

REGULAR MEETING OF NOVEMBER 1, 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 November 1, 2016. The Mayor presiding, Aldermen Cox, Gill, McDonnell, Cody, and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney Kevin Melchi. Alderman Dalgo and Denyer were absent.

The Mayor called the meeting to order.

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

PROCLAMATION

The Mayor read a proclamation declaring Thursday, November 17, 2016 as the **Great American Smokeout Day** in the City of Ocean Springs. Kelly Lamb was there to receive the proclamation and announced that on Tuesday, November 15, 2016, there will be a booth set up outside of Tri Hard Sports on Porter Avenue between 4:00 p.m. and 6:00 p.m. giving out free cessation materials for anyone who would like information on how to quit smoking.

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

OLD BUSINESS and ADDENDUM

Motion by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to adopt the Resolution refunding of the \$10,710,000.00 Mississippi Development Bank Special Obligation Bonds, Series 2009 (Ocean Springs, Mississippi Public Safety and Recreational Facilities Project); and related matters. (Exhibit A-1a)

Motion made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to authorize the Mayor to sign the Scope of Engagement letter with Butler/Snow as bond counsel and the Disclosure letter with Government Consultants, Inc. as municipal advisor. (Exhibit A-1b) and (Exhibit A-1c)

NEW BUSINESS

Marion Alford, representative from MS Municipal Service Company, gave a review of the MS Municipal Service Company and the MS Municipal Liability Plan and the services they offer.

Jim Williams, Lockard & Williams, gave a presentation on Teledoc, a telemedicine program for employees. The Teledoc program offers access to a physician online or by telephone 24 hours a day 7 days a week. The Teledoc program is designed to treat acute, minor, treatable illnesses, or a minor injury that may occur with a person. This program is available for any employee who is benefit eligible and their families. There is not a copay associated with this program.

Alderman Dalgo arrived to the meeting at 6:18 p.m.

Motion made by Alderman Cody, seconded by Alderman Gill and unanimously carried to adopt the Teledoc program beginning January 2017 thru September 30, 2017 then reevaluate the Teledoc program versus a clinic for next fiscal year. This will be funded by the city's split funding plan with Lockard & Williams. (Exhibit 4-b)

PUBLIC COMMENTS

John Howell, 403 McGinnis, is a highly decorated Vietnam veteran who wanted to commend the city on a fantastic Veteran's Day Parade. Mr. Howell also thanked the city for the help with the parade.

Alderman Impey stated the American Legion deserves the credit for implementing and organizing the parade.

Mike Cuevas, Team B player on the HOSA team, thanked the Mayor, the Board of Alderman, and the employees for the city's presentation and cooperation with the Trick or Treat Down the Street Event. HOSA estimates 3,000 children participated in the event this year. Ms. Cuevas also wanted to invite the Mayor and Board of Alderman to HOSA's Annual Celebration and Fund Raiser at Gulf Hills Hotel. This year HOSA will be celebrating Ocean Spring Classics. For the first time they will be honoring (2) two hometown heroes, Donna Brown and Dr. Pat Joachim.

CONSENT AGENDA and ADDENDUM

Motion made by Alderman Gill, seconded by Alderman Impey and unanimously carried to accept the Consent Agenda including items on the Addendum with the exception of items (6-i) and (6-k) which were pulled by the Mayor.

The Mayor pulled item (6-i) for clarifications and details on renting the two small offices at the Ryan Youth Center to Young Life for a term of two (2) years. The rent paid by Young Life will be in the form of services rendered, including but not limited to maintaining a schedule of events in the Ryan Youth Center and assisting the City in the presentation of the Ryan Youth Center, and other similar services. The Deputy Clerk will be responsible for the rental of the facility and the Parks Director will be in charge of renting the Ryan Youth Center during the basketball season.

Alderman Cox stated he would have Michael Dees give a presentation.

Motion was made by Alderman McDonnell, seconded by Alderman Cox and unanimously carried to accept the Resolution to rent the office space in the Ryan Youth Center to Young Life with further discussion on the function of the building. (Exhibit 6-i)

The Mayor pulled item (6-k) to clarify the reason for the change to the bank signatory authorization on the City's Collection Account and Payroll Account at Hancock Bank with the City Clerk. The City Clerk explained that the Mayor and City Clerk are primary signatures on the accounts. The alternate signatures need to be updated at Hancock Bank in case the Mayor or City Clerk are unable to sign.

Motion was made by Alderman Impey, seconded by Alderman Cody to accept item (6-k).

DEPARTMENT REPORT

Human Resources:

Motion was made by Alderman Gill, seconded by Alderman Cody and unanimously carried to authorize the Mayor to Execute the Title 6 Assessment Report.

ALDERMAN'S FORUM

The Mayor asked the Board for some direction on filling the vacant PIO Position. The Mayor said she has (2) qualified candidates she would like the Board to interview. Alderman Dalgo asked if the HR Committee has interviewed these candidates. The Mayor stated one candidate has been interviewed at this time.

Alderman Cody asked the City Clerk if the projected ending balance is \$150,000.00. The City Clerk confirmed and also stated the state has pulled one of the court wireless tech fees which will decrease the ending balance by \$20,000.00. She explained she has some expense lines that she would like to reduce to offset that amount. Alderman Dalgo pointed out that the \$150,000.00 ending balance includes the PIO position which was budgeted. Alderman Dalgo asked the board where they stand on replacing this position. He stated if the majority of the board is not interested in replacing the position there is no need to interview any additional candidates.

Motion was made by Alderman Dalgo, seconded by Alderman Impey to hire a replacement for the vacant PIO position. Motion failed.

Alderman Cox	<u>Voted Nay</u>
Alderman Gill	<u>Voted Nay</u>
Alderman McDonnell	<u>Voted Nay</u>
Alderman Cody	<u>Voted Nay</u>
Alderman Denyer	<u>Absent</u>
Alderman Dalgo	<u>Voted Aye</u>
Alderman Impey	<u>Voted Aye</u>

EXECUTIVE SESSION

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

The 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 personnel in the Mayor's Office; update on JCUA litigation; update on Gunn/Harris beach litigation; potential litigation regarding East Beach; Resolution of potential litigation regarding metal shade structures at Highway 57 Sports Complex.

Motion was made by Alderman Dalgo, seconded by Alderman Cody and unanimously carried to come out of executive session and return to regular session.

Motion was made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to adopt the Resolution as presented by the City Attorney to the City Clerk's office; the motion is to pay Gibson Maintenance the sum of \$7,564.00 that represents the retainage from shade structure contract and also the remaining balance of the budgeted amount and also change the termination of the contract with Gibson Maintenance to one of "convenience" rather than one of "cause."

Alderman McDonnell asked the Planning and Community Development Director what the status of the Walker's Bed and Breakfast that is in operation on East Beach. The Planning Director stated he has agreed to stop operation as of October 31, 2016. Alderman McDonnell asked the City Attorney if neighbors complain that the business is back in operation what our options are to shut him down. The City Attorney explained that it would move to the Chancery Court for a preliminary injunction.

Alderman McDonnell asked the City Clerk to report back to the Board on the kinds of mechanisms the city has legal right to be able to verify tax collections on the VRBO, Bed and Breakfast and all nontraditional hotel industry. Alderman McDonnell has also requested a list of verified businesses permitted by the city that are paying state sales tax.

Motion was made by Alderman McDonnell, seconded by Alderman Dalgo and unanimously carried to recess until 6:00 p.m. on November 15, 2016.

Meeting ended at 7:27 p.m.

City Clerk

Mayor

Date

Date

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
REGULAR MEETING
November 1, 2016 - 6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. PROCLAMATION

- a) Great American Smokeout Day – November 17, 2016 – Kelly Lamb (Exhibit 3-a)

4. NEW BUSINESS

- a) Mississippi Municipal Service Company Liability Insurance Renewal – Jennifer Carter and Marion Alford.
- b) Telemedicine program with Lockard & Williams – Jim Williams (Exhibit 4-b)

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 Public Works Director, Johnny Groue, named as designated applicant agent and Mayor as alternate applicant agent for MEMA State-Local Disaster Assistance Agreement. (Exhibit 6-a)

City Clerk:

- b) Approve Minutes: Regular Meeting October 4, 2016 (Exhibit 6-b)
- c) Approve Minutes: Special Call Meeting October 10, 2016 (Exhibit 6-c)
- d) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-d)
- e) Accept Action Report (Exhibit 6-e)
- f) Approve the Run/Walk Permit Application for the South Mississippi Aids Task Force Annual Bridge for Life Run/Walk on Saturday, December 3, 2016, from 8:00 a.m. – 12 Noon at no cost to any City department (Exhibit 6-f)
- g) Authorize to amend the Water Enterprise Fund budget by \$86,000.00 from water ending balance due to water tank repair bids being over the estimated budget. (Exhibit 6-g)
- h) Authorize to approve the job classification realignment in the Parks and Leisure Department to create the job titles of Supervisor/Leadman, Mechanic, Class A Laborer, Custodian Supervisor/Leadman; the realignment is budget neutral. (Exhibit 6-h)
- i) Adopt Resolution of the City of Ocean Springs, Mississippi, to rent office space in the Ryan Youth Center to Young Life for a term of two (2) years (Exhibit 6-i)
- j) Adopt Resolution to enter into a general obligation note in the amount of \$300,000.00 with Community Bank at the interest rate of 1.78% for the purchase of 9 vehicles and 4 motorcycles for the City of Ocean Springs fleet. (Exhibit 6-j)
- k) Authorize to change bank signatory authorization on the City's Collection Account and Payroll Account with Hancock Bank to the current Mayor *Pro Tem* and Deputy City Clerk. (Exhibit 6-k)
- l) Update on revenue generated by the Fire Pit Rentals on Front Beach. (Exhibit 6-l)

Police Department:

- m) Authorize to remove Gregory Myles McClellon, Patrolman, from probationary status to full-time status effective October 26, 2016. (Exhibit 6-m)

Fire Department:

- n) Authorize out of state travel for Chief Jeff Ponson to attend the National Fire Academy in Emmitsburg, MD the week of December 10 thru December 17, 2016, as budgeted. (Exhibit 6-n)

Human Resources/Risk Management:

City Engineer:

Public Works:

- o) Authorize to award the Water Tank Repair bid to Maguire Iron, Inc. in the amount of \$185,650.00 as recommended by Compton Engineering. (Exhibit 6-o)

Community Development & Planning:

- p) Approve the Pre-Construction Tax Exemption Application for 2501 Bienville Blvd. parcel numbers 60120400.000, 60120400.050, and 60120400.100– Township at Ocean Springs, LLC – The Inlet Mixed Use Development. (Exhibit 6-p)
- q) Approve the Post-Construction Tax Exemption Application for 3158 Bienville Blvd. – DDOS, LLC – Starbucks. (Exhibit 6-q)
- r) Authorize the Mayor to execute final payment, Pay Application No. 2, in the amount of \$28,514.90 and closeout documents with Gulf Breeze Landscaping, LLC for Landscape on the Magnolia Property as approved and accepted by Compton Engineering. (Exhibit 6-r)

Building Department:

- s) Accept Tree Protection Committee Meeting Minutes from October 18, 2016 (Exhibit 6-s)
- t) Authorize tree trimming and lifting on Bellande Avenue west of the Masonic Lodge due to the existing tree damaging power service on the adjacent building. (Exhibit 6-t)

Parks & Leisure Services:

- u) Authorize request to declare the 1999 Dodge Caravan, VIN# 2B4FP2538XR338652, Parks Vehicle #53, as surplus (no value to the city) and remove from fixed assets. (Exhibit 6-u)

City Attorney:

Facilities:

Peer Review Committee:

H.R. Committee:

Finance Committee:

7. DEPARTMENT REPORTS

Mayor:

City Clerk:

Police Department:

Fire Department:

Human Resources/Risk Manager:

City Engineer:

Public Works:

Community Development & Planning:

Building Department:

Parks & Leisure Services:

City Attorney:

Facilities:

Peer Review Committee:

H.R. Committee:

Finance Committee:

8. ALDERMEN'S FORUM

9. EXECUTIVE SESSION

- a) Update on JCUA litigation
- b) Update on Gunn/Harris beach litigation
- c) Potential litigation regarding East Beach
- d) Resolution of potential litigation regarding metal shade structures at Highway 57 Sports Complex.

RECESS UNTIL 6:00 P.M. on November 15, 2016

**ADDENDUM TO AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
REGULAR MEETING
November 1, 2016 - 6:00 p.m.**

1. **OLD BUSINESS**

- a) Adopt Resolution refunding of the \$10,710,000.00 Mississippi Development Bank Special Obligation Bonds, Series 2009 (Ocean Springs, Mississippi Public Safety and Recreational Facilities Project); and related matters. (Exhibit A-1a)
- b) Authorize Mayor to sign Scope of Engagement letter with Butler / Snow as bond counsel. (Exhibit A-1b)
- c) Authorize Mayor to sign the Disclosure letter with Government Consultants, Inc. as municipal advisor. (Exhibit A-1c)

2. **CONSENT**

City Clerk:

- a) Approve Minutes: Recess Meeting October 18, 2016 (Exhibit A-2a)
- b) Approve Minutes: Special Call Meeting October 27, 2016 (Exhibit A-2b)