

## **REGULAR MEETING OF APRIL 7, 2020**

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 April 7, 2020. The Mayor presiding, Aldermen Authement, Bellman, Cox, Papania, Blackman and Impey were present. Alderman Gill was absent. Also present were City Attorney Nicole Sullivan, City Clerk Patty Gaston, Deputy City Clerk Vicky Hupe, Police Chief Mark Dunston, Fire Chief Derek McCoy, Planning & Grants Administrator Carolyn Martin, Building Official Darrell Stringfellow, Public Works Director Allan Ladnier, Parks & Recreation Director Geri Straight, Human Resources & Risk Management Director Mindy McDowell and Executive Assistant to the Mayor & Board Meggan Brown.

No public were physically present due to the local state of emergency proclaimed by Mayor Dobson on Monday, March 16, 2020 regarding the COVID-19 pandemic. The meeting was made available to the public via live stream.

The Mayor called the meeting to order.

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

Motion was made by Alderman Blackman, seconded by Alderman Authement and unanimously carried to accept the agenda.

### **PUBLIC HEARING**

The public was asked to call to connect to the Board meeting for comment or to submit comments in writing to the Planning Department.

The Planning & Grants Administrator explained that the first public hearing is the request for approval of minor subdivision of 2 lots at 144 Pittman Road, PID #60134108.000; applicants Mike and Julia Vickery (Exhibit 3-a). Motion was made by Alderman Cox, seconded by Alderman Blackman and unanimously carried to go into Public Hearing.

The Planning & Grants Administrator said that the parcel was split once before, now they are splitting a portion again, which represents a minor subdivision in the code. She said there is no proposed major infrastructure changes. The Planning Commission recommended denial of request. She read written statements from the applicant and emails from the public. She read three emails that spoke against the approval from Joe & Susan Lasserre, Sharon Bickham, and Lillian Vaughan.

The Planning & Grants Administrator said the second public hearing is the request of rezoning to R-3, Medium Density Residential District from R-1, Low Density Residential District at the SW corner of Old CCC Camp Road and Riley Road, PID #60123050.000

EXHIBIT #

6-h

(Exhibit 3-b). Motion was made by Alderman Impey, seconded by Alderman Bellman and unanimously carried to go into Public Hearing.

The Planning & Grants Administrator explained that this is a rezoning request from Elliot Homes for a property on the corner of Old CCC Camp Road and Riley Road. She said they are asking for a change to medium density which is still single family lots. The concept was provided with the maximum of homes anticipated with the rezoning. She said that most of the comments received were drainage concerns, which would be addressed during the development process and rezoning would not impact the requirements. The Planning Commission recommended approval.

Kenneth Jones, representative of Elliot Homes, joined the meeting per teleconference, to answer any questions.

Alderman Cox asked about the drainage ditch on the backside of the property. The Planning & Grants Administrator said that it is being reviewed but no conclusion will be determined until the development process moves forward. Alderman Impey added that the CDBG projects will address drainage along Reilly Road. She said all this information will be addressed at the next step of the project.

The Planning & Grants Administrator read an email comment received from Cheryl Longfellow speaking against approval stating traffic and drainage concerns.

Cliff Wyatt called in for Robert Kiesau to comment; Mr. Kiesau spoke against approval stating drainage concerns.

The Planning & Grants Administrator said the third public hearing is the request of rezoning to CMX-2, Community Commercial/Mixed Use District from CMX-1, Neighborhood Commercial/Mixed Use District at 709 and 711 Church Street, PID #60119116.000 and PID #60119124.000 (Exhibit 3-c). Alderman Impey recused himself from items 3-c and 3-d. Motion was made by Alderman Authement, seconded by Alderman Blackman and unanimously carried to go into Public Hearing.

The Planning & Grants Administrator said there are two parcels being discussed as one property requesting rezoning to CMX-2 to allow development of a higher type building. She said that they point out in their request that the area near downtown has changed to more commercial in character. The Planning Commission recommended approval.

Roger and Vicki Applewhite joined the meeting per teleconference, they clarified that there was a recommendation of approval from the Planning Commission.

Michael Craven joined the meeting per teleconference, he said he did not have any comments.

The Planning & Grants Administrator said the fourth and final public hearing is the request of approval of Conditional Use Permit (CUP) for single family detached dwelling in the CMX-2, Community Commercial/Mixed Use District at 709 Church Street, PID #60119116.000 (Exhibit 3-d). Alderman Impey recused himself from items 3-c and 3-d. Motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to go into Public Hearing.

The Planning & Grants Administrator said this is just for 709 Church Street contingent on the previous rezoning decision. The Planning Commission had no recommendation because of a tie vote but the staff recommendation is to approve.

No public comment received for item 3-d by teleconference or previous written comment.

The Public Hearings were left open to continue to receive written public comments, either by letter or email to the address listed in the advertisement, which will be included as if they were present at tonight's meeting. The public has until April 21, 2020 to submit comments.

## **OLD BUSINESS**

The Mayor said the public hearing for the adoption of a Redevelopment Plan and creation of a Tax Increment Financing program that was opened at the last recess meeting March 18, 2020 needs to be closed tonight (Exhibit 4-a). The Planning & Grants Administrator said that no further comments were received since the last meeting. Motion was made by Alderman Authement, seconded by Alderman Impey and unanimously carried to close Public Hearing from March 18, 2020 for the adoption of a Redevelopment Plan and creation of a Tax Increment Financing program.

Motion was made by Alderman Impey and seconded by Alderman Cox to adopt the Tax Increment Finance Redevelopment Plan Resolution.

The motion carried with a roll call vote as follows:

Alderman Gill	Absent
Alderman Authement	Aye
Alderman Bellman	Aye
Alderman Cox	Aye
Alderman Papania	Aye
Alderman Blackman	Aye
Alderman Impey	Aye

The City Attorney presented three options for the restructure of the Tree Protection Committee as had been requested (Exhibit 4-b). Motion was made by Alderman Cox and seconded by Alderman Blackman to authorize the City Attorney to proceed with Option 1 and revise the Tree Protection Committee Ordinance accordingly.

The motion carried with a roll call vote as follows:

Alderman Gill	Absent
Alderman Authement	Aye
Alderman Bellman	Aye
Alderman Cox	Aye
Alderman Papania	Aye
Alderman Blackman	Aye
Alderman Impey	Aye

Alderman Authement said the 3-D School and Lighthouse Academy for Dyslexia is closing and is trying to continue in Ocean Springs. They are obtaining donations and are in the process of getting their 501(c)(3) designation with the IRS. The City Attorney said the donation would be contingent upon Lighthouse Academy for Dyslexia receiving the 501(c)(3) status. Alderman Cox said that the fundraising efforts the City had planned were not able to be organized because of the COVID-19 pandemic. He said he would rather donate six months of rent and utilities instead of a year. He and Alderman Blackman said the City would reevaluate their situation in six months to see if the school is self-sustainable, if they are not the City would continue donation of another six months. Alderman Impey voiced concerns of double taxing the citizens of Ocean Springs to support a private school. Motion was made by Alderman Cox and seconded by Alderman Blackman to adopt a resolution to match donated funds to Lighthouse Academy for Dyslexia for rent and utilities for six months contingent upon the School receiving its 501(c)(3) status with a reevaluation of sustainability to occur after six months of operation (Exhibit 4-c). Motion carried with Aldermen Authement, Bellman, Cox, Papania and Blackman voting aye and Alderman Impey voting nay.

Motion was made by Alderman Bellman, seconded by Alderman Blackman and unanimously carried to approve the lease with Lighthouse Academy for Dyslexia for July 1, 2020 to June 30, 2021 and adopt the resolution authorizing the lease agreement (Exhibit 4-c).

## **NEW BUSINESS**

The City Attorney said that every twenty-five years the franchise agreement ordinance with Mississippi Power is up for renewal. Per the agreement, the City receives 3% of Mississippi Power Company's revenue from Ocean Springs customers. She said there needs to be a special election to grant the franchise agreement. Mississippi Power Company first proposed an election to be scheduled on June 1st, but due to the COVID-19 pandemic, the date of the municipal franchise agreement election has been reset for August 3, 2020.

Alderman Cox requested that item 5-b, adopt resolution and authorize Mayor to execute contract for sale of property at Lot 2261 Ocean Beach Estates (Exhibit 5-b), be held until executive session.

The Mayor said that he is keeping in contact with the county leaders and other coastal city mayor's in regard to the COVID-19 pandemic.

## **CONSENT AGENDA**

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to approve the Consent Agenda except item 6-n which was removed by Alderman Blackman.

- a) Authorize payment in the amount of \$800.00 from Ward 1 funds to Fort Bayou Civic Organization for fence repair and maintenance; and beautification work within the City's right of way (Exhibit 6-a)
- b) Authorize to advertise for various Boards and Commissions; deadline to submit an application is June 5, 2020 (Exhibit 6-b)
- c) Adopt Resolution extending Proclamation of local emergency regarding the Novel Coronavirus Disease (COVID-19) outbreak (Exhibit 6-c)
- d) Adopt Resolution to match donated funds to the Historic Ocean Springs Association (HOSA) (Exhibit 6-d)
- e) Authorize to extend the resolution proclaiming the existence of a local emergency enacted March 11, 2019 for Front Beach Drive due to the incapacitation of street lights along Front Beach Drive; extend for 30 days (Exhibit 6-e)
- f) Ratify check to James Jones Jr. in the amount of \$500.00 for Tennis instruction March 2020 (Exhibit 6-f)
- g) Ratify check to AT&T in the amount of \$65.96 for Community Center internet March 11 – April 10, 2020(Exhibit 6-g)
- h) Approve Minutes: Recess Meeting March 18, 2020 (Exhibit 6-h)
- i) Approve Minutes: Special Call Meeting March 21, 2020 (Exhibit 6-i)
- j) Accept Monthly Police Department Report for March 2020 (Exhibit 6-j)
- k) Authorize Administrative Leave Policy implementation for high risk employees according to CDC guidelines for severe illness in regard to COVID-19 (Exhibit 6-k)
- l) Accept Minutes: Human Resources Committee Meeting March 16, 2020 (Exhibit 6-l)
- m) Human Resources Action Items (Exhibit 6-m):
  - a) Authorize removal of Public Works Administrative Assistant Tanya Burgess from probationary status to full time status effective immediately
  - b) Accept resignation of Water Department Laborer Nick Cruthirds, effective April 10, 2020; authorize to begin the process of filling the vacant position
  - c) Accept retirement of Parks & Recreation Director Geri Straight, effective June 30, 2020; authorize to begin the process of filling the vacant position
- n) Approve request for license to encroach to provide additional hospital parking – Campus Road/Singing River Health System (Exhibit 6-n)
- o) Approve application for Short Term Rental (STR) permit – 609 Azalea Lane PID: 6109005.000; Gayle Clark and Mimi Massa (Exhibit 6-o)

- p) Approve application for Short Term Rental (STR) permit – 1112 Lafontaine Street PID:61080005.010; Holly Compton (Exhibit 6-p)
- q) Authorization to execute change order #1 with Graham Construction, Inc. – R-109-282-05-KCR – Bills Avenue Water and Sewer Improvement Project (Exhibit 6-q)
- r) Accept Building Department Report for February 2020 (Exhibit 6-r)
- s) Accept Tree Protection Committee meeting minutes from March 23, 2020 (Exhibit 6-s)
- t) Accept Code Enforcement Report through March 30, 2020 (Exhibit 6-t)
- u) Approve demolition of structure at 121 Morris Noble Road (Exhibit 6-u)
- v) Approve demolition of structure at 515 Azalea Avenue (Exhibit 6-v)
- w) Authorize to extend contract with Graham Construction Co. for an additional 1 year term to begin April 20, 2020; all terms, fees and rates to remain the same (Exhibit 6-w)

The Planning & Grants Administrator requested item 6-n to approve request for license to encroach to provide additional hospital parking – Campus Road/Singing River Health System (Exhibit 6-n) be pulled from the consent agenda. She said that the project is to expand hospital parking and will need to work in coordination with engineers of upcoming City projects. Motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to approve the request for license to encroach with the condition that two projects be coordinated before construction begins.

## **DEPARTMENT REPORTS**

### Mayor:

Motion was made by Alderman Cox, seconded by Alderman Bellman and unanimously carried to approve waiving the rental fee to the American Red Cross using the Civic Center April 16, 2020 for a community blood drive.

### City Clerk:

Motion was made by Alderman Blackman, seconded by Alderman Authement and unanimously carried to approve the docket of claims; the Board finds that all expenditures are appropriate and authorized by law (Exhibit 7-b).

Motion was made by Alderman Authement, seconded by Alderman Blackman and unanimously carried to approve the monthly budget report (Exhibit 7-c).

### Building Department:

The Building Official said Donnie McClain has appealed the Tree Protection Committee (TPC) denial of removal of a tree at 1219 Porter Avenue (Exhibit 7-d). Alderman Cox said that there was damage to the foundation and walls. Motion was made by Alderman Blackman,

seconded by Alderman Bellman and unanimously carried to approve the appeal and allow removal of tree at 1219 Porter Avenue.

The Building Official said David Tyndall has appealed the TPC denial of tree removal at 400 Maginnis Avenue; denied due to not being in the footprint of the site plan (Exhibit 7-e). Alderman Authement said according to the drawing received in the packet, the tree is not within the footprint of the house. Motion was made by Alderman Blackman, seconded by Alderman Authement and unanimously carried to table the TPC appeal of tree removal at 400 Maginnis Avenue until a true site plan and more information is provided to the Board.

## **ALDERMAN'S FORUM**

Alderman Papania congratulated the Fire Chief for the coverage on WLOX for building disinfectant sprayers for the fire stations and trucks. Alderman Papania said that he received a request from the Water's Edge HOA to repair the sprinkler system on the city right away and to have trees trimmed so that large trucks can navigate the roads. Alderman Cox said there is a tree trimming fund to take care of that issue. He said that he has also received complaints about food being left in library boxes in his Ward. The City Attorney said that she is reviewing further to determine how to address the situation.

Alderman Blackman asked the Planning & Grants Administrator for an update on the Government Street sidewalk project. She said BKI has new engineers working the project and they are waiting on MDOT's approval of supplement #2 to have materials delivered. He thanked Jackson County Board of Supervisors for completing the Government Street paving project during this down time.

Alderman Impey said that on the consent agenda, the Board approved two employees leaving the City. He wished Code Enforcement Officer Richard Hart the best. He said in June 2020 the City will lose a huge asset, when Ms. Geri retires as the Parks & Recreation Director and wished her the best. He requested the HR Committee discuss hiring a full time Code Enforcement Officer.

## **EXECUTIVE SESSION**

Motion was made by Alderman Blackman, seconded by Alderman Papania 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 that a motion was made by Alderman Blackman, seconded by Alderman Cox and unanimously carried to remain in executive session to discuss personnel in the Parks Department, potential litigation and the sale of lot 2261 Ocean Beach Estates.

Motion was made by Alderman Authement, seconded by Alderman Blackman and unanimously carried to suspend Employee #2063 for one day without pay.

Motion was made by Alderman Authement, seconded by Alderman Impey and unanimously carried to authorize the City Attorney to pursue litigation to recover unpaid utility bills for customers #F35534 and F35535.

Motion was made by Alderman Blackman, seconded by Alderman Impey and unanimously carried to proceed to public sale for property located at Lot 2261 Ocean Beach Estates Subdivision pursuant to Miss. Code Ann. 17-25-25(2).

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

Motion was made by Alderman Impey, seconded by Alderman Blackman and unanimously carried to recess the meeting until 6:00 p.m. on April 21, 2020.

Meeting ended at 8:45 p.m.

Betty Baston  
City Clerk

5/6/2020  
Date

Shen Dison  
Mayor

5/6/2020  
Date



**REGULAR MEETING AGENDA**  
**MAYOR AND BOARD OF ALDERMEN – CITY OF OCEAN SPRINGS**  
**April 7, 2020 – 6:00 p.m. City Hall**

**1. CALL TO ORDER**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

**3. PUBLIC HEARING**

- a) Request for approval of minor subdivision of 2 lots at 144 Pittman Road, PID #60134108.000; applicants Mike and Julia Vickery (Exhibit 3-a)
- b) Request rezoning to R-3 Medium Density Residential District from R-1 Low Density Residential District at the SW corner of Old CCC Camp Road and Reilly Road, PID #60123050.000 (Exhibit 3-b)
- c) Request rezoning to CMX-2, Community Commercial/Mixed Use District from CMX-1 Neighborhood Commercial/Mixed Use District at 709 and 711 Church Street, PID #60119116.000 and PID #60119124.000 (Exhibit 3-c)
- d) Request approval of Conditional Use Permit (CUP) for single family detached dwelling in the CMX-2 Community Commercial/Mixed Use District at 709 Church Street, PID #60119116.000 (Exhibit 3-d)

**4. OLD BUSINESS**

- a) Close Public Hearing and Adopt Resolution - Tax Increment Financing and Redevelopment Plan (Exhibit 4-a)
- b) Discussion of Ordinances related to tree protection and Tree Protection Committee Options (Exhibit 4-b)
- c) Discussion of donation to Lighthouse Academy for Dyslexia – Resolution to Match Donated Funds; Resolution to execute lease agreement for term July 1, 2020 to June 30, 2020; Lease of Building Space at 711 Magnolia Avenue (Exhibit 4-c)

**5. NEW BUSINESS**

- a) Discussion of Special Election for Franchise Agreement with Mississippi Power (MPC) – Resolution authorizing contract with Jackson County Election Commission for Special Election; City Municipal Election Contract; Alternate MPC Franchise Adoption Timeline; Ordinance granting a non-exclusive electric franchise to Mississippi Power Company, its successors, and assigns in the Municipality of Ocean Springs, Mississippi (Exhibit 5-a)
- b) Adopt Resolution and Authorize Mayor to execute contract for sale of property at Lot 2261 Ocean Beach Estates (Exhibit 5-b)
- c) Discussion of COVID-19

**6. CONSENT AGENDA** *\* All matters listed under 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 payment in the amount of \$800.00 from Ward 1 funds to Fort Bayou Civic Organization for fence repair and maintenance; and beautification work within the City's right of way (Exhibit 6-a)
- b) Authorize to advertise for various Boards and Commissions; deadline to submit an application is June 5, 2020 (Exhibit 6-b)
- c) Adopt Resolution extending Proclamation of local emergency regarding the Novel Coronavirus Disease (COVIC-19) outbreak (Exhibit 6-c)
- d) Adopt Resolution to match donated funds to the Historic Ocean Springs Association (HOSA) (Exhibit 6-d)

**City Clerk:**

- e) Authorize to extend the resolution proclaiming the existence of a local emergency enacted March 11, 2019 for Front Beach Drive due to the incapacitation of street lights along Front Beach Drive; extend for 30 days (Exhibit 6-e)
- f) Ratify check to James Jones Jr. in the amount of \$500.00 for Tennis instruction March 2020 (Exhibit 6-f)
- g) Ratify check to AT&T in the amount of \$65.96 for Community Center internet March 11 – April 10, 2020(Exhibit 6-g)
- h) Approve Minutes: Recess Meeting March 18, 2020 (Exhibit 6-h)
- i) Approve Minutes: Special Call Meeting March 21, 2020 (Exhibit 6-i)

**Police Department:**

- j) Accept Monthly Police Department Report for March 2020 (Exhibit 6-j)

**Human Resources:**

- k) Authorize Administrative Leave Policy implementation for high risk employees according to CDC guidelines for severe illness in regard to COVID-19 (Exhibit 6-k)
- l) Accept Minutes: Human Resources Committee Meeting March 16, 2020 (Exhibit 6-l)
- m) Human Resources Action Items (Exhibit 6-m):

Public Works:

- a) Authorize removal of Public Works Administrative Assistant Tanya Burgess from probationary status to full time status effective immediately
- b) Accept resignation of Water Department Laborer Nick Cruthirds, effective April 10, 2020; authorize to begin the process of filling the vacant position

Parks & Recreation:

- c) Accept retirement of Parks & Recreation Director Geri Straight, effective June 30, 2020; authorize to begin the process of filling the vacant position

**Community Development & Planning:**

- n) Approve request for license to encroach to provide additional hospital parking – Campus Road/Singing River Health System (Exhibit 6-n)

**Planning Commission:**

- o) Approve application for Short Term Rental (STR) permit – 609 Azalea Lane PID: 6109005.000; Gayle Clark and Mimi Massa (Exhibit 6-o)
- p) Approve application for Short Term Rental (STR) permit – 1112 Lafontaine Street PID:61080005.010; Holly Compton (Exhibit 6-p)

**Grants Administration:**

- q) Authorization to execute change order #1 with Graham Construction, Inc. – R-109-282-05-KCR – Bills Avenue Water and Sewer Improvement Project (Exhibit 6-q)

**Building Department:**

- r) Accept Building Department Report for February 2020 (Exhibit 6-r)
- s) Accept Tree Protection Committee meeting minutes from March 23, 2020 (Exhibit 6-s)
- t) Accept Code Enforcement Report through March 30, 2020 (Exhibit 6-t)
- u) Approve demolition of structure at 121 Morris Noble Road (Exhibit 6-u)
- v) Approve demolition of structure at 515 Azalea Avenue (Exhibit 6-v)

**Public Works:**

- w) Authorize to extend contract with Graham Construction Co. for an additional 1 year term to begin April 20, 2020; all terms, fees and rates to remain the same (Exhibit 6-w)

**7. DEPARTMENT REPORTS**

**Mayor:**

- a) Discuss the American Red Cross using the Civic Center on Thursday, April 16, 2020 from 10am to 5pm for blood donations and to waive the rental fee for the building (Exhibit 7-a)

**City Clerk:**

- b) Approve payment: Docket of Claims, all expenditures are appropriate and authorized by law, and spread summary on the Minutes (Exhibit 7-b)
- c) Accept Monthly Budget Report (Exhibit 7-c)

**Police Department:**

**Fire Department:**

**Human Resources/Risk Manager:**

**City Engineer:**

**Public Works:**

**Community Development & Planning:**

**Building Department:**

- d) Appeal of TPC denial of tree removal at 1219 Porter Ave. by Donnie McClain; denied due to not meeting the criteria of removal (Exhibit 7-d)
- e) Appeal of TPC denial of tree removal at 400 Maginnis Ave. by David Tyndall; denied due to not being in the footprint of the site plan (Exhibit 7-e)

**Parks & Recreation:**

**City Attorney:**

**8. ALDERMEN'S FORUM**

**9. EXECUTIVE SESSION**

- a) Parks Department Personnel
- b) Potential litigation

**RECESS UNTIL 6:00 P.M. on Tuesday, April 21, 2020**