

REGULAR MEETING OF SEPTEMBER 5, 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 September 5, 2017. The Mayor presiding, Aldermen Cox, Gill, Authement, Bellman, Papania, Blackman, and Impey were present. Also present was City Clerk Shelly Ferguson and City Attorney Kevin Melchi.

The Mayor called the meeting to order.

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

PROCLAMATION

Alderman Gill read and presented a proclamation to Mr. Chic Cody proclaiming July 17, 2017 as **Chic Cody Day** in the City of Ocean Springs. (Exhibit 3-a)

The Police Chief reminded the audience the purpose of a meeting of the Mayor and Board of Aldermen by state statute of the state of Mississippi and the Constitution is to conduct the business of the City. He will not allow any disruption of the meeting. If there is any disruption or disorderly conduct during this meeting they will be arrested.

NEW BUSINESS

Ms. Gill and Dr. Coleman, Ocean Springs Schools Superintendent, presented the Ocean Springs School District school budget for Fiscal Year 2017-2018.

Motion was made by Alderman Gill, seconded Alderman Cox and unanimously carried to adopt the Ocean Springs School District budget for fiscal year 2017-2018 as presented. (Exhibit 4-a)

Ms. Heather Eason and Ms. Elizabeth Feder-Hosey came before the Board to propose running an all-female Mardi Gras parade immediately following the Ocean Springs Mardi Gras night parade. Ms. Eason stated there would not be a gap in the parade. Ms. Feder-Hosey stated they intend to throw purses with gift certificates and cash prizes with the hopes that people will come back to the City to spend the money and use the gift certificates which would boost the economy.

Alderman Gill commended them on their idea to add to the parade.

The Board is in agreement with Ms. Eason and Ms. Elizabeth Feder-Hosey moving forward with plans to add an all-female parade immediately following the Ocean Springs Mardi Gras night parade. (Exhibit 4-b)

Motion was made by Alderman Gill, seconded by Alderman Papania and unanimously carried to forgive the water bill at 3416 Government Street in the amount of \$177.87 due to unforeseen circumstances and the fact that they received no benefit from the water. This amount is based on a 3 month average for this property. (Exhibit 4-c)

OLD BUSINESS

Mr. Ronald Vincent, 1412 Government Street, came before the Board to discuss the (6) six year issue with the noise that comes from CrossFit Gym located at 1316 Government Street. Mr. Vincent said the permit was issued in error because the property is not zoned for this type of business.

Alderman Authement commented that he was on the Planning Commission and said this was turned over to the City Judge and he asked what became of that. Mr. Vincent said the Judge told him it is a Board decision. Mr. Vincent said the Judge was not informed and did not know all of the facts because the discovery was not available at the time.

The Grants and Planning Administrator looked into the issue and stated it should have gone to the Planning Commission for a Public Hearing because it didn't get addressed properly at the time. She said she had given the previous Mayor and Board some options to either revoke it, allow it with restrictions, or require a Public Hearing at that time but she did not receive any input back from the Mayor and Board.

Alderman Cox said that he went to Mr. Vincent's home at 6:00 a.m. one morning to hear the excessive noise for himself. Alderman Cox said CrossFit has added mats for weights, insulation, and they keep the doors closed. Alderman Cox feels CrossFit has gone out of their way to try and correct the problem.

Mr. Vincent stated CrossFit opens at 5:30 a.m. and have been known to stay open until 10:30 p.m. He said CrossFit does not have to follow any regulations.

A representative from CrossFit stated they have taken measures to sound proof the building. The business does open at 5:30 a.m. but they do not stay open until 10:30 at night.

The Mayor asked the Planning and Grants Administrator to contact both parties to set up a meeting to include both parties, the Mayor, and the Planning and Grants Administrator to see if this can be worked out. (Exhibit 5-a)

responsible to put city finances in the hands of a college student who attends school at Ole Miss in Oxford, Mississippi.

Alderman Authement said the City does not currently have the funds to move forward with this program and maybe it can be revisited when the funds can be raised.

Motion was made by Alderman Cox, seconded by Alderman Impey and unanimously carried to table Item 5-d. (Exhibit 5-d)

PUBLIC COMMENTS

Dr. Bill Moore, 257 Holcomb Blvd., read a statement about the work the Army Corps of Engineers is proposing to create a hardened drainage structure in upper Weeks Bayou and the drainage issues it may cause on top of taking away a place of great natural beauty. He is requesting the City come up with a different plan. He also said it would be his pleasure to meet with Alderman Papania in whose ward this project is located in.

Ms. Jessie Kastler, 2488 Davidson Road, resident of the Weeks Bayou watershed came before the Board to state her concerns about this project.

Ms. Julia O'Neal, Holcomb Blvd., said she discovered this permit with the Army Corps of Engineers and asked anyone who would like to make a comment on this project to call the Army Corps of Engineers prior to September 16th. Ms. O'Neal voiced her complaints about the marsh restoration project.

The Mayor asked if someone would contact his office to set up a meeting where they can all meet to discuss this project.

Mr. Tom Buttera, Holcomb Blvd., asked if there is a flooding problem will it be resolved by reconstructing the ditch and if it is restructured will it be compromised with water rushing through from those neighborhoods.

Ms. Carol Jones, resident of the Parktown East Civic Association, came before the Board to state the neighborhood is still needing help with flooding in their subdivision. They desire to have the ditches cleaned because the drains are not doing what they need to do. She also stated snakes, spiders, and wildlife are coming into their yards. The City or County are supposed to provide some type of mitigation when building on wetlands. She is asking if the Board could start having money set aside to have the ditches engineered.

Alderman Impey stated until the City can get improved drainage under Highway 90 there is noting the City can do. Alderman Impey also stated the Highway 90 expansion

project has been put on hold so we don't know when this can be done. He said Public Works has cleaned the entire ditch all the way to Davis Bayou.

The Mayor said he will meet with Public Works and he will go out to this area to look at it so we can remedy the situation.

Ms. Katie Yowell, 1219 Parktown, said the ditches are all overgrown. Ms. Yowell asked the ditches to be cleaned because she is concerned about the area flooding.

Mr. Curtis Wilson came before the Board to discuss the Chaney Project issue. Mr. Wilson stated all the permits were obtained, got the bank involved, money invested and when the roof was taken off the house a stop work order was issued. He said all of these materials are getting ruined because they were not allowed to go back to the property to secure the materials there and asked what can be done to get them back into their property.

The City Attorney advised the Board to not respond to any comments or questions regarding the Chaney property due to threat litigation and because the Building Official is not at the meeting.

Mr. Matthew Gill, owner of Gill Construction Inc., stated he is the contractor for the Chaney's. Mr. Gill said he received approved for permit to build a spec home. He said a neighbor complained that they were putting items in a flood zone. The City issued a stop work order. He is a general contractor and has \$70,000.00 of his own money tied up in this property and needs to know how this can get rectified so he can get paid.

Mr. Justin Bordies came before the Board to show support for Corey and Miranda Chaney. Mr. Bordies read a letter on behalf of one of the Chaney's neighbors, Leica Holland.

Mr. Zeb Wilson read a letter on behalf of Steven and Susan Crump in support of the Chaney's.

Ms. Lynn Wade, 1809 Seashore Avenue, stated she has been Mr. Chaney's realtor for approximately 4 years. She came to talk about the integrity and quality of construction that he has done.

Ms. Catherine Hampton, 2814 Lawnwood Drive, wanted to thank the Mayor and Board for flying the state flag over the City of Ocean Springs.

Ms. Katherine Chai, 5025 Heritage Lane, read a statement against flying the state flag. She stated flying the state flag makes Ocean Springs a racist city.

Alderman Impey stated the City is not a racist city and stating the citizens of Ocean Springs are racist is wrong. We are a city of character. Alderman Impey said the flag is the state flag which means that we live in the state of Mississippi.

Mrs. Julia Weaver, 334 Lovers Lane, asked the Mayor and Board to reconsider flying the state flag of the City of Ocean Springs. Mrs. Weaver suggested flying the bicentennial flag which speaks for the history and heritage of our state and not just the confederate period.

The Mayor commented that negative comments come from both sides of the flag issue.

Noelle Nolan, Ward 4, spoke against flying the state flag.

CONSENT AGENDA

Motion was made by Alderman Impey, seconded by Alderman Authement and unanimously carried to approve the Consent Agenda with the exception of item (7-b) which was pulled by Alderman Impey.

Alderman Impey pulled item (7-b) because the minutes from the August 15, 2017 Recess Meeting of the Mayor and Ocean Springs Board of Aldermen were not complete. The minutes will be available for approval at the next meeting.

DEPARTMENT REPORTS

H. R. Committee:

Alderman Cox discussed the revised job description for Public Works Director. He is in favor of the job description but he is not in favor of putting this position back under civil service.

Alderman Gill stated the reason they are requesting to put it back under civil service is to get more qualified applicants to apply for the position.

Motion was made by Alderman Cox to leave the Public Works Director outside of civil service protection. Motion fails for lack of a second.

Motion was made by Alderman Gill, seconded by Alderman Impey to approve Item 8-a. Aldermen Gill, Authement, Bellman, Papania, Blackman, and Impey voting aye. Alderman Cox voted nay. (Exhibit 8-a)

Motion was made by Alderman Authement, seconded by Alderman Impey to adopt an Ordinance Repealing Ordinance No. 2015-12 and to Reinstate the Coverage Afforded by

the Civil Service system to the Position of Public Works Director of the City of Ocean Springs, Mississippi. Motion passes. (Exhibit 8-b)

Alderman Gill	<u>Aye</u>
Alderman Authement	<u>Aye</u>
Alderman Bellman	<u>Aye</u>
Alderman Cox	<u>Nay</u>
Alderman Papania	<u>Aye</u>
Alderman Blackman	<u>Aye</u>
Alderman Impey	<u>Aye</u>

ALDERMEN'S FORUM

Alderman Gill asked about the speaker system for the Boardroom. He asked the City Clerk if we can move forward with the quote Alderman Blackman got for the system. The City Clerk told Alderman Gill we are waiting on a comparable quote.

Alderman Authement asked where the banner flags for the light poles are kept. He would like to get these put out with all the events that are coming up.

Alderman Bellman asked the Public Works Director about the tree stump at 285 Holcomb Blvd. The Interim Public Works Director said it is up to Public Works to grind the stump but due to working on some drainage repairs they have not been able to get back to grind it but it is on their list.

Motion was made by Alderman Cox, seconded by Alderman Gill and unanimously carried to approve payment to Shoemake's Construction in the amount of \$1300.00 in labor and materials for window repairs at the Mary C. O'Keefe Building.

Motion was made by Alderman Cox, seconded by Alderman Gill and unanimously carried to spend \$1000.00 plus materials for emergency repairs to the rafters on the roof at the Mary C. O'Keefe Building.

Motion was made by Alderman Cox, seconded by Alderman Gill and unanimously carried to approve payment to Brochard Construction in the amount of \$1500.00 from 2% funds for the Taconi repairs to move the awning and the storage building contingent on the storage building being moved.

Alderman Papania asked where we are in the discussion of the 3 acre piece of property on Davidson Road. The Mayor spoke to Mr. Champaign and he does have another buyer interested in paying the asking price of \$269,000.00 for the property.

The Planning and Grants Administrator will check on the property behind Dollar General to see if it is still available to the City and the property behind the Inlet for a dog park.

Alderman Papania asked for an update on the Fort Bayou Dredging Project. The Planning and Grants Administrator stated it is still in the permitting stage.

Alderman Papania asked the Interim Public Works Director about asphalting small areas of streets and how that is handled. The Interim Public Works Director said they have rented a roller and are trying to get asphalt once a week until they can get caught up with the long list of repairs that they currently have.

Motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to purchase a manlift for city use at a cost of \$26,500.00.

Alderman Blackman asked what the holdup is on the Government Street Sidewalk Project. The Planning and Grants Administrator said the contractor has a delay in ordering the pedestrian bridge.

Alderman Impey wanted to remind everyone about the parade on Saturday for the 125 years of Incorporation of the City of Ocean Springs.

The Mayor said he met with the EOC Director regarding a tentative Hurricane Irma prep.

The EOC Director said it is time for our citizens to start cleaning up around their houses and securing all the loose items around the house and picking up leaves out of their yards.

Motion was made by Alderman Authement, 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 boardroom and announced that Alderman Impey, seconded by Alderman Cox and unanimously carried to remain in executive session to discuss potential litigation regarding the Chaney property and personnel in Public Works.

Motion was made by Alderman Gill, seconded by Alderman Authement and unanimously carried to come out of executive session.

Motion was made by Alderman Gill, seconded by Alderman Authement and unanimously carried to recess the meeting until 6:00 p.m. on September 19, 2017.

The meeting ended at 9:02 p.m.

AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
REGULAR MEETING
September 5, 2017 – 6:00 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PROCLAMATION**
 - a) Chic Cody Day - July 17, 2017 (Exhibit 3-a)
- 4. NEW BUSINESS**
 - a) Ocean Springs School District FY17-18 Budget (Exhibit 4-a)
 - b) Discussion concerning the request to adding an all female parade immediately following the Ocean Springs Carnival Association Mardi Gras Night Parade – Heather Eason (Exhibit 4-b)
 - c) Discussion concerning request for relief from excessive water bill which occurred due to a break in a pipe in June at 3416 Government Street – Alderman Gill (Exhibit 4-c)
- 5. OLD BUSINESS**
 - a) Discuss noise created by Cross Fit Gym at 1316 Government Street – Ronald Vincent (Exhibit 5-a)
 - b) Adopt An Amendment to Chapter 14, Article I, Section 14-8 of the Code of Ordinances for the City of Ocean Springs, Mississippi Requiring Stop Signs at the intersection of General Pershing Avenue and Bowen Avenue (Exhibit 5-b)
 - c) Adopt Resolution of the City of Ocean Springs, Mississippi to make all of Government Street East of Ward Avenue a No Passing Zone (Exhibit 5-c)
 - d) Discussion on reconsidering the Geotour contract for the Geocache program
- 6. 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.
- 7. CONSENT AGENDA***
**Consent Agenda – All matters listed under Item 7, 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 the Mayor to sign the revised Memorandum of Agreement with Colonial Estates #3 Water System, Inc., to purchase water upon availability for a minimum period of sixty (60) consecutive months (Exhibit 7-a)**City Clerk:**
 - b) Approve Minutes: Recess Meeting August 15, 2017 (Exhibit 7-b)
(To be distributed prior to the meeting on Tuesday, September 5, 2017)
 - c) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 7-c)
 - d) Authorize to schedule public hearing for September 19, 2017 at 6:00 p.m. to adopt Resolution and Order adopting the Uniform Assessment Schedule for motor vehicles (Exhibit 7-d)
 - e) Approve Special Event Permit Application for the OSHS Homecoming Parade on Wednesday, September 20, 2017, from 4:45 p.m. – 7:00 p.m., using approved parade route (Exhibit 7-e)

- f) Approve Run/Walk Permit Application for the Gulf Coast Running Club Ocean Springs Bridge 8K & ½ Mile Run/Walk to be held on Saturday, September 16, 2017, from 8:00 am to 9:30 am; Front Beach Pathway and Bridge run only; no cost incurred by the city (Exhibit 7-f)
- g) Approve Run/Walk Permit Application for the Tunnel to Towers Biloxi 5K Run/Walk to be held on Saturday, September 16, 2017, from 5:30 p.m. to 7:00 p.m.; to begin near Fort Maurepas and end at Margaritaville in Biloxi; no cost incurred by the city (Exhibit 7-g)
- h) Approve Run/Walk Permit Application for the MARDET Association 5K for 9/11 Event to be held on Saturday, September 9, 2017 from 6:00 a.m. to 10:00 a.m., bridge run only; no costs incurred by the city (Exhibit 7-h)
- i) Approve request from Meghan Nuchereno to waive the rental fees for the use of the Ocean Springs Community Center on Tuesday, October 17, 2017, to host a Sophia's Wish to Walk fundraiser (Exhibit 7-i)
- j) Authorize to advertise for loan to purchase computer hardware components for the replacement of the VoIP Phone System (Exhibit 7-j)

Police Department:

- k) Authorize removal of Patrolman Mellanie Hammond from probationary status to full-time status effective immediately (Exhibit 7-k)

Fire Department:

- l) Approve and authorize the Mayor to execute the renewal of the lease agreement with Acadian Ambulance Service, Inc. in the amount of \$700.00 each month ending December 31, 2018 (Exhibit 7-l)

Human Resources/Risk Management:

City Engineer:

Public Works:

- m) Authorize removal of Justin Gibbs from probationary status to full-time status effective September 6, 2017 (Exhibit 7-m)
- n) Authorize to hire Jonathan Wise, Street Department Laborer Class C; \$12.50 hourly rate; effective September 6, 2017; one-year probationary status; pending successful completion of all pre-employment requirements (Exhibit 7-n)
- o) Authorize to advertise in-house for Sewer Pump Attendant; \$15.00 - \$16.50 hourly rate; for one on one training with Darrell Keith Baily, Jr. prior to him retiring from the City on October 20, 2017; title and rate change will not be effective until October 21, 2017 (Exhibit 7-o)

Community Development & Planning:

- p) Authorize to award the bid for the Porter Avenue Infrastructure Project – STP-0967-00(001) LPA/105963-701000 to Lane Construction Company in the amount of \$872,271.30 as recommended by Neel-Schaffer, Inc. pending MDOT concurrence (Exhibit 7-p)
- q) Ratify Agreement Execution for the Urban Forest Challenge Grant “OS Inventory, Maintenance, and Planning” through the MS Forestry Commission to receive \$4000.00 with an in-kind match of \$4,000.00 (Exhibit 7-q)

Building Department:

- r) Authorize to advertise for bids for the Dewey Avenue Substation Roof System (Exhibit 7-r)
- s) Accept Tree Protection Committee Meeting Minutes from August 22, 2017 (Exhibit 7-s)
- t) Accept Code Enforcement Report through September 1, 2017 – (Exhibit 7-t)

Parks & Leisure Services:

- u) Approve the Facility Use Agreement to allow the Ocean Springs Coast Soccer Club the use of Gaye Lemon Football Fields based on availability beginning August 21, 2017 through June 30, 2018 (Exhibit 7-u)
- v) Approve the Facility Use Agreement to allow the Ocean Springs Baseball Organization the use of Highway 57 Sportsplex, Alice Street and Pine Street based on availability beginning August 14, 2017 through July 31, 2018 (Exhibit 7-v)
- w) Approve the Facility Use Agreement to allow the Ocean Springs Adult Softball the use of Gaye Lemon Softball Fields from August 22, 2017 through November 14, 2017 (Exhibit 7-w)

City Attorney:

Facilities:

H.R. Committee:

Finance Committee:

8. 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:

Facilities:

H.R. Committee:

- a) Approve the revised job description for Public Works Director and salary range of \$60,000-\$65,000 annually; approve request to reinstate coverage afforded by the Civic Service System as recommended by the H. R. Committee; authorize to begin the process to fill the vacant position (Exhibit 8-a)
- b) Adopt an Ordinance Repealing Ordinance No. 2015-12 and to Reinstate the Coverage Afforded by the Civil Service System to the Position of Public Works Director of the City of Ocean Springs, Mississippi (Exhibit 8-b)

Finance Committee:

9. ALDERMEN'S FORUM

10. EXECUTIVE SESSION

RECESS UNTIL 6:00 P.M. on September 19, 2017