

July 8, 2018

Good evening all...

There is no Council meeting this week. The next Council meeting is Tuesday, July 17, 1:30 p.m., at city hall.

Other meetings...

The Development Review Committee (DRC) [See the agenda](#) (Wednesdays, as necessary)
The Architectural & Historical Review Commission (AHRC) [See the agenda](#) (Second and fourth Thursdays)
The Planning Commission Does not meet this week (First and third Thursdays)

Comprehensive Annual Financial Report (CAFR), FY17, aka the annual audit...

The city's annual audit was received by Council at Tuesday's meeting.

[See the audit \(152 pages\)](#) [Read Friday's B-mail about the city's audit](#)

Please remember that this audit covers Fiscal Year 2017 (October 1, 2016 – September 30, 2017).

Based on my particular interests, a few things caught my eye:

- Page 5, Long Term Financial Planning... "The City ended fiscal 16/17 with a General Fund balance of \$12.9 million which is adequate for the City. However, fund balance is not a recurring resource therefore, its use to pay recurring operating expenses cannot continue indefinitely. The City's general fund balance decreased by \$0.9 million (p. 26) on a modified accrual basis and \$0.0 million (p. 31) on a budget basis for the fiscal year ended September 30, 2017."
- Page 20, Long Term Debt... "...the City's new debt issues increased the long term debt of the city by \$8,814,835... the city reduced its long term debt by \$29,097,177 leaving a balance of long term debt at year's end of \$81,917,663."
- Pages 28-29, Revenues, Expenditures and Changes in Fund Balance (Budget and Actual)... What the city budgeted, actually spent, and the difference (+ or -).
- Page 31, Revenues, Expenses and Changes in Net Position, Proprietary Funds (Water & Sewer and Biloxi Port Fund)... (Proprietary funds are to be self-supporting, thus the water/sewer rate increases necessary for this department in recent years.) See the "Operating income (loss) line".
- Page 45, Millage rates... including the millage rate for Biloxi Public Schools
- Page 71, Harrison County Utility Authority (HCUA)... Note the line "Total liabilities, \$129,321,353". Based on water/sewer use, Biloxi's share of this liability is approximately 42%, or \$54,314,968. Note: The HCUA charge on your utility bill is what's paying down this amount.
- Page 89, Water and Sewer Fund... A different perspective... Note the line "Other income, \$2,080,707" (which I understand was a payment from HCUA to the city for some reason), a one-time payment which resulted in a positive balance... further justification of the water/sewer rate increases.
- Page 95-113, Statistical Section... Will give you some idea of trends and historical perspectives. Legal Debt Margin Information is on p. 107

FY 19 Budget process underway...

The city administration has begun preparing the proposed budget for next fiscal year, FY19, which begins October 1, 2018. By statute, the budget must be approved by resolution no later than September 15. Typically, there are 3-4 council workshops where budget items are discussed, department heads are questioned, city administration comments/justifies, etc. These workshops are usually scheduled before or after a regularly scheduled council meeting. The process culminates with a Public Budget Hearing followed by Council's adoption of the budget.

Have any heartburn about the budget? You get 3 minutes every council meeting to let us know how you feel!

Popp's Ferry Causeway Park, Concession Agreement...

Concession fees for the use of the concession area by Biloxi Watershed, LLC, recently approved lessee at that park, will sell good and/or services that will be phased in. Phase I: Sale of food items, non-alcoholic beverages, ice, bait and related fishing items, souvenirs, and sundry items and services; (2) Phase II: If this park is designated as a Leisure and Recreation District, the sale and consumption of alcoholic beverages will be permitted. (The Second Reading on this Leisure and Recreation District is very likely Tuesday, July 17.) Additional phases may be approved to sale specified goods and/or services within the concession area. Biloxi Watershed will pay \$12,000/year to rent the Bait Shop.

That area of the park north of the security gate (to be constructed) will always be accessible to the general public. Normal hours of operation for the concession area will be from 7:00 a.m. to 7:00 p.m., excluding holidays. Biloxi Watershed hours of operation will be 9:00 a.m. to 10:00 p.m., Monday through Sunday. Live entertainment/amplified sound are limited to: (1) Sunday – Thursday, 10:00 am – 9:00 p.m.; (2) Friday and Saturday, 10:00 a.m. – 10:00 p.m. Special events that Biloxi Watershed would like to conduct must be approved 30 days prior.

The projected date for the ribbon cutting is early August of this year. [Read the entire Agreement](#)

Schools starts in about a month...

If your child attends Biloxi Public Schools, registration is just around the corner... [Click for more info.](#)

Fireworks... *Have any thoughts? Share them with me...*

I'm reviewing the city's ordinance(s) related to fireworks and I'm interested in your thoughts. Should we outlaw the sale of fireworks in Biloxi? Currently, (1) the sale of fireworks is permitted in the city; (2) possessing, storing, handling, or discharging fireworks in the city is not lawful unless the Mayor permits it and notifies the Council. (Examples: July 4th fireworks by commercial establishments, MGM stadium on Friday nights during baseball season, Vietnamese New Year, etc.).

Scroll down to see the city ordinances regarding fireworks.

Work on Howard Avenue downtown progresses...



View from Geo Ohr St., looking east



View from Geo Ohr St., looking west

This week's podcast [Listen](#) (Fireworks shows, First Friday and more)

- *Have a question?* Send it to me...
- *Tired of receiving the Ward 5 eBlast?* Let me know and I'll remove you from the distribution list.

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Sec. 13-1-12. - Fireworks.

(a)(i) The term "fireworks," as used in this section, shall mean all those items which are now or may hereafter be classified as "common fireworks" by the Interstate Commerce Commission, are labeled by said commission with the Class C common fireworks label, and which contain a statutorily restricted amount of pyrotechnic composition and were designed to produce an audible effect or pyrotechnic display by combustion; their explosive composition cannot exceed two (2) grains in weight; by way of example they shall include such items as cone fountains, fire crackers, small Chinese crackers, skyrockets, bottle rockets, small non-explosive Roman candles and rockets, pyrotechnics commonly known as "snap pops," or other matter or substances similar thereto. For purposes of this section the term "fireworks" shall also include such 1.4G fireworks which comply with the construction, chemical

composition and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507, but does not include 1.3G fireworks, the sale of which is not permitted by this ordinance.

- (ii) Excluded from the prohibition of this ordinance is the sale of toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used, and toy pistol paper caps manufactured as provided in this subsection, the sale and use of which shall be permitted at all times.

- (b) Except as expressly authorized in section 23-4-2 of this Code of Ordinances as to the time and location of permitted firework sales, it shall be unlawful for any person to possess, store, handle, deal in, sell or offer for sale within the city any fireworks.

- (c) Except as expressly authorized in subsection (d) of this section, it shall be unlawful for any person to shoot, discharge, fire, explode or otherwise use any fireworks on or in any of the streets, sidewalks, alleys or other public places or elsewhere within the city.

- (d) If the person in charge of or sponsoring any lawful public gathering, demonstration or celebration, desires to have a fireworks display at such gathering, demonstration or celebration, the mayor, with notification to the city council, may issue a permit authorizing the possession, and use of fireworks for such display, after first finding and determining that a reasonably competent person will be in charge of such display and that such display can be conducted at any such gathering, demonstration or celebration with reasonable safety.

(Code 1959, § 12-13; Ord. No. 1767, § 1, 1-31-95; [Ord. No. 2261, § 1, 6-17-14](#))

State Law reference— Unlawful to explode in certain places, MCA 1972, § 97-37-27; authority to regulate and prohibit, MCA 1972, §§ 21-19-15, 21-19-33; state privilege tax, MCA 1972, § 27-17-161.

Sec. 12-6-4. - Items prohibited on beach; vehicles and animals on beach; noise; littering.

- (a) The following items are prohibited on the sand beach and the seawall and seawall easement which is contiguous thereto, and such items shall not be carried or placed upon the beach or seawall or seawall easement:
 - (1) Tents and structures of all types, except awning type shelters, which shall be permitted during the daylight hours but must not be erected for use overnight.
 - (2) Containers constructed of glass, china or any type pottery.
 - (3) Motor vehicles of all types, except those used to maintain or police the sand beach.
 - (4) Horses, livestock and animals of all types, except dogs on leash under control of the owner or other person unless otherwise prohibited.
 - (5) Firearms or airguns.
 - (6) Fireworks, except by special permit under fireworks ordinances.
 - (7) Fires, except as specified in [section 12-6-3](#).

- (b) It shall be unlawful for any person to make, continue or cause to be made or continued any loud or unusual noise in that area south of the north right-of-way of U.S. Highway 90. Loud or unusual noises include but are not limited to the use or operation of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb those in the nearby vicinity. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 100 feet from such set, instrument, phonograph, machine or device shall be prima facie evidence of a violation of this section. This section shall not apply to a function which has been approved by a permit which may be issued at the discretion of the public safety department.

(c) It shall also be unlawful for any person to place or leave on the beach, either willingly or by neglect, any foreign debris or litter. Any such debris, trash or litter should be placed in containers located on the beach.

(d) Any person violating any of the terms and provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in an amount not less than \$25.00 and not more than \$500.00.

(Code 1959, § 11A-7-4)

Sec. 23-4(3)(D)(8)(m). - Fireworks. (Also see **Use Table C**, this section)

Seasonal Fireworks Sales

Fireworks sales are allowed within an RB Regional Business zoning as a Conditional Use and shall comply with the following standards:

1. Fireworks sales are seasonal sales only, within the times permitted by state law. No fireworks shall be sold or offered for sale at retail within the City of Biloxi before the fifteenth day of June and after the fifth day of July and before the fifth day of December and after the second day of January of each year. No fireworks shall be sold to any person under the age of 16 years. All persons involved in the sale of fireworks shall be at least 18 years of age.
2. It shall be unlawful for any person to shoot, discharge, fire, explode or otherwise use any fireworks upon any of the streets, sidewalks, alleys or other public places or elsewhere within the city. [re: City of Biloxi Code of Ordinances, Section 13-1-12(c)].
3. A Conditional Use shall be required for each Seasonal Fireworks Sales operation, which Conditional Use will remain valid, unless modifications are made to the site, the temporary structure, or the location.
4. Ownership and operation of the Conditional Use may not be transferred, subleased, sold or conveyed to any other individual, firm or entity. Any such change in ownership or operation will necessitate an application for a new Conditional Use permit.
5. All Seasonal Fireworks Sales outlets are required to be 2,500 feet from other existing Seasonal Fireworks Sales outlets, and 500 feet from any residential properties.
6. All Seasonal Fireworks Sales are required to be 300 feet from the property line of any motor vehicle fueling station, bulk plant, or bulk terminal for:
 - a. Flammable or combustible liquid.
 - b. Flammable gas.
 - c. Flammable liquid gas.
7. Seasonal Fireworks Sales Stands are preferred to be on paved surfaces; however, unpaved surfaces may be approved if dry vegetation has been cleared under and around these Seasonal Sales Outlets for a distance of 35 feet.
8. Public safety, ingress, egress, and adequate parking will be factors considered by the fire department before approving any site for fireworks sales.
9. Consumer Firework Retail Sales (CFRS) facilities shall be accessible to Fire Department apparatus by means of an approved fire apparatus access road constructed of asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.