

## **RECESS MEETING OF MARCH 15, 2022**

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 March 15, 2022. Mayor Holloway presiding, Aldermen Burgess, Authement, Wade, Cox, Papania, Blackman, and Impey were present. Also present were City Attorney Robert Wilkinson, 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 Assistant Director Candice Hooks, Human Resources & Risk Management Director Mindy McDowell, Parks & Recreation Director Stephen Glorioso, Project Manager Sarah Harris, and Executive Assistant to the Mayor & Board Ravin Nettles.

The Mayor called the meeting to order.

Dr. Mike Barnett from First Baptist Church gave the invocation and Alderman Burgess led the Pledge of Allegiance.

A motion was made by Alderman Authement, seconded by Alderman Impey, and unanimously carried to accept the agenda.

## **PRESENTATION**

The Mayor introduced Jackson County Supervisor District 2, Ennit Morris. Mr. Morris wanted to introduce himself and said even though his District is in Pascagoula and Moss Point, the Board of Supervisors makes decisions regarding Ocean Springs.

## **AGENDA PUBLIC COMMENT**

Anthony Kipas, agenda item 6-b, requested the Board follow code compliance and not allow the variance.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

The Planning & Grants Administrator said the Zoning & Adjustments Board (ZAB) had a tie vote resulting in a denial of 412 Russell Avenue Parcel #60137262.000 request of Front, Side, and Rear variances (Exhibit 6-a). She said ZAB had no issues with the side or back variances, but the front variance caused the debate because there was no site plan.

provided. Also, this property is on the consent agenda having been approved by the Planning Commission to build on a legal non-conforming lot. Alderman Cox said he spoke with the property owner and even with the front variance the proposed home would not sit as close to the street as other homes on Russell Avenue. The Planning & Grants Administrator agreed there is no consistency with setbacks on the street. The property owner, Mrs. Lowry, said they are asking for the variances as a maximum building space before having a site plan drawn. She said they do not want to spend the money on a site plan, not get the variance, and then must spend more to redo the plan. The Planning & Grants Administrator said the legal non-conforming lot regulations allow the property to be identical to the property next to it without a variance. Alderman Papania expressed concern about allowing the full 25% variance without a site plan and said the front of the structure should be between the two neighboring properties. Alderman Blackman did an approximate measurement using <https://webmap.co.jackson.ms.us> for the neighboring house distance from the road in the front and determined it is closer than the variance being requested. A motion was made by Alderman Cox, seconded by Alderman Impey, and unanimously carried to grant the variance as presented and allow a 25% total variance.

The Planning & Grants Administration said at 208 Hillandale Avenue Parcel #6133023.000 ZAB approved a side yard setback variance but the neighbor at 204 Hillandale Avenue filed to appeal approval (Exhibit 6-b). The neighbor who is appealing the approval spoke earlier during the Agenda Public Comment section. The applicant for the setback, Corey Taylor, said they are requesting a 20% variance side setback to give the builder enough room for any adjustments to construction for functioning space. The Planning & Grants Administrator said the maximum variance is 25% but the applicants are asking for 20% changing from ten feet to eight feet. A motion was made by Alderman Authement, seconded by Alderman Papania, and unanimously carried to approve the variance and deny the appeal.

The Deputy City Clerk said the City's rentals have continued to grant refunds due to COVID-related cancelations, but the declared emergency has ended. She said the original motion was to allow refunds during the COVID declared emergency and all the applications as well as the website states "no refunds, no exceptions." The Parks Director said they try to accommodate rescheduling an event rather than a refund. A motion was made by Alderman Impey, seconded by Alderman Cox, and unanimously carried to end COVID refunds and return to the regular policy of no refunds.

## **CONSENT AGENDA**

A motion was made by Alderman Impey, seconded by Alderman Wade, and unanimously carried to approve the consent agenda.

- a) Ratify the Mayor's execution of the Right of Use Agreement with Hancock Whitney Bank for 901 Washington Avenue beginning at 5:00 p.m. March 25<sup>th</sup> until 5:00 p.m. March 27, 2022 (Exhibit 7-a)

- b) Approve the Spring Arts Festival March 26-27, 2022, Comfort Stations, and portable toilets cleaning quote of \$3,052.50 from Jazzy Johnz for a 10-station luxury trailer, 3-station ADA trailer, service attendant each day, setup, removal, and supplies; the quote also includes service of 20 portable toilets (Exhibit 7-b)
- c) Authorize City sponsorship of the Ocean Springs Environmental Alliance's Earth Day Celebration at the Mary C. on April 23, 2022, from 10:00 a.m. until 2:30 p.m.; Authorize the use of the City logo on marketing materials (Exhibit 7-c)
- d) Approve the American Red Cross Community Blood Drive April 18, 2022, from 10:00 a.m. until 3:00 p.m. at the Civic Center and authorize to waive the \$600.00 rental fee to promote and advertise the City of Ocean Springs resources (Exhibit 7-d)
- e) Approve the Special Event Permit for the 8<sup>th</sup> Annual Feed the Need Benefit Concern & Fish Fry at Government Street Grocery on Sunday, April 24, 2022, from 11:00 a.m. until 7:00 p.m.; no cost incurred by the City (Exhibit 7-e)
- f) Ratify \$2,000.00 check to Crocker Heating & Air for installation of 16 thermostats in December 2021 (Exhibit 7-f)
- g) Approve Minutes: Regular Meeting March 1, 2022 (Exhibit 7-g)
- h) Authorize to declare the list of items included in the exhibit as surplus property, no use to the City, remove from City inventory, and send to the City Auction on April 9, 2022 (Exhibit 7-h)
- i) Accept Oath of Office of Deputy Court Clerk David Wilder (Exhibit 7-i)
- j) Accept OSPD monthly report for February 2022 (Exhibit 7-j)
- k) Authorize out-of-state travel for professional training -- Glock MOS Operator Course for Employee #840 on June 2-3, 2022, Smyrna, Georgia (Exhibit 7-k)
- l) Accept OSFD monthly report for February 2022 (Exhibit 7-l)
- m) Authorize to declare the list of items included in the exhibit as surplus property, no value to the City, remove from City inventory, and send to AGJ to be destroyed (Exhibit 7-m)
- n) Authorize the Mayor to execute the annual Senior Community Service Employment Program (SCSEP) contract with Southern Mississippi Planning & Development District (SMPDD) (Exhibit 7-n)
- o) Human Resources action items (Exhibit 7-o):
  - a) Authorize removal of Patrolmen Ronald Bennet and Adam Frazier from probationary status to full-time status effective immediately
  - b) Authorize removal of Deputy Court Clerk James "JD" Martin from probationary status to full-time status effective immediately
  - c) Authorize employment of Bennie Jefferson, Drainage Laborer, Step 1, \$12.88 hourly rate; effective March 16, 2022; one-year probationary status, pending successful completion of all pre-employment requirements
- p) Approve request to construct a new dwelling on a historically platted, legal, non-conforming lot at 208 Hillandale Avenue PID #601330023.000; Planning Commission recommends approval (Exhibit 7-p)
- q) Approve request to construct a new dwelling on a historically platted, legal, non-conforming lot at 412 Russell Avenue PID #60137262.000; Planning Commission recommends approval (Exhibit 7-q)

- r) Approve the request for a Certificate of Appropriateness for a metal roof replacement at 522 Jackson Avenue PID #6137206.000 and approve the use of brick pavers for a front yard walkway; Historic Preservation Commission recommends approval (Exhibit 7-r)
- s) Approve the request for a Certificate of Appropriateness for the construction of an Education Pavilion at 505 Washington Avenue PID #60137584.000; Historic Preservation Commission recommends approval (Exhibit 7-s)
- t) Approve the request for a Certificate of Appropriateness for exterior painting, installation of a metal roof, and landscaping at 418 Martin Avenue PID #60137430.000; Historic Preservation Commission recommends approval (Exhibit 7-t)
- u) Approve the request for a Certificate of Appropriateness for the installation of shutters and construction of fencing at 810 Iberville Drive PID #61030001.052; Historic Preservation Commission recommends approval (Exhibit 7-u)
- v) Approve the request for a Certificate of Appropriateness for the installation of a metal roof at 507 Rayburn Avenue PID #60137582.000; Historic Preservation Commission recommends approval (Exhibit 7-v)
- w) Authorize to request project activation in accordance with MDOT's Project Development Manual for Local Public Agencies to receive a project number and begin activity for Government Street Improvements Phase 2 (Exhibit 7-w)
- x) Authorize to execute Change Order #1 with Hemphill Construction Company, Inc. for Schedule #1 of the Fort Bayou Area Wastewater Improvement Project pending MDA concurrence (Exhibit 7-x)
- y) Authorize concurrence for water/sewer projects to be funded by MSDFA State Bonds related to MS SB 3065 and/or MS HB 1730 – Water/Sewer Infrastructure Improvements: Groveland force main replacement estimated cost is \$214,570 and General Pershing Sewer Improvements estimated cost is \$85,000 (Exhibit 7-y)
- z) Accept Building Department Report for February 2022 (Exhibit 7-z)
- aa) Accept Code Enforcement Report through March 10, 2022 (Exhibit 7-aa)

## DEPARTMENT REPORTS

### Mayor:

The City Clerk said there is an April 1st deadline to submit COVID expenses for a 100% reimbursement from FEMA. A motion was made by Alderman Cox, seconded by Alderman Burgess, and unanimously carried to authorize the designation of City Clerk Patty Gaston as the applicant agent for public assistance and HR Assistant Kat Johnson as the alternate agent for COVID FEMA-4528-DR-MS project and to execute the State-Local Disaster Assistance Agreement with MEMA (Exhibit 8-a).

### City Clerk:

A motion was made by Alderman Impey, seconded by Alderman Blackman, and unanimously carried to approve the Docket of Claims finding that all expenditures are appropriate and authorized by law, and spread the summary on the minutes (Exhibit 8-b).

A motion was made by Alderman Papania and seconded by Alderman Cox to adjust the water/sewer accounts listed on Exhibit 8-c; with the finding that the customers did not receive the benefit of the utility and the excess usages were due to unforeseen circumstances. The motion failed with Aldermen Cox and Papania voting aye, and Aldermen Burgess, Authement, Wade, Blackman, and Impey voting nay. Alderman Papania said the customer's sewer did not go through the system therefore it can be adjusted. He said the leak began in December 2020 on the customer's side of the meter. The property is a rental, the owner fixed the leak, the renter has not paid the water bill since May 2021 and the account was on a non-cutoff list. The City Clerk said the water was going in a ditch according to the water staff that viewed it. The owner of the property repaired the leak, and the account was put on hold waiting to go before the Board for adjustment. The property owner contacted the City, and the account was locked off due to nonpayment. Alderman Authement suggested the customer pay the outstanding water charges then the board will consider adjusting the sewer charges.

Police Department:

A motion was made by Alderman Cox, seconded by Alderman Blackman, and unanimously carried to authorize to convert three vacant General Service Officer positions into two additional Patrolman positions which is budget neutral, approved by City Clerk (Exhibit 8-d).

Planning & Grants:

The Planning & Grants Administrator reported on the Lot Split application for 709 Bienville Blvd. – PID 60224010.000 which was deferred at the previous meeting. She said it was being modified and it will go before the Planning Commission before coming back to the Board for approval. Alderman Authement said he would like the drainage easement addressed before it comes back before the Board.

City Attorney:

A motion was made by Alderman Impey, seconded by Alderman Authement, and unanimously carried to authorize Erich Nichols to assist the City Attorney in Real Estate transactions.

**GENERAL PUBLIC COMMENT**

None.

**MAYOR AND ALDERMEN'S FORUM**

Alderman Blackman thanked the Planning & Grants Administrator for closing out the original Government Street Sidewalk Project, the purported second longest MDOT project in the state. She said barriers were lifted and now Phase 2 can begin.

A motion was made by Alderman Blackman, seconded by Alderman Impey, and unanimously carried to approve the updated 2022 Emergency Water System Response Plan (Exhibit 10-a).

Alderman Impey reminded all that the Mayor is collecting 15 oz canned fruit for the food pantry. The Mayor said drop-off locations are City Hall, the main Fire Station, and the Chamber.

## **EXECUTIVE SESSION**

A motion was made by Alderman Blackman, seconded by Alderman Wade, and unanimously carried to go into a closed session to determine the necessity of going into an executive session.

The City Clerk returned to the meeting and announced that a motion was made by Alderman Blackman, seconded by Alderman Burgess, and unanimously carried to remain in executive session to discuss personnel in the Clerk's office and Police Department, and a future real estate purchase.

A motion was made by Alderman Impey, seconded by Alderman Burgess, and unanimously carried to come out of the executive session where the following action was taken.

A motion was made by Alderman Cox, seconded by Alderman Wade, and unanimously carried to authorize Erich Nichols to notify the owner of the property that the City has a valid contract and intends to move forward to closing and schedule a meeting with Dr. Zayed regarding issues with the property.

A motion was made by Alderman Cox, seconded by Alderman Burgess, and unanimously carried to increase the salary of employee #2134 to \$44,907.20 beginning the next full pay period.

A motion was made by Alderman Impey, seconded by Alderman Cox, and unanimously carried to adjourn the meeting until 6:00 p.m. on April 5, 2022.

Meeting ended at 7:45 p.m.

Mayor

Date

**RECESS MEETING AGENDA**  
**MAYOR AND BOARD OF ALDERMEN – CITY OF OCEAN SPRINGS**  
**Tuesday, March 15, 2022 – 6:00 p.m. CITY HALL**

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE**
- 3. PROCLAMATION**
  - a) Introduction of Jackson County Supervisor District 2, Ennit Morris
- 4. AGENDA PUBLIC COMMENT** *\*\* The Public is invited to address the Board for up to 3 minutes each for a maximum period of 30 minutes, ONLY regarding issues listed on this agenda. The Board will take all comments under advisement for potential action if warranted. Please identify yourself and the agenda item. If no agenda item is stated, you will be asked to hold your comment until General Public Comment at the end of the meeting.*
- 5. OLD BUSINESS**
- 6. NEW BUSINESS**
  - a) ZAB Appeal – 412 Russell Avenue Parcel #60137262.000 ZAB denied the request of Front, Side, and Rear variances (Exhibit 6-a) ~ *Planning & Grants Administrator*
  - b) ZAB Appeal – 208 Hillandale Avenue Parcel #6133023.000 ZAB approved side yard setback variance – Neighbor at 204 Hillandale Avenue filed to appeal approval (Exhibit 6-b) ~ *Planning & Grants Administrator*
  - c) Discussion of rental refunds due to COVID (Exhibit 6-c) ~ *Deputy City Clerk*
- 7. 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 a 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) Ratify the Mayor's execution of the Right of Use Agreement with Hancock Whitney Bank for 901 Washington Avenue beginning at 5:00 pm March 25<sup>th</sup> until 5:00 pm March 27, 2022 (Exhibit 7-a)
  - b) Approve the Spring Arts Festival March 26-27, 2022, Comfort Stations and portable toilets cleaning quote of \$3,052.50 from Jazzy Johnz for a 10-station luxury trailer, 3-station ADA trailer, service attendant each day, setup, removal, and supplies; the quote also includes service of 20 portable toilets (Exhibit 7-b)

- c) Authorize City sponsorship of the Ocean Springs Environmental Alliance's Earth Day Celebration at the Mary C. on April 23, 2022, from 10:00 am until 2:30 pm; Authorize the use of the City logo on marketing materials (Exhibit 7-c)
- d) Approve the American Red Cross Community Blood Drive April 18, 2022, from 10:00 am until 3:00 pm at the Civic Center and authorize to waive the \$600.00 rental fee to promote and advertise the City of Ocean Springs resources (Exhibit 7-d)
- e) Approve the Special Event Permit for the 8<sup>th</sup> Annual Feed the Need Benefit Concern & Fish Fry at Government Street Grocery on Sunday, April 24, 2022, from 11:00 am until 7:00 pm; no cost incurred by the City (Exhibit 7-e)

**City Clerk:**

- f) Ratify \$2,000.00 check to Crocker Heating & Air for installation of 16 thermostats in December 2021 (Exhibit 7-f)
- g) Approve Minutes: Regular Meeting March 1, 2022 (Exhibit 7-g)
- h) Authorize to declare the list of items included in the exhibit as surplus property, no use to the City, remove from City inventory, and send to the City Auction on April 9, 2022 (Exhibit 7-h)
- i) Accept Oath of Office of Deputy Court Clerk David Wilder (Exhibit 7-i)

**Police Department:**

- j) Accept OSPD monthly report for February 2022 (Exhibit 7-j)
- k) Authorize out-of-state travel for professional training – Glock MOS Operator Course for Employee #840 on June 2-3, 2022, Smyrna Georgia (Exhibit 7-k)

**Fire Department:**

- l) Accept OSFD monthly report for February 2022 (Exhibit 7-l)

**Human Resources/Risk Management:**

- m) Authorize to declare the list of items included in the exhibit as surplus property, no value to the City, remove from City inventory, and send to AGJ to be destroyed (Exhibit 7-m)
- n) Authorize the Mayor to execute the annual Senior Community Service Employment Program (SCSEP) contract with Southern Mississippi Planning & Development District (SMPDD) (Exhibit 7-n)
- o) Human Resources action items (Exhibit 7-o):
  - a) Authorize removal of Patrolmen Ronald Bennet and Adam Frazier from probationary status to full-time status effective immediately
  - b) Authorize removal of Deputy Court Clerk James "JD" Martin from probationary status to full-time status effective immediately
  - c) Authorize employment of Bennie Jefferson, Drainage Laborer, Step 1, \$12.88 hourly rate; effective March 16, 2022; one-year probationary status, pending successful completion of all pre-employment requirements

**Planning Commission:**

- p) Approve request to construct a new dwelling on a historically platted, legal, non-conforming lot at 208 Hillandale Avenue PID #601330023.000; Planning Commission recommends approval (Exhibit 7-p)
- q) Approve request to construct a new dwelling on a historically platted, legal, non-conforming lot at 412 Russell Avenue PID #60137262.000; Planning Commission recommends approval (Exhibit 7-q)

**Historic Preservation Commission:**

- r) Approve the request for a Certificate of Appropriateness for a metal roof replacement at 522 Jackson Avenue PID #6137206.000 and approve the use of brick pavers for a front yard walkway; Historic Preservation Commission recommends approval (Exhibit 7-r)
- s) Approve the request for a Certificate of Appropriateness for the construction of an Education Pavilion at 505 Washington Avenue PID #60137584.000; Historic Preservation Commission recommends approval (Exhibit 7-s)
- t) Approve the request for a Certificate of Appropriateness for exterior painting, installation of a metal roof, and landscaping at 418 Martin Avenue PID #60137430.000; Historic Preservation Commission recommends approval (Exhibit 7-t)
- u) Approve the request for a Certificate of Appropriateness for the installation of shutters and construction of fencing at 810 Iberville Drive PID #61030001.052; Historic Preservation Commission recommends approval (Exhibit 7-u)
- v) Approve the request for a Certificate of Appropriateness for the installation of a metal roof at 507 Rayburn Avenue PID #60137582.000; Historic Preservation Commission recommends approval (Exhibit 7-v)

**Grants Administration:**

- w) Authorize to request project activation in accordance with MDOT's Project Development Manual for Local Public Agencies to receive a project number and begin activity for Government Street Improvements Phase 2 (Exhibit 7-w)
- x) Authorize to execute Change Order #1 with Hemphill Construction Company, Inc. for Schedule #1 of the Fort Bayou Area Wastewater Improvement Project pending MDA concurrence (Exhibit 7-x)
- y) Authorize concurrence for water/sewer projects to be funded by MSDFA State Bonds related to MS SB 3065 and/or MS HB 1730 – Water/Sewer Infrastructure Improvements: Groveland force main replacement estimated cost is \$214,570 and General Pershing Sewer Improvements estimated cost is \$85,000 (Exhibit 7-y)

**Building Department:**

- z) Accept Building Department Report for February 2022 (Exhibit 7-z)
- aa) Accept Code Enforcement Report through March 10, 2022 (Exhibit 7-aa)

## **8. DEPARTMENT REPORTS**

**Mayor:**

- a) Authorize the designation of City Clerk Patty Gaston as the applicant agent for public assistance and HR Assistant Kat Johnson as the alternate agent for COVID FEMA-4528-DR-MS project and to execute the State-Local Disaster Assistance Agreement with MEMA (Exhibit 8-a)

**City Clerk:**

- b) Approve payment: Docket of Claims, all expenditures are appropriate and authorized by law, and spread summary on the Minutes (Exhibit 8-b)

- c) Authorize the adjustment of water/sewer accounts due to a finding that the customers did not receive the benefit of the utility and the excess usages were due to unforeseen circumstances (Exhibit 8-c)

**Police Department:**

- d) Authorize to convert 3 vacant General Service Officer positions into 2 additional Patrolman positions – budget neutral, approved by City Clerk (Exhibit 8-d)

**Planning & Grants:**

- e) Update on the Lot Split application for 709 Bienville Blvd. – PID 60224010.000 – William Troutman

**City Attorney:**

- f) Approve Erich Nichols to assist City Attorney in real estate transactions

9. **GENERAL PUBLIC COMMENT:** *The public is invited to address the Board for up to 3 minutes each for a maximum period of 30 minutes. Only two speakers will be allowed per side of each issue. 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.* Please identify yourself before speaking.

**10. MAYOR AND ALDERMEN'S FORUM**

**11. EXECUTIVE SESSION**

**ADJOURN UNTIL 6:00 P.M. on Tuesday, April 5, 2022**