

Proceedings of the City Council Meeting of the city of Bay St. Louis, State of Mississippi, taken at a meeting held July 8, 2014 in the City Council Chambers at the Bay St. Louis Conference Center on Main Street. The meeting began at 5:30 p.m.

ATTENDANCE:

COUNCIL: Wendy McDonald, President (Ward 2) Doug Seal (Ward 1), Mike Favre (Council Member-at-Large), Jeffrey Reed (Ward 3), Bobby Compretta (Ward 4), Joey Boudin (Ward 5), and Lonnie Falgout (Ward 6)

COUNCIL STAFF: Jane Carrow, Clerk of Council

ADMINISTRATIVE STAFF: Les Fillingame, Mayor, David Kolf, City Clerk and Donald Rafferty, City Attorney

ABSENT: None

Council Member McDonald called the meeting of July 8, 2014 to order.

Council Member Reed delivered the invocation and Council Member McDonald led the Pledge of Allegiance.

GUESTS

Proclamations

Mayor Fillingame presented a proclamation to **Brynn Joachim** on behalf of the Mississippi Hospitality & Restaurant Association and Mississippi Gulf Seafood Trail Summer of Seafood Campaign.

Mayor Fillingame presented a proclamation to **John Genin**, who served 31 years as prosecuting attorney for the City of Bay St. Louis and retired in May, 2014. **Clementine Sheppard**, Assistant Court Clerk, presented Mr. Genin with a plaque from the Bay St. Louis Court Department in appreciation of his service to the department and the City.

Mayor Fillingame presented a proclamation to **George Lipscomb**, who served the City for 23 years as Municipal Judge. **Peggy Averhart**, Bay St. Louis Clerk of Court, presented Mr. Lipscomb with a commemorative photo and thanks from the Court Department.

Wright Ward Hatten & Guel – Audit Report

Mike Guel, Partner of Wright, Ward, Hatten & Guel Accounting firm, said the 2013 Audit Report would be complete in a couple of days. He said he is concerned with the downward trend in the total cash accounts of the Utility Fund and the General Fund. He said he may have to issue a going concern opinion since the City has no cash reserve built up.

Council Member Favre asked Mr. Guel if he is concerned about the cash flow in this year's budget. Mr. Guel said yes, that the cash balance in the general fund at the end of September should only be about \$30,000. There are three payrolls in October and by November 14, he believes there will be a cash crunch. If the City has cash reserves, it wouldn't be a problem.

Council Member Falgout said the sales tax and other revenue sources are down. He asked if the City needs to make cuts now. Mr. Guel said the City could be put in jeopardy if something unexpected comes up.

Council Member Falgout asked if there is a standard amount of money recommended for municipalities to keep in reserve. Mr. Guel said three months worth of expenses is the standard amount to keep as reserves and Bay St. Louis does not have that.

Council Member Reed said the sales tax collected in Bay St. Louis is the lowest along the coast. He even checked cities in the Delta and they collect three times what Bay St. Louis does. He doesn't understand why the coolest city in Mississippi has such low sales tax.

The Council decided to hold a financial workshop on July 21, 2014 at 5:30 pm.

August. That will allow the project to begin in the November time frame. Most all of the mailboxes have been moved away from the right of way.

Council Member Boudin asked how the City is going to pay for this project. Mayor Fillingame said that would be up to the Council during the next budget year. He said \$185,000 - \$190,000 will be needed for matching funds for Phase 1. He said the City needs to make a commitment to move forward with this project. The City has already invested \$87,000 in design costs and needs to continue to project.

Motion to Accept Dock Box Policy

Lee Seal, Chairman of the Harbor Commission, asked the Council to adopt a policy regarding dock boxes at the Harbor. He said this policy has the support of the Harbor Master and the Harbor Commission.

Council Member McDonald moved, seconded by Council Member Favre, to approve dock boxes at the Harbor to all be a uniform size as recommended by the Harbor Master which can be purchased either through the Harbor or through an independent vendor but be installed only by the Harbor Master for an installation fee of \$25.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed & Seal

VOTING NAY: None

ABSENT: None

Council Member Favre left the room.

Water Company of America

Eddie Favre spoke to the Council on behalf of Water Company of America. Mr. Favre presented the Council with a copy of the contract and information about the Company. He said the company could help Bay St. Louis realize utility revenue that is not being captured at the present time. He said sometimes meters are not being read properly because of malfunctions or reader error. He said sometimes the calibration is off. He said this company has been working in Gulfport and Biloxi and the service has been beneficial to both cities. There is no fee unless new revenue is collected and WCA gets 55% of the new revenue for three years.

Council Member Boudin asked Mayor Fillingame if he has looked into this yet. Mayor Fillingame said no; the City does its own account audits regularly. He said the City does a really good job of monitoring their accounts already. Council Member Boudin said since it doesn't cost the City anything unless new revenue is found, he doesn't see the down side of the service. Mayor Fillingame said he would go over the contract with David Kolf and Mr. Rafferty and have a recommendation at the next meeting.

Council Member Seal said WCA would be taking all the risk. He is in favor of looking into this proposal further.

Mike Necaise said he is the retired finance officer for Gulfport and he brought WCA to the coast. He said Gulfport spent \$8.5 million on redoing every meter. In 2009 WCA contracted with Gulfport and 18 months later the City of Gulfport is \$1.4 million better off as a result of their work. The City collects 98% of the utility billing. They brought in \$1 million to Biloxi and \$1.5 for Jackson. The company specializes in looking at water and sewer bills. They know what to look for and know when consumption is not what it should be.

Fuelmaster

Bruce Oglesby gave the Council information regarding Fuelmaster, a fuel accounting system that will help the City track fuel expenses. Fuelmaster is the sole source for all of the US Military operations. They track where fuel goes, mileage rates and trends. The company also has training and provides technical schools.

Council Member Compretta asked what the cost of the program would be to the City. Mr. Oglesby said the cost would run approximately \$8,000. There is no monthly charge. He said the system handles up to 8 products including gas, propane, and dual fuel systems.

Mayor Fillingame asked Mr. Oglesby to put a proposal together for the City.

Dixie Girls' Softball

Katie Aime, representing Dixie Girls' Softball, reminded the Council that there will be a softball tournament in Bay St. Louis from July 25-30, 2014. This tournament is the World Series for the 4-6 year olds and the 7-8 year olds. There will be approximately 320 players and coaches in town who will account for 1,440 people including friends and family members. She said the Bay St. Louis Sports Complex needs mounds removed, and weed eating needs to be done.

Council Member Falgout said Sheriff Adams is ready to help chalk the fields and that AMR has offered ambulance service.

CPC

Theresa Erhlich, President of CPC, said she is waiting for a contract to be approved with Bay St. Louis for a rotation on probation cases in the municipal court. She said her company can offer what the current probation company offers and should be allowed to do business here.

PLANNING & ZONING APPLICATIONS

a) **SUSAN VEGLIA** – application for Special Subdivision to the Zoning Ordinance and Variance to the Zoning Ordinance. The owner would like to change the configuration of the (3) three existing parcels of land into (4) four new parcels of land. The new parcels are identified as Parcel “A,” “B,” “C” and “D”. The four newly created parcels of land will meet the square foot requirement and parcel “A” “B” and “C” will meet the minimum lot width, however, Parcel “D” will need a 39.10’ variance to the minimum lot width. The property is located at 333 Carroll Ave. extends to the 300 block of Ulman Ave., Parcel (A)149F-0-29-114.000, described as Lot 46A, Carroll Subdivision, Parcel (B) 149F-0-29-071.000, Part 335A, 1st Ward, Parcel (C) 149F-0-29-071.001, Part 335, 1st Ward, Bay St. Louis, Hancock County, Mississippi. The property fronting on Carroll Avenue is in an R-2, Two Family District. The property fronting Ulman Avenue is in a C-2, Neighborhood Commercial District.

Council Member McDonald asked if there were any public comments regarding this application.

Public Comment

Robert Intlekofer said he had no objection to the application and was in favor of it.

Motion to Approve the Application

Council Member Compretta moved, seconded by Council Member Reed, to follow the recommendation of the P&Z and approve the application.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed & Seal

VOTING NAY: None

ABSENT: None

b) **ROBERT INTLEKOFER**– application for a Variance to the Zoning Ordinance. The applicant is asking for a variance to the fence regulation to allow an 8 foot wooden fence to the rear and side yard of the property where the maximum fence height is 6 feet. Parcel #149L-0-30-216.000 is described as Lot 151 &152, Part of 143I of 3rd Ward, Bay St. Louis, Hancock County, Mississippi, The property is located at 123 Sycamore St. The property is zoned in R-1, Single Family District.

Mr. Intlekofer said the Historic Preservation Commission gave their blessing for the project but said to do it tastefully. He said there were 2 people who opposed it at the P&Z hearing. He said the fence can't be seen from the street; it is 60' beyond the street. He said he wants to have privacy for his pool from the rental house in the back.

Council Member McDonald asked if there was any public comment regarding this application. Two people raised their hands in support.

Motion to Approve the Application

Council Member Compretta moved, seconded by Council Member Reed, to approve the application with no stipulations attached.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None

ABSENT: None

c) **JAMES & JANICE HALL** - application for Variance to the Zoning Ordinance. The applicant would like to add a porch to the rear of the residence. The applicant is asking for a 12.2' variance to the rear yard, for a 7.8' setback to the rear yard where a 20' setback is required. The property is located at 200 St. George St., Parcel #149F-0-29-204.000, described as 1st Ward, 397, E ½, Bay St. Louis, Hancock County, Mississippi. This property is zoned R-3, Two Family District.

Chip Prevou, representing Mr. & Mrs. Hall, said they want to build a 12'x16' screened porch on the side of the house. It will be even with the back of the house. They have gotten approval from the Historic Preservation Commission.

Council Member McDonald asked if there were any public comments regarding this application. No one came forward.

Motion to Approve the Application

Council Member Favre moved, seconded by Council Member Reed, to approve the application with a stipulation that the porch never be enclosed.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None

ABSENT: None

d) **HAGMYSTER, LLC** – application for Variance to the Zoning Ordinance. The applicant is asking for a variance to the fence ordinance. The applicant is asking to install a barb wire (razor wire) fence to the top of his existing rear yard privacy fence. The current fence ordinance states the use of razor wire shall not be allowed in residential districts. The property is located at 135 DeMontluzin Ave., parcel #149F-0-29-209.000 described as Lot 17-18, Beach Front Subdivision, Bay St. Louis, Hancock County, Mississippi. The property is zoned R-3, Multi-Family District.

George Hager, representing Hagmyster LLC, said the house was broken into and articles were stolen. He wants one strand of barbed wire to run on top of his 6' fence. He said no one would see the one strand of wire but it would act as a deterrent. This house is a vacation rental. Council Member McDonald asked if he had been before the Historic Preservation Commission and Mr. Hager said no.

Council Member McDonald asked if anyone had any comments on this application.

Public Comment

Alex Bidwell, 130 Carroll Avenue, is opposed to this application. He said he doesn't know how barbed wire will secure the property. He said it will devalue everyone else's property in the Historic District. He also said there is no proof the perps came from the back of the property.

Lisa Wilburn, 237 S. George Street, said she is opposed to this application. She said Mr. Hager could build a fence in the front yard of the property to secure it better.

Council Member McDonald said she received an email from Monica Frois who also is opposed to this application.

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed & Seal

VOTING NAY: None ABSENT: None

h) THE CITY OF BAY ST. LOUIS is requesting the following text amendment to the Zoning Ordinance. The reason for the amendment is there is a change in conditions and it is in the public interest and is necessary to facilitate accuracy and proper interpretation. The proposed amendment does not involve changing the classification of land. 302.123 RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Examples include travel trailers, camping trailers and motor homes. **No recreational vehicle shall be used as a dwelling. Recreational vehicles shall only be allowed for recreation and camping in a designated Recreational Vehicle Park. A recreational vehicle is only allowed to be stored on a parcel of land where there is a primary dwelling present.**

Council Member McDonald said she has received quite a number of emails regarding this application, both positive and negative.

Council Member Favre said he has received several emails also. He feels that should be some type of plan where a permit could be issued and that the trailer would have to be removed. He said several people pay their taxes, keep their yard up and should be allowed to use their properties for vacation or on some weekends.

Mr. Rafferty said the Building Department already has a hard job of enforcing the rules for recreational vehicles. He said allowing these vehicles would affect 8 different code sections.

Council Member Falgout said three people filed formal complaints about the trailer removed from Jordan River Estates. He would like to see the Ordinance changed.

Council Member McDonald asked if there was any public comment about this application.

Public Comment

Brenda Ford, 116 Elaine Drive, said she had listened to several requests for variances at tonight's meeting. She asked why there couldn't be a variance allowed for this situation. She said there is a law prohibiting golf carts on the street, yet the City allows them. She said there is a leash law also but it is not enforced at all. She continued to say that that was a law for each of the variances requested tonight but exceptions were made.

Mr. Rafferty said Section 1008 deals with RV Parks. Council Member Favre said it can be amended to state what the Council wants it to say. Council Member Boudin said he doesn't want to allow a mobile home park but would like a procedure put in place where a person can use their own property for their own camper. There may have to be some kind of fee for the Building Department to check that the camper is gone when the permitted time is over.

John Dodson, who owns property at 105 Elaine Street, said he didn't like the show of force coming out to tell him to move his trailer. The City Attorney came, the building inspector, even though no building was going on, the Police Chief and the Compliance Officer. There should be some ordinance to allow a property owner who pays his taxes every year, pays sewer and water and electric every month to use his property on some weekends.

Council Member McDonald read a letter in opposition from John and Jean Scafide, who live at 102 Elaine Street, into the record. She also read a letter from Angela Easton, who owns five properties in Bay St. Louis and spends \$2,500 in property taxes each year. She would not like it if she put her camper on her property for a weekend or holiday and the camper police came to oust her. She believes a permitted policy could be set in place to handle these situations.

Motion to Table Application

Council Member Favre moved, seconded by Council Member Boudin, table this application and discuss it further at the workshop scheduled for July 21, 2014.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed & Seal

VOTING NAY: None ABSENT: None

PUBLIC FORUM

Motion to Surplus Air Space on City Property on Beach Blvd.

Kevin Fitzpatrick told the Council about a project he is working on for a restaurant to be constructed on Beach Blvd. His clients are asking the City for permission to cantilever one side of the proposed building over City owned property. There is an electrical box currently on the property and the air space over the box would not be used. The use of the airspace would give his clients a means of egress on the outside of the building so more inside space can be used for customer comfort. Mr. and Mrs. Tillman are building the restaurant and the first floor will house the kitchen and the deck. The two upper floors will be restaurant space.

Council Member Falgout moved, seconded by Council Member Favre, to surplus air space and allow the proposed building to cantilever over City owned property on the north side only of 113 S. Beach Blvd.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Harbor Fest

Mike Rosato discussed lay-out plans for the upcoming Harbor Fest with the Council. Everything is in place for the festival which takes place July 25-27, 2014.

NEW BUSINESS

Budget Workshops

Workshops for the 2014-2015 Bay St. Louis Budget will be held:

July 21, 2014	5:30 pm
August 4, 2014	5:30 pm
August 18, 2014	5:30 pm

OLD BUSINESS

Quail Way Water Issue

Mayor Fillingame said the work on signing up the customers to City Utilities is going smoothly.

Pole Yard

Mayor Fillingame said Buddy Zimmerman is working on getting the property ready for the appraisal. Council Member Compretta said the fence should be removed also.

MLK Park

Council Member Reed asked when the work will be done at MLK Park. Mayor Fillingame advised him that all hands will be on deck as soon as Buddy Zimmerman returns from vacation.

Motion to Engage Jimmy Chiniche to Survey Land by MLK Park

Council Member Favre moved, seconded by Council Member Compretta, to engage Jimmy Chiniche to survey the property by MLK Park and pass the cost on to the buyer of the property.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Speed Limit Signs on Central

Council Member Compretta said the 25 mph speed limit signs have not been put up on Central between Washington and Ballard Court yet and that was authorized last October. Mayor Fillingame said new 25 mph signs had to be ordered and he would see if the work could be completed now.

Garbage Charge for Trapani's

Council Member Favre asked if Trapani's reimburses the City for the garbage pickup. Mayor Fillingame said the service is charged to Trapani's on their utility bill. Council Member Favre asked is the City should get the dumpster out of its name. Mayor Fillingame said it should stay with the City because others will need to use it.

MAYOR'S REPORT

Motion to Approve Consent Agenda

Council Member Falgout moved, seconded by Council Member Favre to approve the consent agenda as follows:

1. Travel
Department: Police
Employee: Wes Mayley
Date: Oct 30, 2014 – June 19, 2015
Location: Biloxi, MS
Reason: Public Safety Leadership Institute Course
Sponsoring Organization: Gulf Coast Command and Leadership Academy
Registration: \$1,000.00 (\$397.68 reimbursed)
Meals: -0-
Transportation: City Vehicle
Lodging: -0-

2. Approve Street Closures
July 25, 2014 6pm-7pm
Start at Stanislaus Stadium
South on Bookter to Necaise left on Main
Ending at American Legion
To Allow for Dixie World Series parade

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Motion to Amend Police Dept. Payroll Budget

Mayor Fillingame said the Police Department payroll budget needs to be amended to raise the part-time officers' hourly rate from \$8.50/hr to \$13.56/hour. He said there needs to be 24 hour security at the Harbor and part-time officers are needed for the 7 pm – 7 am time period. There will be seven part-time positions. This charge will be put in the Harbor Budget for next year but will be paid back to the General Fund by an indirect expense through September of this year.

Council Member Falgout moved, seconded by Council Member Seal, to amend the Police Department Payroll Budget to increase part-time police officers' rates from \$8.50 per hour to \$13.56 per hour.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Old Spanish Trail Sidewalk and Lighting Project

Mayor Fillingame asked for a resolution from the Council to move forward with the Old Spanish Trail Sidewalk and Lighting Project. The construction cost for the project is \$808,000 and the City will have to come up with \$185,940 during construction. He asked for authorization from the Council to move forward on the project. The funding could go away as early as August so he needs the commitment from the Council. Council Member Boudin said he was concerned about committing to go forward because of the auditors' statements that the City may not have the money available to go forward. He would like to wait until after the workshop on July 21, 2014 to discuss this issue. After some discussion, that was the consensus of the majority of the Council.

Motion to Authorize a State Fire Insurance Rebate Bank Account

Council Member Seal moved, seconded by Council Member Compretta, to authorize the establishment of a State Fire Insurance Rebate bank account at The Peoples Bank in Bay St. Louis to be used for the purpose of State Fire Rebate Funds in accordance with Section 83-1-39 and 45-11-7 of the Mississippi Code of 1972.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Motion to Execute Signature Cards at Hancock Bank and the First, ANBA

Council Member Boudin moved, seconded by Council Member Favre, to approve that the Mayor (Les Fillingame), City Clerk (David Kolf) and Comptroller (Katherine Smith) are authorized and empowered to certify and deliver to Hancock Bank and the First, ANBA, a copy of this resolution and to execute a property signature card, or cards for all accounts.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Motion to Set up Night Depository Services for the Harbor with Hancock Bank

Council Member Falgout moved, seconded by Council Member Seal, to enter into an agreement with Hancock Bank to obtain night depository services for the Harbor.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Motion to move Forward to Establish a Merchant Account with Hancock Bank

Council Member Boudin moved, seconded by Council Member Favre, to move forward on establishing a merchant account that is part of the Harbor Account with Hancock Bank so that credit card processing can move forward for fuel purchases.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Motion to Approve the Docket of Claims

Council Member Seal moved, seconded by Council Member Reed, to approve the Docket of Claims as follows:

General Fund	\$ 143,547.35
Katrina Recovery Fund	17,257.50
CDBG Fund	943,550.85
Utility Fund	113,045.79
Municipal Harbor Fund	<u>43,343.52</u>
Grand Total	\$1,260,745.01

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Council Member McDonald left the room.

Motion to Approve WA McDonald Claims Docket

Council Member Seal moved, seconded by Council Member Favre, to approve the WA McDonald claim docket in the amount of \$362.73.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, Reed, and Seal

VOTING NAY: None ABSENT: McDonald

Council Member McDonald returned to the room.

Payroll

Council Member Reed asked that the Payroll for the period ended June 25, 2014 in the amount of \$151,317.34 be spread on the minutes.

Certification of Available Funds

Council Member Falgout asked that the Certification from David Kolf, City Clerk, stating that he recommends paying the docket and funds are available to cover the expense of \$1,260,745.01 be spread on the minutes.

ATTORNEY'S REPORT

Mr. Rafferty discussed with the Council why the Line of Credit obtained by the City in November 2014 is not an "illegal" loan. He has had many conversations with Mark Johnson with the State Auditor's Office about this issue. This loan is clearly a promissory note. He will have a resolution at the next meeting to correct the nomenclature in the minutes.

MINUTES

Council Member Seal moved, seconded by Council Member Favre, to approve the minutes of June 3 and June 17, 2015 with corrections. .

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

RECESS

Council Member Reed moved, seconded by Council Member Falgout, to recess the meeting until July 21, 2014 at 5:30 pm

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, Falgout, Favre, McDonald, Reed, and Seal

VOTING NAY: None ABSENT: None

Wendy McDonald, President, Ward 2 **Date**

Mike Favre, Council Member at Large **Date**

Doug Seal, Council Member -Ward 1 **Date**

Jeffrey Reed, Council Member – Ward 3 **Date**

Bobby Compretta, Council Member – Ward 4 **Date**

Joey Boudin, Council Member – Ward 5 **Date**

Lonnie Falgout, Council Member - Ward 6 **Date**

Jane Carrow, Clerk of Council