

## **RECESS MEETING OF JULY 19, 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 July 19, 2022. Mayor Holloway presided, and 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 Director Allan Ladnier, 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 Wade led the Pledge of Allegiance.

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

## **PRESENTATIONS**

Maria Saylor and Deborah Aiken from Alexander, Van Loon, Sloan, Levens, Farve, PLLC (AVL) presented the completed City audit using Government Auditing Standards (Exhibit 3a). They said the audit is historical and not current, ending September 30, 2021. They said there were no difficulties in completing the audit and no material instances of non-compliance with state laws and regulations. A motion was made by Alderman Impey, seconded by Alderman Authement, and unanimously carried to accept the FY 2020-2021 audit from AVL.

The State Commissioner for Cal Ripken Baseball, Terry Crow, presented the Ocean Springs Baseball Organization and the City of Ocean Springs with their "League of the Year" award. League representative, Robbie Burgess, thanked the City for the continued support of the league.

Matthew Hosey and Chris Beaugez representing the Skatepark Planning & Development Citizen Committee and presented the Board with a plan to build a skatepark in Ocean Springs (Exhibit 3-b). The plan included building the park under the Highway 90 overpass and requires MDOT approval. They concluded that the project's overall cost would be \$700,000 - \$1,000,000 with the City providing 3/4ths of the cost utilizing available grants.

## **PUBLIC HEARING**

A motion was made by Alderman Cox, seconded by Alderman Burgess, and unanimously carried to open the public hearing regarding the request for approval of a Conditional Use Permit (CUP) to allow the continuation of an existing multi-family building in the R-1 low-density single-family residential district at 1203 Lafontaine Avenue PID #600137302.000 (Exhibit 4-a).

The Planning & Grants Administrator explained the current use of this property is considered a "legal, historical nonconforming use" as a multi-family dwelling. If it is destroyed it currently could not be built back and used as is.

Nancy Allan, the owner of the property, requested to be able to build back as is if the property is destroyed.

A motion was made by Alderman Impey, seconded by Alderman Authement, and unanimously carried to close the public hearing.

A motion was made by Alderman Authement, seconded by Alderman Cox, and unanimously carried to approve the Conditional Use Permit (CUP) to allow the continuation of an existing multi-family building in the R-1 low-density single-family residential district at 1203 Lafontaine Avenue PID #600137302.000.

## **AGENDA PUBLIC COMMENT**

Bryant Harvey, agenda item 6-c, spoke against a moratorium on apartment developments and asked for the reasoning for a moratorium. He said he has purchased 12 acres in the City to develop apartments.

## **OLD BUSINESS**

Alderman Burgess said an Ordinance to change the speed limit on Ocean Springs Road from Highway 90 to Deana Road was discussed and approved to be on file at the City Clerk's office for at least 2 weeks for public review (Exhibit 6-a). A motion was made by Alderman Burgess and seconded by Alderman Cox to adopt an Ordinance (2022-08) changing the speed limit on Ocean Springs Road North between Hwy 90 and Deana Road to 35 mph. The motion passed with a roll call vote:

|                    |            |
|--------------------|------------|
| Alderman Cox       | <u>Aye</u> |
| Alderman Burgess   | <u>Aye</u> |
| Alderman Authement | <u>Aye</u> |
| Alderman Wade      | <u>Aye</u> |
| Alderman Papania   | <u>Aye</u> |

|                   |            |
|-------------------|------------|
| Alderman Blackman | <u>Aye</u> |
| Alderman Impey    | <u>Nay</u> |

Ordinance 2022-08 will be effective in 30 days.

Alderman Authement said an Ordinance to change the speed limit on Government Street between Washington Avenue and Russel Avenue was discussed and approved to be on file at the City Clerk's office for at least 2 weeks for public review (Exhibit 6-b). A motion was made by Alderman Burgess and seconded by Alderman Cox to adopt an Ordinance (2022-09) changing the speed limit on Government Street between Washington Avenue and Russel Avenue to 15 mph due to public safety will be immediately effective. The motion passed with a roll call vote:

|                    |            |
|--------------------|------------|
| Alderman Cox       | <u>Aye</u> |
| Alderman Burgess   | <u>Aye</u> |
| Alderman Authement | <u>Aye</u> |
| Alderman Wade      | <u>Aye</u> |
| Alderman Papania   | <u>Aye</u> |
| Alderman Blackman  | <u>Aye</u> |
| Alderman Impey     | <u>Aye</u> |

Ordinance 2022-09 will be effective immediately due to public safety.

The Mayor explained the recommendation to enact a moratorium on apartments due to infrastructure concerns (Exhibit 6-c). He said Jackson County Utility Authority (JCUA) sent some research stating multifamily developments strain our utilities 3 times per acre versus single-family developments. He said contractual services to JCUA increased by \$928,000. \$18 million in ARPA funding will help with some of the infrastructure issues but over \$36 million in needed infrastructure improvements have been identified. Alderman Impey said there is a 156-unit development in Ward 6 that is currently in Phase 2 of infrastructure improvements to be able to support that development. He said he supports the moratorium. Alderman Blackman requested a capacity study be completed. Alderman Authement expressed his concern about stopping developments in the process and said he was not prepared to make a vote on this issue. He requested an executive session, but the City Attorney said it would not qualify without a threat of litigation. The Mayor replied that any projects already permitted would not be stopped. Nathan Prescott requested to speak if there will be a vote on the moratorium. He said he researched the property, found the correct zoning for apartments, purchased the property in that zoning, and has hired Dale Architects to build apartments and multi-use development. He added that he followed the City's Unified Development Code and is not asking for a variance but to legally build by right, by building the development to code. The Mayor ended by stating this is not against any project, this is about providing quality services to the entire City. Alderman Cox requested later further discussion and asked if there are any developments currently in the process with the Planning Commission (PC). The Planning & Grants Administrator said there is one that requires a Conditional Use Permit deferred

to the next PC meeting and the development in the zoning district for multifamily development is not required to go through the PC. She said nothing has been approved but some are in process. A motion was made by Alderman Papania and seconded by Alderman Cox to adopt a Resolution implementing a 180-day moratorium on multifamily developments. The motion passed with a roll call vote:

|                    |            |
|--------------------|------------|
| Alderman Cox       | <u>Nay</u> |
| Alderman Burgess   | <u>Aye</u> |
| Alderman Authement | <u>Nay</u> |
| Alderman Wade      | <u>Nay</u> |
| Alderman Papania   | <u>Aye</u> |
| Alderman Blackman  | <u>Aye</u> |
| Alderman Impey     | <u>Aye</u> |

The Mayor said the proposed Urban Renewal Map should be used to identify the locations for available tax abatements and abatements should not be granted outside of the mapped areas. Alderman Authement said it should be handled on a case-by-case basis without a moratorium and requested a reviewal of the Comprehensive Plan before a moratorium is enacted.

## **NEW BUSINESS**

The Planning & Grants Administrator explained the appeal for 300 Ward Avenue PID #61011081.000 (Exhibit 7-a). She said they are appealing the UDC requirement of the 10-foot hard surface between the road and gravel driveway, as well as the gravel guest parking along Ward Avenue. The Planning Commission can recommend the use of gravel but cannot grant the variance for the inclusion of the 10-foot hard surface. She said the applicant is requesting approval of the gravel surfacing along with the reduction to a 3-foot hard service for the driveway on Kensington Avenue and no hard surface for the guest parking on Ward Avenue. The applicant, Shane Loper, gave a packet to the Board (added to Exhibit 7-a) supporting his request and said the neighborhood currently has 14 gravel driveways without 10' of hard surface. A motion was made by Alderman Authement and seconded by Alderman Wade to grant the appeal allowing the gravel surfacing along with the reduction to a 3-foot hard service for the driveway on Kensington Avenue and no hard surface for the guest parking on Ward Avenue at 300 Ward Avenue PID #61011081.000. The motion carries with Aldermen Burgess, Authement, Wade, and Cox voting aye; and Aldermen Papania, Blackman, and Impey voting nay.

A motion was made by Alderman Impey, seconded by Alderman Authement, and unanimously carried to reappoint Tyler Cox to the Historic Preservation Commission, term beginning August 1, 2022, and ending July 31, 2026.

A motion was made by Alderman Impey, seconded by Alderman Papania, and unanimously carried to reappoint Joe McCormick to the Planning Commission representing Ward 6, term beginning August 1, 2022, and ending July 31, 2025.

A motion was made by Alderman Impey, seconded by Alderman Blackman, and unanimously carried to reappoint Paul Kirkland and Yebri Gonzales to the Parks Advisory Board, terms beginning August 1, 2022 and ending July 31, 2027.

A motion was made by Alderman Impey, seconded by Alderman Authement, and unanimously carried to appoint Joey Conwell to the Planning Commission representing Ward 4, term beginning August 1, 2022, and ending July 31, 2025.

A motion was made by Alderman Impey, seconded by Alderman Cox, and unanimously carried to appoint Shannon Pfeiffer and John O'Hara to the Zoning and Adjustment Board, terms beginning August 1, 2022, and ending July 31, 2025.

## **CONSENT AGENDA**

A motion was made by Alderman Impey, seconded by Alderman Blackman, and unanimously carried to approve the consent agenda except item A-2a pulled by Alderman Cox.

- a) Approve the Special Event Permit Application for YMCA End of the Summer Party Friday, July 29, 2022, from 8:00 a.m. until 4:00 p.m.; no cost to the City, the applicant will pay for any associated cost (Exhibit 8-a)
- b) Authorize the Mayor to execute the MOU for Cruisin' the Coast 2022 (Exhibit 8-b)
- c) Authorize the Mayor to execute the Opioid Endo Subdivision Settlement Participation Form (Exhibit 8-c)
- d) Authorize \$500.00 Ward 2 funds donation to The Villa Gardeners for landscaping materials promoting the beautification of Downtown Ocean Springs on both Washington Avenue and Porter Avenue (Exhibit 8-d)
- e) Approve Minutes: Recess Meeting June 21, 2022 (Exhibit 8-e)
- f) Adopt Resolution authorizing designating vehicles #2003 and #2108 as unmarked according to MS Code Ann 25-1-87 (Exhibit 8-f)
- g) Accept OSPD monthly report for June 2022 (Exhibit 8-g)
- h) Accept OSFD monthly report for June 2022 (Exhibit 8-h)
- i) Human Resources action items (Exhibit 8-i):
  - a) Authorize removal of Patrolman Maria Lopez-Ruiz from probationary status to full-time status effective immediately
  - b) Accept the resignation of Firefighter Robert Burchett, effective July 5, 2022; authorize to begin the process of filling the vacant position
  - c) Accept termination of Probationary Firefighter employee #2581, effective July 7, 2022; authorize to begin the process of filling the vacant position

- d) Authorize removal of Beautification Laborer Vickey Dailey from probationary status to full-time status effective immediately
- e) Authorize promotion of Water Laborer Lloyd Helveston III to Truck Driver I, Step 1, \$15.03; effective July 23, 2022; six-month probationary status; authorize to begin the process of filling the vacant position
- j) Deny the application for a gravel parking lot for a multi-family/office mixed-use building proposed on the property at 1808 Bienville Blvd; Planning Commission recommends denial (Exhibit 8-j)
- k) Approve the appeal of the UDC requirements for the maximum height of a single-family dwelling at 519 East Beach Drive PID #61466013.000; ZAB recommends approval of the appeal (Exhibit 8-k)
- l) Authorize the Mayor to execute the MOU with the MS Department of Finance and Administration and formally request the distribution of funds associated with HB1353 Section 25(hh) 2022 Bond for the water system, sewer system, and other infrastructure improvements and development of the Fayard project beautification \$1,500,000; begin the process for distribution and project implementation to include the establishment of a separate bank account (Exhibit 8-l)
- m) Authorize the Mayor to execute the MOU with the MS Department of Finance and Administration and formally request the distribution of funds associated with HB 1353 Section 25 (ppppppppp) 2022 Local Improvement Fund to assist in paying the cost associated with the Riley Road Improvements for \$500,000; begin the process for distribution and project implementation to include the establishment of a separate bank account (Exhibit 8-m)
- n) Approve the request for a Certificate of Appropriateness for the construction of a swimming pool at 306 Shearwater Drive PID #60130610.025; Historic Preservation Commission recommends approval (Exhibit 8-n)
- o) Approve the request for a Certificate of Appropriateness for the demolition of the existing dwelling at 317 Lovers Lane PID #61058001.000; Historic Preservation Commission recommends approval (Exhibit 8-o)
- p) Approve the request for a Certificate of Appropriateness for the demolition of the dwelling and outbuilding at 506 Martin Avenue PID #60137586.000; Historic Preservation Commission recommends approval (Exhibit 8-p)
- q) Approve the request for a Certificate of Appropriateness for the installation of storm shutters at 422 Martin Avenue PID #60137604.000; Historic Preservation Commission recommends approval (Exhibit 8-q)
- r) Approve the request for a Certificate of Appropriateness for the construction of a single-family dwelling at 110-A Shearwater Drive PID #60130590.072; Historic Preservation Commission recommends approval (Exhibit 8-r)
- s) Accept the revised calendar for OSPR Afterschool Camp Program (Exhibit 8-s)
- t) Accept Building Department Report for June 2022 (Exhibit 8-t)
- u) Accept Code Enforcement Report through July 14, 2022 (Exhibit 8-u)
- v) Accept Tree Department Recommendations – Tree Applications through July 13, 2022 (Exhibit 8-v)

- w) Authorize permit to demolish structure over 50 years old at 725 Pine Drive (Exhibit 8-w)
- A-2a) Authorize employment of Timothy Zaldana, Parks Maintenance Laborer A, Step 1, \$14.31 hourly rate; effective July 25, 2022; one-year probationary status, pending successful completion of all pre-employment requirements (Exhibit A-2a)
- A-2b) Accept the resignation of Sports Complex Supervisor Demaurio Preyear, effective July 29, 2022; authorize to begin the process of filling the vacant position (Exhibit A-2a)
- A-2c) Authorize the Public Works Director to sign the redacted agreement with TEXA SpA to request the special functions web activation ("Web Special Code") for tool self-diagnostic functions (Exhibit A-2c)

No action was taken on pulled item A-2b.

## **DEPARTMENT REPORTS**

### City Clerk:

A motion was made by Alderman Impey, seconded by Alderman Cox, and unanimously carried to approve the Docket of Claims removing AGJ Systems & Networks #97259 - \$71,586.49 and adding Wilkinson, William, Bosio, & Sessoms May and June litigation statements totaling \$22,142.91; finding that all expenditures are appropriate and authorized by law, and spread the summary on the minutes (Exhibit 9-a).

A motion was made by Alderman Cox, seconded by Alderman Wade, and unanimously carried to adjust the water/sewer accounts listed on Exhibit 9-b; with the finding that the customers did not receive the benefit of the utility and the excess usages were due to unforeseen circumstances (Exhibit 9-b).

A motion was made by Alderman Impey, seconded by Alderman Blackman, and unanimously carried to authorize the presented budget amendments (Exhibit 9-c).

## **GENERAL PUBLIC COMMENT**

Nathan Prescott spoke against the moratorium on apartment developments and in favor of multifamily developments. He expressed his view of the benefits of multifamily developments.

Bryant Harvey spoke against the moratorium on apartment developments. He explained his proposed development and said he checked the infrastructure of the area with the City and JCUA and there are no issues he has been made aware of before or since purchasing the property.

Mario Camps requested City intervention in removing roosters from Breezy Hill Lane. He said they have exhausted all Animal Control options and they are exhausted from lack of sleep dealing with the roosters.

Police Chief Dunston said Animal Control has done what they can.

Hailey Hill provided evidence their neighbors on Breezy Hill Lane are harboring roosters and requested a solution from the City to remove the roosters from the neighborhood.

## **MAYOR AND ALDERMEN'S FORUM**

Alderman Burgess thanked the Department Heads for working on her work order list.

A motion was made by Alderman Authement, seconded by Alderman Cox, and unanimously carried to allow the emergency trimming of the Ruskin Oak at 309 Ruskin Avenue.

Alderman Blackman requested the Ordinance regarding required Board permission to demolish a dwelling over 50 years be amended to remove the Board approval requirement leaving the requirement for historic districts and landmarks only. He asked for an update on the Government Street Sidewalk project. The Planning & Grants Administrator replied they are waiting on permission to advertise from MDOT.

Alderman Impey announced the Ceremony honoring WWII Merchant Seaman, Mr. Harmon Donald Young, at the Merchant Seaman Memorial will be on July 30th at 9:00 a.m.

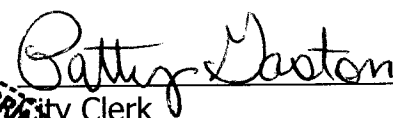
The Mayor said the memorial will be cleaned before the ceremony.

## **EXECUTIVE SESSION**

None.

A motion was made by Alderman Blackman, seconded by Alderman Impey, and unanimously carried to adjourn the meeting until 6:00 p.m. on August 2, 2022.

Meeting ended at 7:45 p.m.

 8/2/2022  
Mayor  
 8/2/2022  
Patricia Dunston  
City Clerk  
Date

