

## **REGULAR MEETING OF MARCH 7, 2017**

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 March 7, 2017. The Mayor presiding, Aldermen Cox, Gill, McDonnell, Cody, Denyer and Impey were present. Also present was City Clerk Shelly Ferguson and Attorney Robert Wilkinson. Alderman Dalgo was absent.

The Mayor called the meeting to order.

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

### **EXECUTIVE SESSION**

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

The City Clerk returned to the meeting and announced a motion was made by Alderman Cox, seconded by Alderman Impey and unanimously carried to remain in executive session to discuss potential litigation regarding the Bed & Breakfast issue on East Beach Drive.

### **PROCLAMATIONS**

Fire Chief Ponson read Proclamation declaring the month of March, 2017 as **American Red Cross Month** (Exhibit 4-a).

Motion made by Alderman Impey, seconded by Alderman Denyer and unanimously carried to come out of closed session and return to regular session.

### **PUBLIC HEARING**

Motion made by Alderman Cody, seconded by Alderman McDonnell and unanimously carried to go into Public Hearing to discuss an appeal for 435 East Beach Drive Use Permit.

The hearing is in regard to a Bed & Breakfast Permit request to operate a Bed & Breakfast by Scott and Trinity Walker.

The Mayor invited those in favor of denying the permit the opportunity to speak to the Board.

Mr. Joe Cloyd, 433 East Beach Drive, stated he and neighbors have submitted dozens of complaints stating they do not want a commercial business in a R1 zone and is asking the Board to deny the permit.

Mr. Jim Reeves, 429 East Beach Drive, represents a number of people on East Beach who want the use permit denied. Mr. Reeves stated Mr. Walker has not complied with anything the Board or Planning Commission has ordered. Mr. Reeves wants the codes and ordinances enforced. He is asking the Board to affirm that position.

Mr. Robert Sima, 439 East Beach Drive, wanted to convey on behalf of his mother-in-law, Betty Noble, who was unable to attend the meeting tonight, has a sense of insecurity due to not knowing who is coming and going. Ms. Noble is 87 years old and has lived in this location for 53 years. Mr. Sima and his mother-in-law are requesting to deny the use permit.

Mr. Douglas Roll, 105 Holcomb Blvd., does not want a Bed & Breakfast in the neighborhood and is asking the Board to enforce the ordinance.

The Mayor invited anyone in favor of allowing the permit the opportunity to speak.

Mr. William Reed Guice, III, Rushing & Guice Law Firm, is here on behalf of Scott & Trinity Walker. This is an appeal of an adverse ruling of the Planning Commission with respect to a use permit for a Bed & Breakfast located at 435 East Beach Drive. Mr. Guice is also asking the Board to enforce the permit ordinance and follow what has been done in the past and follow up on what has been completed this date. Mr. Guice stated the Board is being asked to consider a maximum of four (4) rooms to be rented at one time, a limitation of eight (8) guest and four (4) cars. The application date is April 5, 2016, the first inspection passed. On October 14, 2016, that the criteria had changed and the Walker were required to get illuminated exit signs and required to get an automated sprinkler system. Mr. Guice stated that somewhere within the 6 months a new set of rules were applied. The Walkers have agreed to the sprinkler system. On January 27, 2017, the City sent a letter advising the application for a Bed & Breakfast permit would be on February 14, 2017 and they attended that hearing. The second inspection was passed except for the sprinkler system which will be installed at a later date. Mr. Guice stated there will be no negative effect on this property or any property nearby. Mr. Guice asked the Board to do the right thing, give the Walker's a chance and grant them a use permit for a Bed & Breakfast.

Motion made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to come out of Public Hearing.

Motion made by Alderman McDonnell, seconded by Alderman Impey to uphold the Planning Commission's recommendation to deny the use permit for a Bed & Breakfast at

435 East Beach Drive. Alderman Gill, Cody, and Cox voted aye, Alderman Denyer voted nay. Motion passed.

Alderman Denyer spoke against the motion to deny the Bed & Breakfast use permit. Alderman Denyer said both sides have stated they would sue the city. He stated he cannot support the motion.

Alderman Impey said the Board needs to take personalities and emotions out of the decision. The Planning Commission holds hearings and takes input from the Building and Planning Department's while the Board only hears a few minutes of an appeal. For these reasons he cannot support going against the Planning Commission's recommendation.

Alderman McDonnell, seconded by Alderman Gill and unanimously carried to make all the documents, emails, inspections, and all other paperwork pertaining to this matter be spread upon the minutes where it becomes public record. (Exhibit 3-a)

## **ADDENDUM**

Motion made by Alderman Gill, seconded by Alderman Denyer and unanimously carried to add the Addendum to the Agenda.

## **OLD BUSINESS**

Mr. Noel Aucoin, State Deputy with the Mississippi Knights of Columbus, presented a check to the city to purchase a special needs swing. (Exhibit 5-a)

## **NEW BUSINESS**

Janie O'Keefe, Director of Disability Connections, and Laurie Alley, Playground Specialist with Playscapes of Mississippi, gave a power point presentation on six (6) pieces of playground equipment for special needs children and adults, all to be placed at Little Children's Park. Ms. Alley stated the estimated cost for the equipment is \$100,000.00. Disability Connections will be raising funds to purchase the equipment.

Motion made by Alderman McDonnell, seconded by Alderman Gill and unanimously carried to approve Disability Connections to seek funding and donations to purchase playground equipment for special needs children and adults to be placed at Little Children's Park. (Exhibit 6-a)

## **OLD BUSINESS - ADDENDUM**

Trevor Davis, Mayor's Youth Council Special Project Coordinator, gave a power point presentation on the GeoCache Tourism Program. The Mayor's Youth Council are working with the city on an application to have the areas in downtown, along Porter Avenue, Government Street, East Beach and Front Beach as designated MDOT Scenic Byway and have come up with some cultural and historical points of interest. The Mayor's Youth Council is seeking support for the program in the hopes of increasing tourism in the City of Ocean Springs.

Motion made by Alderman Denyer, seconded by Alderman Cody and unanimously carried to direct the Mayor to contact the Chamber of Commerce and any other organization for funding and come back to the Board to present funding and planning for the GeoCache Tourism Program. (Exhibit A-1a)

## **PUBLIC COMMENTS**

None.

## **CONSENT AGENDA AND ADDENDUM**

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

Alderman Cox asked where the funding for Item (j) came from. The City Clerk stated funding would be from the general fund due to other budget items that will be transferred to the 2% Food & Beverage fund.

Motion was made by Alderman Cox, seconded by Alderman Denyer and unanimously carried to approve Item (j). (Exhibit 8-j)

## **ALDERMEN'S FORUM**

Alderman Impey stated the City Clerk has asked to remove Fire Pit #54 due to safety concerns caused by erosion. Alderman Cox asked to speak with the county about a possible plan to repair before completely removing the fire pit. The City Clerk requested orange fencing be placed around the fire pit until something is permanently done.

Alderman Impey asked for an update on the Lakeview drainage. The Interim Public Works Director stated Mr. Wrigley has completed the warranty items. There are some

areas where the ditches are eroding that Mr. Wrigley will need to fix. He will have his crew go back through to see if any additional items need to be done.

Alderman Impey mentioned he has talked to the Counsel at the Knights of Columbus about the tree issue at 616 Clark Avenue. They are willing to assist the homeowner by building a ramp.

Alderman Denyer discussed the issues with the Government Street Sidewalk Project. He was under the impression the plan included a rail from west of Pine Hills Road to the service drive because the edge of that sidewalk is four (4) feet straight down. He stated it is dangerous and a huge safety concern. He spoke to the contractor about the railing and was told there is not a railing in the plans. The Planning and Grants Administrator said there have been a lot of design revisions. She would like to talk to the contractor before anything is done to make sure we have MDOT approval.

Alderman Cody gave an update on the tree issue at 616 Clark Avenue. He has met with the tree committee again and they have agreed to remove the tree. Alderman Cody thanked Alderman Impey for speaking with the Knights of Columbus and requesting their help with building a ramp.

Alderman Cody stated the Tree Committee has approved to remove the Cypress tree on Audrey Circle. The Building Official said this tree was in the Tree Committee's report which was approved on the Consent agenda.

Alderman Cody stated the Tree Committee is requesting the Board to look into several items in the tree ordinance. Alderman Cody is requesting the Building Official and City Attorney to see if any of these items can be incorporated into the tree ordinance.

Alderman McDonnell talked about trimming trees along the north side of the entrance leading into Lover's Lane.

Motion made by Alderman McDonnell, seconded by Alderman Cody and unanimously carried to pay \$500.00 from Ward 2 funds to trim trees leading into Lover's Lane entrance.

Alderman McDonnell asked for an update on the Ryan family plaque to be placed at the Ryan Youth Center. The Building Official and Alderman Cox both stated they are waiting on photos and will check with the Deputy City Clerk to see if she has some pi

Alderman McDonnell asked about Glenn Miller's property being sold as hazard mitigation. He stated that since Disability Connections and Playscapes are interested in potentially putting a lot of playground equipment in Little Children's Park this is an opportune time for getting this done. The Planning and Grants Administrator mentioned creating a joint project with Disability Connections and Playscapes so we could leverage both activities

and funds. She is looking to see if there are any available funding sources stating it would benefit the City to have a definitive plan in place when applying for funding.

Alderman Gill stated the City needs to obtain an easement behind the Ocean Springs Nursing Home on Ocean Springs Road. The ditch between the nursing home and the houses on the other side of the ditch cannot drain due to pine trees blocking the water causing the back of the houses to flood.

Motion made by Alderman Gill, seconded by Alderman Cody and unanimously carried to talk to the nursing home to get permission to obtain an easement behind the Ocean Springs Nursing Home so the city can clean the drainage ditch.

## **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.

The City Clerk returned to the meeting and announced a motion was made by Alderman Cody, seconded by Alderman Impey and unanimously carried to remain in executive session to discuss personnel in the City Clerk's Office and ongoing litigation with Holland versus the City of Ocean Springs.

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

Motion was made by Alderman Cody, seconded by Alderman Dalgo and unanimously carried to accept the recommendation of the Fire Chief and to allow Employee No. 1442 to use vacation time for the time of the suspension to fulfill the Non-adjudication Order.

Motion was made by Alderman Cody, seconded by Alderman Gill and unanimously carried to recess the meeting until 6:00 p.m. on March 21, 2017.

Meeting ended at 9:06 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**  
**March 7, 2017 – 6:00 p.m.**

- 1) CALL TO ORDER**
- 2) ROLL CALL**
- 3) PUBLIC HEARING**
  - a) Appeal – 435 East Beach Drive Use Permit – Bed & Breakfast – Scott & Trinity Walker (Exhibit 3-a)
- 4) PROCLAMATION**
  - a) American Red Cross Month – March, 2017 – Michelle Wilson (Exhibit 4-a)
- 5) OLD BUSINESS**
  - a) Presentation of a check from the Mississippi Knights of Columbus for a special needs swing - Noel Aucoin and Jim Rigby (Exhibit 5-a)
- 6) NEW BUSINESS**
  - a) Presentation from Disability Connections for additional playground equipment for Little Children's Park – Janie O'Keefe (Exhibit 6-a)
- 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 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 discussions 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: Special Call Meeting February 21, 2017 (Exhibit 8-a)
  - b) \*Approve Minutes: Recess Meeting February 21, 2017 \*Minutes will be distributed on March 6, 2017 (Exhibit 8-b)
  - c) Approve payment: Docket of Claims and spread Summary upon the Minutes (Exhibit 8-c)
  - d) Accept Action Report (Exhibit 8-d)
  - e) Ratify payment to the Mary C. O'Keefe Cultural Center in the amount of \$22,800.00 received from insurance to cover the cost of repairs (Exhibit 8-e)
  - f) Approve contract with Jackson County Election Commission to conduct the election for the City of Ocean Springs, Mississippi and for the Use of County-Owned TSX Voting Machines in the Municipal Election (Exhibit 8-f)
  - g) Approve Special Event Permits for the Weekend of Discovery Events on Saturday, April 29, 2016, from 7:00 a.m. – 9:00 p.m.; 5K Race of Discovery and One (1) Mile Kids Fun Run; Children's Pet Parade, and 1699 Landing Reenactment (Exhibit 8-g)

**Police Department:**

- h) Authorize out-of-state travel for Latena Wallace, Records Clerk, to attend a one day professional seminar on May 23, 2017 in Mobile, AL as budgeted (Exhibit 8-h)
- i) Accept a correction to the surplus list of shotguns to be removed from inventory on February 21, 2017; the listed shotgun remains in inventory and not declared surplus (Exhibit 8-i)
- j) Authorize to hire Gordon Van Garrard, Patrolman, \$15.50 hourly, one-year probationary period, effective on or about March 21, 2017 pending successful completion of all pre-employment requirements (Exhibit 8-j)

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

- k) Authorize acceptance and execution of additional funding for existing grant agreement – Gulf Seafood Tourism and Promotional Fund – City Museum (Exhibit 8-k)

**Planning Commission:**

- l) Approve the Application for a Residential Short Term Rental Permit located at 1207 Bowen Avenue (PID# 61190010.000) as recommended by the Planning Commission – Walter Ben McKenzie (Exhibit 8-l)

**Building Department:**

- m) Authorize to hire Richard Hart, part-time Code Enforcement Officer; \$12.00 hourly; effective immediately pending successful completion of all pre-employment requirements. (Exhibit 8-m)

**Parks & Leisure Services:**

**City Attorney:**

**H.R. Committee:**

**Finance Committee:**

**9) DEPARTMENT REPORTS:**

**Mayor:**

**City Clerk:**

**Police Department:**

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

**Parks & Leisure Services:**

**City Attorney:**

**H.R. Committee:**

**Finance Committee:**

**10) ALDERMEN'S FORUM**

**11) EXECUTIVE SESSION**

- a) Personnel in City Clerk's Office

**RECESS until 6:00 p.m. on March 21, 2017**

**ADDENDUM TO AGENDA**  
**MAYOR AND BOARD OF ALDERMEN**  
**CITY OF OCEAN SPRINGS**  
**REGULAR MEETING**  
**March 7, 2017 – 6:00 p.m.**

1. **OLD BUSINESS**

**Mayor:**

- a) Presentation by the Mayor's Youth Council on the GeoCash tourism program – Trevor Davis

2. **CONSENT**

**Mayor:**

- a) Authorize to reappoint Police Chief Mark Dunston as a Commissioner on the Board of the Jackson County Emergency Communications District (Exhibit A-2a)

**City Clerk:**

- b) Authorize the Special Event Permit Application for the 2<sup>nd</sup> Annual Downtown Block Party on Sunday, March 19<sup>th</sup>, 2017 from 12:00 p.m. – 6:00 p.m.; pending costs incurred from the departments and receipt of general liability insurance documents naming the City as an additional insured (Exhibit A-2b)

**Fire Department:**

- c) Accept the letter of resignation from Firefighter George Wilkins effective March 20, 2017 and authorize to begin the process of filling the vacant position (Exhibit A-2c)

**Community Development & Planning:**

- d) Authorize to approve the application for License to Encroach the proposed home on Lot 77, LeMoyne Beach S/D - San Souci Avenue at East Beach Drive – Kevin and Brenda Higginbotham (Exhibit A-2d)

**Building Department:**

- e) Accept Tree Protection Committee Meeting Minutes from February 21, 2017 (Exhibit A-2e)