

RECESS MEETING OF NOVEMBER 21, 2017

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 November 21, 2017. Mayor Dobson 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 Ken Papania gave the invocation and the Mayor led the Pledge of Allegiance.

PROCLAMATIONS

The Mayor asked to enter the proclamation declaring **November 25, 2017 as Small Business Saturday** in the City of Ocean Springs into the minutes. (Exhibit 3-b)

The Mayor presented the proclamation declaring **November 21, 2017 as Denise Jones Day** in the City of Ocean Springs to Denise Jones. (Exhibit 3-a)

PUBLIC HEARING

Motion made by Alderman Authement, seconded by Alderman Impey and unanimously carried to enter into Public Hearing.

The Building Official updated the Board on the property located at 110 Yellowstone Circle. The Building Official said this property has had issues since 2013. The previous owner of the property is deceased and the father has taken over the property but he lives in Texas so it is hard for him to keep the yard maintained. The yard is not an overgrown yard it is a planted yard that is not maintained and has become overgrown. The Building Official is requesting permission from the Board to put the father on notice and ask the father for a letter of intent regarding his plan of action for the property within 30 days. The Building Official is also requesting permission from the Board to proceed with property cleaning and thinning of the landscaping.

The Mayor asked if there are any proponents to speak in favor of the lot cleaning.

A neighbor that lives behind 110 Yellowstone Circle spoke about the rats that are coming from this property. He said he can see them running across the top of his fence and is worried about his dog with the rats. He has also heard he is putting out rat poison and

he is also concerned about his dog getting a hold of a poisoned rat. The neighbor said the plants are overgrown and leaving the property. He can see the vines strangling the trees along the ditch line outside of their property. The neighbor said there are mosquitos, the plants are overgrown and out of control, and the pests coming from this property is a nuisance.

The Mayor asked if there are any opponents to speak against the property cleaning.

There were no opponents.

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

Motion made by Alderman Impey, seconded by Alderman Gill and unanimously carried to accept the recommendation of the Building Official and proceed with the property cleaning of 110 Yellowstone Circle. (Exhibit 4-a)

ADDENDUM

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

NEW BUSINESS and ADDENDUM

Attorney David Krause, Krause Lawdog, LLC, came before the Board to discuss possible amendments to the short-term rental of residences ordinance. Mr. Krause represents Sands at Front Beach which is a new unique private, planned community development in Ocean Springs. Mr. Krause said the reason this request is being made is because once the sign went up for this development there were (32) inquiries on the development and (16) sixteen of them are interested in renting them out as short term rentals. The requested change is to allow additional short-term rental of residences within a private, planned community, which would not be subject to the present cap of 35 short-term rentals.

The Planning and Grants Administrator stated the Planning Commission is reviewing the proposal submitted and wants to be very careful as to how it would be worded because there are other similar type properties that are private infrastructure which is a totally separate community and means they maintain the infrastructure. She said he is only requesting an exception to the cap and that all other provisions would remain which means each individual property owner would have to obtain their own permit. (Exhibit 5-a)

The Human Resource Director notified the Board that J. D. Reeves and Denise Jones have both resigned from the Civil Service Commission which leaves only (1) member of a (3) three member board so she is asking the Board to select (2) additional members. The Board has tabled this item in order to give themselves time to review the applications before making a selection. (Exhibit A-1a)

PRESENTATION

Mayor Dobson issued a statement on why he chose to fly the state flag. Mayor Dobson said he did it with the sole intent of respecting our state, celebrating our state, and joining our state because he is extremely proud to be from our state. The Mayor is wanting to get back to the business of the City which they were elected to do. The Mayor feels this decision should be made by the residents through the representation of the Board and not dictated by the Mayor.

Alderman Impey read a statement regarding flying the state flag.

Alderman Impey read the resolution of the City of Ocean Springs, Mississippi to request a vote on the state flag.

Motion made by Alderman Impey, seconded by Alderman Cox and unanimously carried to adopt the Resolution of the City of Ocean Springs, Mississippi to Request a Vote on the State Flag. (Exhibit A-2a)

Alderman Impey read the resolution of the City of Ocean Springs, Mississippi to require flying of the state flag.

Alderman Authement has heard concerns from both sides of the flag. Alderman Authement said when the Mayor asked for a show of hands in support of flying the flag he did raise his hand to show support for the Mayor flying the flag because he is the Mayor, he wasn't breaking any laws, and it is the state flag. He does not understand why since the flag didn't fly for the last (10) ten years why we feel we have to now. Alderman Authement said this is a state issue. He said it has consumed so much of the Boards time over the last couple of months. He supports Mayor Dobson taking down the state flag.

Motion made by Alderman Impey, seconded by Alderman Cox to Adopt the Resolution of the City of Ocean Springs, Mississippi to Require Flying of the State Flag. Aldermen Gill, Bellman, Cox, Papania, Blackman, and Impey voting aye. Alderman Authement voting nay. Motion passes. (Exhibit A-2b)

OLD BUSINESS

The City Attorney stated he has a couple of concerns with the wording in the contract with Buy-A-Barricade. The City Attorney wants the Board to consider a right-of-refusal clause giving the City a say so as to what signs are being placed on the barricades, he would like the Board to consider a (1) one year contract instead of a contract for the remainder of the term for the current Board, input from Public Works regarding the rotation of the signs, and a hold harmless in case we get involved in a conflict between Buy-A-Barricade, LLC and one of their clients. The Board tabled adopting a resolution of the City of Ocean Springs, Mississippi to enter contract with Buy-A-Barricade, LLC until Ms. Heather Eason comes back in town and these concerns are addressed. (Exhibit 6-a)

PUBLIC COMMENT

Robert Smith, 1123 Halstead Bayou Drive – Ward 4, resigned from the Election Commission and will talk to the other Election Commissioners and other volunteers and urge them to do the same thing.

There were (29) twenty-nine citizens who spoke against flying the state flag.

There were (3) three citizens who spoke in favor of flying the state flag and who also support calling for a vote for a new state flag.

CONSENT AGENDA

The Mayor pulled item (h) and Alderman Cox pulled item (o).

Motion made by Alderman Gill, seconded by Alderman Blackman and unanimously carried to approve the Consent Agenda with the exception of items (h) pulled by the Mayor and (o) pulled by Alderman Cox.

The Mayor asked the City Clerk to update the Board on item (8-h). The City Clerk stated item (h) is a resolution to do a bond refinancing of the 4.6 million dollar bond. The City Clerk explained the reason we did not refinance this bond when we refinanced the 10.7 million dollar bond was because there was not a cost savings but now there is. The City Clerk also stated this will need to be done before the end of the year. Ms. Elizabeth Clark, Butler Snow Law Firm, spoke about the refunding of a 2009 bond issue which according to statutory law requires at least a 2% savings. Ms. Clark said right now we are looking at a 3% cost savings. The resolution presented gives the City the option to privately place the bond or go into the market whichever is in the best interest of the City. Ms. Clark stated this will be a cost savings of approximately \$92,000.00 with the maturity remaining the same. Ms. Clark said the amount of the saving will change depending on

the market. The City Clerk added there is a new law taking effect on January 1st, 2018 that would no longer give the City the opportunity to take advantage of this. Ms. Clark said there is a potential tax reform taking away the advance refunding option which means if they are not callable within a certain amount of time you can't refinance them until they are callable. This option presented tonight is an advance refunding under federal law and in the event it is taken away in January 2018 these funds would no longer be eligible for refinancing.

Motion made by Alderman Impey, seconded by Alderman Cox and unanimously carried to accept the revised resolution regarding the refinancing of the 2009 bond issue, item (8-h)

Alderman Cox pulled item (8-o) to request an update on the Front Beach Living Shoreline project and what stage we are in from the Planning and Grants Administrator.

The Planning and Grants Administrator said they were waiting for the agreement. The Planning and Grants Administrator said until we received the agreement we did not know how much we were going to receive. She stated now we need to meet with the County again and also get in contact with the Secretary of State's office to determine any alterations.

Motion made by Alderman Cox, seconded by Alderman Impey and unanimously carried to accept item (8-o).

DEPARTMENT REPORTS

Parks & Recreation:

The Director of Parks and Recreation stated the Parks Advisory Board would like to request to allocate \$10,000.00 from the 2% funds for a portion of the Disney Grant the City received for playground equipment to be installed at Little Children's Park. The Community Development and Planning Department is allocating \$5,000.00 from their budget to go towards the City's match amount. This will give us up to \$15,000.00 to go toward the match for this project.

Motion made by Alderman Impey, seconded by Alderman Cox and unanimously carried to approve increasing the allocation to \$10,000.00 from 2% funds. (Exhibit 9-a)

ALDERMEN'S FORUM

Alderman Gill said Mr. Chic Cody is requesting \$1500.00 in funds from the City to help cover the cost for the 2017 Christmas Tree Lighting Event to be held on Thursday,

December 7, 2017 and asked that Mr. Cody explain to the Board what these costs will cover. Mr. Cody said with the City's contribution of \$1500.00 and \$1000.00 from the Chamber of Commerce will give us a total of \$2500.00 to go toward the event. Mr. Cody is hiring Sound Associates to bring a projector and screen to show some Christmas cartoons and sing-a-longs. Mr. Cody said the First Baptist Church Choir will be there to sing and Santa will be there to greet the children.

Motion made by Alderman Cox, seconded by Alderman Gill and unanimously carried to allocate \$1500.00 from miscellaneous promotions and/or 2% funds to go toward the Christmas Tree Lighting.

Alderman Gill requested the Mayor write a letter to Mr. Tom King and ask for a status on the Highway 90 and the Ocean Springs Road widening project.

Alderman Authement updated the Board about the incident with the big tree on Lovers Lane. Alderman Authement said an 18 wheeler went down Lovers Lane and swerved to miss the tree hitting the bollards busting the fuel tank and spilling diesel fuel all the way down Lovers Lane to the Indian Head Hotel.

Alderman Authement requested the Building Official move forward with looking into cutting down the tree on Lovers Lane and for him to gather information on the tree and any wrecks that have happened and bring back to the Board.

Alderman Authement asked for an update on Mississippi Crime Stoppers. The Mayor stated he was waiting on the Board to review the agreement and give any input.

Motion made by Alderman Impey, seconded by Alderman Gill and unanimously carried to increase all moving violation fines by \$2.00 each in support of Crime Stoppers.

Alderman Bellman asked if it would be possible to ask Mr. Champaign if he would be willing to accept the appraised price for the property on Davidson Road.

Alderman Cox was contacted by the American Legion inquiring about the items in the room being used for storage by the Parks & Recreation Department. The American Legion would like to use that hallway and office if the Parks & Recreation Department is not going to use it.

The Administrator of Parks & Rec said she is going to be using that space.

Alderman Cox said the American Legion is also asking for an update on the land behind the Civic Center that the City has offered to give to them to put a building on. The Board is requesting the plans that were presented to the Building Official.

Alderman Papania stated the Board has received the resumes for the Public Works position and is requesting to have a meeting the week after Thanksgiving.

Alderman Blackman stated he had previously asked the Police Chief to look into the ability of our radar unit to not display the speed but still capture the data reported as far as when, where and times people are speeding. Alderman Blackman said our unit is not capable of obtaining this data so he asked the Police Chief to look into another option.

The Police Chief said one concern is when the current radar trailer device out it has a turn effect when trying to capture traffic speeds and conditions it gives a skewed number. The Police Chief had the traffic department look into other radar brands that make innocuous non-display radar box that records traffic count, volume, time of day, and speed. The Police Chief said these boxes run \$3,000.00 each.

Motion made by Alderman Blackman, seconded by Alderman Gill and unanimously carried to purchase a non-display radar box in the amount of \$3,000.00 from 2% funds after the City Clerk verifies the legality of using the 2% funds for this purchase.

Alderman Blackman asked for an update from Public Works on placing no littering signs in both directions on Pabst Road.

Alderman Impey mentioned that former alderman Matt McDonnell's son was in a terrible car accident and has a very long road to recovery. He asked that everyone keep him in their thoughts and prayers.

Alderman Impey thanked all the City employees for the job they do and wished them all a Happy Thanksgiving.

EXECUTIVE SESSION

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

The City Clerk returned to the board room and announced that motion was made by Alderman Blackman, seconded by Alderman Gill and unanimously carried to remain in executive session to discuss personnel in Public Works, litigation regarding 435 East Beach, and potential litigation by a former employee.

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

Motion made by Alderman Cox, seconded by Alderman Gill and unanimously carried to approve the amendment to the Compton Engineering contract.

Motion made by Alderman Blackman, seconded by Alderman Gill and unanimously carried to extend the Field Operator Supervisor position in Public Works an additional 10 weeks and to make Allan Ladnier supervisor out in the field and Candice Hooks supervisor of administration.

Motion made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to approve the Walker settlement documents as recommended by the City Attorney.

Motion made by Alderman Impey, seconded by Alderman Gill and unanimously carried to adjourn the meeting until 6:00 p.m. on December 5, 2017.

The meeting ended at 9:40 p.m.

City Clerk

Mayor

Date

Date

**AGENDA
MAYOR AND BOARD OF
ALDERMEN CITY OF OCEAN
SPRINGS
RECESS MEETING
November 21, 2017 - 6:00 p.m.**

1. CALL TO ORDER

2. ROLL CALL

3. PROCLAMATION

- a) Denise Jones Day – November 21, 2017 – Denise Jones (Exhibit 3-a)
- b) Small Business Saturday – November 25, 2017 (Exhibit 3-b)

4. PUBLIC HEARING

- a) Lot Cleaning Hearing – 110 Yellowstone Circle – Richard D. Arellano (Exhibit 4-a)

5. NEW BUSINESS

- a) Discuss request for Ordinance Amendments concerning short-term rental of residences – David Krause (Exhibit 5-a)

6. OLD BUSINESS

- a) Adopt Resolution of the City of Ocean Springs, Mississippi to Enter Contract with Buy A Barricade, LLC (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 listed 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 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: Regular Meeting November 7, 2017 (Exhibit 8-a)
- b) Approve payment: Docket of Claims and spread Summary upon the Minutes (Exhibit 8-b)
- c) Approve Special Event Permit Application for the Ocean Springs Elks Mardi Gras Parade on Saturday, January 27, 2018, from 1:00 – 4:00 p.m. with set-up to begin at 9:00 a.m.; the parade is to follow the approved parade route (Exhibit 8-c)
- d) Approve Special Event Permit Application for the Ocean Springs Carnival Association's Ocean Springs Mardi Gras Night Parade on Friday, February 9, 2018, from 7:00 – 8:00 p.m. with set-up to begin at 5:30 p.m.; the parade is to follow the approved parade route; pending receipt of General Liability Insurance document (Exhibit 8-d)
- e) Approve Special Event Permit Application for The Mermaid and The Phoenix All Female Mardi Gras Parade on Friday, February 9, 2018, from 8:00 – 9:00 p.m. with set-up to begin at 5:30 p.m.; the parade is to follow the approved parade route immediately following the Ocean Springs Carnival Association's Mardi Gras Night Parade; pending receipt of General Liability Insurance document (Exhibit 8-e)
- f) Approve the Christmas Tree Lighting Event on Thursday, December 7, 2017 from 6:00 – 8:00 p.m.; authorize to close Robinson Street from Washington Avenue to Church Street (Exhibit 8-f)
- g) Authorize to award the Computer Hardware Bid to AGJ Systems in the amount of \$168,182.35 to be paid from a loan that the City has received for this project (Exhibit 8-g)
- h) Adopt Resolution Authorizing the Issuance of Refunding Bonds not to exceed \$3,200,000.00; approve to accept exhibits of the bond issuance – Private Placement Agreement, Escrow Agreement, Bond

Counsel Engagement Letter, Placement Agent Letter, Municipal Advisor Letter (Exhibit 8-h)

Police Department:

- i) Authorize to hire certified Patrolman Samuel Borden effective November 27, 2017; \$14.94 hourly; one year probation; pending successful completion of all pre-employment requirements (Exhibit 8-i)
- j) Authorize to remove Captain Vince Spiriti, Lt. Kenneth Lemaire, and Sgt. Terry Hines from probationary status to full time status effective November 20, 2017 (Exhibit 8-j)

Fire Department:

- k) Accept Monthly Fire Department Report (Exhibit 8-k)
- l) Authorize to remove Firefighter Chance Seymour from probationary status to full time status effective immediately (Exhibit 8-l)

Human Resources/Risk Management:

City Engineer:

Public Works:

- m) Authorize to remove Gregory Webb from probationary status to full time status effective November 16, 2017 (Exhibit 8-m)
- n) Authorize to remove Austin Gatewood from probationary status to full time status effective November 21, 2017 (Exhibit 8-n)

Community Development & Planning:

- o) Authorize the Mayor to sign and execute the DMR Tideland Grant Agreement in the amount of \$150,000.00 for the OS Front Beach Living Shoreline – FY18-P501-05OS (Exhibit 8-o)

Planning Commission:

- p) Authorize the rezoning of the southeast corner of Iberville Drive and Cox Street, PID #61030003.000, from C-3 Highway Commercial to R-4 Multi-family Residential District as recommended by the Planning Commission (Exhibit 8-p)

Zoning Adjustment Board:

- q) Approve application requesting a 20% variance from the required side yard building setback distance at 228 Woodland, PID #61605414.000, as recommended by the Zoning and Adjustment Board (Exhibit 8-q)

Historic Preservation Commission:

- r) Approve a Certificate of Appropriateness for a 1,890 square foot restaurant building and deck with a gravel parking area at 1020 Legion Lane as recommended by the Historic Preservation Commission pending HPC concurrence of the final design for the gravel parking area (Exhibit 8-r)

Building Department:

- s) Approve Tree Protection Committee Minutes from November 14, 2017 (Exhibit 8-s)
- t) Approve Code Enforcement Report through November 17, 2017 (Exhibit 8-t)
- u) Approve Board of Adjustments and Appeals minutes from November 8, 2017 (Exhibit 8-u)

Parks & Recreation:

- v) Approve the Individual Service Contract with Mary Brookshire to teach Family Fitness Classes for a period of (12) twelve months (Exhibit 8-v)

Facilities:

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 & Recreation:

- a) Discuss allocating \$10,000.00 from 2% funds for a portion of the match for the Disney Grant received for playground equipment to be installed at Little Children's Park (Exhibit 9-a)

City Attorney:

Facilities:

H.R. Committee:

Finance

Committee:

10. ALDERMEN'S FORUM

11. EXECUTIVE SESSION

- a) Potential litigation by former employee

ADJOURN UNTIL 6:00 p.m. on December 5, 2017

**ADDENDUM TO AGENDA
MAYOR AND BOARD OF ALDERMEN
CITY OF OCEAN SPRINGS
RECESS MEETING
November 21, 2017 - 6:00 p.m.**

1. NEW BUSINESS

- a) Select (2) two members for the Civil Service Commission – Mindy McDowell
- b) Statement regarding the state flag of Mississippi – Alderman Impey

2. PRESENTATION

- a) Adopt the Resolution of the City of Ocean Springs, Mississippi to Request a Vote on the State Flag (Exhibit A-2a)
- b) Adopt the Resolution of the City of Ocean Springs, Mississippi to Require Flying of the State Flag (Exhibit A-2b)