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. August 16, 2016**