

## **RECESS MEETING OF JULY 17, 2018**

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 July 17, 2018. Mayor Dobson presiding, Aldermen Cox, Gill, Authement, Bellman, Papania, Blackman, and Impey were present. Also present was Deputy City Clerk Janice Hilton 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.

### **NEW BUSINESS**

The Mayor tabled item (3-a) to a later date.

The Mayor asked the Board to go ahead and vote for a new member to the Civil Service Commission.

Ms. Deborah Sivira, American Municipal Services, presented information on the free service to the City for collections of outstanding court fines that are delinquent for (90) ninety days or more. Ms. Sivira stated American Municipal Services will send letters and make phone calls within 24 to 48 hours after receiving a direct download from our PTS software. Ms. Sivira said American Municipal Services is set up to receive a direct download from our PTS software and American Municipal Services will pay PTS \$250.00 for the first direct download. Ms. Sivira also said American Municipal Services is allowed to add a 25% fee to the defendant's fines per state law. Ms. Sivira stated that all of the monies collected will be sent to the City, including the 25% fee, then American Municipal Services will turn around and invoice the City for their 25%.

Motion made by Alderman Gill, seconded by Alderman Authement and unanimously carried to approve the agreement with American Municipal Services. (Exhibit 3-c)

Motion made by Alderman Impey, seconded by Alderman Cox and unanimously carried to select Mr. Tristan Armer as the new member to the Civil Service Commission with the term to expire on June 30, 2020. (Exhibit 3-b)

Motion made by Alderman Authement, seconded by Alderman Gill to go out for RFQ's for Engineering Services for Stormwater permitting. Motion passes with Aldermen Gill, Authement, Bellman, Cox, Papania, and Blackman voting Aye and Alderman Impey voting nay. (Exhibit 3-d)

Motion made by Alderman Authement, seconded by Alderman Blackman to go out for RFQ's for all annual professional services to exclude the City Auditor due to an incomplete audit and the City Attorney due to current litigation involving the City. Motion passes with Aldermen Gill, Authement, Bellman, Cox, Papania, and Blackman voting Aye and Alderman Impey voting Nay. (Exhibit 3-e)

Alderman Authement discussed the traffic at the Harbor. Alderman Authement stated the stripping on Harbor Road where it turns into Lafontaine ends in the curve. Alderman Authement said all traffic will remain in their lane until this point and then they tend to get in the middle of the road and that is right in the curve of the road. The initial plan was to place some reflectors and stripe the road in this area but the machine is too large. The Mayor asked the Police Chief to place additional signage at the Harbor. The Mayor also stated he will talk to Supervisor Troy Ross about reflectors. (Exhibit 3-f)

## **OLD BUSINESS**

The City Planner updated the Board regarding a recommendation of the Zoning and Adjustments Board to uphold the decision of the City Planner regarding the determination of front and rear yards located at 104 Spanish Point Circle, PID #610224070.060. The City Planner stated the building permit that was issued was being used to build an 8' fence along the joint property line. He stated after reviewing it a question came up about the appropriateness of the location of the fence. The Planning Department was asked to look at the fence and the definition of a front yard as applied to the location of this fence. The City Planner said both the properties located at 104 and 106 Spanish Point Circle are irregular in shape and do not have frontage on the street. The decision of the Zoning and Adjustments Board has been appealed by the property owner, Mr. Cain. The appeal before you tonight is to determine whether the front yard of the property at 104 Spanish Point Circle is the area building the building and the waterfront or the area of the western wall of the house and the nearest street.

Mr. Billy Guice, Rushing & Guice, P.L.L.C., is here to represent Mr. Cain. Mr. Guice stated this is an appeal of the ruling of the Zoning and Adjustment Board concerning the interpretation of the front yard of 104 Spanish Point Circle. Mr. Guice stated the Zoning and Adjustment Board has turned this down in order to bring it to the Board for a decision and for the Board to provide guidance to them. Mr. Guice stated the fence was 80% complete before a stop work order was issued. Mr. Guice wants to address a couple of items such as the issue of protecting the view. He read the General Rule of the United States stating that no action may be maintained by one property holder against another for cutting off his or her view unless such right is given by statute. Views are not protected rights of the United States unless there is a statute to the contrary or some form of contract and there is not one. He said the Board may not consider the desire of a party to protect their view in the interpretation of the matter before you. The second proposition Mr. Guice would like to submit to the Board when considering this is that the City has no authority to direct a property owner, in any action, unless there is a prior statute or ordinance dealing with this specific matter. The lots are irregular in size and the ordinances do not address these lots. The lot before you today is a waterfront lot of irregular shape which is removed from the street. Mr. Guice stated he has several exhibits that he has asked to be placed in the minutes. These exhibits include a statement of Mr. Ted Cain, a statement of Mrs. Julie Cain, photographs of the home, a satellite view of the orientation of the Cain home along with that of the neighbor's home, part of the plans to construct the home as designed by Mr. Bruce Tolar, a letter from Mr. Bruce Tolar, the architect who designed the home, stating the front of the home was designed to face the direction of Fort Bayou, and some photos of other fences in Lovers Lane where the homes face the street with fences that are over 4' high. Some of these fences were constructed prior to the ordinance but since the ordinance has been in effect other fences have been constructed that are not consistent with the ordinance as we see it today. Mr. Guice would submit that these

homes are also on irregular lots and being irregular lots without the ordinance than Mr. Cain's lot is also without the ordinance. Mr. Guice is asking the Board to reverse the position of the Zoning and Adjustment Board and that of the Planning Commission and allow the remaining 20' of fence to be completed.

The City Attorney stated that Mr. Guice is correct in the fact that the Phiffer's view is not in consideration in this matter. The City Attorney stated that the issue is, according to 502 in the ordinance, that an 8' fence cannot be in a front yard and it also cannot be in a rear yard that abuts a front yard. This is why it matters as to the determination of what the Phiffer's front yard is. The City Attorney said we need to make the ordinance apply the best we can and not just dismiss it because of the irregular lot size.

Mr. Guice stated the house in question was designed as a guest house and does not face Fort Bayou. Mr. Guice disagrees with the proposition that you do your best to make the ordinances fit. The ordinances either fit on their language or they do not apply and in this case it just doesn't apply.

Motion made by Alderman Authement, seconded by Alderman Gill to determine the front of the smaller house faces the water therefore an 8' fence cannot go in front of the house. The motion passes with Aldermen Gill, Authement, Bellman, Cox, and Papania voting Aye and Aldermen Blackman and Impey voting Nay. (Exhibit 4-a)

Ms. Carolyn Clark, Chairman of the Board at the Mary C., thanked the Board for the work to repair the leaks in the roof and said they haven't had any more issues with it. She also stated she understood some parts have been ordered to repair the air conditioning units and how thankful she is for that. Ms. Clark said the Mary C. is having a newcomers meeting on August 2<sup>nd</sup> from 5:00 – 7:00 p.m.

Ms. Stacy Howell, Executive Director of the Board at the Mary C., thanked the Board for all they continue to do for the Mary C. She stated they are having a great year with summer camp, an increase in membership, and a lot of interesting and diverse programming currently going on. Ms. Howell commented that this year's Annual fundraiser is going to be Octoberfest to be held on September 22, 2018.

Mrs. Connie Moran, Treasurer of the Board at the Mary C., updated the Board of Aldermen on the financials and budgets for the Mary C. Mrs. Moran said they went through a (3) three week audit review and the only suggestion that was made is to convert some of their contract employees to actual employees which they have done. They have raised their payroll taxes accordingly and are now in compliance with best management practices. (Exhibit 4-c)

Mr. Will Kline, Retail Coach, gave a PowerPoint presentation on the progress of the Retail Coach has made in the first (3) three months into the agreement with the City. Mr. Kline stated they have been doing a lot of research and analysis and wants to present the information to them tonight. Mr. Kline said recruitment of businesses starts tomorrow. (Exhibit 4-b)

Motion made by Alderman Cox, seconded by Alderman Authement to adopt Ordinance No. 2018-13 an Amendment to the Code of Ordinances for the City of Ocean Springs, Mississippi Amending

Chapter 14 to Set Registration Requirements for Golf Carts and Low-Speed Vehicles. Motion passes. (Exhibit 4-d)

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

## **CONSENT AGENDA**

Motion made by Alderman Blackman, seconded by Alderman Impey and unanimously carried to approve the Consent Agenda with the exception of items (p) pulled by the Mayor, (q) pulled by Alderman Bellman, and (h) and (w) pulled by Alderman Impey.

The Mayor pulled item (p) to allow for a presentation on the Living Shoreline Project.

The Planning and Grants Administrator explained this presentation is to update and present the Conceptual Design of the Living Shoreline in order to move forward with final engineering. This is for the Tidelands Fund for FY18 Living Shoreline on Front Beach with a goal of stabilizing a section of the erosion area as a pilot project.

Kimberly Miller and John Bourgeois, Allen Engineering, Inc., gave a presentation on the Conceptual Design of the Ocean Springs Front Beach Living Shoreline. They discussed options to stabilize the shoreline in the area of Jackson Avenue and the Fayard Property to improve aesthetics with low cost maintenance. They discussed using coconut fiber coir logs which are a natural, biodegradable erosion control product for hills, banks, shorelines, and other erosion prone areas. They also discussed using oyster shells in the place of rocks so it looks more natural. They stated 28' of sand has been lost over the last (13) thirteen years. They also mentioned part of the plan is to replace the sand and plant approximately 20-30' of marsh grass between the shoreline and the walking path so it looks natural and works with nature.

Motion made by Alderman Impey, seconded by Alderman Cox to approve item (p). Motion passes with Aldermen Gill, Authement, Bellman, Cox, Papania, and Impey voting Aye and Alderman Blackman voting Nay.

Alderman Bellman pulled item (q) to discuss the request to vacate undeveloped right-of-way in Davidson Subdivision. Alderman Bellman wants to confirm that the only street to be vacated is Delores Street only and does not include Joyce Street.

Motion made by Alderman Bellman, seconded by Alderman Cox and unanimously carried to accept the Planning Commission's findings the vacation of Delores Street would not adversely affect any individuals, however, that the vacation of Joyce Street as described in between lots 19 and 20 and 10 and 9 would affect the owners of lot 21.

Motion made by Alderman Cox, seconded by Alderman Papania and unanimously carried to make a finding to vacate the portion of the undeveloped right-of-way described as Delores Street, east of Alice Street, and contained entirely within Mr. Champagne's property. This right-of-way is no longer needed, will not be used for any City purposes, and does not adversely impact the City by abandoning the right-of-way. (Item 5-q)

Alderman Impey pulled item (h) to talk about the resignation of the City Clerk after (1.2) twelve years of service. Alderman Impey stated he has learned a lot from her and wishes her the best. Alderman Impey also stated, "Our loss is someone else's gain." She will definitely be missed.

Motion made by Alderman Impey, seconded by Alderman Bellman and unanimously carried to accept item (h).

The Mayor, Alderman Cox, and Alderman Gill echoed Alderman Impey's sentiments.

Aldermen Impey pulled item (w) to talk about the resignation of the Camp and Special Events Coordinator. Alderman Impey said she will be sorely missed. He wishes her all the best and commented that she will better herself and the children she interacts with, as a teacher, will be the beneficiary of that.

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

Alderman Gill congratulated Mr. Chic Cody being selected to serve as a consultant to the City regarding Special Events.

## **DEPARTMENT REPORTS**

### **City Clerk:**

Alderman Authement questioned a charge from Compton Engineering for Sunplex Water Tank painting. Alderman Authement asked Mr. James Foster from Compton Engineering to look into this charge and get back to him to let him know more about it.

Motion made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to approve the docket of claims. (Item 6-a)

### **Parks & Recreation:**

The Director of Human Resources asked for a motion to authorize to fill the Parks Custodial position due to the vacancy left by the passing of Roscoe Phillips.

Motion made by Alderman Cox, seconded by Alderman Authement and unanimously carried to fill the Parks Custodian position.

## **PUBLIC COMMENT**

Mr. James Lewis, Jr., 805 Canebrake Drive, thanked his Alderman for the work they are doing on Spanish Trail and out by the Highway by putting white lines along the side of the road showing where the asphalt ends. He stated it is dangerous to drive in these areas at night because of this.

Dr. Bill Moore talked about the 1<sup>st</sup> phase of pictures WAMA installed in the Board Room at City Hall and commented on how nice they look. Dr. Moore reminded everyone about breakfast with the Mayor tomorrow morning beginning at 8:00 a.m. at the Love Shack on Government Street.

## **ALDERMEN'S FORUM**

Alderman Authement asked about item (k) under the consent agenda. Alderman Authement asked if we could AGJ if they can include the destruction and disposal of all the computer equipment at the Dewey Avenue Substation.

Alderman Papania stated since he has become an Alderman he has had issues with citizens dumping along a side street off of Government Street, south of the stadium. He asked the Public Works Director to place a no dumping sign out there.

Alderman Impey discussed the Assignment and Novation Agreement regarding the contract for the dog park. The initial contract was with Garner Russell & Associates, Inc. with Mr. Jason Overstreet being the primary engineer and contact over the entire project. Mr. Overstreet has since left Garner and Russell and started his own firm. Alderman Impey said with the agreement of Garner Russell assigns the dog park project to Mr. Overstreet so any further work will not be under Garner Russell & Associates, Inc. but will be under Overstreet & Associates, PLLC.

Motion made by Alderman Impey, seconded by Alderman Gill and unanimously carried to accept the Assignment and Novation Agreement transferring the responsibility for the dog park project from Garner Russell & Associates, Inc. to Overstreet and Associates, PLLC.

Alderman Impey presented some information from Supertalk Mississippi and how the City can promote Ocean Springs in a different way.

## **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 Deputy City Clerk returned to the meeting and announced a motion was made by Alderman Papania, seconded by Alderman Blackman and unanimously carried to remain in Executive Session to discuss JCUA litigation, personnel in the Fire Department, personnel in the City Clerk's office, personnel in the Police Department, and Chaney litigation.

Motion made by Alderman Cox, seconded by Alderman Impey and unanimously carried to approve the JCUA settlement at the recommendation of the City Attorney.

Motion made by Alderman Impey, seconded by Alderman Authement and unanimously carried to suspend employee #2234 for (3) three shifts without pay and one year probation.

Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to come out of Executive Session and return to regular session.

Motion was made by Alderman Impey, seconded by Alderman Cox and unanimously carried to adjourn the meeting until 6:00 p.m. on August 7, 2018.

Meeting ended at 10:43 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**  
**RECESS MEETING**  
**July 17, 2018 - 6:00 p.m.**

**1) CALL TO ORDER**

**2) ROLL CALL**

**3) NEW BUSINESS**

- a) Authorize to swear in Ryheen Brown, Purchasing Agent, as a Deputy City Clerk (Exhibit 3-a)
- b) Select a new member to the Civil Service Commission – Mayor Dobson
- c) Discuss the American Municipal Services agreement for the collection of court fines – Deborah Sivira (Exhibit 3-c)
- d) Discuss going out for RFQ for engineer services for Stormwater permit – Alderman Authement
- e) Discuss going out for RFQ's for all city appointed services with the exception of city auditor due to incomplete audit – Alderman Authement
- f) Discussion regarding the Harbor traffic – Mayor Dobson

**4) OLD BUSINESS**

- a) Discuss appeal of the Zoning and Adjustments Boards recommendation to uphold the decision of the City Planner regarding the determination of front and rear yards located at 104 Spanish Point Circle, PID #610224070.060, submitted by Mr. Ted Cain (Exhibit 4-a)
- b) Update from Retail Coach – Will Kline
- c) Update on the Mary C. budget – Carolyn Clark and Connie Moran (Exhibit 4-c)
- d) Adopt Ordinance No. 2018-13 An Amendment to the Code of Ordinances for the City of Ocean Springs, Mississippi Amending Chapter 14 to Set Registration Requirements for Golf Carts and Low-Speed Vehicles (Exhibit 4-d)

**5) CONSENT AGENDA\***

*\* Consent Agenda – All matters listed under Item 5, 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) Approve the Contract for Professional Services with Fred “Chic” Cody to serve as a consultant to the City regarding Special Events effective July 2018 thru June 30, 2019 at an annual cost of \$5000.00 (Exhibit 5-a)

**City Clerk:**

- b) Approve Minutes: Regular Meeting July 3, 2018 (Exhibit 5-b)
- c) Ratify check to Shalanda Ferguson, Custodian, in the amount of \$6.00 to replace cash drawer shortage (Exhibit 5-c)
- d) Adopt a resolution authorizing the signing of checks duly passed whereas, the City of Ocean Springs maintains multiple checking accounts at Hancock Bank for operating expenses, payroll expenses and to clear debts adding Mayor Pro Tem Kenneth Papania (Exhibit 5-d)
- e) Approve Run/Walk Permit Application for the MS Gulf Coast Chamber of Commerce – Coast Young Professionals to hold a bridge walk and canned food drive on Saturday, August 11, 2018, from 6:00 a.m. – 10:00 a.m.; no cost incurred by the City (Exhibit 5-e)

- f) Approve Run/Walk Permit Application for the “What the Ruck” Free 10K Ruck March Challenge on Saturday, July 28, 2018, from 7:00 a.m. – 11:00 a.m. using the Ocean Springs Bridge and Front Beach Pathway; no cost incurred by the City (Exhibit 5-f)
- g) Authorize the Mayor to approve the contract with Tyler Technologies for the Financial Software of the City (Exhibit 5-g)
- h) Accept resignation of Shelly Ferguson, City Clerk, effective July 27, 2018; authorize to begin the process to fill the vacant position (Exhibit 5-h)
- i) Approve the revised route for the Bonne Vivantes 5K and 1 mile Children’s Fun Run scheduled for Saturday, August 25, 2018; additional cost of \$100.00 to be paid for traffic control (Exhibit 5-i)

**Police Department:**

- j) Authorize out of state travel for Sergeant Brian Kestner to attend professional training in Advanced Tactics for Firearms Instructors on September 24-26, 2018, in Little Rock, AR as budgeted (Exhibit 5-j)
- k) Authorize to declare the list of various computers and printers as surplus (of no value to the City) and remove from the City’s inventory; authorize destruction and disposal by AGJ Systems (Exhibit 5-k)

**Fire Department:**

- l) Accept Monthly Fire Department Report (Exhibit 5-l)

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

- m) Authorize to allow the collection of miscellaneous scrap metal that has been declared surplus (of no value to the City) and redeem for cash to be distributed into the appropriate City funds (Exhibit 5-m)
- n) Authorize to declare the list of fifty-two (52) sewer pumps as surplus (of no value to the City) and redeem for cash; authorize to increase the sewer line item 410-677-575 by the amount of revenue generated from the disposal (Exhibit 5-n)

**Community Development & Planning:**

- o) Approve the Memorandum of Agreement between Mississippi Department of Marine Resources and City of Ocean Springs, Mississippi for the Colonial Estates Water Line Project, MOA #OS-001-MOA (Exhibit 5-o)
- p) Approve the DMR Tidelands – FY18-P501-05OS OS Front Beach Living Shoreline – Conceptual Design created by Allen Engineering to allow for final engineering to be completed (Exhibit 5-p)

**PLANNING COMMISSION:**

- q) Accept the determination of the Planning Commission related to the request to vacate undeveloped right-of-way (ROW) in Davidson Subdivision – Paul Champagne and Roxana Kish, Applicants (Exhibit 5-q)

**HISTORIC PRESERVATION COMMISSION:**

- r) Approve the Certificate of Appropriateness to construct an in-ground pool at 610 Russell Avenue, Bowen Avenue Historic District, as recommended by the Historic Planning Commission – Vanessa Sauls Johnson (Exhibit 5-r)

**Building Department:**

- s) Accept Tree Protection Committee meeting minutes of July 10, 2018 (Exhibit 5-s)
- t) Accept Code Enforcement Report through July 12, 2018 (Exhibit 5-t)

**Parks & Recreation:**

- u) Accept the parks Advisory Board minutes from June 13, 2018 (Exhibit 5-u)
- v) Approve the Professional Design Services with Compton Engineering, Inc. for the renovations of the softball and baseball concession/restroom facilities at Highway 57 Sports Complex (Exhibit 5-v)

- w) Accept the resignation of Briana Liddell, Camp and Special Events Coordinator, effective July 27, 2018; authorize to begin the process to fill the vacant position at a rate up to \$17.00 per hour (Exhibit 5-w)
- x) Approve the Concessions and Vendor Services Contract with P & H Concessions to handle concessions at the Highway 57 Sports Complex pending approval from the City Attorney (Exhibit 5-x)

**City Attorney:**

**6) DEPARTMENT REPORTS**

**Mayor:**

**City Clerk:**

- a) Approve payment: Docket of Claims and spread summary upon the Minutes (Exhibit 6-a)

**Police Department:**

**Fire Department:**

**Human Resources/Risk Management:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

**Parks & Recreation:**

**City Attorney:**

**7) PUBLIC COMMENT:** *The public is invited to address the Board for up to 3 minutes each for a maximum period of 30 minutes. The Board will take all comments under advisement to take potential action at a later date if warranted. Priority will be given to Ocean Springs residents and Business Owners.*

**8) ALDERMEN'S FORUM**

**9) EXECUTIVE SESSION**

- a) Personnel in the City Clerk's office
- b) Personnel in the Fire Department
- c) Current litigation regarding Chaney

**ADJOURN UNTIL 6:00 P.M. on August 7, 2018**