

Proceedings of the City Council Meeting of the City of Bay Saint Louis, State of Mississippi, taken at a meeting held August 7, 2018 in the City Council Chambers at the Bay Saint Louis Conference Center at 598 Main Street. The meeting began at 5:30 p.m.

ATTENDANCE:

COUNCIL: Doug Seal (Ward 1), Jeff Reed (Ward 3), Larry Smith (Ward 4), Buddy Zimmernian (Ward 5), Josh DeSalvo (Ward 6) and Gary Knoblock (Council Member-at-Large)

COUNCIL STAFF: Lisa Tilley, Clerk of Council

ADMINISTRATIVE STAFF: Mike Favre, Mayor, Sissy Gonzales, City Clerk/Comptroller, and Heather Smith, City Attorney

ABSENT: Gene Hoffman, President (Ward 2)

Council Member Reed called the Meeting of August 7, 2018 to order.

Council Member Seal delivered the Invocation and the Pledge of Allegiance.

Per Council Member Knoblock's request, Council Member Reed amended the Agenda to add "Resurfacing a section of road on State Street" to Council/New/Old Business.

GUESTS

- Nancy Moynan — Requesting ingress and egress for 126 Main Street

Nancy Moynan addressed the Bay Saint Louis City Council to request an ingress/egress for 126 Main Street after Ms. Moynan subdivides the property. City Attorney Smith will review this issue and advise the Bay Saint Louis City Council on the best option.

- Rodney Davis and Kathy Benesta — Utility billing system audit

Brent Anderson, City of Waveland Public Works Director, recommends Delta Water, L.L.C. for an audit. Mr. Anderson stated that Delta Water, L.L.C. has helped the City of Waveland tremendously with locating meters that were using water service without paying, recouping \$200,000.00 in utility revenue and even helped rewrite the City of Waveland ordinance regarding billing in the office and the outside work.

Mr. Anderson personally recommends Delta Water, L.L.C.

Motion to accept the contract from Delta Water, L.L.C. in the amount of and not to exceed, \$38,000.00 for the full audit of the utility system, water, gas, sewer and garbage/solid waste

Council Member DeSalvo motioned, seconded by Council Member Smith, to accept the contract from Delta Water, L.L.C. in the amount of, and not to exceed, \$38,000.00 for the full audit of the utility system, water, gas, sewer and garbage/solid waste. (Exhibit "A")

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Council Member DeSalvo and Council Member Smith both amended the motion to authorize Mayor Favre to execute the contract after City Attorney Smith reviews the contract.

CONSENT AGENDA

- a. Cash Balances in the amount of \$3,469,696.20 before the docket and \$3,167,229.02 after the docket
- b. Certification Letter dated August 7, 2018
- c. Payroll dated 07-26-18 (Canaski)
- d. Payroll dated 08-03-18

- e. Payroll dated 07-20-18
- f. Spread Proof of Publication for Ordinance #628-07-2018, An Ordinance of the Mayor and City Council of the City of Bay Saint Louis Adopting Salary Schedule, Establishing Salary Compensation for Officers, Employees and Open Positions of the City of Bay Saint Louis to include pay raises of three utility workers as approved in the budget, specifically employee 1295 at a rate of \$15.00, employee 1214 at a rate of \$14.00 and employee 1380 at a rate of \$13.22
- g. Spread fully executed Penn Credit Contract
- h. Spread fully executed Full and Complete Absolute Release for the Canaski Civil Service case
- i. Approve renewal of the contract with Southern Mississippi Planning and Development District to comply with the requirements of the Senior Community Service Employment Program
- j. Approve pay increase for firefighter from \$10.50 to \$10.87 per hour
- k. Approve pay increase for firefighter from \$10.50 to \$10.87 per hour
- l. Approve pay increase for Building Inspector from \$19.00 to \$20.00 per hour
- m. Approve Street Closures — October 4-6, 2018 8:00 a.m. — 5:00 p.m., Beach Boulevard, Main Street, Second Street, Toulme Street, Cue Street Gex Street Federal Street, Depot Way to allow for Cruisin the Coast (contingent upon Hancock County Board of Supervisors approval for Beach Boulevard closures)
- n. Approve street closures — Deceniber 1, 2018 10:00 a.m. — 12:30 p.m., Necaise Street to Main Street right on Beach Boulevard, right on Court Street to Second Street, left on Union Street to Depot Way to allow for Christmas Parade (contingent upon Hancock County Board of Supervisors approval for Beach Boulevard closures)
- o. Approve street closures December 1, 2018 10 a.m. — 3:00 p.m., Blaize Avenue, Union Street to Bookter Street, Depot Way, Bookter Street to Duck Pond to allow for Snowflakes and Sugarplums Christmas Festival

Motion to approve the Bay Saint Louis Consent Agenda, subject to the removal of items g), j), k) and l), and with items in) and n) being contingent upon the approval of the Hancock County Board of Supervisors, on the Minutes

Council Member Seal motioned, seconded by Council Member DeSalvo, to approve the Bay Saint Louis Consent Agenda, subject to the removal of items g), j), k) and l), and with items m) and n) being contingent upon the approval of the Hancock County Board of Supervisors, on the Minutes. (All documents as Exhibit "B")

Council Member Zimmerman left the meeting.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman and Zimmerman

Council Member Zimmerman returned to the meeting.

CITY CLERK/COMPTROLLERS REPORT

Motion to approve the Docket of Claims #18-026 dated August 7, 2018, in the amount of \$302,467.18

Council Member Seal motioned, seconded by Council Member Knoblock, to approve the

Docket follows: of Claims #18-026 dated August 7, 2018. in the amount of \$302,467.18 (Exhibit "C") as

001 General Fund	\$89,398.75
005 Municipal ReserVe Fund	\$35,277.19
200 Debt Service Fund	\$2,580.94
300 DOJ Funds	\$41,838.00
330 2016 R&B Construction Fund	\$57.00
350 County Road & Bridge Fund	\$7,570.44
400 Utility Operating Fund	\$91,427.34
400 Utility Capital & Maintenance Fund	\$550.00
450 Municipal Harbor Fund	\$33,767.52
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Total	\$302,467.18

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmeiman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

PUBLIC FORUM

David Wells — Closed and Executive Session specifics of litigation list.

Rhonda Oliver — Alice Moseley Museum renting of "kitchen area" at the Train Depot.

PLANNING AND ZONING

- a) Ray Murphy — Application for Variance to the ' Zoning Ordinance. The applicant's intentions are to construct a single family structure on this parcel of land. The applicant will need a variance of 11' resulting in a total of 14' setback to the front yard. Also, needed is a variance of 12' resulting in a total of 8' setback to the rear yard. The property in question is located at 296 Union Street; Parcel #149M-1-29-045.000, Lot 265, 2nd Ward, Bay St. Louis. The property is zoned C-2, 'Neighborhood Commercial District. Recommend approval 6/0

Council Member Reed asked if anyone was at the meeting regarding the property. No one came forward.

Motion to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the application for property located at 296 Union Street for a Variance to the Zoning Ordinance

Council Member Knoblock moved, seconded by Council Member Smith, to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the application for a Variance to the Zoning Ordinance as requested by Ray Murphy, parcel #149M-1-29-045.000.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmeiman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

- b) Ray Murphy — Application for Variance to the Zoning Ordinance. The applicant intends to build a single family structure on this parcel of land. The applicant will need a variance of 11' resulting in a total of 14' setback to the front yard. Also, needed is a variance of 12' resulting in a total of 8' setback to the rear yard. The property in question is located at 298 Union Street; Parcel #149M-1-29-045.000, Lot 265, 2nd Ward, Bay St. Louis. The property is zoned C-2, Neighborhood Commercial District. Recommend approval 6/0

Council Member Reed asked if anyone was at the meeting regarding the property. No one came forward.

Motion to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the application for property located at 298 Union Street for a Variance to the Zoning Ordinance

Council Member Smith moved, seconded by Council Member DeSalvo, to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the application for a Variance to the Zoning Ordinance as requested by Ray Murphy, parcel #149M-1-29-045.000.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

- e) Fred Cannon — Application for Variance to the Zoning Ordinance. The applicant is asking for a variance to the fence height regulations to allow a 7' in height wood fence to the side yard, where a maximum fence height allowed is 6'. The applicant will need a 1' variance resulting in a 7' in height fence. The property in question is located at 145 Bay View Court; Parcel #149F-0-21-019.000, Lot 237C & 241B, Bay St. Louis. The property is zoned R-2, Two-Family District. Recommend approval 6/0

Council Member Reed asked if anyone was at the meeting for the property. Jim Thriffley, III spoke in favor of the application.

Motion to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the application for property located at 145 Bay View for a Variance to the Zoning Ordinance

Council Member DeSalvo moved, seconded by Council Member Smith, to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the application for a Variance to the Zoning Ordinance as requested by Fred Cannon, parcel #149F-0-21-019.000.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

- d) Audie Murphy — Application for Special Exception and Variance to the Zoning Ordinance. The applicant is asking a Special Exception to allow an existing dwelling, located at the rear of the property, to become an accessory dwelling. The applicant intends to build a single family residence to the front of the property. If the Special Exception is granted, the applicant will need a variance of 28% resulting in a total of 78% coverage to the floor area. In addition, the applicant will need a variance of 4,028sf resulting in a total of 10,972sf to the lot area. The property in question is located at 248 Citizen Street; Parcel #149N-0-30-031.000, 4th Ward, Bay St. Louis, Part 18 &19. The property is zoned R-1, Single Family District. Recommend approval 4/2 (Lewis, Watson)

Council Member Reed asked if anyone was at the meeting for the property. No one came forward.

Motion to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the application for property located at 248 Citizen Street for a Special Exception and a Variance to the Zoning Ordinance

Council Member Smith moved, seconded by Council Member DeSalvo, to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the application for a Special Exception and a Variance to the Zoning Ordinance as requested by Audie Murphy, parcel #149N-0-30-031.000.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

- e) James Thriffley — Application for Special Subdivision Plat Approval and Variance to the Zoning Ordinance. The applicant would like to change the configuration of the two parcels of land into two new parcels of land identified as "Parcel 1" and "Parcel 2". Parcel 2 meets all requirements. If granted, Parcel 1 will need a variance of 902.95sf resulting in a total of 9,597.05sf to the lot area as well as a variance of 2' resulting in a total of 73' to the lot width. The property in question is located at 118 and 120 Bay View Court; Parcel #149F-0-21-027.000, Lot 253E & 257F, 1st Ward, Bay St. Louis, Parcel #149F-0-21-028.000, 1st Ward, Bay St. Louis, Lot 253D & 257G. The property is zoned R-2, Two Family District. Recommend approval 6/0

Council Member Reed asked if anyone was at the meeting for the property. Jim Thriffley, III spoke.

Motion to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the applkation for property located at 118 and 120 Bay View Court for a Special Subdivision Plat Approval and a Variance to the Zoning Ordinance

Council Member Knoblock moved, seconded by Council Member Zimmerman, to follow the recommendation of the Bay Saint Louis Planning and Zoning Commission and approve the application for a Special Subdivision Plat Approval and Variance to the Zoning Ordinance as requested by James Thriffiley, parcel #149F-0-21-028.000.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

- f) Richard Paterson — Application for Special Exception to the Zoning Ordinance. The applicant is asking for a special exception, Section 621, to allow an outdoor flea market. The property in question is located at 9008 McLaurin Street; Parcel #137M-1-35-042.000, 1-20, Block 126, Bay St. Louis Land and Improvement Company. The property is zoned C-3, Highway Commercial District. Tabled 6/0

Application was tabled at Planning and Zoning.

COUNCIL BUSINESS

- Advertisement to fill a vacancy for Historic Preservation Commissioner

Motion to approve the Resolution Approving the Solicitation of Commissioners for the Historic Preservation Commission in Accordance with Ordinance Number 509 and allow Mayor Favre to advertise

Council Member Seal motioned, seconded by Council Member Knoblock, to approve the Resolution Approving the Solicitation of Commissipners for the Historic Preservation Commission in Accordance with Ordinance Number 509 and allow Mayor Favre to advertise. (Exhibit "D")

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmeiman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Motion to transfer \$3,500.00 from Bay Saint Louis Road and Bridge Fund to the Bay Saint Louis General Fund to pay for the paving/asphalt repair on the City right-of-way on State Street and Second Street by Williams Asphalt Repair

Council Member Seal motioned, seconded by Council Member Smith, to transfer \$3,500.00 from Bay Saint Louis Road and Bridge Fund to the Bay Saint Louis General Fund to pay for the paving/asphalt repair on the City right-of-way on State Street and Second Street by Williams Asphalt Repair. (Exhibit "E")

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

MAYOR'S REPORT

Motion to approve the purchase of the 2018 Ford F350 4x2 Chassis/C with three 3-yard dump bed, for a total price of \$36,210.00 from Gray Daniels, which is the lowest and best quote, paid for from the vehicle fund

Council Member Seal motioned, seconded by Council Member Smith, to approve the purchase of the 2018 Ford F350 4x2 Chassis/C with three 3-yard dump bed, for a total price of \$36,210.00 from Gray Daniels, which is the lowest and best quote, paid for from the vehicle fund. (Exhibit "F")

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Motion to authorize City Clerk/Comptroller Gonzales to go out for finance funding for the 2018 Ford F350 4x2 Chassis/C with three 3-yard dump bed to be purchased

Council Member Seal motioned, seconded by Council Member Zimmerman, to authorize City Clerk/Comptroller Gonzales to go out for finance funding for the 2018 Ford F350 4x2 Chassis/C with three 3-yard dump bed to be purchased.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

CONSENT AGENDA (continued)

Motion to approve items

- j) pay increase for firefighter from \$10.50 to \$10.87 per hour;*
- k) pay increase for firefighter from \$10.50 to \$10.87 per hour; and*
- l) pay increase for Building Inspector from \$19.00 to \$20.00 per hour*

from the Consent Agenda, which are budgeted items and will go into effect after a new ordinance amending the salary ordinance is approved at the City Council Meeting on August 21, 2018 and advertised

Council Member Knoblock motioned, seconded by Council Member Seal, to approve items

- j) pay increase for firefighter, from \$10.50 to \$10.87 per hour;
- k) pay increase for firefighter, from \$10.50 to \$10.87 per hour; and
- l) pay increase for Building Inspector from \$19.00 to \$20.00 per hour

from the Consent Agenda, which are budgeted items and will go into effect after a new ordinance amending the salary ordinance is approved at the City Council Meeting on August 21, 2018 and advertised.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

PUBLIC FORUM

Rhonda Oliver — Cooking in the "kitchen area" of the Train Depot.

Lana Noonan — Rate increase for utility bills.

MINUTES

Motion to approve the Public Hearing Minutes of the July 24, 2018 for State Street

Council Member Seal moved, seconded by Council Member DeSalvo, to approve the Public Hearing Minutes of the July 24, 2018 for State Street.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Motion to approve the Minutes of the July 24, 2018

Council Member Seal moved, seconded by Council Member Zimmerman, to approve the Minutes of the July 24, 2018.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Motion to approve the Workshop Minutes of the July 30, 2018

Council Member Seal moved, seconded by Council Member Smith, to approve the Workshop Minutes of the July 30, 2018.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Motion to approve the Workshop Minutes of the August 2, 2018

Council Member Seal moved, seconded by Council Member Smith, to approve the Workshop Minutes of the August 2, 2018.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

CLOSED SESSION

Motion to Go Into Closed Session to Discuss the Need to Go Into Executive Session

Council Member Smith moved, seconded by Council Member Zimmerman, to go into Closed Session to discuss the need to go into Executive Session.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

EXECUTIVE SESSION

Motion to Go Into Executive Session

Council Member Seal moved, seconded by Council Member Knoblock, to go into Executive Session to discuss litigation for a Bill of Exceptions that was filed regarding the Vacation Rental by Ordinance and property acquisition.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Motion to Come Out of Executive Session

Council Member Smith moved, seconded by Council Member DeSalvo, to come out of Executive Session with no action taken.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Motion to rescind Ordinance Number 629-07-2018, An Ordinance to Authorize Short-term Rentals of Dwellings in Residential/Commercial/Waterfront Districts

Council Member DeSalvo moved, seconded by Council Member Knoblock, to rescind Ordinance Number 629-07-2018, An Ordinance to Authorize Short-term Rentals of Dwellings in Residential/Commercial/Waterfront Districts taken.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Motion to accept the amendment to the Alice Moseley and Folk Art Museum Lease, renting to Alice and Tim Moseley Foundation and Alice Moseley Folk Art Museum the bottom storage area known as the "kitchen area", with the stipulation that there will be no cooking inside the room

Council Member Knoblock moved, seconded by Council Member Seal, to accept the amendment to the Alice Moseley and Polk Art Museum Lease renting to Alice and Tim Moseley Foundation and Alice Moseley Folk Art Museum the bottom storage area known as the "kitchen area", with the stipulation that there will be no cooking inside the room. (Exhibit "G")

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

Motion to authorize Mayor Favre to execute the amendment to the Alice Moseley and Folk Art Museum Lease renting to the Alice and Tim Moseley Foundation and Alice Moseley Folk Art Museum the bottom storage area known as the "kitchen area"

Council Member Knoblock Moved, seconded by Council Member Seal, to authorize Mayor Favre to execute the amendment to the Alice Moseley and Folk Art Museum Lease renting to the Alice and Tim Moseley Foundation and Alice Moseley Folk Art Museum the bottom storage area known as the "kitchen area".

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None

ABSENT: Hoffman

PUBLIC FORUM

Lonnie Falgout — Upcoming festival at the Alice Moseley Museum.

ADJOURN

Motion to adjourn

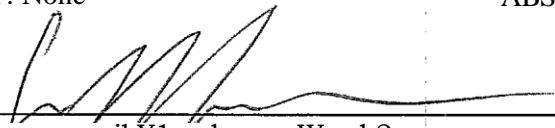
Council Member Smith moved, seconded by Council Member Knoblock, to adjourn.

A vote was called for with the following response:

VOTING YEA: DeSalvo, Zimmerman, Smith, Reed, Seal and Knoblock

VOTING NAY: None


ABSENT: Hoffman



Gene Hoffman, President, Council Member — Ward 2 8/21/18



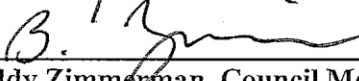
Doug Seal, Council Member — Ward 1 8/21/18




Jeff Reed, Council Member — Ward 3




Larry Smith, Council Member — Ward 4 8/21/18



Buddy Zimmerman, Council Member — Ward 5



Jost DeSalvo, Council Member — Ward 6 ek/AS



Gary Knoblock, Council Member-at-Large 8/21/18



Lisa Tilley, Clerk of Council



Mike Fayre, Mayor 8-21-18