

Tuesday
June 3, 2014
Gautier, MS 39553

BE IT REMEMBERED THAT A REGULAR MEETING the Mayor and Members of the Council of the City of Gautier, Mississippi was held June 3, 2014 at 6:30 P.M. in the City Hall Municipal Building, 3330 Highway 90, Gautier, Mississippi.

Those present were Mayor Gordon Gollott, Council Members Mary Martin, Johnny Jones, Hurley Ray Guillotte, Casey Vaughan, Rusty Anderson, Adam Colledge, City Manager Samantha Abell, City Clerk Cynthia Russell, City Attorney Joshua Danos and other concerned citizens.

**AGENDA
CITY OF GAUTIER, MISSISSIPPI
CITY HALL COUNCIL CHAMBERS
June 3, 2014 @ 6:30 PM**

- I. Call to Order**
 - 1 Prayer**
 - 2 Pledge of Allegiance**
- II. Agenda Order Approval**
- III. Announcements**
- IV. Presentation Agenda**
 - 1 United States Army Birthday Proclamation presented to Commander Capt. Louis Cook by Mayor Gollott**
 - 2 Overview of ICSC ReCon attended by City Manager and Mayor Gollott presented by City Manager, Samantha Abell**
- V. Public Agenda**
 - 1 Agenda Comments**
- VI. Business Agenda**
 - 1 Consideration of a Citizen-Initiated Comprehensive Rezoning of Property on Homestead Blvd. from R-1 to R-E. (GPC #14-01-RZ). William R. Finnicom, applicant (Quasi-Judicial Procedures).**
 - 2 Consideration of an amendment to Article XII of the Unified Development Ordinance to revise the Corridor Overlay District to incorporate a Sign Overlay District. (City Initiated) GPC Case #14-07-UDO.**
 - 3 Conduct public hearing (Quasi-Judicial Procedures) and receive public comments regarding 3677 Mackerel Drive, Gautier, MS. Barbara L. Aguillard, owner.**
 - 4 Potential adoption of an Ordinance Prohibiting Smoking in Public Places and Places of Employment.**
 - 5 Consideration of the Cultural Services Division hosting a NFL Punt Pass & Kick (PP&K) Competition for youths age 6-15.**

- 6 Order authorizing proposal for appraisal services for Lowe's Property donation on on William Payne Adams Blvd.
 - 7 Order authorizing MDOT Memorandum of Agreement for the 1-10/Hwy. 57 area feasibility study.
 - 8 Order authorizing the renewal contract for Inter-local Agreement with Multi-Agency Narcotics Enforcement Team.
 - 9 Order approving Docket of Claims.
- VII. Consent Agenda **(All items approved in one motion)**
- 1 Order approving Gautier Historic Preservation Commission appointments.
 - 2 Resolution appointing Mississippi Municipal League 2014 Voting Delegates.
 - 3 Order approving Minutes from Recessed Council Meeting held May 20, 2014.
 - 4 Resolution requesting the Mississippi Department of Archives and History designate the Hilda Fire Tower as a Mississippi Landmark.
 - 5 Resolution requesting the Department of Defense to recognize national defense and security value of Keesler Air Force Base and ITSC-130 Tactical Airlift Mission and to preserve and retain Mission Keesler during current fiscal re-organization.

**STUDY AGENDA
CITY OF GAUTIER, MISSISSIPPI
June 3, 2014**

- 1 Discuss Citizen Comments
- 2 Discuss Council Comments
- 3 Discuss City Manager Comments
- 4 Discuss City Clerk Comments
- 5 Discuss City Attorney Comments

Recess until June 17, 2014 @ 6:30 PM
www.gautier-ms.gov

Motion made by Councilman Guillotte to table Business Item #8- Approval of Inter-local Agreement with Multi-Agency Narcotics Enforcement Team and approve the agenda order. Motion seconded by Councilwoman Martin and unanimously carried.

Announcements – None

Presentation Agenda

- 1 United States Army Birthday Proclamation presented to Commander Capt. Louis Cook by Mayor Gollott. (Presentation moved to June 17, 2014 Council Meeting.)
- 2 Overview of ICSC ReCon attended by City Manager and Mayor Gollott presented by City Manager, Samantha Abell

Proclamation

A Proclamation of the Mayor and City Council
of
The City of Gautier, Mississippi

WHEREAS, The United States Army traces its history to ten companies of riflemen that answered the call for a Continental Army and enlisted on June 14, 1775; and

WHEREAS, throughout its history, members of the United States Army have served our country at home and abroad, in defense of our nation and our allies around the world; and

WHEREAS, the bravery and courage of members of the United States Army has resulted in over 2400 Army personnel becoming recipients of our nation's highest award for valor, the Congressional Medal of Honor; and

WHEREAS, today over 700,000 Soldiers continue the rich traditions of the United States Army by serving in over 100 countries throughout the world; and

WHEREAS, JUNE 14, 2014 marks the 239th birthday of the United States Army;

NOW, THEREFORE, I, Gordon Gollott, Mayor of the City Of Gautier do hereby proclaim June 14, 2014, to be United States Army Day and encourage all our citizens to recognize the achievements of current and former members of the United States Army.

Dated this 14th day of June 2014

Gordon Gollott, Mayor

Motion made by Councilman Colledge to amend the initial motion to exclude the lots involved in the subdivision plats. Motion seconded by Councilman Anderson and unanimously carried.

Motion made by Councilwoman Martin to go into Closed Session to determine if there is a need to go into Executive Session. Motion seconded by Councilman Vaughan and unanimously carried.

Motion made by Councilwoman Martin to return to Open Session. Motion seconded by Councilman Vaughan and unanimously carried.

Motion made by Councilman Colledge to go into Executive Session to discuss potential litigation. Motion seconded by Councilwoman Martin and unanimously carried.

Motion made by Councilman Vaughan to return to Open Session. Motion seconded by Councilwoman Martin and unanimously carried.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDINANCE NUMBER 215-2014

AN ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI, RELATING TO THE COMPREHENSIVE REZONING OF ±443.13 ACRES MORE OR LESS TO R-E RESIDENTIAL ESTATE; GENERALLY DESCRIBED AS PROPERTIES AT THE EAST END OF HOMESTEAD BOULEVARD, NORTH OF SIOUX BAYOU, SOUTH OF LITE BAYOU, AND WEST OF THE PASCAGOULA RIVER; MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; PROVIDING AUTHORITY; MAKING FINDINGS OF FACT; PROVIDING FOR A ZONING MAP AMENDMENT; AND SETTING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, AS FOLLOWS:

SECTION 1. AUTHORITY.

The authority for enactment of this ordinance is Section 17-1-5, Mississippi Code Annotated Section 17-1-15 (1972), Mississippi Statutes.

The City Council of Gautier finds that a comprehensive rezoning is necessary to implement the City's Comprehensive Plan adopted the 16th day of June 2009. A public hearing was held before the Gautier Planning Commission on May 1, 2014, and the Commission recommended that Council approve the change for a zoning map amendment to adopt the R-E Residential Estate District. The City Council has conducted a public hearing on June 3, 2014 after giving due public notice pursuant to the Public Hearing Process of the City's Unified Development Ordinance. The City Council has found that the requested rezoning is consistent with the City's Comprehensive Plan.

SECTION 2. PROPERTY REZONED.

The property generally described as all property except that owned by Mississippi Gulf Coast Wastewater, parcels 81807021.050, 81807040.430, and 81830020.050, within the boundary described as: beginning at the northwest corner of parcel 81807020.050; thence due south to a point where this line meets the northern boundary of the parcel 81830020.000; from that point due west to the northwest corner of said property; thence due south to the shoreline of Sioux Bayou; from that point eastward following the shoreline to the Pascagoula River; thence following the river shoreline in a northerly direction to the confluence of Lite Bayou and Pascagoula River, marked by the northernmost point of parcel 85070011.000; thence following the northern boundaries of all properties along the south side of Lite Bayou to the northeast corner of property first identified in this description; thence along the northern boundary of said property to the point of beginning, is hereby rezoned to R-E Residential Estate District.

SECTION 3. FINDINGS OF FACT.

The Planning Commission finds that the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning is R-1 zoning and the Comprehensive Plan re-designates this area to Very Low Density Residential; and

The Planning Commission finds that there is a need for additional lands in the City to be designated RE to implement the Comprehensive Plan's Residential land use for the purpose of ensuring that existing large lot subdivisions or areas with a concentration of larger lots are not subdivided into smaller lots which may not be desirable in some areas; and

The Planning Commission finds that the development of homes on smaller lots is inharmonious with the character of the area and the 2009 Comprehensive plan, which designates this area for rezoning to allow large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. The Planning Commission further finds that there was a mistake in the original zoning. Now, therefore:

SECTION 4. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Gautier is hereby amended to include a comprehensive change of classification from R-1 Low Density Residential to R-E Residential Estate for the specific parcels described in Exhibit A of this Ordinance.

SECTION 5. SETTING EFFECTIVE DATE AND APPEAL. This Ordinance shall become effective 30 days after approval by the City Council and signature of the Mayor.

Motion made by **Councilman Colledge** to approve the rezoning area to R-E Residential Estate based on clear and convincing evidence including the following:

1. The existing zoning in the subject area is not in accordance with the Comprehensive Plan, which it is not, its R-1 and Comprehensive Plan calls for R-E Residential Estate.

2. That there is a need for additional lands to be zoned as requested as R-E Residential Estate being there is currently no properties zoned that way in that designation, but the Comprehensive Plan does call for areas to be zoned R-E Residential Estate, there is a need for it.

3. There has been a substantial change in the land use character of the surrounding area that justifies the change in zoning.

Motion seconded by **Councilman Jones** and the following vote was recorded:

AYES: Johnny Jones
Rusty Anderson
Adam Colledge

NAYS: Gordon Gollott
Mary Martin
Hurley Ray Guillotte
Casey Vaughan

ADOPTED: **Motion failed**

Gordon T. Gollott, Mayor

ATTEST:

Cynthia Russell, City Clerk

Codification Instructions: Not Codified.

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney.
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Planning Commission, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Planning Commission, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Planning Commission makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager

From: Chandra Nicholson, Economic Development & Planning Director

Date: May 27, 2014

Subject: Consideration of a Citizen-Initiated Comprehensive Rezoning of Property on Homestead Blvd. from R-1 to R-E. GPC #14-01-RZ

REQUEST:

The Economic Development and Planning Department received a request from William R. Finnicum, resident of 704 Homestead Boulevard for a Comprehensive Rezoning of the property generally described as the eastern end of Homestead Boulevard south of Lite Bayou, north of Sioux Bayou, and west of the Pascagoula River. The application fee of \$300 was paid on January 2, 2014. All public notice requirements have been met. The applicant provided signatures of owners of contiguous land in excess of 10 acres on Homestead Boulevard and members of the “Homestead Neighborhood Association” for a comprehensive rezoning.

BACKGROUND:

The subject property is located off of Martin Bluff Road at the eastern end of Homestead Blvd. The current zoning is R-1 Low Density Residential and the applicant is requesting a rezoning to R-E Residential Estate.

Section 4.16 of the City’s Unified Development Ordinance (UDO) establishes the procedure to amend the City’s Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a comprehensive rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan. The GPC shall include in its recommendation to the City Council findings and any information which it deems is relevant to issues relating to the proposed rezoning.

A Public Hearing was conducted on Thursday, May 1st, 2014 by the Gautier Planning Commission.

Staff provided findings that the request did not meet the requirements of applicable law. Staff did not find that there has been a significant change in the area, there is not a need for additional R-E designated land at this time, and there is not evidence to support that there was a mistake in the original zoning.

The Planning Commission finds that there was a probability of a mistake in the original zoning and recommends approval of the rezoning request. (GPC Minutes Excerpt Attached)

DISCUSSION:

On December 16th, 2013, Planning Staff received an e-mail from Mr. Bill Finnicum requesting a rezoning as a result of “a vacant request to sub-develop property along Homestead Boulevard in accordance with R-1 Guidelines” (see Finnicum E-mail as a part of the attached Staff Report Exhibit E).

The Comprehensive Plan’s Future Lane Use Element establishes the general land use designation for Very Low Density Residential thus:

Very Low Density Residential/Agricultural—Areas with one acre or larger lots and which contain single family residential uses. Very low density residential neighborhoods should ideally be located adjacent to low density residential areas. The overall gross density is one (1) dwelling unit per acre.

The City’s Unified Development Ordinance describes the R-E Residential Estate Zoning District thus:

5.3.2 R-E, Residential Estate District

Purpose and intent. The purpose of this district is to provide for large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. Areas with these characteristics are typically developed as large-lot subdivisions with custom-built homes, suburban areas on the edge of the city and lots which contain environmentally sensitive areas. It is the intent of this Ordinance that these districts should be maintained without intrusive uses so as to minimize the impact of additional traffic or noise.

Unified Development Ordinance Table 7 Intensity and Dimensional Standards (excerpt)

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			Tier 1	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
R-1	9,600	80	35	---	---	25/35	10/25/35	25	---	---	---	---	---	---	25	---	---
RE	<u>43,560</u>	<u>150</u>	<u>35</u>	<u>N/A</u>	<u>N/A</u>	<u>50/35</u>	<u>20/35</u>	<u>35</u>	<u>none</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>20</u>	<u>N/A</u>	<u>N/A</u>

REVIEW CRITERIA:

To determine the appropriateness of the request, the City Council shall study and consider the following criteria to determine Findings of Facts, if applicable. Staff's comments are in italics.

- A. The existing zoning in the subject area is not in accordance with the Comprehensive Plan; **and**

Staff finds that the existing zoning is not in accordance with the Comprehensive Plan in that the Plan recommends the subject area be Very Low Density Residential. The rezoning of this area will place the Official Zoning Map in accordance with the Plan, however, the Comprehensive Plan specifies in Table No. 27, "create estate zoning district and rezone large lot development areas in select areas and with permission of property owners".

Staff finds that the Applicants collectively own 23% of the subject lands and at least one property Owner who owns 16.4% of the subject lands objects to the comprehensive rezoning at this time.

- B. The need for additional land in the City having the same zoning classification as the one proposed; **and**

The Unified Development Ordinance, Section 5.3.2 describes R-E Residential Estate as being a transitional zone of suburban area between urban and rural areas and generally contains conservation land. Residential Estate zones are generally on the edge of the city to transition to more rural areas.

Urban areas denote medium high to high density development with smaller lots and structures in close proximity, and core census block groups with a population density of at least 1,000 per square mile, according to the US Census. Rural is any territory (area) that is not urban.

To recommend in favor of the rezoning, the Planning Commission must find that at this time, there is a need for additional lands to be zoned as R-E, and that the current land use designation does not meet this need.

The "need" for additional lands must be based on a change since the adoption of the Comprehensive Plan. Based on the definition of R-E, growth must have increased to an extent that an urban area now exists that makes the R-E zone a necessary buffer between urban and rural territories (areas).

Staff finds no analysis that the current designation does not provide an adequate transitional zone for suburban lots.

- C. A substantial change in the land use character of the surrounding area that justifies the change in zoning; **or**

Staff finds that there has not been a substantial change in the land use character of the surrounding area. Specifically, there is no measurable increase in urban area to meet the statutory obligation of “change”.

- D. The probability of a mapping error in the Comprehensive Plan or a Unified Development Ordinance has occurred.

Staff finds no mapping error exists in the Comprehensive Plan or the Unified Development Ordinance. The Unified Development Ordinance show current zoning of the subject property to be R-1 Low Density Residential. The R-1 zoning fits the needs of the area at this time. The Comprehensive Plan is a vision document for the future through the year 2030. As intensity of development increases in the future years, development demands may increase the need for large tracts of residential land, but related to current development patterns, the need for large tracts of land to limit development intensity are not needed at this time.

FINDINGS / APPROPRIATENESS OF THE REQUEST:

Based on the data and analysis above and pursuant to the comprehensive rezoning criteria in section 4.16 of the Unified Development Ordinance, the Gautier City Council may:

1. Find that the data and analysis do not support a Comprehensive Rezoning at this time and deny the rezoning; or
2. Find that clear and convincing evidence has been provided to prove items A, B, & C of the Review Criteria do support a Comprehensive Rezoning at this time and approve the rezoning; or
3. Uphold the GPC recommendation that a mapping error occurred, item D of the Review Criteria, which provides clear and convincing evidence that a Comprehensive Rezoning is appropriate at this time; and approve the rezoning.

ATTACHMENTS:

1. Draft Ordinance
2. Staff Report as Submitted to the GPC with Back-Up
3. GPC Minutes Excerpt Dated May 1, 2014

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, AS FOLLOWS:

The authority for enactment of this ordinance is Section 17-1-5, Mississippi Code Annotated Section 17-1-15 (1972), Mississippi Statutes.

SECTION 2. PROPERTY REZONED.

SECTION 3. FINDINGS OF FACT.

The Planning Commission finds that there is a need for additional lands in the City to be designated RE to implement the Comprehensive Plan's Residential land use for the purpose of ensuring that existing large lot subdivisions or areas with a concentration of larger lots are not subdivided into smaller lots which may not be desirable in some areas; and

The Planning Commission finds that the development of homes on smaller lots is inharmonious with the character of the area and the 2009 Comprehensive plan, which designates this area for rezoning to allow large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. The Planning Commission further finds that there was a mistake in the original zoning. Now, therefore:

SECTION 4. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Gautier is hereby amended to include a comprehensive change of classification from R-1 Low Density Residential to R-E Residential Estate for the specific parcels described in Exhibit A of this Ordinance.

SECTION 5. SETTING EFFECTIVE DATE AND APPEAL. This Ordinance shall become effective 30 days after approval by the City Council and signature of the Mayor.

Motion made by BLANK, seconded by BLANK and the following vote was recorded:

AYES:

NAYS:

ADOPTED: _____

Gordon T. Gollott, Mayor

ATTEST:

Cynthia Russell, City Clerk

Codification Instructions: Not Codified.

ORDINANCE EXHIBIT A

PIDN	NAME	LOCATION	ACREAGE
85070002.000	BUGNER MICHAEL L & DEBRA L	904 HOMESTEAD BLVD GAUTIER	2.38
85070001.000	NORTON WANDA P & BRUCE J	908 HOMESTEAD BLVD GAUTIER	2.86
85420005.000	PATTERSON MITCHELL R & TAUNA M	1000 HOMESTEAD BLVD GAUTIER	4.80
85420002.000	DORSETT JAMES A	1004 HOMESTEAD BLVD GAUTIER	10.92
85420001.000	KINSEY JOHN M II & CYNTHIA L	1104 HOMESTEAD BLVD GAUTIER	2.82
81807020.310	JOHNSON MILTON POPE III & KATHLEEN R	1204 HOMESTEAD BLVD GAUTIER	3.18
81807020.330	GRAHAM JAMES R & DONICA L	HOMESTEAD BLVD GAUTIER	3.16
81807020.320	HOWARD MICHAEL C & ANASTASIA A	1316 HOMESTEAD BLVD GAUTIER	4.29
81807020.050	KINSEY JOHN W & CHARLOTTE	1322 HOMESTEAD BLVD GAUTIER	7.89
81807021.000	TUCEI F A & HAZEL M TRUSTEES	LOUIS ALEXIS TR GAUTIER	4.87
81807040.460	WATROUS JOSEPH D & DAPHNE C	LOUIS ALEXIS TR GAUTIER	3.52
81807040.422	SHAW TALMADGE D & ETTA P	LOUIS ALEXIS TR GAUTIER	2.20
81807040.424	WATROUS JOSEPH D & DAPHNE C	1212 LOUIS ALEXIS TR GAUTIER	2.00
81807040.420	SHAW TALMADGE D & ETTA P	LOUIS ALEXIS TR GAUTIER	2.57
81807020.100	LUKE ROYCE B & ROSE MARIE	HOMESTEAD BLVD GAUTIER	6.16
81807020.002	SMITH JIMMIE F & BARBARA A	LOUIS ALEXIS TR GAUTIER	4.49
81807020.000	LUKE ROYCE B & ROSE MARIE	LOUIS ALEXIS TR GAUTIER	3.78
81807020.350	LUKE ROYCE B & ROSE MARIE	1321 HOMESTEAD BLVD GAUTIER	3.12
81807020.340	MANIS STEVE CHARLES	1281 HOMESTEAD BLVD GAUTIER	3.06
81807020.300	SMITH JIMMIE F & BARBARA	1205 HOMESTEAD BLVD GAUTIER	3.01
81807045.025	DEES LIMITED PARTNERSHIP	HOMESTEAD BLVD GAUTIER	18.41
81807045.030	DEES LIMITED PARTNERSHIP	HOMESTEAD BLVD GAUTIER	49.53
81807045.000	DEES DORA VIRGINIA IRREV TRUST WILBUR G DEES, JR.	701 HOMESTEAD BLVD GAUTIER	4.87
81807040.400	ROY ALLEN J JR	700 HOMESTEAD BLVD GAUTIER	4.79
85070011.000	KREBS JOSEPH V & BETTY L	702 HOMESTEAD BLVD GAUTIER	28.80
85070012.000	KREBS JOSEPH V JR & BETTY L	702 HOMESTEAD BLVD GAUTIER	0.28
85070010.000	FINNICUM WILLIAM R & SARAH H	704 HOMESTEAD BLVD GAUTIER	9.78
85070009.000	GAUTIER MELVIN DOUGLAS & PATRICIA F	708 HOMESTEAD BLVD GAUTIER	4.48
85070008.000	SWANSON MARILYN	712 HOMESTEAD BLVD GAUTIER	4.38

PIDN	NAME	LOCATION	ACREAGE
85070007.000	MORGAN JULIUS B JR & SANDRA B	800 HOMESTEAD BLVD GAUTIER	4.10
85070006.000	TERRY MARY S	804 HOMESTEAD BLVD GAUTIER	3.53
85070005.000	HENWOOD TYRRELL A & JEAN Y	808 HOMESTEAD BLVD GAUTIER	3.44
85070004.000	HOOVER CELENA R	812 HOMESTEAD BLVD GAUTIER	3.34
85070003.000	LADNER WILLIAM D & CARRIE ANN	900 HOMESTEAD BLVD GAUTIER	3.36
81830030.000	COLUMBIA VENTURES INC ET AL C/O MAURICE REED	GAUTIER	20.50
81830010.000	MS STATE OF (TAX SALE 1980)	GAUTIER	23.50
81830020.025	TUCEI F A & HAZEL M TRUSTEES	LOUIS ALEXIS TR GAUTIER	77.66
81830080.000	SWANSON MARILYN	INDIAN POINT PKWY GAUTIER	18.91
81830020.000	TUCEI F A & HAZEL M TRUSTEES	JOHN DAILEY DR GAUTIER	78.39
		TOTAL	443.13

Excerpt from May 1, 2014 Planning Commission Minutes:

Commissioner Dailey made a motion to approve GPC Case #14-01-RZ, and that we find that we've heard evidence that this area was clearly being developed as residential estates, and as R-E did not exist at the time of incorporation of the area, it was brought into Gautier at the highest available zone available, which was R-1; we find that there is clear and convincing evidence that a mapping error occurred, and the Comprehensive Plan recognized the error by identify it to be rezoned R-E, which would protect the character and quality of the existing neighborhood. Commissioner Spanier seconded the motion and the following vote was recorded:

AYES:	Larry Dailey Jimmy Green Greg Spanier
NAYS:	Sandra Walters
ABSENT:	David Wooten James Torrey

Motion carried.

Gautier Planning Commission

Regular Meeting Agenda

March 6, 2014

(Staff Report and Application Revised for May 1, 2014 GPC Meeting)

Homestead Comprehensive Rezoning

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A COMPREHENSIVE REZONING OF PROPERTIES TO R-E RESIDENTIAL ESTATE (CITIZEN-INITIATED) GPC CASE #14-01-RZ

Synopsis: This is a citizen-initiated comprehensive rezoning of properties to R-E Residential Estate. The properties are located at the East end of Homestead Boulevard and generally described as properties north of Sioux Bayou, south of Lite Bayou, and west of the Pascagoula River.

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney.
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Planning Commission, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Planning Commission, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Planning Commission makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

**CITY OF GAUTIER
STAFF REPORT**

To: Gautier Planning Commission Chairperson and Members

From: Chandra Nicholson, Economic Development & Planning Director

Date: February 28, 2014 (Revised April 25, 2014)

Subject: Consideration of a Citizen-Initiated Comprehensive Rezoning of Properties Comprising ±443.13 Acres to R-E Residential Estate.

REQUEST:

The Economic Development and Planning Department has received a request from William R. Finnicum, resident of 704 Homestead Boulevard for a Comprehensive Rezoning of the property generally described as the eastern end of Homestead Boulevard south of Lite Bayou, north of Sioux Bayou, and west of the Pascagoula River. The application fee of \$300 was paid on January 2, 2014. All public notice requirements have been met. The applicant provided signatures of owners of contiguous land in excess of 10 acres on Homestead Boulevard and members of the “Homestead Neighborhood Association” for a comprehensive rezoning.

BACKGROUND:

Section 4.16 of the City’s Unified Development Ordinance (UDO) establishes the procedure to amend the City’s Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a comprehensive rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan. The GPC shall include in its recommendation to the City Council findings and any information which it deems is relevant to issues relating to the proposed rezoning.

Following a February 16th advertised public hearing by the GPC on March 6th, the Ordinance to amend the City’s Official Zoning Map will be considered for approval by the City Council on March 18th.

DISCUSSION:

On December 16th, 2013, Planning Staff received an e-mail from Mr. Bill Finnicum requesting a rezoning as a result of “a vacant request to sub-develop property along Homestead Boulevard in accordance with R-1 Guidelines” (see Finnicum E-mail as a part of the attached Exhibit E).

The Comprehensive Plan’s Future Lane Use Element establishes the general land use designation for Very Low Density Residential thus:

Very Low Density Residential/Agricultural—Areas with one acre or larger lots and which contain single family residential uses. Very low density residential neighborhoods should ideally be located adjacent to low density residential areas. The overall gross density is one (1) dwelling unit per acre.

The City’s Unified Development Ordinance describes the R-E Residential Estate Zoning District thus:

5.3.2 R-E, Residential Estate District

Purpose and intent. The purpose of this district is to provide for large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. Areas with these characteristics are typically developed as large-lot subdivisions with custom-built homes, suburban areas on the edge of the city and lots which contain environmentally sensitive areas. It is the intent of this Ordinance that these districts should be maintained without intrusive uses so as to minimize the impact of additional traffic or noise.

Unified Development Ordinance Table 7 Intensity and Dimensional Standards (excerpt)

DATA AND ANALYSIS:

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			Tier 1	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
R-1	9,600	80	35	---	---	25/35	10/25/35	25	---	---	---	---	---	---	25	---	---
RE	<u>43,560</u>	<u>150</u>	<u>35</u>	<u>N/A</u>	<u>N/A</u>	<u>50/35</u>	<u>20/35</u>	<u>35</u>	<u>none</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>20</u>	<u>N/A</u>	<u>N/A</u>

Homestead Boulevard is a non-striped local residential road with aging homes in generally well-kept conditions on lots greater than two (2) acres, with substantially undeveloped property on the south side of the road. In proximity to Homestead Boulevard is a bayou, a quiet fish camp, and conservation lands. Little to no development has occurred in the last thirty (30) years.

Property Listing for Comprehensive Rezoning Area: See attachment to Draft Ordinance attached.

Location: Ward 4

Current Zoning of the Request Property: R-1 Low Density Residential

Current surrounding existing land use and zoning:

	Current Land Use	Zoning District
North	Bayou, Low Density Residential, Conservation	R-1 Low Density Single Family Residential
South	Single Family Residential	AG Agricultural, PL Public Land
East	River	N/A
West	Fish Camp, Conservation, Low Density Residential	R-1 Low Density Single Family Residential

Comprehensive Plan Land Use Designation: The subject properties are designated Very Low Density Residential.

Surrounding Future Land Use Map (FLUM) designations:

	FLUM Designation
North	Very Low to Low Density Residential
South	Recreational Commercial, Conservation
East	Low Density, Conservation
West	N/A

Proposed Zoning: R-E Residential Estate

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, should study and consider the following criteria and recommend whether or not each is met, if applicable. Staff has recommended findings for the GPC's consideration in italics.

- A. The existing zoning in the subject area is not in accordance with the Comprehensive Plan; **and**

Staff finds that the existing zoning is not in accordance with the Comprehensive Plan in that the Plan recommends the subject area be Very Low Density Residential. The rezoning of this area will place the Official Zoning Map in accordance with the Plan, however, the Comprehensive Plan specifies in Table No. 27, "create estate zoning district and rezone large lot development areas in select areas and with permission of property owners".

Staff finds that the Applicants collectively own 23% of the subject lands and at least one property Owner who owns 16.4% of the subject lands objects to the comprehensive rezoning at this time.

- B. The need for additional land in the City having the same zoning classification as the one proposed; **and**

The Unified Development Ordinance, Section 5.3.2 describes R-E Residential Estate as being a transitional zone of suburban area between urban and rural areas and generally contains conservation land. Residential Estate zones are generally on the edge of the city to transition to more rural areas.

Urban areas denote medium high to high density development with smaller lots and structures in close proximity, and core census block groups with a population density of at least 1,000 per square mile, according to the US Census. Rural is any territory (area) that is not urban.

To recommend in favor of the rezoning, the Planning Commission must find that at this time, there is a need for additional lands to be zoned as R-E, and that the current land use designation does not meet this need.

The “need” for additional lands must be based on a change since the adoption of the Comprehensive Plan. Based on the definition of R-E, growth must have increased to an extent that an urban area now exists that makes the R-E zone a necessary buffer between urban and rural territories (areas).

Staff finds no analysis that the current designation does not provide an adequate transitional zone for suburban lots.

- C. A substantial change in the land use character of the surrounding area that justifies the change in zoning; **or**

Staff finds that there has not been a substantial change in the land use character of the surrounding area. Specifically, there is no measurable increase in urban area to meet the statutory obligation of “change”.

- D. The probability of a mapping error in the Comprehensive Plan or a Unified Development Ordinance has occurred.

Staff finds no mapping error exists in the Comprehensive Plan or the Unified Development Ordinance. The Unified Development Ordinance show current zoning of the subject property to be R-1 Low Density Residential. The R-1 zoning fits the needs of the area at this time. The Comprehensive Plan is a vision document for the future through the year 2030. As intensity of development increases in the future years, development demands may increase the need for large tracts of residential land, but related to current development patterns, the need for large tracts of land to limit development intensity are not needed at this time.

FINDINGS / APPROPRIATENESS OF THE REQUEST:

Based on the data and analysis above and pursuant to the comprehensive rezoning criteria in section 4.16 of the Unified Development Ordinance, the Gautier Planning Commission may:

1. Find that the data and analysis do not support a Comprehensive Rezoning at this time and forward a recommendation to deny the rezoning to council; or
2. Find that the data and analyses do support a Comprehensive Rezoning at this time and forward a recommendation of approval to council. **The Planning Commission must make the below findings to recommend approval:**

RE Residential Estate:

The Planning Commission finds that the existing zoning in the subject area is not in accordance with the Comprehensive Plan in that the existing zoning is R-1 zoning and the Comprehensive Plan re-designates this area to Very Low Density Residential; and

The Planning Commission finds that there is a need for additional lands in the City to be designated RE to implement the Comprehensive Plan's Very Low Density Residential land use for the purpose of ensuring that existing large lot subdivisions or areas with a concentration of larger lots are not subdivided into smaller lots which may not be desirable in some areas; and

The Planning Commission finds that the Official Zoning Map has no such Very Low Density Residential designated lands zoned on the Official Zoning Map. Furthermore, the City has an over abundance of R-1 Low Density Residential District lands leading to a lack of areas where owners of large residential lots are protected from adjoining land being subdivided into very small lots; and

The Planning Commission finds that there has been a substantial change in the land use character of the land.

ATTACHMENTS:

1. Draft Ordinance w/ Attachment
2. Applicant's Exhibit 1 – Application
3. Applicant's Exhibit 2 – Addendum Letter
4. City's Exhibit A – Location Map
5. City's Exhibit B – Existing Zoning Map
6. City's Exhibit C – Existing Land Use Map
7. City's Exhibit D – Future Land Use Map
8. City's Exhibit E – Ex Parte Communications
 - Nicholson E-mail dated 3/3/14 (Agenda Items)
 - Nicholson E-mail dated 3/3/14 (Attorney Opposition Letter)
 - Letter Attachment from Russell S. Gill
 - Nicholson E-mail dated 3/3/14 (Attorney Case Law Information)
 - Finnicum E-mail dated 1/29/14
 - Finnicum E-mail dated 1/27/14

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, AS FOLLOWS:

The authority for enactment of this ordinance is Section 17-1-5, Mississippi Code Annotated Section 17-1-15 (1972), Mississippi Statutes.

SECTION 2. PROPERTY REZONED.

SECTION 3. FINDINGS OF FACT.

The Planning Commission finds that there is a need for additional lands in the City to be designated RE to implement the Comprehensive Plan's Residential land use for the purpose of ensuring that existing large lot subdivisions or areas with a concentration of larger lots are not subdivided into smaller lots which may not be desirable in some areas; and

The Planning Commission finds that the development of homes on smaller lots is inharmonious with the character of the area and the 2009 Comprehensive plan, which designates this area for rezoning to allow large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. Now, therefore:

SECTION 4. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Gautier is hereby amended to include a comprehensive change of classification from R-1 Low Density Residential to R-E Residential Estate for the specific parcels described in Exhibit A of this Ordinance.

SECTION 5. SETTING EFFECTIVE DATE AND APPEAL. This Ordinance shall become effective 30 days after approval by the City Council and signature of the Mayor.

ADOPTED: _____

Gordon T. Gollott, Mayor

ATTEST:

Cindy Russell, City Clerk

Codification Instructions: Not Codified.

ORDINANCE EXHIBIT A

PIDN	NAME	LOCATION	ACREAGE
85070002.000	BUGNER MICHAEL L & DEBRA L	904 HOMESTEAD BLVD GAUTIER	2.38
85070001.000	NORTON WANDA P & BRUCE J	908 HOMESTEAD BLVD GAUTIER	2.86
85420005.000	PATTERSON MITCHELL R & TAUNA M	1000 HOMESTEAD BLVD GAUTIER	4.80
85420002.000	DORSETT JAMES A	1004 HOMESTEAD BLVD GAUTIER	10.92
85420001.000	KINSEY JOHN M II & CYNTHIA L	1104 HOMESTEAD BLVD GAUTIER	2.82
81807020.310	JOHNSON MILTON POPE III & KATHLEEN R	1204 HOMESTEAD BLVD GAUTIER	3.18
81807020.330	GRAHAM JAMES R & DONICA L	HOMESTEAD BLVD GAUTIER	3.16
81807020.320	HOWARD MICHAEL C & ANASTASIA A	1316 HOMESTEAD BLVD GAUTIER	4.29
81807020.050	KINSEY JOHN W & CHARLOTTE	1322 HOMESTEAD BLVD GAUTIER	7.89
81807021.000	TUCEI F A & HAZEL M TRUSTEES	LOUIS ALEXIS TR GAUTIER	4.87
81807040.460	WATROUS JOSEPH D & DAPHNE C	LOUIS ALEXIS TR GAUTIER	3.52
81807040.422	SHAW TALMADGE D & ETTA P	LOUIS ALEXIS TR GAUTIER	2.20
81807040.424	WATROUS JOSEPH D & DAPHNE C	1212 LOUIS ALEXIS TR GAUTIER	2.00
81807040.420	SHAW TALMADGE D & ETTA P	LOUIS ALEXIS TR GAUTIER	2.57
81807020.100	LUKE ROYCE B & ROSE MARIE	HOMESTEAD BLVD GAUTIER	6.16
81807020.002	SMITH JIMMIE F & BARBARA A	LOUIS ALEXIS TR GAUTIER	4.49
81807020.000	LUKE ROYCE B & ROSE MARIE	LOUIS ALEXIS TR GAUTIER	3.78
81807020.350	LUKE ROYCE B & ROSE MARIE	1321 HOMESTEAD BLVD GAUTIER	3.12
81807020.340	MANIS STEVE CHARLES	1281 HOMESTEAD BLVD GAUTIER	3.06
81807020.300	SMITH JIMMIE F & BARBARA	1205 HOMESTEAD BLVD GAUTIER	3.01
81807045.025	DEES LIMITED PARTNERSHIP	HOMESTEAD BLVD GAUTIER	18.41
81807045.030	DEES LIMITED PARTNERSHIP	HOMESTEAD BLVD GAUTIER	49.53
81807045.000	DEES DORA VIRGINIA IRREV TRUST WILBUR G DEES, JR.	701 HOMESTEAD BLVD GAUTIER	4.87
81807040.400	ROY ALLEN J JR	700 HOMESTEAD BLVD GAUTIER	4.79
85070011.000	KREBS JOSEPH V & BETTY L	702 HOMESTEAD BLVD GAUTIER	28.80
85070012.000	KREBS JOSEPH V JR & BETTY L	702 HOMESTEAD BLVD GAUTIER	0.28
85070010.000	FINNICUM WILLIAM R & SARAH H	704 HOMESTEAD BLVD GAUTIER	9.78
85070009.000	GAUTIER MELVIN DOUGLAS & PATRICIA F	708 HOMESTEAD BLVD GAUTIER	4.48
85070008.000	SWANSON MARILYN	712 HOMESTEAD BLVD GAUTIER	4.38

PIDN	NAME	LOCATION	ACREAGE
85070007.000	MORGAN JULIUS B JR & SANDRA B	800 HOMESTEAD BLVD GAUTIER	4.10
85070006.000	TERRY MARY S	804 HOMESTEAD BLVD GAUTIER	3.53
85070005.000	HENWOOD TYRRELL A & JEAN Y	808 HOMESTEAD BLVD GAUTIER	3.44
85070004.000	HOOVER CELENA R	812 HOMESTEAD BLVD GAUTIER	3.34
85070003.000	LADNER WILLIAM D & CARRIE ANN	900 HOMESTEAD BLVD GAUTIER	3.36
81830030.000	COLUMBIA VENTURES INC ET AL C/O MAURICE REED	GAUTIER	20.50
81830010.000	MS STATE OF (TAX SALE 1980)	GAUTIER	23.50
81830020.025	TUCEI F A & HAZEL M TRUSTEES	LOUIS ALEXIS TR GAUTIER	77.66
81830080.000	SWANSON MARILYN	INDIAN POINT PKWY GAUTIER	18.91
81830020.000	TUCEI F A & HAZEL M TRUSTEES	JOHN DAILEY DR GAUTIER	78.39
		TOTAL	443.13

GAUTIER, MISSISSIPPI
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

GPC 14-01-R2

PERMIT REQUESTED:

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Change in Zoning District	<u>X</u>	\$300.00
Major Development	_____	No Fee
Home Occupation	_____	\$100.00
Variance (greater than 30%)	_____	\$100.00
Appeal to Staff Decision	_____	\$100.00

TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR ON STAFF REVIEW:		FEE:
Home Occupation	_____	\$100.00
Variance (30% or less)	_____	\$100.00

See Attachment for Application Procedure

Name of Applicant: WILLIAM R. FINNICUM
 Name of Business: NA Phone: 228-205-2228
 Business Address: NA Mailing Address (if Different): 704 HOMESTEAD BLVD
GAUTIER, MS 39553
 Reason for request, location and intended use of Property: TO REQUEST ALL PROPERTIES (OTCA)
ADJACENT TO HOMESTEAD BLVD BE REZONED FROM R-1 TO R-E TO
ACHIEVE THE GOALS AND OBJECTIVES OF GAUTIER COMPREHENSIVE PLAN
 ATTACHMENTS REQUIRED AS APPLICABLE: 2030, DATED 15 JUNE 2009,

- NA 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
ATTCH 1 2. Legal descriptions and street address.
ATTCH 2 3. A detailed project narrative.
ATTCH 3 4. Copy of protective covenants or deed restrictions, if any.
NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
NA 6. Any other information requested by the Economic Development/Planning Director and/or members of the Site Plan Review Committee.

Signature of Applicant: William R. Finnicum
 Date of Application: 2 JANUARY 2014

FOR OFFICE USE ONLY	
Date Received	<u>1/2/14</u> Verify as Complete <u>BR</u>
Fee Amount Received	<u>\$300- CH# 1191 pd. 1/2/14</u>
Initials of Employee Receiving Application	<u>SB</u>

EXHIBIT 1

City of Gautier
Attn: Economic Development/Planning Department
Gautier, MS 39553

2 Jan 2014

To Whom It May Concern,

This letter transmits a public hearing application to consider property owner's request to rezone properties adjacent to Homestead Boulevard from R-1 (low density single-family residential) to R-E (Residential Estate or very low density single-family residential). This request is consistent with the Gautier Unified Development Ordinance (UDO), Article IV, Section 4.16 and the recommendations outlined in the City of Gautier Comprehensive Plan 2030, dated 15 June 2009.

The application includes the required attachments as follows:

- Attachment 1 (18 pages): Legal descriptions and addresses as obtained from the Webmapping Portal of the Jackson County Geographic Information Systems Division (Excel spreadsheet, diagrams of the related properties). An area map with boundary description is included for information/clarification.
- Attachment 2 (2 pages): A detailed project narrative (Homestead Boulevard property owners letter to the Gautier Director for Economic Development, dated 16 December 2013).
- Attachment 3 (7 pages): Copy of protective covenants (Bent Tree Point and LaVille de Courmont subdivisions).

A personal check for \$300.00 is enclosed for the processing fee.

Please direct any questions, concerns, and/or updates to the undersigned.

Respectfully submitted,



William R. Finnicum
704 Homestead Blvd, Gautier, MS 39553
H: 228-205-2228
C: 703-336-7204
finnicumw@aol.com

LINE #	SUBDIVISION	NAME	NAME2	LOCATION	ADDRESS	CITY	ZIP	PTDN	MAPNO	GISP 1	Legal Description
1	NA	ROY ALLEN J JR		700 HOMESTEAD BLVD GAUTIER	700 HOMESTEAD BLVD	GAUTIER MS	39553	81807040.400	764.19-07-001.00	764.19-04-0004.00	BEG SWC CL SEC 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
2	NA	DEES DORA VIRGINIA		701 HOMESTEAD BLVD GAUTIER	15078 LAURELWOOD DR	GULFPORT MS	39503	81807045.000	764.19-07-004.00	764.19-04-0003.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
3	NA	DEES LIMITED PARTNERSHIP		HOMESTEAD BLVD GAUTIER	15078 LAURELWOOD DR	GULFPORT MS	39503	81807045.025	764.19-07-003.00	764.19-03-0052.00M	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
4	NA	DEES LIMITED PARTNERSHIP		HOMESTEAD BLVD DRO GAUTIER	15078 LAURELWOOD DR	GULFPORT MS	39503	81807045.030	764.19-07-003.00	764.19-04-0001.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
5	BENT TREE POINT	KREBS JOSEPH V & BETTY L		702 HOMESTEAD BLVD GAUTIER	702 HOMESTEAD BLVD	GAUTIER MS	39553	85070011.000	764.19-07-000.00	764.19-04-0005.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
6	BENT TREE POINT	KREBS JOSEPH V JR & BETTY L		702 HOMESTEAD BLVD GAUTIER	702 HOMESTEAD BLVD	GAUTIER MS	39553	85070012.000	764.19-07-000.00	764.19-04-0006.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
7	BENT TREE POINT	FINNICUM WILLIAM R & SARAH H		704 HOMESTEAD BLVD GAUTIER	704 HOMESTEAD BLVD	GAUTIER MS	39553	85070010.000	764.19-07-000.00	764.19-04-0007.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
8	BENT TREE POINT	GAUTIER MELVIN DOUGLAS &	PATRICIA F	708 HOMESTEAD BLVD GAUTIER	708 HOMESTEAD BLVD	GAUTIER MS	39553	85070009.000	764.19-07-000.00	764.19-04-0008.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
9	BENT TREE POINT	SWANSON MARILYN		712 HOMESTEAD BLVD GAUTIER	700 TANTALLON DR	OCEAN SPRINGS MS	39564	85070008.000	764.19-07-000.00	764.19-04-0009.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
10	BENT TREE POINT	MORGAN JULIUS B JR & SANDRA B MORGAN JR	% J B MORGAN JR	800 HOMESTEAD BLVD GAUTIER	800 HOMESTEAD BLVD	GAUTIER MS	39553	85070007.000	764.19-07-000.00	764.19-04-0010.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
12	BENT TREE POINT	TERRY MARY S		804 HOMESTEAD BLVD GAUTIER	804 HOMESTEAD BLVD	GAUTIER MS	39553	85070006.000	764.19-07-000.00	764.19-04-0011.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
13	BENT TREE POINT	HENWOOD TYRRELL A & JEAN Y		808 HOMESTEAD BLVD GAUTIER	808 HOMESTEAD BLVD	GAUTIER MS	39553	85070005.000	764.19-07-000.00	764.19-04-0012.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
14	BENT TREE POINT	HOOVER CELENA R		812 HOMESTEAD BLVD GAUTIER	812 HOMESTEAD BLVD	GAUTIER MS	39553	85070004.000	764.19-07-000.00	764.19-04-0013.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
15	BENT TREE POINT	LADNER WILLIAM D & CARRIE ANN		900 HOMESTEAD BLVD GAUTIER	900 HOMESTEAD BLVD	GAUTIER MS	39553	85070003.000	764.19-07-000.00	764.19-04-0014.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
16	BENT TREE POINT	BUGNER MICHAEL L & DEBRA L		904 HOMESTEAD BLVD GAUTIER	904 HOMESTEAD BLVD	GAUTIER MS	39553	85070002.000	764.19-07-000.00	764.19-03-0001.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
17	BENT TREE POINT	NORTON WANDA P & BRUCE J		908 HOMESTEAD BLVD GAUTIER	908 HOMESTEAD BLVD	GAUTIER MS	39553	85070001.000	764.19-07-000.00	764.19-03-0002.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
18	THE HAMMOCK	DINKEL COREY BRIAN &	DIJKEL JULIA CLAIRE LANTUS	1000 HOMESTEAD BLVD GAUTIER	1000 HOMESTEAD BLVD	GAUTIER MS	39553	85420005.000	764.19-07-000.00	764.19-03-0003.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
19	THE HAMMOCK	DORSETT JAMES A		1004 HOMESTEAD BLVD GAUTIER	P O BOX 487	GAUTIER MS	39553	85420002.000	764.19-07-000.00	764.19-03-0006.00M	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
20	THE HAMMOCK	KINSEY JOHN M II & CYNTHIA L		1104 HOMESTEAD BLVD GAUTIER	1104 HOMESTEAD BLVD	GAUTIER MS	39553	85420001.000	764.19-07-000.00	764.19-03-0007.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
21	NA	JOHNSON MILTON POPE III &	KATHLEEN R	1204 HOMESTEAD BLVD GAUTIER	1204 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.310	764.19-07-036.00	764.19-03-0008.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
22	NA	SMITH JIMMIE F & BARBARA		1205 HOMESTEAD BLVD GAUTIER	1205 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.300	764.19-07-015.00	764.19-03-0050.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)
23	NA	SMITH JIMMIE F & BARBARA A		1205 ALEXIS TR GAUTIER	1205 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.002	764.19-07-014.00	764.19-03-0036.00	COM SWC CL 7 E 1576' N 24 DEG E 1187' 8" S 77 DEG E 667' 5" S 74 DEG E 654' S 83 DEG E 398' N 140 E 220 POB N 140 E 150 S 800 E 1900 TO C/L PASC RIVERS SLY 105' M/L N 800 W 1705' S 140 W 85' N 680 W 195 67' TO POB DB 1345-602 (4 Map764.19-04)

LINE #	SUBDIVISION	NAME	NAMEZ	LOCATION	ADDRESS	CITY	ZIP	PTDN	MAPNO	GTSP 1	Legal Description
24	NA	MANIS STEVE CHARLES		1281 HOMESTEAD BLVD GAUTIER	1281 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.340	764.19-07-000.00	764.19-03-0049.00	COM NW COR SW1/4 CL SEC 7 E 269.9' S 877.05' S 62.38' S 74 DEG E 262.56' S 73 DEG E 63.42' TO POB S 73 DEG E 326.20' S 11 DEG W 439.59' N 75 DEG W 276.70' N 5 DEG E 454.14' TO POB DB 1105-596 (49 Map764.19-03)
25	NA	HUNTLEY DEBORAH S & GOOD KAREN A	GOOD KAREN A	HOMESTEAD BLVD GAUTIER	1316 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.330	764.19-07-025.00	764.19-03-0009.00	COM NWC SW1/4 SEC 7 E 269.9' S 877.05' S 74 DEG E 279.14' S 73 DEG E 326.96' TO POB CONT S 73 DEG E 163.48' N 15 DEG E 650' WLY 263' S 6 DEG W 652' TO POB DB 1205-463 (9 Map764.19-03)
26	NA	HUNTLEY DEBORAH S & GOOD KAREN A	GOOD KAREN A	1316 HOMESTEAD BLVD GAUTIER	1316 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.320	764.19-07-024.00	764.19-03-0010.00	COM NW COR SW1/4 CL SEC 7 E 269.9' S 877.05' S 74 DEG E 279.14' S 73 DEG E 163.48' TO POB CONT S 73 DEG E 163.48' N 6 DEG E 652' NWLY 326' S 3 DEG W 877' TO POB SEC 7-7-6 DB 1205-463 (10 Map764.19-03)
27	NA	LUKE ROYCE B & ROSE MARIE		1321 HOMESTEAD BLVD GAUTIER	1321 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.350	764.19-07-017.00	764.19-03-0046.00	COM NW COR SW1/4 CL SEC 7 E 269.9' S 877.05' S 62.38' TO POB S 74 DEG E 262.56' S 73 DEG E 63.42' S 5 DEG W 454.14' N 75 DEG W 276.71' N 470' TO POB DB 986-193 (48 Map764.19-03)
28	NA	LUKE ROYCE B & ROSE MARIE		HOMESTEAD BLVD GAUTIER	1321 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.100	764.19-07-010.00	764.19-03-0035.00	COM NWC SW1/4 CL SEC 7 E 269.9' S 877.05' S 74 DEG E 279.14' S 73 DEG E 163.48' TO POB CONT S 73 DEG E 163.48' N 6 DEG E 652' NWLY 326' S 3 DEG W 877' TO POB SEC 7-7-6 DB 1205-463 (10 Map764.19-03)
29	NA	LUKE ROYCE B & ROSE MARIE		LOUIS ALEXIS TR GAUTIER	1321 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.000	764.19-07-018.00	764.19-03-0037.00	COM NWC SW1/4 S 89 DEG E 269.6' S 1409.44' TO POB S 75 DEG E 553.40' S 42 DEG W 560.75' TO N/M LOUIS ALEXIS TR N 38 DEG W 99.85' N 41 DEG W 134.48' N 372.70' ALG RD TO POB DB 1066-671 (37 Map764.19-03) DB 1080-786 (PER SURVEY)
30	NA	KINSEY JOHN W & CHARLOTTE		1322 HOMESTEAD BLVD GAUTIER	1322 HOMESTEAD BLVD	GAUTIER MS	39553	81807020.050	764.19-07-022.00	764.19-03-0011.00	COM SEC SE1/4 SEC 24-7-7 S 33° E 476.2' TO POB S 484.60' S 74° E 442.14' N 31° E 875.86' TO W/B CANAL NWLY ALG CANAL 260' M/L S 73° W 160' M/L S 108.18' S 67° W 97.05' S 23° W 54.54' N 74° W 167.79' S 156° TO POB DB 1073-582 DB 1075-320 (11 Map764.19-03) (PER SURVEY)
31	NA	SHAW TALMADGE D & ETTA P		LOUIS ALEXIS TR GAUTIER	1631 MARY ANN DR	GAUTIER MS	39553	81807040.420	764.19-07-008.01	764.19-03-0034.00	COM SW COR CL SEC 7 E 928' N 24 DEG E 708.9' TO POB N 24 DEG E 639' S 77 DEG E 191.26' S 24 DEG W 531.32' SWLY ALG RD TO POB DB 455-177 (34 Map764.19-03) DB 1275-820
32	NA	SHAW TALMADGE D & ETTA P		LOUIS ALEXIS TR GAUTIER	1631 MARY ANN DR	GAUTIER MS	39553	81807040.422	764.19-07-008.02	764.19-03-0032.00	COM SW COR CL SEC 7 E 928' N 24 DEG E 1347.9' S 77 DEG E 375.31' TO POB S 77 DEG E 224.39' S 24 DEG W 406.7' SWLY ALG RD 235' M/L N 24 DEG E 444.13' TO POB DB 455-177 (32 Map764.19-03) DB 1275-820
33	NA	WATROUS JOSEPH D & DAPHNE C		1212 LOUIS ALEXIS TR GAUTIER	1212 LOUIS ALEXIS TRAIL	GAUTIER MS	39553	81807040.424	764.19-07-008.03	764.19-03-0033.00	COM SW COR CL SEC 7 E 928' N 24 DEG E 1347.9' S 77 DEG E 191.26' TO POB S 77 DEG E 184.05' S 24 DEG W 444.13' TO RD S 85 DEG W 83.62' S 76 DEG W 135.66' N 24 DEG E 531.32' TO POB DB 1032-832 (33 Map764.19-03)
34	NA	WATROUS JOSEPH D & DAPHNE C		LOUIS ALEXIS TR GAUTIER	1212 LOUIS ALEXIS TRAIL	GAUTIER MS	39553	81807040.460	764.19-07-006.00	764.19-03-0031.00	COM SWC CL SEC 7-7-6 E 1368' TO POB CONT E 208' N 24 DEG E 742.3' N 79 DEG W 89' S 88 DEG W 100' S 87 DEG W 14' S 24 DEG W 756' TO POB DB 1199-690 (31 Map764.19-03)
35	NA	TUCEI F A & HAZEL M TRUSTEES		LOUIS ALEXIS TR GAUTIER	3212 OAK ST	GAUTIER MS	39553	81807021.000	764.19-07-013.00	764.19-03-0028.00	COM SWC CL SEC 7 E 225' TO POB N 735' TO S/M LOUIS ALEXIS TRAIL SELY ALG S/M TRAIL 525' S 20 DEG E 435' W 475' TO POB DB 411-465 DB 774-485 DB 1095-546 DB 1090-940 (28 Map764.19-03)
36	NA	TUCEI F A & HAZEL M TRUSTEES		GAUTIER	3212 OAK ST	GAUTIER MS	39553	81800020.025	767.30-30-008.00	769.30-01-0003.00	ALL GOV'T LOT 2 SECT 30-7-6 DB 373-327 DB 774-485 DB 1090-546 DB 1090-940 (3 Map769.30-01)
37	NA	TUCEI F A & HAZEL M TRUSTEES		GAUTIER	3212 OAK ST	GAUTIER MS	39553	81800020.000	767.30-30-008.00	769.30-02-0003.00	N1/2 GOV'T LOTS 3 & 4 LESS .95 AC IN NEC LOT 4 DB 373-327 DB 774-485 DB 1090-546 DB 1090-940 (3 Map769.30-02)
38	NA	SWANSON MARILYN		INDIAN POINT PKWY GAUTIER	700 TANTALLON DR	OCEAN SPRINGS MS	39564	81800080.000	767.30-30-007.00	769.30-02-0002.00	S1/2 GOV'T LOTS 3 & 4 LYING N OF SIOUX BAYOU DB 1320-237 DB 1554-610 (2 MAP769.30-02)

Homestead Boulevard Rezoning Application
GIS Webmapping extracts

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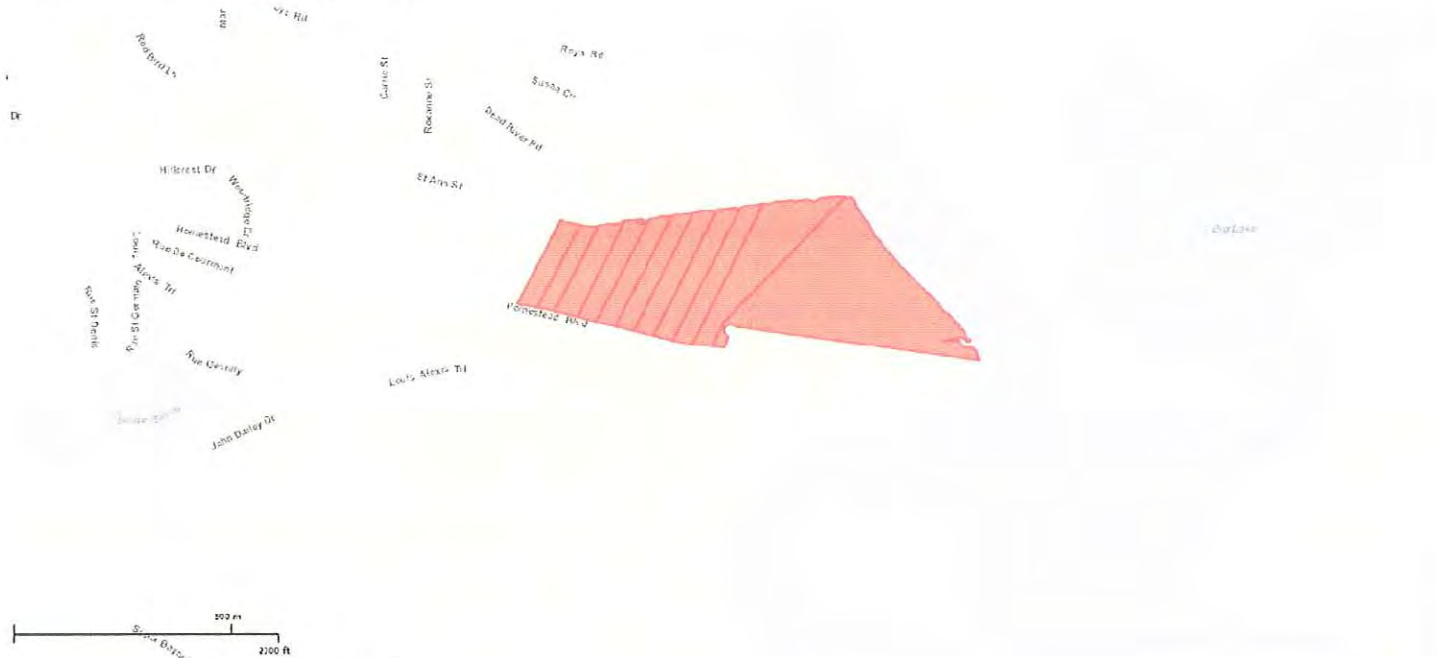
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701 Homestead Blvd



Bent Tree

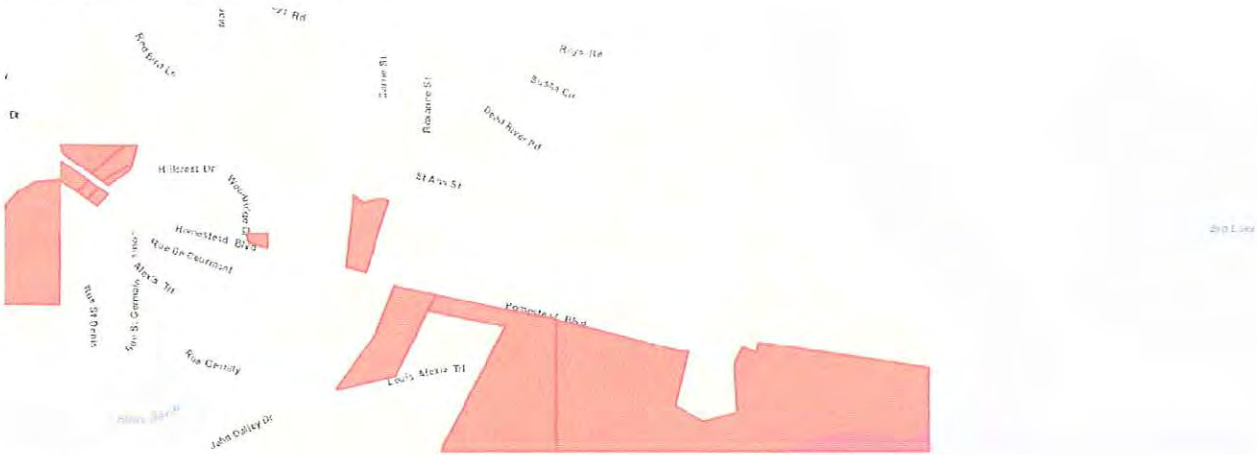
702-908 Homestead (Lots 1-11)



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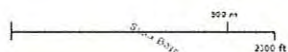
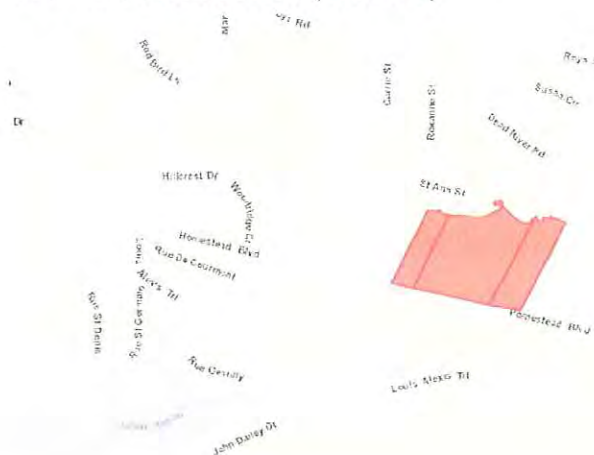
Homestead Blvd Properties

From Woodbridge Drive East



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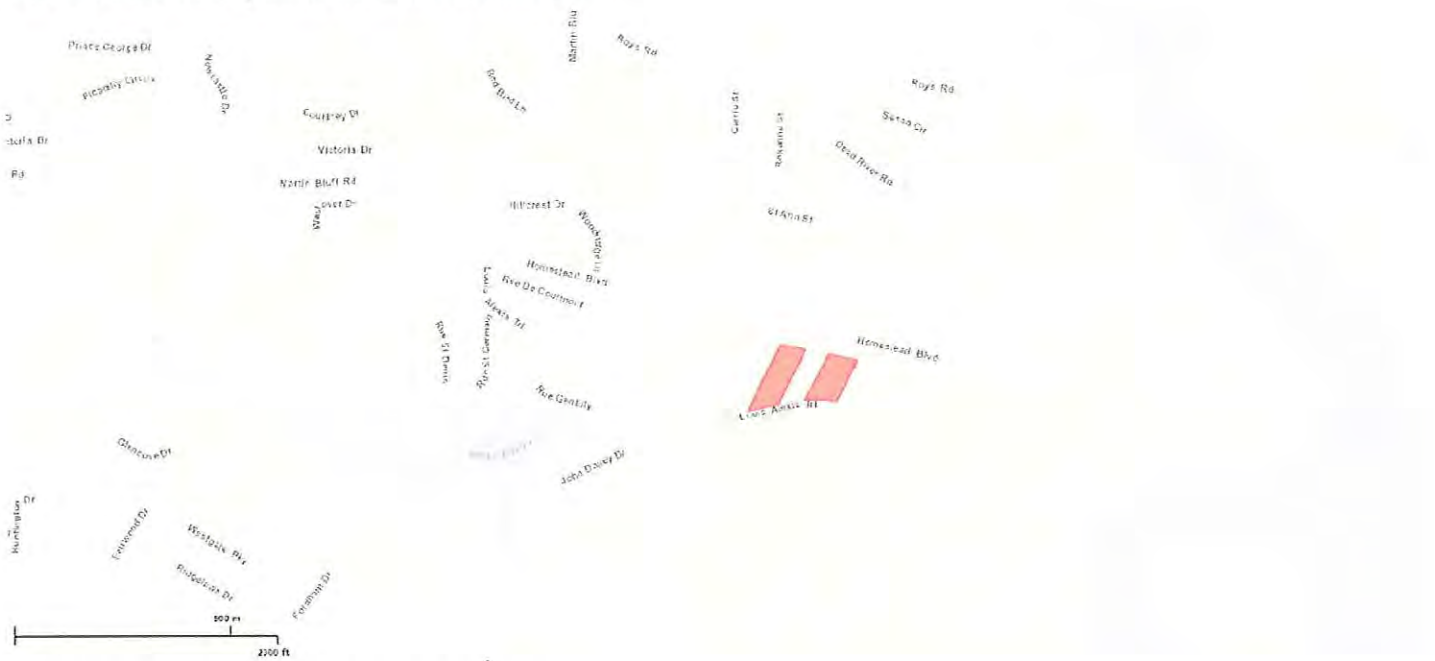
1000-1104 Homestead (Lots 1-5)



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Shaw Property

Louis Alexis Tr adjacent to Homestead Blvd



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Guilford

Hillcrest Dr

Woodland St

Homestead Blvd

Rue De Commerce

Rue De La Paix

Rue Genialy

John Deley Dr

Carmine St

Broadway St

St Ann St

Elm St

Elm Stg Hld

St Ann St

Homestead Blvd

St Ann St



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incl property adjacent to Louis Alexis Tr



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1281 Homestead Blvd



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[illegible]

incl property adjacent to Louis Alexis Tr

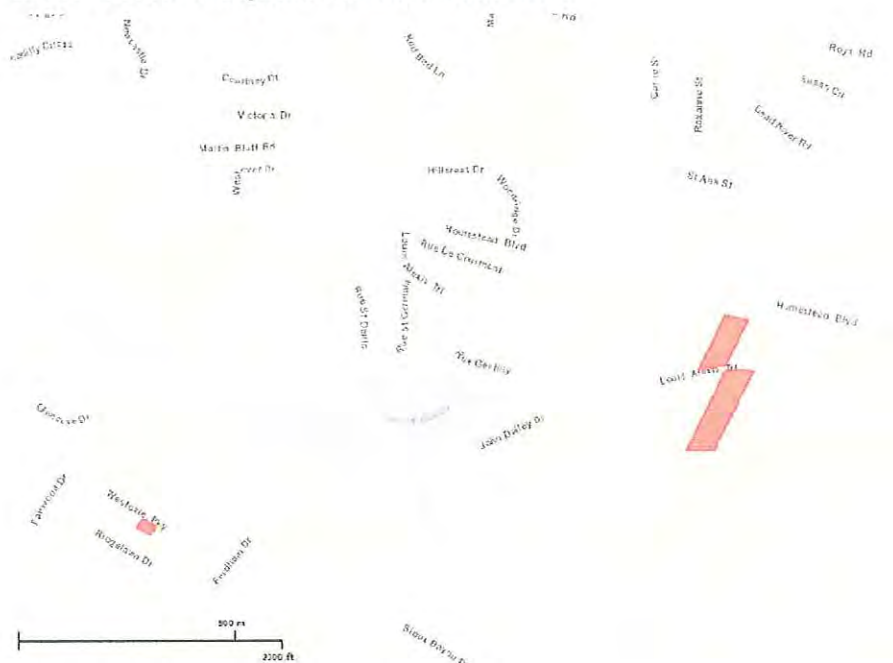


incl property adjacent to Woodbridge Dr



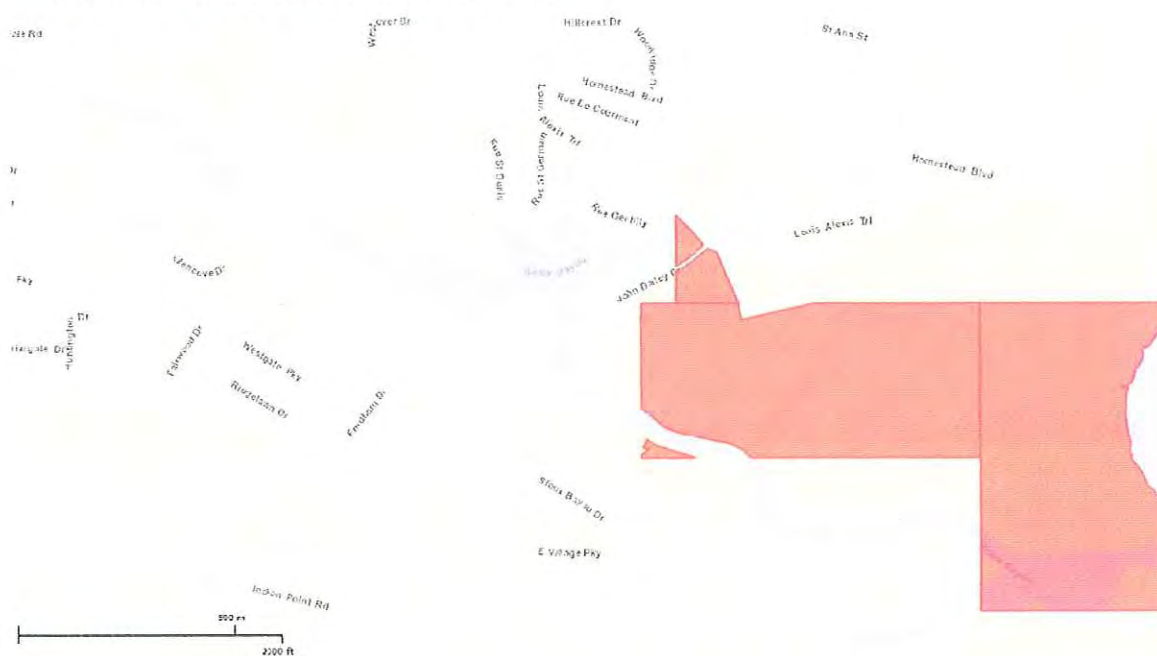
Watrous Property

Louis Alexis Tr adjacent to Homestead Blvd



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Louis Alexis Tr adjacent to Homestead Blvd



Swanson Property

Adjacent to Homestead Blvd properties



EXHIBIT 1

All property except that owned by Mississippi Gulf Coast Wastewater (blue shading), Parcel #: 81807021.050, 81807040.430 and 81830020.050, within the boundary described as: Beginning at the NW corner of the property owned by John and Charlotte Kinsey, Parcel #: 81807020.050; thence due south to a point where this line meets the northern boundary of the property owned by F A and Hazel M Tucei, Parcel #: 81830020.000; from that point due west to the NW corner of said Tucei property; thence due south to the shoreline of Sioux Bayou; from that point eastward following the shoreline to the Pascagoula River; thence following the river shoreline in a northerly direction to the confluence of Lite Bayou and Pascagoula River, marked by the northernmost point of property owned by Joseph and Betty Krebs, Parcel #: 85070011.000; thence following the northern boundaries of all properties along the south side of Lite Bayou to the NE corner of property first identified in this description owned by John and Charlotte Kinsey; thence along the northern boundary of said Kinsey property to the point of beginning.

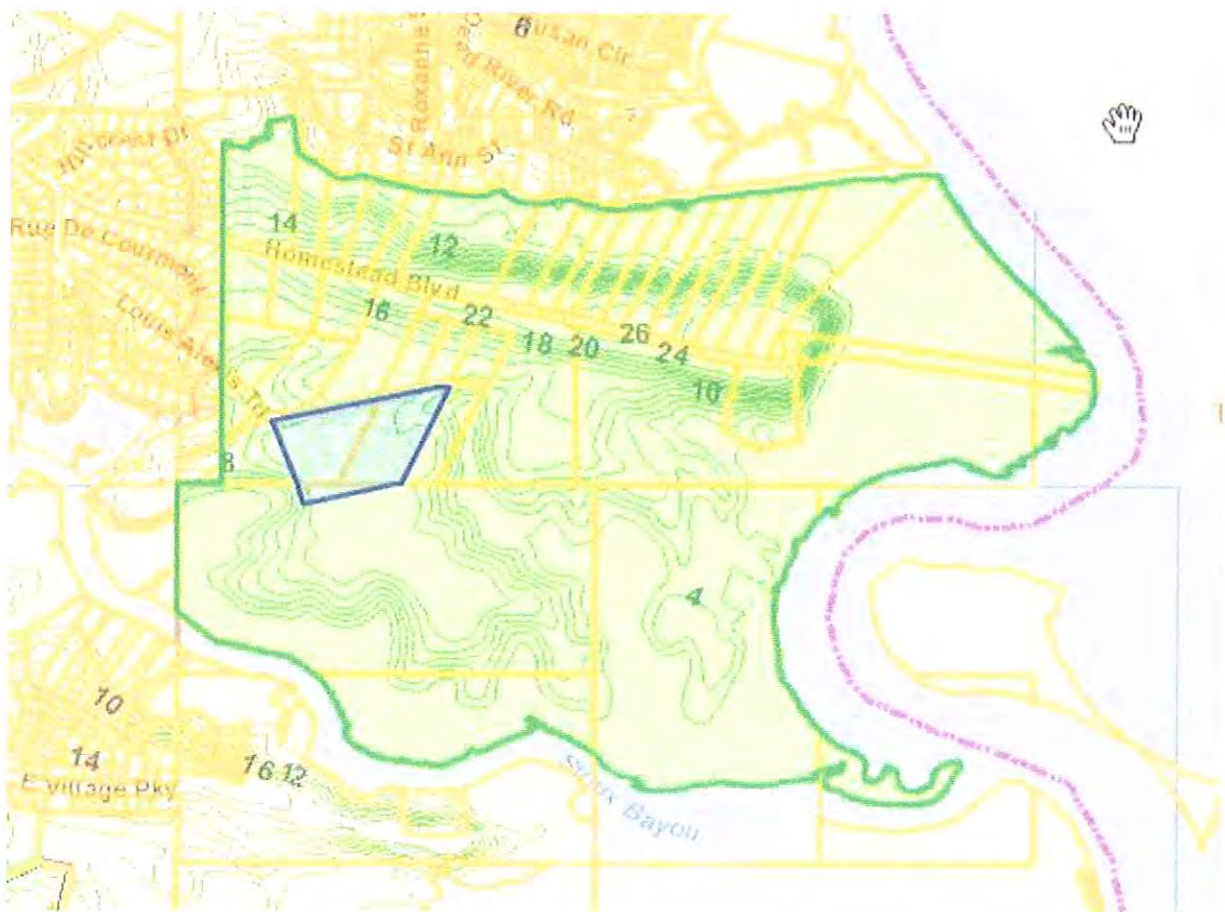


EXHIBIT 1

Homestead Boulevard Rezoning Application Project Narrative

City of Gautier
Attn: Director, Economic Development
Gautier, MS 39553

December 16, 2013

Dear Ms Nicholson,

In accordance with the Gautier Unified Development Ordinance (UDO), Article IV, Section 4.16, the undersigned residents of Homestead Boulevard (owners of contiguous land in excess of 10 acres along Homestead Boulevard and members of the Homestead Neighborhood Association), request immediate action by the city of Gautier to rezone the properties adjacent to Homestead Boulevard from R-1 (low density single-family residential) to R-E (Residential Estate or very low density single-family residential). This request is consistent with the recommendations outlined in the City of Gautier Comprehensive Plan 2030, dated 15 June 2009 and should not be delayed any further.

Delay in implementing the Comprehensive Plan is now a threat to our general welfare as property owners, the value of our homes, and the viability of our neighborhood. These are protections clearly mandated in Article I of the Gautier UDO.

As you know, the Gautier City Planning Commission is considering a request to sub develop additional property (Dees Landing) adjacent to Homestead Boulevard. We welcome further subdivision of Homestead Boulevard property as a deterrent to questionable activities and potential crime in the vacant lots. We also understand that the proposed plat for the Homestead Boulevard subdivision (re: GPC #13-28-SD), as requested, is legally sufficient in accordance with existing R-1 zoning regulations. However, we believe the small lots (1/3 acre) proposed in the preliminary plat, although consistent with the current R-1 zoning, is contrary to the intended land use for this area as outlined on the Comprehensive Plan 2030 map 9, Future Use, which shows the City of Gautier intends this area to be Very Low Density Residential. All existing home sites on Homestead Boulevard currently fit this description and we believe the small lots proposed in the preliminary plat will not support dwelling units that compliment the area and promote a balanced and attractive residential area with the surrounding properties on Homestead Boulevard: a specified purpose and intent of R-1 zoning as outlined in Section 5.3.3 of the UDO. Furthermore, additional delay in implementing the Comprehensive Plan zoning recommendations for Homestead Boulevard could result in further sub development that is inconsistent with both the UDO and the Comprehensive Plan causing significant imbalance in the neighborhood character and appeal.

We understand that future R-E rezoning for Homestead Boulevard may not impact the Dees Landing sub development request. However, we believe the rezoning is necessary to ensure subsequent development of Homestead Boulevard is consistent with the current characteristics of the neighborhood and mirrors the design characteristics of the future land use in the Comprehensive Plan (i.e., one acre or larger lots, abundant setbacks, low traffic, adjacent to low density residential areas).

EXHIBIT 1

Homestead Boulevard Rezoning Application Project Narrative

We believe the Homestead Boulevard neighborhood presently demonstrates the study requirements to qualify for a comprehensive rezoning, as outlined in Section 4.16 of the UDO. Therefore, we respectfully submit this rezoning request for your timely consideration and favorable disposition.

Respectfully,

Concerned citizens of Gautier and residents of Homestead Boulevard:

William R. Finnican
704 HOMESTEAD

Joseph V. Krebs Jr.
702 HOMESTEAD BLVD.

Pat Gautier
708 HOMESTEAD BLVD

J.B. Morgan Jr.
800 HOMESTEAD BLVD.

Mary Sue Terry
804 HOMESTEAD BLVD.

Terry Henwood
808 Homestead Blvd - A4

Carrie Ladner
900 HOMESTEAD BLVD
Carrie Ladner
900 Homestead Blvd.

Copies furnished: 700 Homestead Blvd. 1331558

Samantha Abell, Gautier City Manager

Charles "Rusty" Anderson, Councilman, Ward 4

Bruce North
908 HOMESTEAD BLVD

Tamara M. Patterson
1000 Homestead Blvd
Kathleen R. Johnson
1209 Homestead Blvd.

Barbara Smith
1205 Homestead
Barbara Smith

Charlotte Kinsey
1322 Homestead Blvd.
Gautier MS

Royce B. Luke
1321 Homestead

Homestead Boulevard Rezoning Application
Protective Covenants

BOOK 616 PAGE 507

STATE OF MISSISSIPPI

COUNTY OF JACKSON

PROTECTIVE COVENANTS

BENT TREE POINT SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned KENNETH O. SMITH, being the owner of that certain property situated in the County of Jackson, State of Mississippi, to-wit:

BENT TREE POINT SUBDIVISION, in Claim Section 7, Township 7 South, Range 6 West, Jackson County, Mississippi, as per plat thereof recorded in Book 15, Page 46, of the Records of Plats of Jackson County, Mississippi, do hereby agree and covenant with the purchasers and future owners of all lots in said BENT TREE POINT SUBDIVISION, according to said Plat, reference to which is hereby made, that the following Protective Covenants shall apply to property in said Subdivision, to-wit:

1. LAND USE AND BUILDING TYPE

All lots in said subdivision shall be known and used as residential lots only. No structure shall be erected, altered, placed or permitted to remain on any lot herein designated as residential lots other than one residential building constructed for the purpose of housing, not to exceed two families nor to exceed three stories in height, with a private garage for not more than three cars and other outbuildings incidental to residential use of the lots, including servants quarters separated from the dwelling or connected with the garage.

2. DWELLING COSTS, QUALITY AND SIZE

On any lot no dwelling shall be permitted under 1400 square feet heated area and each shall have two baths. It is the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded for the minimum permitted dwelling size.

3. BUILDING LOCATION

No building shall be located on any lot nearer to the front lot line as follows, to-wit:

Lot Number	Front Set Back	Lot Number	Front Set Back
1	60 feet	7	225 feet
2	80 feet	8	250 feet
3	125 feet	9	275 feet
4	150 feet	10	300 feet
5	175 feet		35 feet
6	200 feet		

No building shall be located nearer than 10 feet to a side lot line. For the purpose of this covenant as to lot lines, eaves and steps shall not be construed to permit any portion of a building to be located nearer than 3 feet to a side lot line.

4. EASEMENTS

Easements for installation of utilities and drainage facilities are reserved as shown on the recorded plat.

5. NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No in-operative automobiles or other vehicles shall be allowed to remain in streets, yards or drives.

6. SIGNS

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than three square feet advertising the property for sale or rent, or signs used for the builder to advertise the property during the construction and sales period.

7. LIVESTOCK AND POULTRY

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs or cats, or any other household pets, may be kept provided that they are not kept, bred or maintained for commercial purposes, but there shall be no more than four such pets at each residence.

8. GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste.

9. TEMPORARY STRUCTURES

No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used as a residence on any lot, at any time, either temporarily or permanently.

10. VEHICLES AND TRAILERS

No vehicle (including campers on the back of pickups, camping trailers, hauling trailers, boat trailers, or other type of trailer) other than automobiles and pickups can be parked in front of any dwelling at any time. All such excluded vehicles shall be parked behind the house and screened from the street. No house trailer shall be parked on a lot at any time.

11. FENCES

No fences over 4 feet in height shall be erected on any portion of the premises from the front street line to the front sill line of the building on any lots.

Homestead Boulevard Rezoning Application
Protective Covenants

BOOK 616 PAGE 509

12. TERM

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from the date these covenants are recorded, after which time, said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by the majority of the then land owners of lots has been recorded agreeing to change said covenants in whole or in part.

13. ENFORCEMENT

Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant herein contained, either to restrain violation or to recover damages. Any owner of any lot in said subdivision shall be vested with the rights under this paragraph.

14. SEVERABILITY

Invalidation of any one of these covenants by judgment or otherwise shall in no way effect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF the Owner has caused this instrument to be duly executed on this, the 18th day of April, 1978.

Kenneth O. Smith
KENNETH O. SMITH

STATE OF MISSISSIPPI

COUNTY OF JACKSON

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the above named KENNETH O. SMITH, who acknowledged to me that he signed and delivered the above and foregoing instrument of writing on the day and in the year therein mentioned and for the purposes therein stated.

Given under my hand and official seal this, the 18th day of April, 1978.

Hallie E. Netherland
Notary Public

HALLIE E. NETHERLAND, NOTARY PUBLIC
JACKSON COUNTY, MISSISSIPPI
MY COMMISSION EXPIRES AUGUST 26, 1980

STATE OF MISSISSIPPI

STATE OF MISSISSIPPI -- JACKSON COUNTY

I, Wilbur G. Dices, Clerk of the Chancery Court of said County, certify that the within instrument was filed in my office on the 18th day of April, 1978 at 7:10 o'clock P.M. and that the same is duly recorded in my office in Land Deed Book No. 616 Page 509

Attachment 3

Page 3 of 7

Page 52 of 210

STATE OF MISSISSIPPI

COUNTY OF JACKSON

BOOK 504 PAGE 111

RESTRICTIVE COVENANTS

TRI-LAND DEVELOPMENT, INC., owners and developers, of the following described real property located in an unincorporated area known as Gautier, County of Jackson, State of Mississippi, same being the real property now platted as La Ville de Courmont Subdivision, per official plat of the subdivision being recorded in Plat Book 14, Pages 32 - 33, on file in the office of the Chancery Clerk of Jackson County, Mississippi, hereby make the following declarations as to limitations, restrictions, and uses to which the lots or tracts constituting such subdivision may be put, and hereby specify that such declarations shall and do constitute covenants running with all the land, as provided by law, and shall be binding on all parties and all persons claiming under them, and for the benefit of and as limitations on all future assigns and owners in such subdivision, and are in addition to the restrictions or requirements of zoning and other regulatory laws and ordinances.

GENERAL RESTRICTIONS

1. No building whatever, except a private single-family dwelling house, with the necessary outbuildings, including a private garage, shall be erected, placed or permitted on any lot or any part thereof, and such dwelling house permitted on the lot shall be used as a private single family residence only.
2. No lot shall have a garage constructed thereon for more than three (3) cars.
3. No trailer, mobile home, camper, tent, shack, garage, barn, or other outbuilding erected in the tract shall, at any time, be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence.
4. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood. The keeping of hogs, cows, horses, chickens, or other similar animals or fowl, not con-

BOOK 504 PAGE 112

sidered normal house pets, is hereby declared to be an offensive activity and is prohibited.

5. All dwellings constructed upon any of said property shall be connected to a sanitary sewer, outdoor toilets being expressly prohibited.
6. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty (20) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in full or in part.
7. Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate, either directly or constructively, any covenant, said enforcement to be for the purpose of restraining the violation or recovering damages or both.
8. Invalidation of any one of these covenants, by judgment or otherwise, shall in no wise affect any of the other provisions which shall remain in full force and effect.
9. The development of a commercial marina on land owned by the undersigned adjacent to this subdivision to the southeast is declared to be desirable and advantageous to this subdivision. All future owners and parties having an interest in any part of this subdivision are hereby restricted and prohibited from asserting in any manner any objection to the development and operation of such a marina, and by accepting title or an interest in said subdivision or part thereof do thereby express their agreement and consent to the development and operation of such marina.
10. Access onto Homestead Boulevard is prohibited from Lots 97 through 105 inclusive.

NON-WATERFRONT LOTS, Incorporates Two Groups, Group A and Group B

11. Group A incorporates Lots 97 through 111, and Lots 76 through 85.

The ground floor of living and habitable area of the main structure of this group of lots, exclusive of one story open porches and garages, shall be not less than 1250 square feet per family unit for a one story building, nor less than 1000 square feet for a dwelling of more than one story. The combined floor area of any structure having more than one story, exclusive of porches and garages, shall not be less than 1650 square feet per family unit.

12. Group B incorporates Lots 112, 113, 75, Lots 86 through 95, Lots

114 through 125, Lots 32 through 40, and Lots 43 through 74. The ground floor of living and habitable area of the main structure of this group of lots, exclusive of one story open porches and garages, shall be not less than 1400 square feet per family unit for a one story building, nor less than 1100 square feet for a dwelling of more than one story. The combined floor area of any structure having more than one story, exclusive of porches and garages, shall not be less than 1750 square feet per family unit.

WATERFRONT LOTS

13. The ground floor of living and habitable area of the main structure, exclusive of open porches and garages, shall be not less than 1600 square feet per family unit for a one story building, nor less than 1200 square feet for a dwelling of more than one story. The combined floor area of any structure having more than one story, exclusive of porches and garages, shall not be less than 1850 square feet per family unit.

14. All boat docks, boat houses, walks, platforms, bulkheads, or appurtenance of any kind, shall be built so as to not extend into or over existing canals, other than a retaining wall built flush against the canal bank for the purpose of retaining said bank. Such permits as may be required by law shall be first obtained.

BOOK 504 PAGE 114

WITNESS OUR SIGNATURES on this, the 22 day of July, A.D., 1974.

TRI-LAND DEVELOPMENT, INC.

By: Robert B. Beall
Robert B. Beall, PresidentBy: Harold Lawrence
Harold Lawrence, Secretary

STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY appeared before me, the undersigned authority in and for said County and State, the above named ROBERT B. BEALL, as President, and HAROLD LAWRENCE, as Secretary, of TRI-LAND DEVELOPMENT, INC., who acknowledged to me that they signed and delivered the foregoing instrument on the day and year therein mentioned.

GIVEN under my hand and seal of office on this the _____ day of July, A.D., 1974.

_____
Notary Public

My Commission Expires:

December 15, 1975

STATEMENT OF FEES

STATE OF MISSISSIPPI — JACKSON COUNTY

Filing 5¢
Recording Wds.
@ 15¢ per 100
Certificate 50¢
Indexing 15¢ for
each separate Subdivision
Total Fees 1.40

I, Wilbur G. Dees, Clerk of the Chancery Court of said County, certify that the within Instrument was filed in my office for record on the 22 day of July, 1974 at 10:21 o'clock PM and was duly recorded on the 22 day of July, 1974 in Land Deed Book No. 504 Pages 114 in my office
GIVEN under my hand and seal of office this 22 day of July, A.D., 1974.

Attachment 3
Page 7 of 7

Page 56 of 210

Wilbur G. Dees

WILBUR G. DEES, Chancery Clerk

Form No. 106

EXHIBIT 2

City of Gautier
Attn: Economic Development/Planning Department
Gautier, MS 39553

21 March 2014

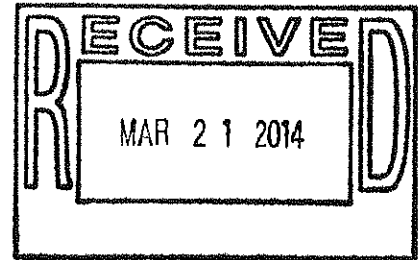
To Whom It May Concern,

1. Reference, Public Hearing Application for Change in Zoning District, attachment 2, dated 2 January 2014 (GPC-14-01-RZ).
2. This letter transmits an addendum to reference 1 (attached).

Respectfully submitted,



William R. Finnicum
704 Homestead Blvd, Gautier, MS 39553
H: 228-205-2228
C: 703-336-7204
finnicumw@aol.com



ADDENDUM

Attachment 2

Application for Public Hearing

Dated 2 January 2014

Comprehensive Rezoning of Homestead Boulevard

GPC 14-01-RZ

The following points are submitted for additional consideration:

- R-1 zoning (low density single-family residential) for properties/parcels adjacent to Homestead Boulevard is a mistake. These properties have exceeded one acre parcels since Gautier incorporation and initial development and presently satisfy the minimum criteria for R-E zoning (Residential Estate or very low density single-family residential). The Gautier Unified Development Ordinance (UDO) specifies that it was formulated and designed to implement the Comprehensive Plan. Article V of the UDO specifies that zoning district purposes are to be achieved in accordance with the Comprehensive Plan. The Comprehensive Plan recognizes the problem wherein R-1 zoning exists in estate type areas, allowing undesirable development in those areas. It then states, in Table 27, that estate zoning districts should be created and re-zoned to protect those areas. This action is listed as short term and ongoing. Short term is defined as within 3 years. The Future Land Use map shows us that Gautier did indeed identify the Homestead Boulevard area as R-E, however the city has not yet taken the action necessary to rezone as outlined in the Comprehensive Plan.
- A specified intent in the UDO is that R-E districts should be maintained without intrusive uses so as to minimize the impact of additional traffic or noise. Currently we have 20 homes in the area identified as R-E in the Comprehensive Plan. These homes sit on approximately 55 upland acres (marsh acreage not considered). Averaging two cars per household, that's 40 cars traveling up and down Homestead Boulevard. Presently, there is approximately 45 undeveloped upland acres on the south side of Homestead Boulevard. Assuming only 85% of that acreage is developed in accordance with or exceeding the existing R-1 zoning criteria (e.g., one-half acre parcels), we can expect an increase of about 145 cars moving on Homestead Boulevard, not including visitors. That's a 360% increase in the traffic we have now. One must also consider lawn mowers, leaf blowers and all the various sources of additional noise in a neighborhood.

EXHIBIT 2

- We understand there are presently no R-E zoned districts in Gautier. However, given that the properties on Homestead Blvd meet the minimum R-E zoning criteria, we believe an argument can be made that the existing R-1 zoning for the Homestead Boulevard area is a mistake. Furthermore, and IAW the UDO, we believe a zoning mistake is sufficient grounds to approve our application for comprehensive rezoning of Homestead Boulevard for Residential Estate (R-E) development in accordance the Comprehensive Plan.

Location Map
Homestead Boulevard
Homestead Comprehensive Rezoning

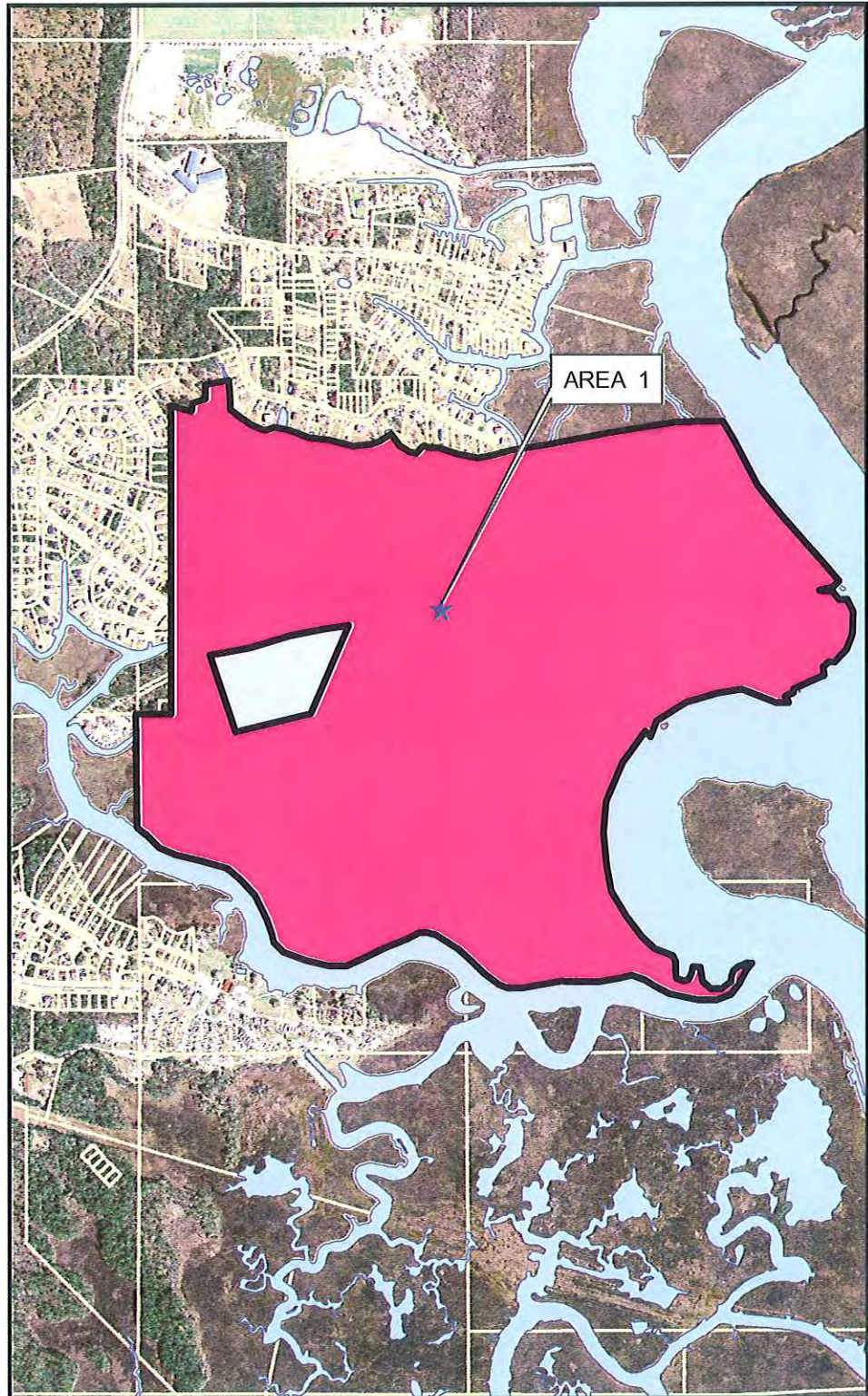
City Of Gautier
Economic Development/Planning



0 400 800
Feet



Prepared by the
City of Gautier
GIS Division



Existing Zoning Map

City Of Gautier
Economic Development/Planning



0 400800



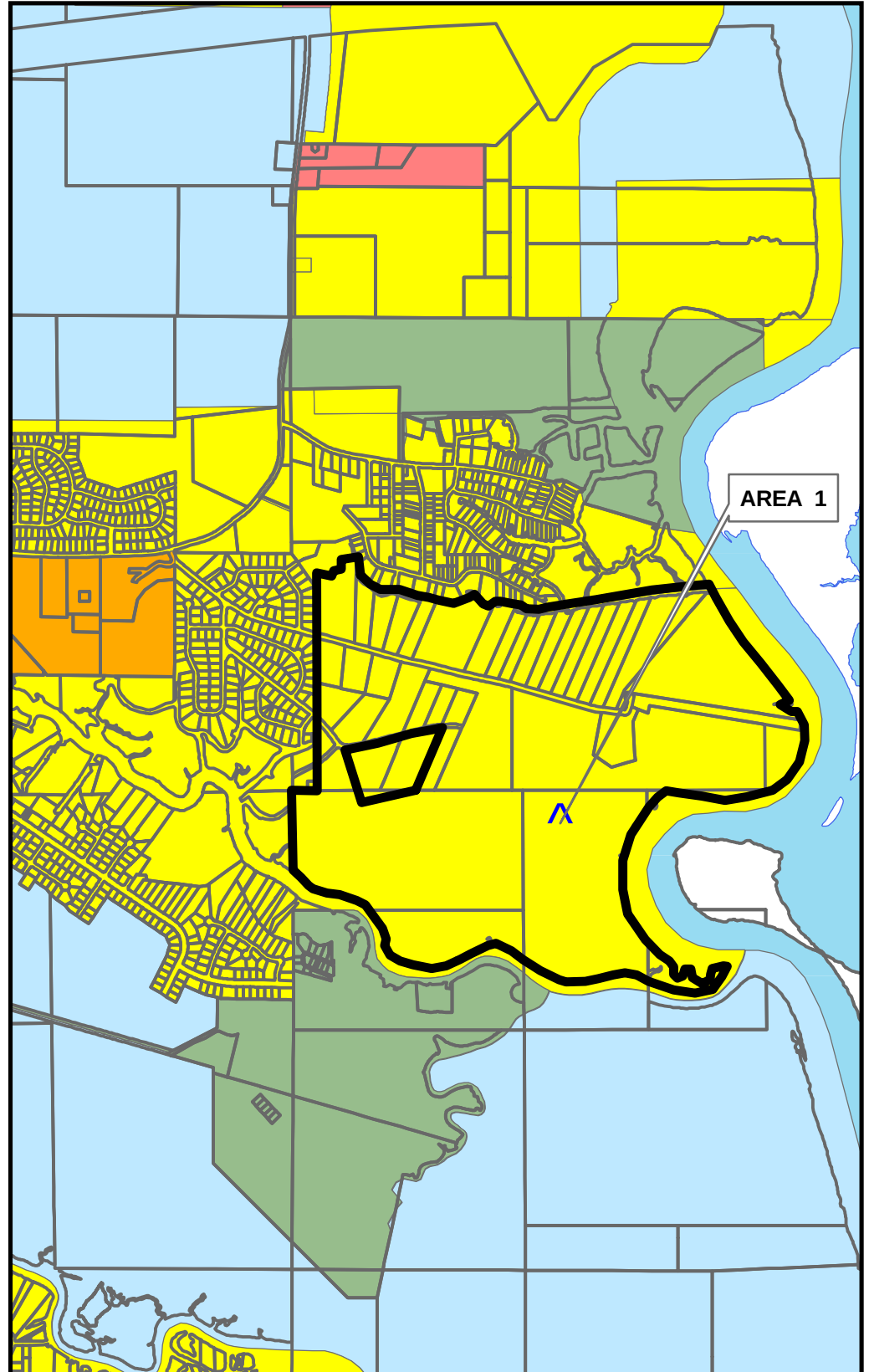
Feet

4

Prepared by the
City of Gautier
GIS Division

Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial



Existing Land Use Map

City Of Gautier
Economic Development/Planning



0 40 800
Feet

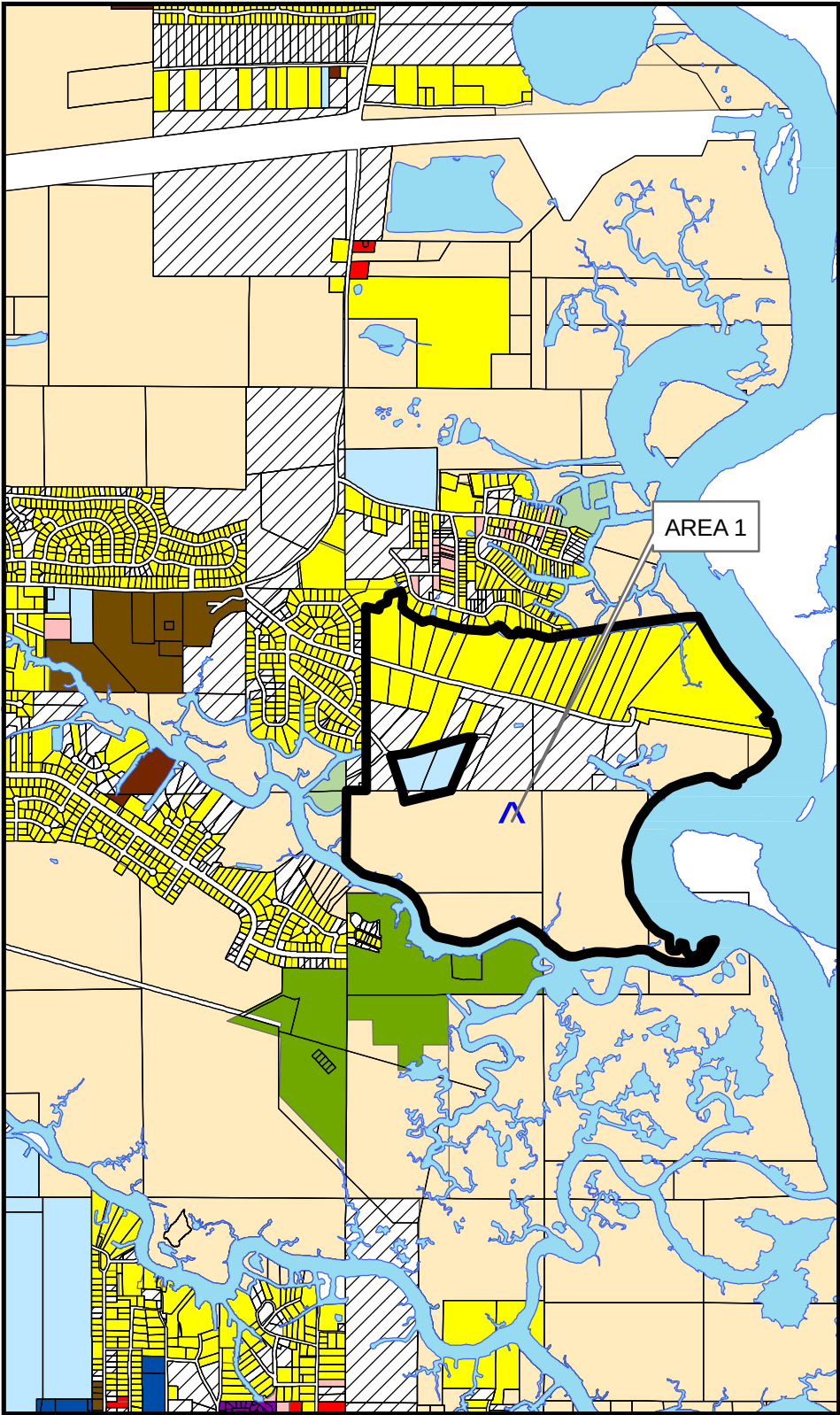
4

Prepared by the
City of Gautier
GIS Division

Legend

EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant



Future Land Use Map

City Of Gautier
Economic Development/Planning



0 40 800

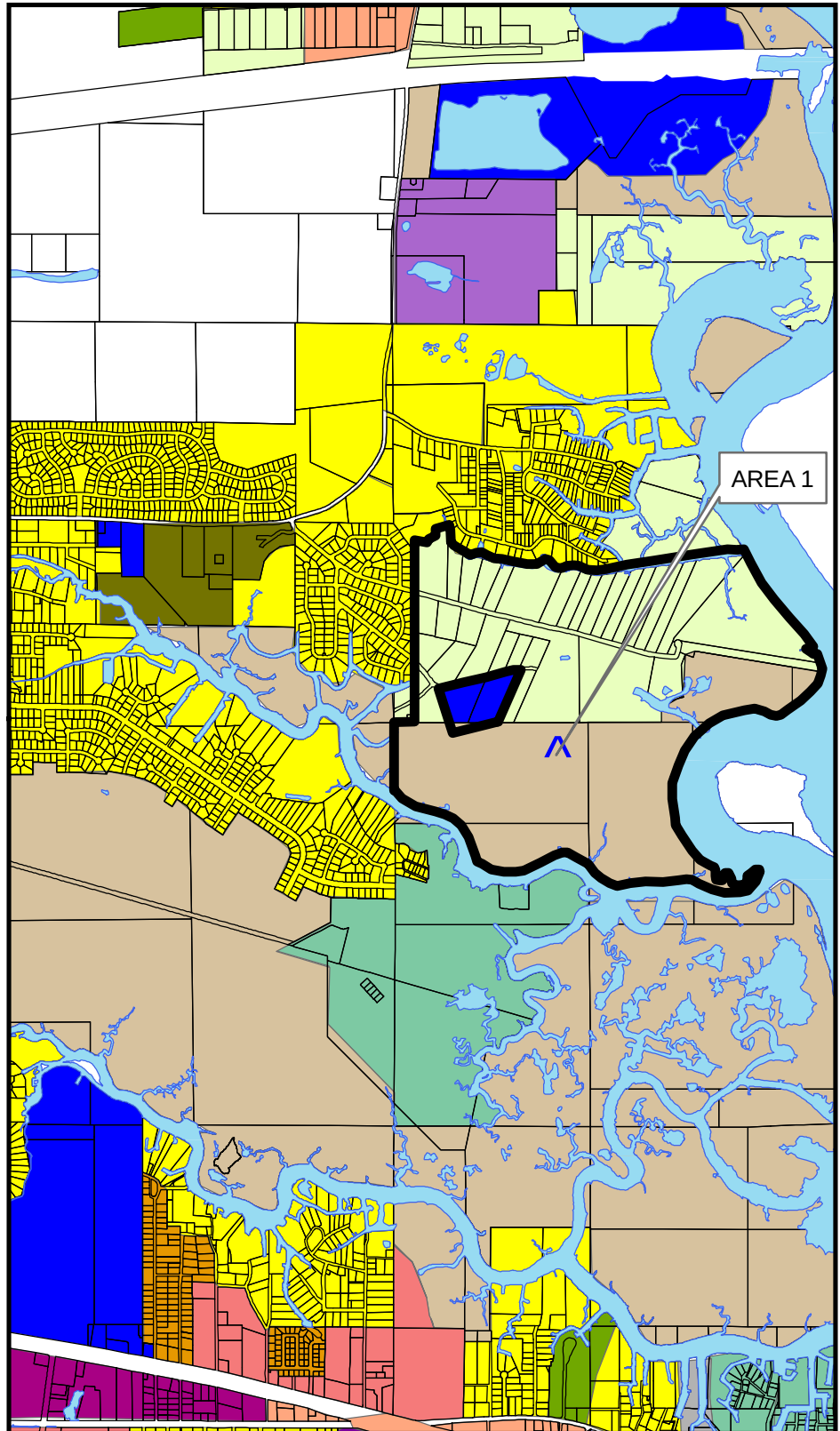


4

Prepared by the
City of Gautier
GIS Division

Legend

- Civic
- High Impact Commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- Low Impact Commercial
- Recreational
- Recreational Commercial
- Regional Scale Commercial
- Mixed Use Residential
- Town Center
- Very Low Density Residential



Chandra Nicholson

From: Chandra Nicholson <cnicholson@gautier-ms.gov>
Sent: Monday, March 03, 2014 3:37 PM
To: William Finnicum (finnicumw@aol.com); bobby.h@heinrichassociates.net
Cc: 'Wilbur Dees' (wgdees@bellsouth.net); rsgill@rsgill-lawfirm.com; Samantha Abell; Rachael Honea (rhonea@gautier-ms.gov); Aron Chesney; Josh Danos (JDanos@dwwattorneys.com)
Subject: FW: Gautier Planning Commission Agenda Items March 6

Dear Applicants,

All new business items will need to be tabled until the next Planning Commission meeting on April 3rd. Please refer to the e-mail below for further explanation.

The New Business items include the Homestead Rezoning, Martin Bluff Road Rezoning, and the Sandhill RV Park Major Development Order.

I am sorry for any inconvenience this may cause. Thank you in advance for your patience, Chandra

From: Samantha Abell [<mailto:sabell@gautier-ms.gov>]
Sent: Monday, March 03, 2014 3:12 PM
To: cnicholson@gautier-ms.gov
Cc: Josh Danos; 'Adam Colledge'; Casey Vaughan; 'Gordon Gollott'; 'Hurley Ray Guillotte'; 'Johnny Jones'; 'Mary Martin'; Rusty Anderson
Subject: planning commission agenda items

Chandra,

I have spoken with legal counsel at Dogan & Wilkinson. In light of changing attorneys from Charlie McVea to Josh Danos and the imminent need to bring Josh up to speed on several items with looming deadline, we have agreed that unfortunately new business items will need to be tabled one month for the Gautier Planning Commission. With the departure of the Planning Technician, the GPC will understand the need. However, please forward this email to all new business applicants including Mr. Finnicum as representative to Homestead Boulevard residents. Please inform Mr. Finnicum that the rezoning application will be on next month's agenda. In discussions with Josh, the tabling for a month will not benefit or harm the rezoning request. But it will give legal counsel opportunity to transition planning commission items as well as other departments.

Thank you.

Samantha D. Abell
City Manager
City of Gautier, MS
(o) 228.497.8017 | www.gautier-ms.gov

Chandra Nicholson

From: Chandra Nicholson <cnicholson@gautier-ms.gov>
Sent: Monday, March 03, 2014 3:59 PM
To: Charlie McVea; 'David Wooten'; 'David Wooten (E-mail)'; Greg Spanier; James Torrey; Jimmy Green; Larry Dailey; Sandra Walters (sandrasmithwalters@gmail.com)
Cc: Samantha Abell; Josh Danos (JDanos@dwwattorneys.com)
Subject: FW: Dees Objection and Opposition to Finnicum Rezoning Application/Request
Attachments: Ltr to City of Gautier Planning Commission, Mayor and City Council with Objection and Opposition to Application for Zoning Change dated 2.28.14.pdf

The attorney for Wilbur Dees asked me to forward this e-mail/letter on to the Planning Commissioners with regards to the Homestead Rezoning case. The letter will be included in the Planning Commission packet.

Thanks, Chandra

From: Alicia Bond [<mailto:ambgill1@gmail.com>]
Sent: Friday, February 28, 2014 4:19 PM
To: Josh Danos; cnicholson@gautier-ms.gov; FinnicumW@aol.com
Cc: rsgill@rsgill-lawfirm.com; Austin Clark
Subject: Dees Objection and Opposition to Finnicum Rezoning Application/Request

Good Afternoon Josh and Chandra:

Attached please find a copy of Mr. Gill's letter on behalf of Mr. Wilbur Dees, Trustee of the Dora Virginia Dees Irrevocable Trust, property owner in response and opposition to Mr. William R. Finnicum's application and request for rezoning. Mr. Gill and Mr. Dees politely ask that this letter, exhibits and courtesy copies of case law be provided to the Planning Commission as soon as possible in advance of next week's meeting. Please note, case law to follow in second email due to size restrictions.

Additionally, we respectfully request that the City provide our office with any correspondence, study, or recommendation(s) with respect to Mr. Dees preliminary plat application and the rezoning request prior to the meeting.

We appreciate your assistance in this matter. Should you have any questions, please do not hesitate to call Rusty to speak with him directly.

Thank you,

Alicia Bond, Law Clerk
RUSSELL S. GILL, PLLC
638 Howard Avenue
Biloxi, MS 39530
Tel: (228) 432 0007
Fax: (228) 432 0025
Email: AMBGill1@gmail.com

ATTENTION: Please note my email address will be changing in the coming weeks. I will note the change here when my account is upgraded.

Confidentiality Notice:

The information contained in this electronic message, including any and all attachments, is legally privileged and confidential information intended only for the use of the individual(s) or entity named herein. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify Russell S. Gill, P.L.L.C. by telephone and return the original message to us at the address above via the U.S. Postal Service. Thank you.

RUSSELL S. GILL, P.L.L.C.
ATTORNEYS AT LAW
638 Howard Avenue
Biloxi, Mississippi 39530
Telephone (228) 432-0007 Fax (228) 432-0025
rsgill@rsgill-lawfirm.com

RUSSELL S. GILL
AUSTIN CLARK

Legal Assistants:
Rhonda Charles
Ruth Snell
Carly Vandawalker

Marilyn H. David
of Counsel

Donald P. Sigalas
of Counsel

February 28, 2014

SENT VIA EMAIL AND FAX TO (228) 762 - 3223

Josh Danos, Esquire
City Attorney, City of Gautier
Dogan & Wilkinson, PLLC
P.O. Box 1618
Pascagoula, MS 39567
JDanos@dwwattorneys.com

Chandra Nicholson, P.E.
Director of Economic Development & Planning
City of Gautier, MS
3330 Highway 90
Gautier, MS 39553
CNicholson@Gautier-MS.gov

City of Gautier, MS
Planning Commission

City of Gautier, MS
Mayor & City Council

**RE: Objection and Opposition to Application for Approval of Zoning Map
Change (Rezoning)/Change in Zoning District for All Properties Adjacent to
Homestead Boulevard filed by William R. Finnicum on January 2, 2014**

Dear City of Gautier Planning Commission, Mayor and City Council:

I represent Mr. Wilbur Dees, Trustee of the Dora Virginia Dees Irrevocable Trust, property owner of approximately eighty (80.3) acres (hereinafter the "property"), more or less, adjacent to Homestead Road, Gautier, Jackson County, Mississippi. The purpose of this letter is to object to the application for rezoning (change in zoning district) filed by the applicant/petitioner William R. Finnicum as all procedures and provision for a public hearing on rezoning (zoning map change) have not been met. Without waiving said objection or any objection as to notice or otherwise, Mr. Dees seeks to speak against Mr. Finnicum's rezoning request and respectfully requests that the Planning Commission does not recommend and City Council disapproves the zoning change request, as follows:

Background & History

On 15 November 2013, Mr. Wilbur Dees, as Trustee for the Dora Virginia Dees Irrevocable Trust, filed an Application for Subdivision Preliminary Plat & Final Plat Approval (GPC Case #13-28-SD) seeking to develop a portion of the property on Homestead Boulevard. Upon information and belief, the Economic Development Director for the City of Gautier, or her designee, as part of the general duties, mailed notices to all property owners to provide information regarding Mr. Dees' request. On 16 December 2013, in response to Mr. Dees request, Mr. William R. Finnicum and "Concerned citizens of Gautier and residents of Homestead Boulevard" requested action by the City of Gautier to rezone all properties adjacent to Homestead Boulevard in Gautier from R-1 to R-E in a Homestead Boulevard Rezoning Application Project Narrative (hereinafter referred to as "Project Narrative"). In the Project Narrative, the property owners do not oppose or object to Mr. Dees request. Rather, they specifically welcome further subdivision and admit that Mr. Dees proposed plat for the Homestead Boulevard Subdivision is legally sufficient in accordance with the existing R-1 zoning regulations as outlined in the *Unified Development Ordinance of the City of Gautier*.

Subsequently, on 2 January 2014, Mr. Finnicum as applicant filed a "Public Hearing Application" to be heard by the Gautier Planning Commission to request a "Change in Zoning District" to which he attached the aforementioned two-page Project Narrative (hereinafter referred to collectively as "Rezoning Application"). Mr. Finnicum's cover letter dated 2 January 2014 attached to the *Public Hearing Application* stated "to consider property owner's request to rezone properties adjacent to Homestead Boulevard" from R-1 to R-E. Mr. Finnicum paid the processing fee by a personal check for \$300.00. Neither the *Public Hearing Application* nor Mr. Finnicum's cover letter made any request of "Comprehensive Rezoning."

Mr. Dees preliminary plat approval and request for development of land in R-1 Homestead Boulevard ("Dees Landing") was first on the agenda as "New Business" for the December 5th Gautier Planning Commission meeting. The matter was tabled for the benefit of the City until the February 6th Planning Commission Meeting. The Planning Commission again tabled Dees Landing until March 6th. Mr. Dees application request is still pending.

On Sunday, 16 February 2014, Public Notice of "Comprehensive Zoning Change GPC #14-01-RZ" was posted in the newspaper to advertise that the Planning Commission for the City of Gautier will hold a public hearing on 6 March 2014 to consider the "citizen-initiated comprehensive rezoning of properties." However, according to the Economic Development Director for the City of Gautier, no notification letters were mailed to adjacent property owners. Mr. Dees contends that the Finnicum's rezoning request is not a "Comprehensive Zoning Change," as will be explained in this objection.

Historically, all property adjacent to Homestead Boulevard has been and is currently zoned R-1, as evidenced by the City of Gautier **Official Zoning Map** attached hereto as **Exhibit A** (as also shown on **2030 Comprehensive Plan: Map 10: Existing Zoning**, attached hereto as **Exhibit B**). In the *Code of Ordinances, City of Gautier, MS (1988)*, Section 1 established an official zoning map and provided districts but did not include any reference to an R-E, only R-1. Currently, there are no properties shown on the Official Zoning District Map zoned R-E.

The Gautier Comprehensive Plan 2030, by its own admission, is "advisory only" and does not guarantee any zoning changes; this document is not law or binding. *Gautier Comprehensive Plan 2030*, City of Gautier Planning Commission (2009), cover page.

Procedure: Zoning Map Change (Rezoning) v. Comprehensive Rezoning

The Rezoning Application filed by Mr. Finnicum does not qualify as a **Comprehensive Rezoning** but rather as a **Zoning Map Change (Rezoning)**. Furthermore, the proper procedures and provision for a public hearing on rezoning have not been met. Pursuant to Section 4.15 of the *Unified Development Ordinance of the City of Gautier, Mississippi* (hereinafter "UDO"), a **Zoning Map Change** involves the rezoning of property from one zoning classification to another or the extension of existing zoning district boundaries on the Official Zoning Map. *Unified Development Ordinance of the City of Gautier, Mississippi* (2013), page 94. A zoning map change may be initiated by a property owner or agent of the property owner provided that: (A) said property has not been denied a previous request for the same property or portion of property within the past twelve (12) months; **AND** (B) all procedures and provision for a public hearing have been met. *Id.* An application for a Zoning Map Change (rezoning) may be filed on the "*Public Hearing Application*" available from the Economic Development/Planning Department and shall contain certain information attached to it. *Id.* Additionally, in accordance with Section 4.14 of the UDO, such an application for Approval of Zoning Map Change (Rezoning) requires: a public hearing before the Planning Commission and approval by the City Council, advertised in the local newspaper in accordance with Mississippi Annotated Code of 1972, **AND Notification by Mail** for certain actions which are not a Comprehensive Rezoning. *Id.* at Section 4.14, pages 90-92.

Pursuant to Section 4.16 of the UDO, **Comprehensive Zoning** may be initiated by property owners of twenty-five (25) contiguous parcels of land, the owner(s) of ten (10) acres of contiguous land, a recognized association which includes the property involved and/or the Economic Development Director in consultation with the property owners affected. *Id.* at Section 4.16, page 95. Mr. Finnicum requests a public hearing "to consider property owner's request to rezone;" he does not request "Comprehensive Rezoning." Notwithstanding, Mr. Finnicum's *Public Hearing Application* does not qualify for "Comprehensive Rezoning" as he does not fall within the ordinance as to who may initiate such a request.

In his Rezoning Application, Mr. Finnicum initiated a zoning map change (rezoning) by filing a "*Public Hearing Application*" marked "Change in Zoning District" with the "required attachments" seeking to rezone property from one zoning classification to another. Such application would be consistent with Section 4.15.2 of the UDO pertaining to **Zoning Map Change**. The application was made by Mr. Finnicum as applicant and property owner. According to his letter attached to the public hearing application, Mr. Finnicum's "property owner's request to rezone" is made on behalf of himself as an individual property owner (and not on behalf of any other property owners) as evidenced by the fact he paid the processing fee by "personal check for \$300.00." Both the application and letter are signed by Mr. Finnicum (not acting as agent for any other property owner or association, etc.) and not by any other property owners. There is no indication that a recognized association and/or the Economic Development Director with the property owners affected are involved in initiating this rezoning request.

As established above, Mr. Finnicum's *Public Hearing Application* is a request for **Zoning Map Change (Rezoning)** on the Official Zoning Map which does not qualify for "Comprehensive Rezoning," as suggested by the City's Economic Development Director.¹ As such, rezoning notification letters should have been mailed to adjacent property owners as the ordinance requires notification by first class mail to all property owners within 500 feet from the property under consideration for Rezoning, not less than fifteen (15) days prior to the hearing pursuant to Article IV General Procedures of the UDO. *Id. at 92*. Therefore, the ordinance requires, and all affected property owners, including Mr. Dees, are entitled to mailed notice before a Public Hearing to rezone property adjacent to Homestead Boulevard is considered.

Mr. Dees hereby objects to rezoning of his property without proper, timely, and due notice after publication, a fair hearing, full opportunity to be heard and due process of law, as provided in the Mississippi Annotated Code of 1972, *As Amended*, and in accordance with all applicable Federal, State and Local laws. *Mississippi Code Annotated § 17-1-17(1972)*.

Burden of Proof: Clear and Convincing Evidence

Mississippi Code Annotated Sections 17-1-15 and -17 provide the statutory authority for establishing and amending zoning ordinances. *Id.* Pursuant to Section 4.15.3 of the UDO, **Criteria for Rezoning of Property**, the Planning Commission shall not recommend approval of a rezoning and the City Council shall not rezone property unless the applicant has proven by clear and convincing evidence that either (a) there was a mistake in the original zoning, or the character of the surrounding area has changed to such an extent to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request. UDO, at page 94.

Grounds or Basis for Rezoning: "Change and Need" or Mistake

There are insufficient grounds or basis for rezoning as the applicant has presented no evidence to support such a change. Before the Gautier Planning Commission and City Council may approve the application for rezoning, Mr. Finnicum has the burden of proving by clear and convincing evidence either a mistake or a "change and need." The law in Mississippi is well-settled that before a zoning board may reclassify property from one zone to another, the applicant must prove either (1) that there was a mistake in the original zoning, or (2)(a) that the character of the neighborhood has changed to such an extent as to justify reclassification **AND** (b) that there was a public need for rezoning. *Burdine v. City of Greenville*, 755 So. 2d 1154, 1156 (Miss. App. 1999) (citing *Board of Aldermen v. Conerly*, 509 So.2d 877, 883 (Miss.1987)). The "change or mistake" rule of municipal zoning, is based on the presumption that the original zoning is well planned and designed to be permanent. *Fondren North Renaissance v. Mayor and City Council of Jackson*, 749 So. 2d 974 (Miss. 1999).

¹ Section 3.6.2 of the UDO, states that the Economic Development Director shall, in the event there is a question concerning any provision of this Ordinance, require application of the more stringent provisions wherever the provisions of this ordinance appear to impose conflicting provisions.

In support of Mr. Finnicum's request to rezone the properties adjacent to Homestead Boulevard from R-1 Low Density Single-Family Residential to R-E Residential Estate, the Project Narrative alleges a threat to the general welfare as property owners of land along Homestead Boulevard as an attempt to justify rezoning. As further grounds for change in zoning, the applicant claims a need to protect the value of homes and viability of the neighborhood in support for this request for immediate action by the city. Mr. Finnicum presents no figures regarding the value of his home or homes in the neighborhood. With regards to Mr. Dees plat approval and subdivision request, there is also no evidence to substantiate how development of the property would allegedly depreciate the property in the surrounding area.

There is a presumption that the original and existing zoning R-1 is well planned, reasonable and for the public good. *Board*, at page 883. Mr. Finnicum fails to prove by clear and convincing evidence sufficient grounds or basis to justify rezoning the properties adjacent to Homestead Boulevard from its current R-1 to R-E. R-E zoned property does not currently exist in the City of Gautier. There is no evidence in his Rezoning Application of (1) a mistake in the original zoning or (2) change and need, to justify rezoning. There is no threat to the general welfare. With the property at issue being at all times zoned R-1, there are insufficient grounds or bases to justify rezoning, i.e. reclassifying property from its current classification to R-E, as there has been no change in the land use character of the surrounding area since adoption of the existing zoning classification. Moreover, there is insufficient evidence or proof that all properties and homes adjacent to Homestead Boulevard, and in the area, currently qualify for or would be consistent with an R-E Residential Estate zoning classification.

Illegal Spot Zoning

Rezoning the R-1 property located adjacent to Homestead Boulevard to R-E constitutes invalid "spot zoning" because, both before and after such a change in re-zoning, the subject property does not abut any area zoned R-E, thus creating an "island" of R-E in the midst of R-1 zoned property. *Collins v. Mayor and Council of City of Gautier*, 38 So. 3d 677 (Miss. App. 2010). According to the Official Zoning Map, there is no property or area currently zoned R-E in the City of Gautier. Mr. Dees contends that the proposed zoning change, if approved, would amount to illegal spot zoning in the neighborhood as it is not in harmony with the Official Zoning Map and is designed to favor certain land owners at the detriment or expense of others.

Although Mr. Finnicum and residents of Homestead Boulevard claim that they welcome further subdivision and state that "future R-E rezoning for Homestead Boulevard may not impact the Dees Landing sub development request," it appears that the only reason or basis for this request for rezoning is to prevent Mr. Dees from developing the property, and deprive him from reasonable use of the property. In this case, should the City Council choose to rezone the Homestead Boulevard property this would not only constitute "spot zoning" but it may also constitute a "taking" of property by substantially interfering with and limiting Mr. Dees' reasonable use and enjoyment of the property. If an applicant wants to rezone property in Gautier there are proper procedures and processes to go through in order to make changes, but "spot zoning" is not the right way to do so.

Conclusion

Mr. Dees respectfully prays that the Planning Commission and City Council approve his proposed Application for Subdivision Preliminary Plat & Final Plat Approval (GPC Case #13-28-SD) as it is legally sufficient in accordance with existing R-1 zoning regulations and consistent with the City of Gautier's Official Zoning Map, the UDO and the Comprehensive Plan.

For the foregoing reasons, Mr. Dees further requests that the Planning Commission and City Council disapprove Mr. Finnicum's application as it is factually, procedurally and legally insufficient. Additionally, Mr. Finnicum has not met his burden by clear and convincing evidence. As you know, the Planning Commission and City Council cannot arbitrarily change zoning from R-1 to R-E. The burden is on the City to justify rezoning, and the City must meet statutory requirements. The existing zoning classification in the subject area, and land use of the subject property, is consistent with the City's Official Zoning Map and the Comprehensive Plan and does not support rezoning at this time. Therefore, Mr. Finnicum's request for a zoning map change to rezone all properties adjacent to Homestead Boulevard should be denied.

Mr. Dees, an interested party and adjacent property owner, along with his attorneys, seek an opportunity to speak against the applicant's request and address the Planning Commission and the City Council at any and all public hearings held on this matter and request that such hearings be on the record.

We appreciate your prompt attention and professionalism in this matter.

Very Respectfully,

RUSSELL S. GILL, P.L.L.C.


Russell S. Gill

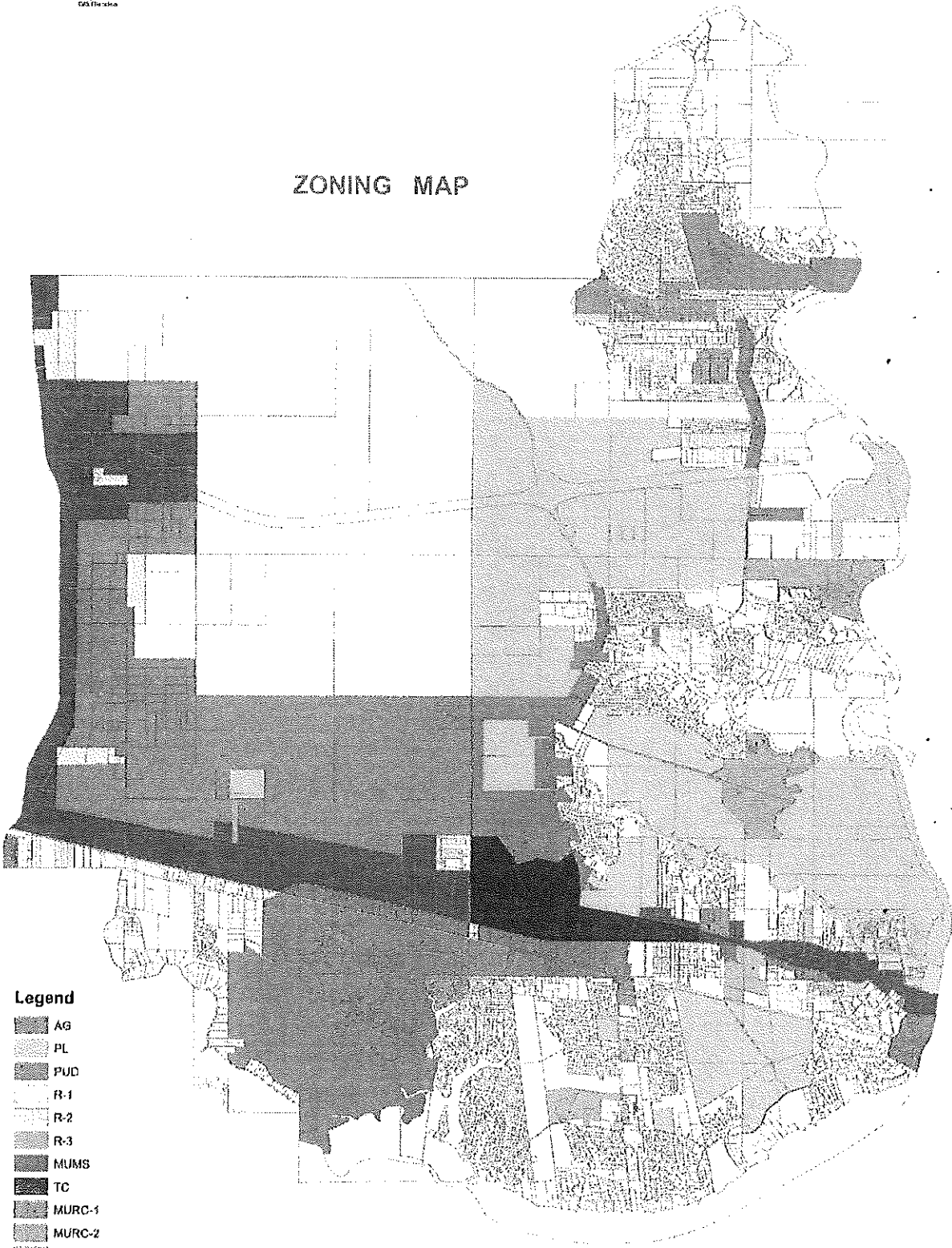
Cc: Mr. William R. Finnicum via email FinnicumW@aol.com
Mr. Wilbur Dees

Enclosures: **Exhibit A. Official Zoning Map**
Exhibit B. 2030 Comprehensive Plan: Map 10: Existing Zoning
Courtesy Copy of Applicable Case Law

City of
Gautier

■
■
Drawing by
the City of Gautier
GAS/Fluoride

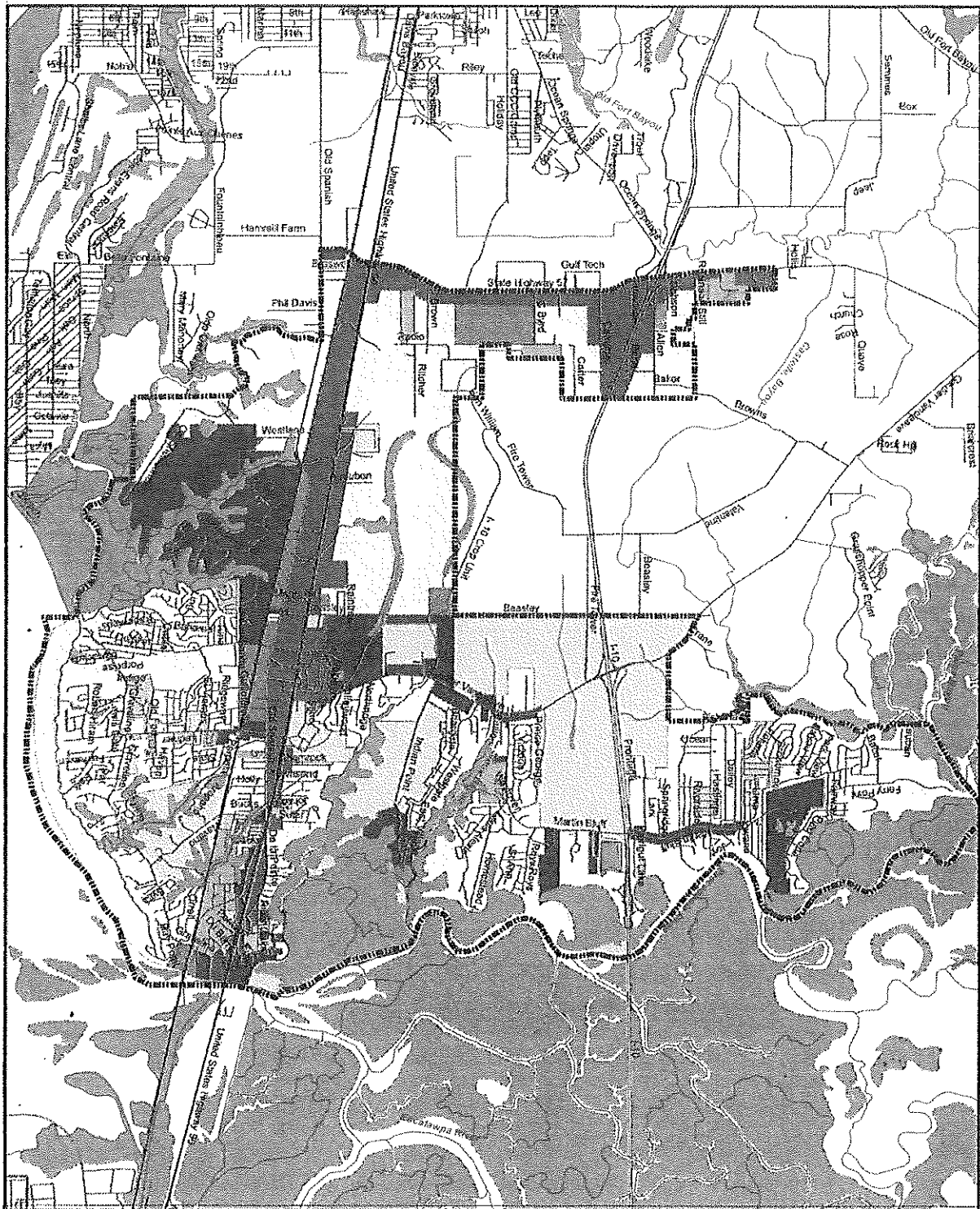
ZONING MAP



Legend

- AG
- PL
- PUD
- R-1
- R-2
- R-3
- MUMS
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1
- C-2
- C-3
- I-2

EXHIBIT
A



For Planning Purposes Only.
Data Sources: City of Gautier
and MS GIS Council
Prepared by: Niche Software, Inc.



Legend

Relined
City Links
Water

CLASSIFICATIONS

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C-2
C-3
C-4
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**CITY OF GAUTIER, MISSISSIPPI
2030 COMPREHENSIVE PLAN:
MAP 10: EXISTING ZONING**

**EXHIBIT
B**

Chandra Nicholson

From: Chandra Nicholson <cnicholson@gautier-ms.gov>
Sent: Monday, March 03, 2014 3:58 PM
To: Charlie McVea; 'David Wooten'; 'David Wooten (E-mail)'; Greg Spanier; James Torrey; Jimmy Green; Larry Dailey; Sandra Walters (sandrasmithwalters@gmail.com)
Cc: Samantha Abell; Josh Danos (JDanos@dwwattorneys.com)
Subject: FW: Dees Objection and Opposition to Finnicum Rezoning Application/Request
Attachments: Board of Alderman v. Conerly, 509_SO_2D_877_2-28-14_1635.doc; Burdine v. City of Greenville, 755_SO_2D_1154_2-28-14_1632.doc; Collins v. Mayor and Council of the City of Gautier, 38_SO_3D_677_2-28-14_1639.doc; Fondren North Renaissance v. Mayor and City Council of the City of Jackson, 749_SO_2D_974_2-28-14_1636.doc

The attorney for Wilbur Dees asked me to forward this e-mail on to the Planning Commissioners with regards to the Homestead Rezoning case.

Thanks, Chandra

From: Alicia Bond [<mailto:ambgill1@gmail.com>]
Sent: Friday, February 28, 2014 4:44 PM
To: 'Josh Danos'; cnicholson@gautier-ms.gov; FinnicumW@aol.com
Cc: rsgill@rsgill-lawfirm.com; 'Austin Clark'
Subject: RE: Dees Objection and Opposition to Finnicum Rezoning Application/Request

Attached please find courtesy copies of case law to be provided to the Planning Commission on the rezoning issue. Thank you and have a nice weekend.

Alicia Bond, Law Clerk
RUSSELL S. GILL, PLLC

ATTENTION: Please note my email address will be changing in the coming weeks. I will note the change here when my account is upgraded.

From: Alicia Bond [<mailto:ambgill1@gmail.com>]
Sent: Friday, February 28, 2014 4:19 PM
To: Josh Danos; cnicholson@gautier-ms.gov; FinnicumW@aol.com
Cc: rsgill@rsgill-lawfirm.com; Austin Clark
Subject: Dees Objection and Opposition to Finnicum Rezoning Application/Request

Good Afternoon Josh and Chandra:

Attached please find a copy of Mr. Gill's letter on behalf of Mr. Wilbur Dees, Trustee of the Dora Virginia Dees Irrevocable Trust, property owner in response and opposition to Mr. William R. Finnicum's application and request for rezoning. Mr. Gill and Mr. Dees politely ask that this letter, exhibits and courtesy copies of case law be provided to the Planning Commission as soon as possible in advance of next week's meeting. Please note, case law to follow in second email due to size restrictions.

Additionally, we respectfully request that the City provide our office with any correspondence, study, or recommendation(s) with respect to Mr. Dees preliminary plat application and the rezoning request prior to the meeting.

We appreciate your assistance in this matter. Should you have any questions, please do not hesitate to call Rusty to speak with him directly.

Thank you,

Alicia Bond, Law Clerk
RUSSELL S. GILL, PLLC
638 Howard Avenue
Biloxi, MS 39530
Tel: (228) 432 0007
Fax: (228) 432 0025
Email: AMBGill1@gmail.com

ATTENTION: Please note my email address will be changing in the coming weeks. I will note the change here when my account is upgraded.

Confidentiality Notice:

The information contained in this electronic message, including any and all attachments, is legally privileged and confidential information intended only for the use of the individual(s) or entity named herein. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify Russell S. Gill, P.L.L.C. by telephone and return the original message to us at the address above via the U.S. Postal Service. Thank you.

Chandra Nicholson

From: William Finnicum <finnicumw@aol.com>
Sent: Wednesday, January 29, 2014 8:51 AM
To: blogan@gautier-ms.gov; cnicholson@gautier-ms.gov; 'Samantha Abell'
Cc: 'Rusty Anderson'; 'Bruce & Wanda Norton'; 'Kathleen Johnson'; 'Joe & Betty Krebs'; 'Mitch Patterson'; DORSETTJAMES@aol.com
Subject: RE: Wilbur Dees and Homestead Boulevard Residents Meeting, re: Dees Landing Preliminary Plat, 7 January 2014

Ms Abell et al,

In preparation for the 6 Feb 14 meeting of the Gautier Planning Commission, I wish to confirm that our response to Mr. Dees (9 Jan email subsequent to our meeting below) will be read aloud during the public hearing portion of the Dees Landing Subdivision Planning Commission case, as previously assured. I assume this will be a resident's responsibility during the public comments portion of the hearing? I believe a full reading is appropriate, given the matter was tabled at the December hearing in order to give Homestead residents and Mr. Dees an opportunity to meet and discuss the matter.

Thank you very much.

Respectfully,
Bill Finnicum
704 Homestead Boulevard

From: Babs Logan [mailto:blogan@gautier-ms.gov]
Sent: Monday, January 13, 2014 7:41 AM
To: 'William Finnicum'
Cc: cnicholson@gautier-ms.gov
Subject: FW: Wilbur Dees and Homestead Boulevard Residents Meeting, re: Dees Landing Preliminary Plat, 7 January 2014

Mr. Finnicum,

We will treat your e-mail comments as Public Comments and read them aloud during the Public Hearing portion of the Dees Landing Subdivision Planning Commission case.

We appreciate your input.

Babs Logan
Planning Technician

City of Gautier, MS
3330 Highway 90

Gautier, MS 39553

(O) 228-497-8026

e-mail: blogan@gautier-ms.gov

web-site: www.gautier-ms.gov

From: William Finnicum [<mailto:finnicumw@aol.com>]

Sent: Thursday, January 09, 2014 8:55 AM

To: Babs Logan

Subject: FW: Wilbur Dees and Homestead Boulevard Residents Meeting, re: Dees Landing Preliminary Plat, 7 January 2014

Babs,

Would you mind forwarding a copy of this email to the Planning Commission members? I do not have their email addresses.

Thanks.

Bill Finnicum

From: William Finnicum [<mailto:finnicumw@aol.com>]

Sent: Thursday, January 09, 2014 8:02 AM

To: Wilbur Dees (wgdees@bellsouth.net)

Cc: 'Bruce & Wanda Norton' (bnorton@cableone.net); 'Kathleen Johnson'; 'Joe & Betty Krebs'; 'DORSETTJAMES@aol.com'; Mitch Patterson (mittchellr.patterson@gmail.com); Babs Logan (blogan@gautier-ms.gov); Samantha Abell (sabell@gautier-ms.gov); Rusty Anderson (Councilmanward4@gautier-ms.gov); 'cnicholson@gautier-ms.gov'

Subject: Wilbur Dees and Homestead Boulevard Residents Meeting, re: Dees Landing Preliminary Plat, 7 January 2014

Mr. Dees,

First of all, let me say we appreciate you and your wife meeting with us in Gautier on such a frigid day. We believe the deliberations were informative and concluded with a potential solution on agreement to minimum lot size. However, in our discussions after the meeting and the following day, concerns were raised that we want to share with you.

We have anticipated the Dees estate development for years, and always expected it probably would look like 2 to 4 acre or more parcels with large homes, much the same as the north side is now. You can imagine our shock and dismay when we learned of the proposed 1/3 acre lots, and modest homes to be built on them. And if you put yourself in our shoes, you can understand the pushback you received when your plan was unveiled. We were, therefore, anxious to meet with you and hopefully come to a compromise satisfactory to all of us.

In our meeting with you, we came to a gentlemen's agreement on 1/2 acre parcels for the panhandle portion of your property, which is a tremendous departure from our initial desire, and we're not reneging on that agreement. However, even the one acre parcels that we first requested is considerably out of character with the existing neighborhood, and we remain steadfast in our belief that anything smaller would be very detrimental to our property values and quality of life. We are of

the firm belief that your own property would be de-valued by development of the density you've proposed. We really are happy to see your property being developed, but extremely saddened by the significant change your proposed plat, even at ½ acre lots, would make to our community. Homestead Boulevard is characterized by estate size lots; spacious development with stately live oak and magnolia trees; quiet peaceful surroundings; breathtaking views of the Pascagoula River and surrounding marshland; and a walking, jogging, bicycle friendly neighborhood where parents can encourage their children to play outdoors without the fear of high volume traffic. These are the quality of life features that attracted our investment to begin with and we simply wish them preserved. We believe, along with the city planners, that preserving Homestead Boulevard's estate character will guarantee it remains one of the most desirable places to live in Gautier or on the Gulf Coast. Properties and neighborhoods of this design are very scarce, and very desirable. Maintaining the character of Homestead would be beneficial to you and us. We therefore make one more appeal to you to reconsider your plan. Please give us a plan that we can all get excited about, support and help you with. Dees Landing can be a jewel for Gautier, and an honor to your mother and father.

Please bear in mind, that we cannot speak for every individual in the affected area, but as best as we can represent the whole, should you remain fast on the ½ acre lots in the panhandle, we will not interfere. But we do wish you would give the one acre per home site serious consideration. We really do want to work together as a community, not be at odds with each other.

Again, thank you for meeting with us and sharing your thoughts.

Respectfully,
William R. Finnicum, on behalf of Homestead Boulevard residents
704 Homestead Boulevard
finnicumw@aol.com
H: 228-205-2228
C: 703-336-7204

Chandra Nicholson

From: William Finnicum <finnicumw@aol.com>
Sent: Monday, January 27, 2014 12:14 PM
To: 'Samantha Abell'
Cc: 'Babs Logan'; 'Rusty Anderson'; cnicholson@gautier-ms.gov; 'Bruce & Wanda Norton'; 'Kathleen Johnson'; 'Joe & Betty Krebs'; DORSETTJAMES@aol.com; 'Mitch Patterson'
Subject: RE: Wilbur Dees and Homestead Boulevard Residents Meeting, re: Dees Landing Preliminary Plat, 7 January 2014

Samantha,

Thanks for your response. I think we are all on the same page now. Please be assured that Babs Logan did brief us on the 45 day standard processing time for our rezoning application. We expect nothing more or less.

Regards,

Bill Finnicum

From: Samantha Abell [mailto:sabell@gautier-ms.gov]
Sent: Monday, January 27, 2014 10:26 AM
To: William Finnicum
Cc: Babs Logan; Rusty Anderson; <cnicholson@gautier-ms.gov>; Bruce & Wanda Norton; Kathleen Johnson; Joe & Betty Krebs; <DORSETTJAMES@aol.com>; Mitch Patterson; William Finnicum
Subject: Re: Wilbur Dees and Homestead Boulevard Residents Meeting, re: Dees Landing Preliminary Plat, 7 January 2014

Mr. Finnicum, I am on my way to Jackson but wanted to respond Promptly. First, in regards to a Marina I believe that I misspoke. With your clarification, I recall that the word used was wet slips. Not a commercial marina. I agree with the clarification. And regards to the processing of the rezoning application, please be assured that your application is following standard procedures and process calendar timeline. Please confirm that Babs Logan briefed you on the process requiring approx 45 days to advertise and place on an agenda. Lastly, and most crucially, my impression was that Mr. D's felt satisfied a compromise had been reached for the development of his land. He was not aware of a rezoning application being made. Hence my email to clarify any confusion. Send sure agreement was not for the development of his land in its entirety, Staff will proceed with the rezoning request.

Thank you for your email. A copy will be included in the packet for ex parte disclosures.

Regards.

Samantha Abell
Gautier City Manager

On Jan 27, 2014, at 7:51 AM, "William Finnicum" <finnicumw@aol.com> wrote:

Samantha,

Thank you for taking the time to comment on our email to Mr. Dees, following our 7 Jan 14 meeting with him. We appreciate you sharing your understanding with us. We fear, however, it may be somewhat parochial as a result of your meeting with staff and Mr. Dees and wish to offer clarification from the Homestead Boulevard residents' perspective. I would also offer a 10 Jan email (below) that summarizes Mr. Dees' final position with regard to our 7 Jan 14 meeting and response. He understands the compromise position is not our wish, but will get no opposition from those of us who were at the meeting. However, he also understands there may be opposition from other residents/parties who were not in attendance.

Let me address your comments first by stating that **under no circumstances** do we wish to withdraw our request to rezone Homestead Boulevard (GPC 14-01 RZ), dated 2 Jan 2014. The majority of residents with Homestead Boulevard addresses have shared in the cost of the fee and expect timely processing. We certainly hope that consideration of Mr. Dees' Preliminary Plat (i.e., GPC 13-28-SD) has not affected or delayed the processing of our rezoning request, since they are mutually exclusive actions. We hope to receive consideration by the Planning Commission in the very near future.

Continuing with regard to your comments:

Your understanding: Mr. Dees agrees to alter the existing preliminary plat to increase the lot road frontage to a minimum 150', in order to be compatible with existing lots. This impacts Mr. Dees financially. He makes the concession because neighbors stated this would be copacetic.

Homestead understanding: Your understanding is accurate with regard to the preliminary plat alteration and 150' frontages on Homestead Boulevard. While we appreciate your concern for Mr. Dees' financial situation, we, the residents, the people who live here and have lived here for years, have a considerable financial investment in our neighborhood and wish it preserved. We hope you are also concerned with how Mr. Dees' proposal will impact current Homestead residents financially. Mr. Dees' proposal is not "copacetic"; it is the only compromise he offered. We remain steadfast in our belief that any parcel smaller than one acre would be very detrimental to our property values and quality of life (9 Jan email).

Your understanding: Mr. Dee's agrees to increase lot size from the permissible 1/3 acre to 1/2 acre along Homestead Boulevard.

Homestead understanding: Your understanding is accurate with regard to Mr. Dees' agreement to increase lot size from the permissible 1/3 acre to 1/2 acre along Homestead Boulevard. We still believe 1 acre minimum lots is a reasonable compromise from the existing 2-4 acre estate size lots. However, he was unsympathetic to our request for reconsideration.

Your understanding: *Mr. Dees agrees that lots at the east end (as you turn into Homestead) will be a minimum of an acre and a half.*

Homestead understanding: Your understanding of the east end lots is partially correct. The two lots at the east end of Homestead Boulevard will be changed to one lot approximately 1 1/2 acre in size (see the 10 Jan email below). This is also reflected on the preliminary plat to be considered by the Planning Commission on 6 Feb 14.

Your understanding: *Mr. Dees will develop a marina that Homestead residents will be able to utilize as an amenity.*

Homestead understanding: Your understanding with regard to Mr. Dees developing a Marina is totally inaccurate, as it pertains to our 7 Jan meeting. No mention was made of a marina. The handshake agreement we made with Mr. Dees was only with respect to the ten lots he had initially proposed. There was no agreement on any further development. He did indicate new property owners would have access to the water rights, either incorporated into the purchase or obtained subsequent to purchase, but he hadn't decided which. Regardless, any development for purposes other than residential with its increased traffic volume would be unacceptable.

Your understanding: *Mr. Dee's intends to move forward with platting eight lots presently in order to determine the market for these size homes and lots. He has agreed that in no case will he break from his agreement and plat smaller lots at a later time. He will not press and replat all lots at this time, as he felt confident with the conversation with residents that he will be able to plat future lots so long as it is keeping with the agreement.*

Homestead understanding: Your understanding of the east end lots is partially correct. The handshake agreement we made with Mr. Dees was only with respect to the ten lots he had initially proposed. There was no agreement on any further development.

Your comment: *Again, this seems to be a constructive compromise reached by you and fellow residents, understanding that Mr. Dee's is allowed by right to develop smaller lots. I congratulate you. The Planning Department will refund the application fee for the rezoning application,*

unless all residents who attended the meeting with Mr. Dees indicate otherwise.

Homestead response: Under no circumstances do we wish to withdraw our request to rezone Homestead Boulevard (GPC 14-01 RZ), dated 2 Jan 2014. As you've previously implied, our rezoning application will have no bearing on Mr. Dees' proposal (i.e., GPC 13-28-SD) and vice versa. Therefore, we are not sure why you consider the rezoning application an issue related to our meeting with Mr. Dees and/or contingent on any compromise we may have reached. We would be happy to meet with you and your staff to further discuss this matter at any time.

Please ensure this email string is attached to the application file (GPC 14-01 RZ) and our application is processed expeditiously and impartially.

Thank you very much.

Respectfully,
William R. Finnicum, on behalf of Homestead Boulevard residents
704 Homestead Boulevard
finnicumw@aol.com
H: 228-205-2228
C: 703-336-7204

From: Samantha Abell [<mailto:sabell@gautier-ms.gov>]
Sent: Saturday, January 25, 2014 9:25 AM
To: 'William Finnicum'; 'Bruce & Wanda Norton'; 'Kathleen Johnson'; 'Joe & Betty Krebs'; DORSETTJAMES@aol.com; 'Mitch Patterson'
Cc: 'Babs Logan'; 'Rusty Anderson'; cnicholson@gautier-ms.gov; 'Wilbur Dees'
Subject: RE: Wilbur Dees and Homestead Boulevard Residents Meeting, re: Dees Landing Preliminary Plat, 7 January 2014

Mr. Finnicum et al,

I want to congratulate you and fellow residents of Homestead for extending an invitation to Mr. Dees and having what appears by any measure to be a constructive compromise. Last we talked, I will be honest and say that I was doubtful such compromise could be reached. However, upon returning from a week out-of-office, I met with staff and Mr. Dees to follow up on your below email. It is clear to me that all parties realize that in today's volatile economy, it is difficult for an investor to confidently predict homeowner demand and market finance. However, based on the comments from Homestead residents, Mr. Dees conveyed to staff that he has committed to you certain concessions. In return, as your email indicates, you have committed that residents will not pursue opposition to Mr. Dees development of his property. My understanding is the following:

Mr. Dees agrees to alter the existing preliminary plat to increase the lot road frontage to a minimum 150', in order to be compatible with existing lots. This impacts Mr. Dees financially. He makes the concession because neighbors stated this would be copacetic.

Mr. Dee's agrees to increase lot size from the permissible 1/3 acre to ½ acre along Homestead Boulevard.

Mr. Dees agrees that lots at the east end (as you turn into Homestead) will be a minimum of an acre and a half.

Mr. Dees will develop a marina that Homestead residents will be able to utilize as an amenity.

Mr. Dee's intends to move forward with platting eight lots presently in order to determine the market for these size homes and lots. He has agreed that in no case will he break from his agreement and plat smaller lots at a later time. He will not press and replat all lots at this time, as he felt confident with the conversation with residents that he will be able to plat future lots so long as it is keeping with the agreement.

Again, this seems to be a constructive compromise reached by you and fellow residents, understanding that Mr. Dee's is allowed by right to develop smaller lots. I congratulate you. The Planning Department will refund the application fee for the rezoning application, unless all residents who attended the meeting with Mr. Dees indicate otherwise.

Chandra, please copy receipt of this email and related correspondence as attachment to the application file.

Highest regards,

Samantha D. Abell
City Manager
City of Gautier, MS
(o) 228.497.8017 | www.gautier-ms.gov

From: William Finnicum [<mailto:finnicumw@aol.com>]

Sent: Thursday, January 09, 2014 8:02 AM

To: Wilbur Dees

Cc: 'Bruce & Wanda Norton'; 'Kathleen Johnson'; 'Joe & Betty Krebs'; DORSETTJAMES@aol.com; Mitch Patterson; Babs Logan; Samantha Abell; Rusty Anderson; cnicholson@gautier-ms.gov

Subject: Wilbur Dees and Homestead Boulevard Residents Meeting, re: Dees Landing Preliminary Plat, 7 January 2014

Mr. Dees,

First of all, let me say we appreciate you and your wife meeting with us in Gautier on such a frigid day. We believe the deliberations were informative and concluded with a potential solution on agreement to minimum lot size. However, in our discussions after the meeting and the following day, concerns were raised that we want to share with you.

We have anticipated the Dees estate development for years, and always expected it probably would look like 2 to 4 acre or more parcels with large homes, much the same as the north side is now. You can imagine our shock and dismay when we learned of the proposed 1/3 acre lots, and modest homes to be built on them. And if you put yourself in our shoes, you can understand the pushback you received when your plan

was unveiled. We were, therefore, anxious to meet with you and hopefully come to a compromise satisfactory to all of us.

In our meeting with you, we came to a gentlemen's agreement on ½ acre parcels for the panhandle portion of your property, which is a tremendous departure from our initial desire, and we're not reneging on that agreement. However, even the one acre parcels that we first requested is considerably out of character with the existing neighborhood, and we remain steadfast in our belief that anything smaller would be very detrimental to our property values and quality of life. We are of the firm belief that your own property would be de-valued by development of the density you've proposed. We really are happy to see your property being developed, but extremely saddened by the significant change your proposed plat, even at ½ acre lots, would make to our community. Homestead Boulevard is characterized by estate size lots; spacious development with stately live oak and magnolia trees; quiet peaceful surroundings; breathtaking views of the Pascagoula River and surrounding marshland; and a walking, jogging, bicycle friendly neighborhood where parents can encourage their children to play outdoors without the fear of high volume traffic. These are the quality of life features that attracted our investment to begin with and we simply wish them preserved. We believe, along with the city planners, that preserving Homestead Boulevard's estate character will guarantee it remains one of the most desirable places to live in Gautier or on the Gulf Coast. Properties and neighborhoods of this design are very scarce, and very desirable. Maintaining the character of Homestead would be beneficial to you and us. We therefore make one more appeal to you to reconsider your plan. Please give us a plan that we can all get excited about, support and help you with. Dees Landing can be a jewel for Gautier, and an honor to your mother and father.

Please bear in mind, that we cannot speak for every individual in the affected area, but as best as we can represent the whole, should you remain fast on the ½ acre lots in the panhandle, we will not interfere. But we do wish you would give the one acre per home site serious consideration. We really do want to work together as a community, not be at odds with each other.

Again, thank you for meeting with us and sharing your thoughts.

Respectfully,
William R. Finnicum, on behalf of Homestead Boulevard residents
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June 2, 2014

SENT VIA EMAIL AND FAX TO (228) 762 – 3223

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**RE: Wilbur Dees Objection and Opposition to Rezoning Application of All
Properties Adjacent to Homestead Boulevard filed by William R. Finnicum**

Dear Mayor Gollott and Gautier City Council:

I represent Mr. Wilbur Dees, Trustee of the Dora Virginia Dees Irrevocable Trust, property owner of approximately eighty acres (hereinafter the "Dees' property"), more or less, adjacent to Homestead Road, Gautier, Jackson County, Mississippi. This letter is to express Mr. Dees objection and opposition to rezoning property located along Homestead Boulevard from R-1 (low density single-family residential) to R-E (Residential Estate), especially and specifically with respect to his (Dees') property. Without waiving any objection(s), Mr. Dees seeks an opportunity to address the Mayor and City Council to speak against the applicant's proposed rezoning request. Mr. Dees objects to his property being rezoned and asserts the rezoning is improper, beyond legal authority, not supported by substantial (or any) evidence, and/or made in an attempt to deprive Mr. Dees of his rights. Mr. Dees respectfully requests that the Mayor and City Council deny the rezoning request, as follows:

I. BACKGROUND:

On 15 November 2013, Mr. Wilbur Dees, as Trustee for the Dora Virginia Dees Irrevocable Trust, filed an Application for Subdivision Preliminary Plat & Final Plat Approval (GPC Case #13-28-SD) seeking to develop a portion of the property on Homestead Boulevard.

In response to Mr. Dees' application, Mr. William R. Finnicum, as applicant, filed a "Public Hearing Application" (GPC Case #14-01-RZ) on 2 January 2014, to request a "Change in Zoning District" for all properties adjacent to Homestead Boulevard to be rezoned from R-1 (Low Density Single-Family Residential) to R-E (Residential Estate).

On 18 March 2014, the City of Gautier, Mississippi, (hereinafter the "City"), by and through its Mayor and City Council, approved Mr. Dees' application and request for Dees Landing Subdivision preliminary plat approval for development of land in R-1 Homestead Boulevard. Mr. Dees request for Dees Landing Subdivision was previously approved by the Gautier Planning Commission on 6 March 2014.

On 1 May 2014, the Gautier Planning Commission held a public hearing for "Consideration of a Citizen-initiated Comprehensive Rezoning of Properties Comprising ±443.13 Acres to R-E Residential Estate." No notification letters were mailed to adjacent property owners or to Mr. Dees. Over our objection and without permission of Mr. Dees, the Gautier Planning Commission found that there was a probability of a mistake in the original zoning and recommended approval of Mr. Finnicum's rezoning request for rezoning of properties adjacent to Homestead Boulevard to R-E (Residential Estate).

A. Gautier Code of Ordinances (1988)

Section 1 of the *Code of Ordinances, City of Gautier, Mississippi*, adopted the 7th of June, 1988, established an official zoning map and districts, which included R-1 (Single-Unit Residential District), but did not adopt by reference or declare R-E to be part of this ordinance. Additionally, there is no property and has never been any property zoned R-E in the City of Gautier, as shown on the Official Zoning District Map. In fact, all property adjacent to Homestead Boulevard, including Dee's Property, has been and is currently zoned R-1, as evidenced by the City of Gautier **Official Zoning Map** (as also shown on **2030 Comprehensive Plan: Map 10: Existing Zoning**).

B. Gautier Comprehensive Plan 2030

The Gautier Comprehensive Plan 2030, by its own admission, is "advisory only" and does not guarantee any zoning changes; this document is not law or binding. *Gautier Comprehensive Plan 2030*, City of Gautier Planning Commission (2009), cover page. That notwithstanding, the finding and recommendation of the Planning Commission is not consistent with the Comprehensive Plan, which requires permission of property owners to create estate zoning district, because there is no permission by Mr. Dees to re-zone his lots. See *Table No. 27: Implementation and Action Steps Land Use and Community Character*, at page 128 (courtesy copy attached hereto).

II. ARGUMENT: THE CITY OF GAUTIER SHOULD DENY THE APPLICANT'S REQUEST FOR REZONING BECAUSE THE REQUEST AND FINDING OF THE GAUTIER PLANNING COMMISSION IS BEYOND LEGAL AUTHORITY, NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, AND OTHERWISE UNREASONABLE.

The City of Gautier, by and through its Mayor and City Council, should deny the applicant's request for rezoning from zoning district/classification R-1 to RE, for certain property adjacent to Homestead Boulevard. Moreover, Mr. Dees, as Trustee for the Dora Virginia Dees Irrevocable Trust (aka Dees Limited Partnership) and property owner, specifically objects to any rezoning with respect to the Dees' property of approximately eighty acres located adjacent to Homestead Boulevard at 701 Homestead Boulevard, being currently assessed as Tax Parcel Numbers 81807045.000, 81807045.025, and 81807045.030.

Further, Mr. Dees protests against such proposed rezoning change. The request for rezoning was improperly recommended and/or approved by the Gautier Planning Commission on 1 May 2014 (by a vote of 3 to 1), which Planning Commission claims to have found by "clear and convincing evidence that a mapping error occurred." Transcript Excerpts of the proceedings before the Gautier Planning Commission¹, including oral testimony and argument of Acting Chairperson Mr. Larry Daily, and the statements of the City Attorney and City Manager regarding the rezoning, are attached hereto as **Exhibit "A"**. Mr. Dees asserts that the Planning Commission's finding and advisory recommendation are arbitrary, capricious, beyond legal authority, otherwise not supported by substantial evidence, and unreasonable.

A. The rezoning is not supported by substantial evidence as the applicant has not proven by clear and convincing evidence that there was a mistake in the original zoning, or a change and public need.

Mississippi Code Annotated Sections 17-1-15 and -17 provide the statutory authority for establishing and amending zoning ordinances. *Mississippi Code Annotated* § 17-1-17(1972). Pursuant to **Section 4.15.13 Criteria for Rezoning of Property** of the *Unified Development Ordinance of the City of Gautier, Mississippi (2013)* (hereinafter "UDO"):

The Planning Commission shall not recommend approval of a rezoning and the City Council shall not rezone the property unless the applicant has proven by clear and convincing evidence that either (emphasis added):

- A. There was a mistake in the original zoning, **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

¹ Commission members present included: Larry Daily, Greg Spanier, Sandra Walters, and Jimmy Green. Gautier staff present included: City Manager Samantha Abel, City Attorney Josh Danos, Director of Economic Development Chandra Nicholson, and City Clerk Tricia Thigpen.

The **Criteria for Rezoning** outlined in the *UDO* is consistent with well-settled law in Mississippi (as previously presented and argued by Mr. Dees' counsel) in that rezoning is only proper if: (A) there is a mistake in original zoning; or (B) change in the character of the neighborhood AND a public need for rezoning. *Cloverleaf Mall, Ltd. v. Conerly*, 387 SO. 2d 736 (Miss. 1980); See also, *Burdine v. City of Greenville*, 755 So. 2d 1154, 1156 (Miss. App. 1999) (citing *Board of Aldermen v. Conerly*, 509 So.2d 877, 883 (Miss.1987)). What is meant by "**clear and convincing**" is whether the reason for rezoning may be fairly characterized as **substantial**. *Woodland v. Jackson*, 443 So. 2d 1173, 1182 (Miss. 1983).

In this case, there are insufficient grounds or basis for rezoning as the applicant has presented no credible, substantial evidence to the Gautier Planning Commission to support such a change. The applicant, Mr. Finnicum, has failed to meet his burden by "**clear and convincing**" evidence that: (A) there was a mistake in the original zoning, **or** (B) a substantial change in the land use character of the surrounding area that justifies the change in zoning **AND** an established public (community) need existed for the proposed zoning change.

Additionally, the City of Gautier, in its Staff Report and recommendation, provided findings that the request did not meet the requirements of applicable law and that the requisite review criteria had not been met. The City was required to conduct a study that demonstrates whether or not each criteria for rezoning is met and provided recommended findings to the Gautier Planning Commission. In the Staff Report, as presented by, Ms. Chandra Nicholson, Economic Development & Planning Director, the staff found that there was no evidence to support that there was a mistake in the original zoning and that "no mapping error exists". Additionally, the staff found that there has not been a substantial change in the land use character of the area and there is no need for additional R-E designated land at this time; specifically, that there was "no analysis that the current designation does not provide an adequate transitional zone for suburban lots." Based on the Staff Report and pursuant to the *UDO*, the data and analysis do not support a Comprehensive Rezoning at this time and based on this recommendation, rezoning should have been denied.

Mr. Dees further asserts that Gautier Planning Commission member, Mr. Larry Dailey, who made the motion to approve applicant's request, did so not based on **clear and convincing evidence** as required, but rather for some other reason, based on a mistaken impression that it "appear[ed]" or "occur[ed]" to him "that a mapping error *is possible*," although the evidence did not show the same. See attached *Exhibit "A" Transcript Excerpts and Testimony of Larry Dailey*, at pages 2-5. As such, the Planning Commission's recommendation is not supported by credible, substantial evidence, but rather based upon "possibilities" and speculation, which is not the proper legal standard to which the City should hold itself. Therefore, the Planning Commission did not follow the proper procedures for rezoning, decided to disregard the Staff Report and findings, ignored the "caution" and advice of the City Attorney, and failed to make the necessary findings to recommend approval. For these reasons, the Planning Commission should not have recommended approval of rezoning. In accordance with applicable state and local zoning law, the City Council shall not rezone the subject property. However, should the City Council agree with the recommendation of the Planning Commission, over our objection, Mr. Dees contends that any rezoning change from R-1 to R-E should not apply to Mr. Dees' property (especially with respect to the previously approved Dees Landing Subdivision).

B. The finding of the Gautier Planning Commission is beyond legal authority as, pursuant to the Supreme Court of Mississippi, there is a presumption in favor of the validity of the original zoning ordinance and there is insufficient evidence to rebut this presumption.

Mr. Dees contends that the original zoning district R-1 is presumed valid. The "change or mistake" rule of municipal zoning, is based on the presumption that the original zoning is well planned and designed to be permanent. *Fondren North Renaissance v. Mayor and City Council of Jackson*, 749 So. 2d 974 (Miss. 1999). There is a presumption that the original and existing zoning R-1 is well planned, reasonable and for the public good. *Board*, at page 883. The applicant presented no evidence to rebut this presumption. Furthermore, the statements of the City Manager at the hearing support the finding that there was no mistake or "error" particularly when she stated that it is "normal and proper planning when a city incorporates an area that it applies the zoning district that is most like the existing activity." See attached *Exhibit "A" Transcript Excerpts and Testimony of Samantha Abell*, at pages 7-13.

Moreover, there is insufficient evidence or proof that all properties and homes adjacent to Homestead Boulevard, and in the area, currently qualify for or would be consistent with an R-E Residential Estate zoning classification.

III. CONCLUSION

The recommendation and finding of the Gautier Planning Commission, and specifically Acting Chairperson Mr. Larry Dailey, was improper, beyond legal authority, and/or made in an attempt to deprive Mr. Dees of his rights. This action was further conducted in a manner which was intended to and/or functional to deprive Mr. Dees of his vested property rights and were in violation of the law and the Constitution of the United States of America and the State of Mississippi, and if allowed to stand will potentially constitute a taking of Mr. Dees' property, which will give rise to legal action (inverse condemnation) being taken against the City.

Additionally, based on the factors delineated in Mississippi case law and under the *UDO* for rezoning change and classification of property and the evidence presented (or lack thereof) to the Planning Commission, the Planning Commission inappropriately granted the applicant's request for rezoning because the request and finding is not supported by substantial (or any) evidence.

Furthermore, Mr. Dees hereby objects to rezoning of his property without proper, timely, and due notice after publication, a fair hearing, full opportunity to be heard and due process of law, as provided in the Mississippi Annotated Code of 1972, *As Amended*, and in accordance with all applicable Federal, State and Local laws. *Mississippi Code Annotated* § 17-1-17(1972). Mr. Dees reserves the right to raise any other errors.

Mr. Dees respectfully prays that the City Council disapprove Mr. Finnicum's application as it is factually, procedurally and legally insufficient. Additionally, Mr. Finnicum has not met his burden by clear and convincing evidence. As you know, the Planning Commission and City Council cannot arbitrarily change zoning from R-1 to R-E. The burden is on the City to justify rezoning, and the City must meet certain statutory requirements. The existing zoning classification in the subject area, and land use of the subject property, is consistent with the City's Official Zoning Map established back in 1988, and the Comprehensive Plan, and does not support rezoning at this time. Therefore, the City should not rezone the subject property, particularly with respect to Mr. Dees' property. Moreover, any zoning change from R-1 to RE should not apply to Mr. Dees' property.

Very Respectfully,
RUSSELL S. GILL, P.L.L.C.



Russell S. Gill

RSG/amb

Cc: Mr. John Paul Barber, Attorney for Applicant William R. Finnicum
Mr. Wilbur Dees

Enclosures: **Exhibit "A"**. Transcript Excepts of the Proceedings before the GPC

**Table No. 27: Implementation and Action Steps
Land Use and Community Character**

Strategy	Short	Med	Long	On-Going	Comments
<u>Zoning</u>	X			X	By Ordinance and policy
• Adopt new Unified Development Ordinance to help Implement the community's vision. • Define zoning boundaries for the new mixed use districts and the regional centers. • Guide appropriate development to each of the above named districts. • Identify residential development styles which are suitable, practical and achievable in Gautier and incorporate these into the regulatory ordinances. • Create estate zoning district and rezone large lot development areas in select areas and with permission of property owners. • Re-zone lots as appropriate to R-1A with permission of property owners. • Create overlay districts for main corridors using enhanced sign, landscaping, architectural and streetscape requirements if these elements are not a part of the base zoning district. • Add language to the Zoning Ordinance that would allow the creation of local Historic Districts. • Consider using architectural design overlays and/or Smart Code in more urbanized areas. • Eliminate back-door rezoning and variances that tend to sabotage the intention of the base zoning district. • Discourage development that does not reflect good design or is not in compliance with the district requirements. • Create neighborhood overlay districts in the Zoning Ordinance for those areas which lack sufficient restrictive covenants. • Make appropriate incremental changes to Development Ordinances as needed.					
<u>Subdivision Ordinance</u>	X			X	By Ordinance and private development choices
• Revise the requirements for new subdivisions to not only bring engineering standards up to current requirements and to allow Conservation Subdivisions, Traditional Neighborhood Districts, clustering and lot averaging.					
<u>Landscaping</u>	X			X	By Ordinance and strict enforcement.
• Revise the Tree Ordinance to require more robust landscaping of commercial sites and parking lots and to protect existing trees. • Prepare and implement a Streetscape Plan that includes species, number and sizes of street trees. • Incorporate pedestrian connections, natural landscaping and hardscaping in all new projects.					
<i>Recommended timelines for implementation are given as being either short (immediate to 3 years); medium (3—6 years) and long (6+ years). Some strategies will require on-going or staged implementation.</i>					
<i>Table No. 27 continued on following page . .</i>					

GAUTIER PLANNING COMMISSION

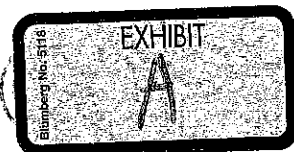
MAY 1, 2014

COMMISSION MEMBERS PRESENT:

Larry Daily, Acting Chairperson
Greg Spainer
Sandra Walters
Jimmy Green

STAFF PRESENT:

Samantha Abell, City Manager
Josh Danos, City Attorney
Chandra Nicholson,
Director of Economic Development
Tricia Thigpen, City Clerk



PROCEEDINGS

* * *

LARRY DAILEY: I have a question. Under your Item D, you talk about your finding is that a mapping error did not occur. We have in the past recognized that when our City was incorporated, the RE zoning did not exist, and that lands that were brought into our city just brought the existing R -- in this case, R-1 zoning.

Even though the lands were being developed with large estate lots, it would appear to me that a mapping error is possible since the lots are being developed as large lots, the RE zoning did not exist, and it was zoned the only available zoning that was available to them.

It would occur to me that there is an error, and that if the RE zoning existed at the time that the City incorporated that property, that it would have been zoned RE. Is that a valid argument?

CHANDRA NICHOLSON: Would you like to

1 address that?

2 CITY ATTORNEY: The only thing I
3 would say is that if you're basing your
4 opinion on this issue on potential mistake
5 that you would have to find the clear and
6 convincing evidence of that mistake and
7 that there is a strong presumption
8 pursuant to the Supreme Court of
9 Mississippi that any adopted ordinance is
10 not made a mistake, all these zoning
11 ordinances were not made a mistake at the
12 time they were originally entered, so I
13 would just caution the Commission.

14 LARRY DAILEY: Then I'm -- based on
15 my comment, it would occur -- it would
16 appear to me that it is -- it was clearly
17 an error, because the City did not have
18 available to it the opportunity to zone it
19 RE because the zoning didn't exist, even
20 though it was clear that that land was
21 being developed as estate lots and there
22 is an error that occurred because of that.
23 Is that appropriate?

24 CITY ATTORNEY: I don't know that I'm
25 in a position to say whether that's

1 inappropriate or not. If that's your
2 position to base on a motion, then I would
3 say that you would need to put that in the
4 record, which you have.

5 LARRY DAILEY: Okay. Well, I guess
6 what I'm really talking about is the
7 difference between my view of a mapping
8 error as staff's view, I'm trying to get
9 some support or agreement as to --

10 CHANDRA NICHOLSON: I would think --

11 LARRY DAILEY: There are clearly
12 opinions, and is there any movement there?

13 CHANDRA NICHOLSON: I would think
14 that an error would have to occur if there
15 were at that time Residential Estate and
16 R-1, and it was designated as R-1 and you
17 came to find that it was a mistake. You
18 know, just because there wasn't an RE at
19 the time, there's no reason that they
20 couldn't have created one if it was
21 needed. So that's the way I look at it.

22 LARRY DAILEY: Okay. I disagree with
23 that. I feel that -- and this group has
24 had similar discussions in the past, and I
25 think consistently we've said that if the

1 zoning didn't exist at the time, even
2 though the land was clearly being
3 developed in accordance with an RE zoning,
4 that an error occurred by not supporting
5 the zoning or putting a zoning on it that
6 supports the development. So my argument
7 is that an error in zoning did occur.
8 Okay.

9 GREG SPANIER: That they didn't take
10 the steps needed, it's an error on their
11 part.

12 LARRY DAILEY: All right. Any other
13 questions of staff?

14 JIMMY GREEN: I have one. Was the
15 Comprehensive Plan just overlooked when we
16 were zoning it? Was it taken into
17 consideration?

18 LARRY DAILEY: It did not exist at
19 that time.

20 CHANDRA NICHOLSON: The Comprehensive
21 Plan was adopted in 2009. The UDO was
22 adopted in 2010.

23 JIMMY GREEN: '10?

24 CHANDRA NICHOLSON: Uh-huh.

25 LARRY DAILEY: And neither of these

1 existed when the land was incorporated.

2 * * *

3 LARRY DAILEY: Thank you, Mr. Gill.

4 CITY MANAGER: If I may, our City
5 Clerk has that duty and it's prior to the
6 effective date.

7 Also, Chairman, it occurs to me that
8 I might be the only one in the room this
9 evening that can address your question
10 regarding whether a mapping error has
11 occurred, since it was my responsibility
12 as City Planner at the time of the
13 adoption of the Comprehensive Plan. I've
14 not stood, nor was I sworn in, but just
15 something for you to consider if you'd
16 like me to speak on that.

17 LARRY DAILEY: Please.

18 CITY MANAGER: Are you sure?

19 LARRY DAILEY: I'm comfortable with
20 you speaking, because we've talked about
21 this before and I'm hoping you're not
22 going to change your tune.

23 CITY MANAGER: Change my tune, I
24 never do that.

25 (City Manager sworn.)

1 CITY MANAGER: Well, you can ask any
2 questions, or I'll just start, I suppose,
3 by talking about the difference between
4 planning and then a technical error
5 occurring. This area was obviously
6 annexed in 2002. There was an official
7 zoning map in place and you had a Unified
8 Development Ordinance. That Unified
9 Development Ordinance and the official
10 zoning map were adopted by the City
11 Council after recommendation for approval
12 by the Planning Commission.

13 In 2009, the Comprehensive Plan was
14 adopted by the City Council after approval
15 by the Planning Commission. That 2009
16 Comprehensive Plan created Residential
17 Estate seven years after this area had
18 been R-1. The Comprehensive Plan talked
19 about the need for a mixed use districts,
20 an overlay district, and also Residential
21 Estate. Your Unified Development
22 Ordinance did not actually describe what
23 those districts would look like.

24 For my hire, we actually went back to
25 the Planning Commission and City Council

1 and created those districts at that time.
2 We started with the mixed use districts
3 first. You had areas along your
4 waterfront that were mixed use at the time
5 that they were annexed in 2002. Those
6 districts were not changed until there was
7 a change in the character of the land.
8 Some of those triggers were large
9 residential houses that were built along
10 the waterfront where there was also
11 working waterfront activities, such as the
12 railroad. Also, the expansion of Singing
13 River Electric, that triggered the
14 adoption of the Mary Walker Mixed Use
15 District.

16 The Planning Department has continued
17 to have citizens come and talk about their
18 concerns because, for instance, along
19 Hastings you had commercial activities
20 that operated during the County but after
21 the City incorporated those areas were
22 zoned to R-1 and they were being made to
23 conform.

24 So to answer the question is it an
25 error, it is normal and proper planning

1 when a city incorporates an area that it
2 applies the zoning district that is most
3 like the existing activity, and then it
4 makes those areas conform to the
5 description of those districts.

6 That zoning district of R-1 carried
7 from 2002 until 2009 when a Residential
8 Estate district was created. And then
9 after 2009 and 2010, you adopted your
10 Unified Development Ordinance and then you
11 actually created those districts to
12 implement the Comprehensive Plan.

13 So I think Chandra Nicholson was
14 exactly right when she said it would
15 impossible for staff in our report to
16 quantify that an error had occurred,
17 because in 2002 R-1 was the district that
18 was adopted by the City Council, after
19 recommendation by the Planning Commission,
20 for this area and all low density
21 residential areas in the City.

22 It wasn't until 2010 that a new
23 district even existed in order for the
24 City Council to consider a different
25 policy. So there's a difference between

1 planning policy and then an error on the
2 official zoning map. Do you have any
3 questions?

4 LARRY DAILEY: Probably more than
5 one.

6 UNIDENTIFIED SPEAKER: Mr. Daily, may
7 I speak?

8 LARRY DAILEY: No. Let us finish
9 with our City Manager.

10 CITY MANAGER: And my purpose is just
11 to remind the Planning Commission, based
12 on your precedent of when you have used
13 the trigger to implement those zones that
14 were annexed in the City, because I think
15 that east side is a pretty good example
16 along your waterfront. That area was also
17 annexed. And it was mixed use and it
18 incurred significant code enforcement
19 problems because you had a mixed use
20 waterfront area, actually there's someone
21 who could attest to that this evening, and
22 yet when that area was annexed the most
23 similar zoning district was applied to it,
24 and as a result, places like Tucci's
25 received a lot of code violations and

1 summons to appear in court because it did
2 not fit the closest district that the City
3 had for it.

4 But it was not until 2010 that that
5 area was rezoned to a mixed use district.
6 The Planning Commission and Council did
7 not find that an error occurred. You
8 found that it was appropriate to recognize
9 what was there and to rezone it
10 accordingly.

11 LARRY DAILEY: What we've heard
12 tonight, though, doesn't allow us to take
13 that action. So are you saying that that
14 is, just like by that, it is an
15 appropriate action for us to take?

16 CITY MANAGER: I would simply remind
17 you that you would need to look at, has
18 there been a change that allows you to
19 flip that trigger and implement your
20 Comprehensive Plan, and that's what this
21 Planning Commission -- that's what you
22 were tasked --

23 LARRY DAILEY: How is the change in
24 the MURC that pulled that trigger?

25 CITY MANAGER: The expansion of

1 Singing River Electric, they doubled their
2 land size. You had an increase of
3 traffic, because after Katrina, which was
4 after you had annexed that area, when you
5 had new things build back. For instance,
6 you have a marina with a restaurant.
7 Well, you had single family homes build in
8 that area that encroached on a commercial
9 enterprise.

10 So you had a big diversity of uses
11 and no one was getting along and it
12 happened after the annexation. So clearly
13 the commercial zone that you had did not
14 recognize the residential uses that were
15 being built there under a lot of special
16 use permits.

17 LARRY DAILEY: We didn't have the
18 discussion at the time that we were going
19 through all that MURC change that we
20 recognized that because the area, the
21 zoning didn't exist at the time, that it
22 was considered a mapping error and that we
23 could pull the trigger because of that, as
24 well. It seems, to my recollection, that
25 we've talked in those terms, as well.

1 CITY MANAGER: No, sir. That was not
2 one of your findings of facts, but you and
3 I have spoken extensively about the Ward 5
4 area and the fact that we have had
5 complaints that R-1 was not a one size
6 fits all approach.

7 LARRY DAILEY: Right. Thank you.
8 Any other public comments?

9 * * *

10 LARRY DAILEY: Okay. Thank you. The
11 motion has been withdrawn by Mr. Spainer.
12 And I'd like to place into -- I'd like to
13 make a motion to approve GPC Case Number
14 14-01-RZ, and that we find that we've
15 heard evidence that this area was clearly
16 being developed as residential estates,
17 and as RE did not exist at the time of
18 incorporation of the area, it was brought
19 into Gautier at the highest zone
20 available, which was R-1; we find that
21 there is clear and convincing evidence
22 that a mapping error occurred, and the
23 Comprehensive Plan recognized the error by
24 identifying it to be rezoned RE, which
25 would protect the character and quality of

1 the existing neighborhood. That's my
2 motion. Was that understandable?

3 GREG SPANIER: I'll second it.

4 LARRY DAILEY: We have a motion, and
5 a second by Mr. Spainer to accept -- to
6 approve Case 14-01-RZ. Any discussion?

7 All those in favor, raise your right hand.
8 (Indicating in favor by Dailey, Spainer & Green.)

9 LARRY DAILEY: Opposed?

10 (Indicating in opposition by Walters.)

11 LARRY DAILEY: We have a favorable
12 recommendation that will be passed on to
13 Council. Thank you.

14 (Excerpt concluded.)

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C E R T I F I C A T E

STATE OF MISSISSIPPI

COUNTY OF HARRISON

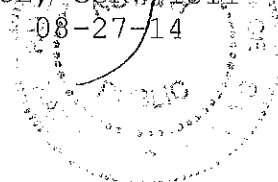
I, Pamela Michele Keenlance, CSR and Notary Public, duly commissioned for the County of Harrison, State of Mississippi, do hereby certify:

That on the 1st day of May, 2014, there was held the foregoing proceedings before the GAUTIER PLANNING COMMISSION, and that the preceding fourteen (14) pages contain a full, true, and correct copy of my stenotype notes, later reduced to typewritten form by computer-aided transcription of the GAUTIER PLANNING COMMISSION MEETING;

That I am not related to or in anywise associated with any of the parties to this cause of action, or their counsel, and that I am not financially interested in the same;

IN WITNESS WHEREOF, I have hereunto set my hand, this the 18th day of May, 2014.


PAMELA MICHELE KEENLANCE, CSR #1511
My Commission Expires: 08-27-14



There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi the following:

ORDINANCE NUMBER 216-2014

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING ARTICLE XII, SIGNS, BILLBOARDS AND ADVERTISING MATERIAL, OF THE UNIFIED DEVELOPMENT ORDINANCE, BY REVISING THE SIGN OVERLAY DISTRICT TO ENCOMPASS LANDS COTERMINOUS WITH THE CORRIDOR OVERLAY DISTRICT, FOR THE PURPOSE OF ENCOURAGING TOURISM AND A DESTINATION PLACE; AND SETTING AN EFFECTIVE DATE July 4, 2014.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:

Section 1. Authority & Intent

- A. The authority for enactment of this ordinance is contained in Section 4.20 of the City's Unified Development Ordinance.
- B. The Gautier Planning Commission held a public hearing, after giving due public notice and considered of this ordinance, on May 1, 2014. The City Council conducted a public hearing on June 3, 2014.
- C. The Planning Commission finds that there is a need for Off-Site Directional Sign Marquees for tourist-related businesses and that the creation of a Sign Overlay District will encourage tourism and enhance the feel of a destination place.
- D. The Planning Commission finds the creation of a Sign Overlay District to be consistent with the goals of the Comprehensive Plan.

Section 2. Amendment of Article XII

Article XII, Signs, Billboards and Advertising Material, is hereby amended to wit (delete strike-thru):

Section 12.11 Off-Site Directional Signage – Add the following subsection at the end of Section 12.11:

F. An off-site directional sign shall not contain the name of the business, logo, or any other advertising materials, except as allowed by Section 12.18 Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referred to as an Off-Site Directional Sign Marquee.

Section 12.18 Sign Overlay District – Add the following Section at the end of Article XII after Section 12.17:

Section 12.18 Sign Overlay District

12.18.1 District Creation and Purpose

The Sign Overlay District is hereby created and includes lands coterminous with the Corridor Overlay District.

The purpose of the sign overlay district is to increase tourism in tourism-related areas of the city. It shall be the purpose of the ordinance to encourage multi-tenant free-standing signs whenever possible, but also provide for single-business free-standing signs, in order to limit the proliferation of “snipe signs” and aesthetic disharmony in high density areas.

12.18.2 District Regulations

A. General

1. Off-site directional signage located within the City may not contain business name, business logo, or other advertising material, except as allowed within the Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referenced as an Off-Site Directional Sign Marquee.
2. Marquees shall be referred to as Single Off-Site Marquee or Shared Off-Site Marquee.
3. Shared Off-Site Marquees are encouraged and will be given more flexibility than single Off-Site Marquees.

B. Applicability – Only tourism related businesses may install or be located on an off-site directional sign which includes the name of the business, logo of business, or any other advertising material. A tourism-related business is defined as a business whose customer base consists largely of non-local patrons, such as hotels, specialty retail, destination shopping venues and restaurants. Franchise restaurants and retail shall be allowed to advertise on an off-site sign in such instances when the franchise is located within a multi-tenant destination center.

C. Number of Signs Allowed - A business will only be allowed one Single Off-Site Marquee. There is no limit on the number of Shared Off-Site Marquees a business may be displayed on, but a particular business may only be listed once per marquee.

D. Location and Visibility

1. Shared Off-Site Marquees may be located within the Sign Overlay District at roadway intersections or within 500' of the intersection. If roadway intersections are spaced more than ½ mile apart, an intermediate sign may be placed approximately mid-way between intersections as approved by the Economic Development Director.

2. Single Off-Site Marquees may be located within the Sign Overlay District, but shall be spaced at least 1000 feet apart along the adjacent roadway.
3. Off-Site Marquee Signs with space for three (3) or more listed businesses may be located on a parcel in conjunction with the allowable number of free-standing business signs in accordance with this Article. Off-Site Marquees Signs with less than three (3) listed businesses on the marquee may not be located on the same parcel as other free-standing business signs.
4. Visibility – Off-site Sign Marquees shall not block the visibility of another existing business or business sign. The TRC may require a temporary field representation of the location and height before approval is granted. In addition, if there is any question about visibility, the TRC or the Economic Development Director may send the Sign Marquee request to Planning Commission and City Council for a public hearing.
5. Off-Site Sign Marquees shall not be placed in the clear visibility triangle as shown in Table No. 28 in Section 11.11 of this UDO.

12.18.3 District Off-Site Sign Requirements

- A. Appearance and Materials - Within the sign overlay district, the Off-Site Sign Marquee must incorporate a minimum of two architectural elements from the official Gautier entrance signs, park entrance signs, directional signs, and/or town center gateway sign. Namely, these architectural elements include: stone, brick, black aluminum, pitched copper roof type cover, copper metal backing, square wooden columns, fluted columns, natural roughhewn wood with routed lettering, or some other detail keeping with the theme “Nature’s Playground” and the historic fishing village feel. In addition, the marquee may incorporate the City’s crane (bird) insignia or Nature’s Playground logo/theme.
- B. Sign Size Limitations
 1. Single Off-Site Marquees shall be limited to the same size requirements as a regular business sign.
 2. Shared Off-Site Marquees shall be limited to the same size requirements as a regular business sign per business listed on the marquee.
- C. Height Limitations
 1. Single Off-Site Marquees shall be limited to the same height requirements as a regular business sign.
 2. Shared Off-Site Marquees shall be limited to the same height requirements as a regular business sign for two (2) businesses listed

on the marquee. Five (5) additional feet may be added to the maximum height of the sign per every two (2) additional businesses listed on the marquee.

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

Motion made by **Councilman Vaughan**, seconded by **Councilman Anderson** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

Adopted: June 3, 2014

Gordon Gollott, Mayor

Attest:

Approved as to form and legal sufficiency.

Cynthia Russell, City Clerk

Josh Danos, City Attorney

New language is underlined.
Deleted language is ~~stricken~~.
To Be Codified.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager

From: Chandra Nicholson, Economic Development & Planning Director

Date: May 27, 2014

Subject: Consideration of an Amendment to Article XII of the Unified Development Ordinance to Revise the Corridor Overlay District to incorporate a Sign Overlay District. (City Initiated) GPC Case #14-07-UDO

REQUEST:

The City Manager directed Staff to draft an amendment to the Unified Development Ordinance (UDO) pursuant to Section 4.20, to revise the Corridor Overlay District to incorporate a Sign Overlay District which would allow off-site directional signage in certain instances.

The request for off-site signage by tourism-oriented businesses has increased. The sign overlay district will be coterminous with the corridor overlay district. The district provides an incentive for tourism-oriented businesses to operate within special districts and along major arterials, by allowing a means for off-site signage with specific conditions.

BACKGROUND:

Off-Site Signage History

The City's Unified Development Ordinance does not permit off-site directional signs with business name, logo, or any other form of advertising.

The Amendment Process

Amendments to the Unified Development Ordinance may be initiated by the City Council, the Gautier Planning Commission (GPC), the City Staff, or by a citizen. The process requires that the GPC review and forward a recommendation to the City Council on the proposed amending ordinance(s).

The City Council may consider approval after a public hearing based on the application and the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

DISCUSSION:

The City's UDO does not currently allow businesses to erect off-site signage that contain the business name, logo, or any other advertisement. The city has many tourism related businesses

that are not visible from major arterials, therefore, making it difficult for visitors and tourists to find the businesses or to know they exist.

The proposed amendment to Article XII, "Signs, Billboards and Advertising Materials," of the UDO, will revise the sign code for the Sign Overlay District to encompass the mixed use Mary Walker Waterfront District, the Town Center District, and lands located within the Corridor Overlay District.

The proliferation of off-site signs throughout the city should be discouraged in order to prevent excessive visual competition, vehicular distractions, and also prevent the proliferation of "ghost signs" and abandoned signs. However, the overlay district will allow off-site signage while preserving and enhancing town character by requiring new and replacement signage appropriate for tourism-rated activity, expressive of the identity of individual proprietors or the community as a whole, and appropriately sized in its content. The sign overlay encourages the use of the city's sign and design guidelines by requiring the marquees to use a minimum of two architectural elements from Gautier's official "Nature's Playground" sign scheme for appropriate commercial signage, to adequately aid communication and orientation, identify uses and activities, and express local character (see attached ordinance).

Staff finds that the Sign Overlay District will encourage tourism and enhance the feel of a destination place. Stated above, the overlay district will allow off-site signage while preserving and enhancing town character by requiring new and replacement signage appropriate for tourism-rated activity, expressive of the identity of individual proprietors or the community as a whole, and appropriately sized in its content.

Staff further finds the request is consistent with the policies of the Comprehensive Plan.

RECOMMENDATION:

The Gautier Planning Commission and Staff recommend that City Council approved the proposed UDO Amendment.

The City Council may:

1. Approve the Planning Commission's unanimous recommendation of the proposed UDO Amendment;
2. Approve the proposed UDO Amendment with changes; or
3. Deny the proposed UDO Amendment.

ATTACHMENTS:

1. Draft Ordinance
2. GPC Staff Report with Back-up
3. GPC Minutes Excerpt

[illegible]

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:

- A. The authority for enactment of this ordinance is contained in Section 4.20 of the City's Unified Development Ordinance.
- B. The Gautier Planning Commission held a public hearing, after giving due public notice and considered of this ordinance, on May 1, 2014. The City Council conducted a public hearing on June 3, 2014.
- C. The Planning Commission finds that there is a need for Off-Site Directional Sign Marquees for tourist-related businesses and that the creation of a Sign Overlay District will encourage tourism and enhance the feel of a destination place.
- D. The Planning Commission finds the creation of a Sign Overlay District to be consistent with the goals of the Comprehensive Plan.

Article XII, Signs, Billboards and Advertising Material, is hereby amended to wit (delete strike-thru):

F. An off-site directional sign shall not contain the name of the business, logo, or any other advertising materials, except as allowed by Section 12.18 Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referred to as an Off-Site Directional Sign Marquee.

Section 12.18 Sign Overlay District

43
44 12.18.1 District Creation and Purpose

45
46 The Sign Overlay District is hereby created and includes lands coterminous
47 with the Corridor Overlay District.
48

49 The purpose of the sign overlay district is to increase tourism in tourism-
50 related areas of the city. It shall be the purpose of the ordinance to
51 encourage multi-tenant free-standing signs whenever possible, but also
52 provide for single-business free-standing signs, in order to limit the
53 proliferation of "snipe signs" and aesthetic disharmony in high density areas.
54

55 12.18.2 District Regulations
56

57 A. General
58

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60 business name, business logo, or other advertising material, except as
61 allowed within the Sign Overlay District. Any sign that meets the
62 requirements and applicability of the Sign Overlay District section will
63 be referenced as an Off-Site Directional Sign Marquee.
64
65 2. Marquees shall be referred to as Single Off-Site Marquee or Shared
66 Off-Site Marquee.
67
68 3. Shared Off-Site Marquees are encouraged and will be given more
69 flexibility than single Off-Site Marquees.
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- 71 B. Applicability – Only tourism related businesses may install or be located
72 on an off-site directional sign which includes the name of the business,
73 logo of business, or any other advertising material. A tourism-related
74 business is defined as a business whose customer base consists largely
75 of non-local patrons, such as hotels, specialty retail, destination shopping
76 venues and restaurants. Franchise restaurants and retail shall be allowed
77 to advertise on an off-site sign in such instances when the franchise is
78 located within a multi-tenant destination center.
79

- 80 C. Number of Signs Allowed - A business will only be allowed one Single Off-
81 Site Marquee. There is no limit on the number of Shared Off-Site
82 Marquees a business may be displayed on, but a particular business may
83 only be listed once per marquee.
84

85 D. Location and Visibility
86

1. Shared Off-Site Marquees may be located within the Sign Overlay District at roadway intersections or within 500' of the intersection. If roadway intersections are spaced more than ½ mile apart, an intermediate sign may be placed approximately mid-way between intersections as approved by the Economic Development Director.
2. Single Off-Site Marquees may be located within the Sign Overlay District, but shall be spaced at least 1000 feet apart along the adjacent roadway.
3. Off-Site Marquee Signs with space for three (3) or more listed businesses may be located on a parcel in conjunction with the allowable number of free-standing business signs in accordance with this Article. Off-Site Marquees Signs with less than three (3) listed businesses on the marquee may not be located on the same parcel as other free-standing business signs.
4. Visibility – Off-site Sign Marquees shall not block the visibility of another existing business or business sign. The TRC may require a temporary field representation of the location and height before approval is granted. In addition, if there is any question about visibility, the TRC or the Economic Development Director may send the Sign Marquee request to Planning Commission and City Council for a public hearing.
5. Off-Site Sign Marquees shall not be placed in the clear visibility triangle as shown in Table No. 28 in Section 11.11 of this UDO.

12.18.3 District Off-Site Sign Requirements

A. Appearance and Materials - Within the sign overlay district, the Off-Site Sign Marquee must incorporate a minimum of two architectural elements from the official Gautier entrance signs, park entrance signs, directional signs, and/or town center gateway sign. Namely, these architectural elements include: stone, brick, black aluminum, pitched copper roof type cover, copper metal backing, square wooden columns, fluted columns, natural roughhewn wood with routed lettering, or some other detail keeping with the theme "Nature's Playground" and the historic fishing village feel. In addition, the marquee may incorporate the City's crane (bird) insignia or Nature's Playground logo/theme.

B. Sign Size Limitations

1. Single Off-Site Marquees shall be limited to the same size requirements as a regular business sign.

2. Shared Off-Site Marquees shall be limited to the same size requirements as a regular business sign per business listed on the marquee.

C. Height Limitations

1. Single Off-Site Marquees shall be limited to the same height requirements as a regular business sign.

2. Shared Off-Site Marquees shall be limited to the same height requirements as a regular business sign for two (2) businesses listed on the marquee. Five (5) additional feet may be added to the maximum height of the sign per every two (2) additional businesses listed on the marquee.

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

Adopted: _____

Gordon Gollott, Mayor

Attest:

Approved as to form and legal sufficiency.

Cindy Russell, City Clerk

Josh Danos, City Attorney

New language is underlined.
Deleted language is ~~stricken~~.
To Be Codified.

Gautier Planning Commission

Regular Meeting Agenda

May 1, 2014

**Sign Overlay District
UDO Amendment**

VII. NEW BUSINESS

B. LEGISLATIVE

1. REQUEST TO AMEND THE UDO TO CREATE A SIGN OVERLAY DISTRICT (CITY INITIATED) (GPC #14-07-UDO)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission
From: Chandra Nicholson, Economic Development & Planning Director
Date: April 25, 2014
Subject: Consideration of an Amendment to Article XII of the Unified Development Ordinance to create a Sign Overlay District. (City Initiated) GPC #14-07-UDO

REQUEST:

The City Manager directed Staff to draft an amendment to the Unified Development Ordinance (UDO) pursuant to Section 4.20, to create a Sign Overlay District which would allow off-site directional signage in certain instances.

The request for off-site signage by tourism-oriented businesses has increased. The sign overlay district will be coterminous with the corridor overlay district. The district provides an incentive for tourism-oriented businesses to operate within special districts and along major arterials, by allowing a means for off-site signage with specific conditions.

BACKGROUND:

Off-Site Signage History

The City's Unified Development Ordinance does not permit off-site directional signs with business name, logo, or any other form of advertising.

The Amendment Process

Amendments to the Unified Development Ordinance may be initiated by the City Council, the Gautier Planning Commission (GPC), the City Staff, or by a citizen. The process requires that the GPC review and forward a recommendation to the City Council on the proposed amending ordinance(s).

The City Council may consider approval after a public hearing based on the application and the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

DISCUSSION:

The City's UDO does not currently allow businesses to erect off-site signage that contain the business name, logo, or any other advertisement. The city has many tourism related businesses that are not visible from major arterials, therefore, making it difficult for visitors and tourists to find the businesses or to know they exist.

The proposed amendment to Article XII, "Signs, Billboards and Advertising Materials," of the UDO, will revise the sign code for the creation of the Sign Overlay District to encompass the mixed use Mary Walker Waterfront District, the Town Center District, and lands located within the Corridor Overlay District.

The proliferation of off-site signs throughout the city should be discouraged in order to prevent excessive visual competition, vehicular distractions, and also prevent the proliferation of "ghost signs" and abandoned signs. However, the overlay district will allow off-site signage while preserving and enhancing town character by requiring new and replacement signage appropriate for tourism-rated activity, expressive of the identity of individual proprietors or the community as a whole, and appropriately sized in its content. The sign overlay encourages the use of the city's sign and design guidelines by requiring the marquees to use a minimum of two architectural elements from Gautier's official "Nature's Playground" sign scheme for appropriate commercial signage, to adequately aid communication and orientation, identify uses and activities, and express local character (see attached ordinance).

STAFF FINDINGS:

Staff finds that the creation of the Sign Overlay District will encourage tourism and enhance the feel of a destination place. Stated above, the overlay district will allow off-site signage while preserving and enhancing town character by requiring new and replacement signage appropriate for tourism-rated activity, expressive of the identity of individual proprietors or the community as a whole, and appropriately sized in its content.

Staff further finds the request is consistent with the policies of the Comprehensive Plan.

RECOMMENDATIONS:

The Planning Commission may:

1. Recommend that City Council approve the UDO Amendment;
2. Recommend that City Council approve the UDO Amendment with changes; or
3. Recommend that City Council not approve the UDO Amendment.

ATTACHMENTS:

1. Draft Ordinance
2. District Map

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ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING ARTICLE XII, SIGNS, BILLBOARDS AND ADVERTISING MATERIAL, OF THE UNIFIED DEVELOPMENT ORDINANCE, BY ADDING A SECTION CREATING A SIGN OVERLAY DISTRICT TO ENCOMPASS LANDS COTERMINOUS WITH THE CORRIDOR OVERLAY DISTRICT, FOR THE PURPOSE OF ENCOURAGING TOURISM AND A DESTINATION PLACE; AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:

Section 1. Authority & Intent

- A. The authority for enactment of this ordinance is contained in Section 4.20 of the City's Unified Development Ordinance.
- B. The Gautier Planning Commission held a public hearing, after giving due public notice and considered of this ordinance, on May 1, 2014. The City Council conducted a public hearing on May 20, 2014.
- C. The Planning Commission finds that there is a need for Off-Site Direction Sign Marquees for tourist-related businesses and that the creation of a Sign Overlay District will encourage tourism and enhance the feel of a destination place.
- D. The Planning Commission finds the creation of a Sign Overlay District to be consistent with the goals of the Comprehensive Plan.

Section 2. Amendment of Article XII

Article XII, Signs, Billboards and Advertising Material, is hereby amended to wit (delete strike-thru):

Section 12.11 Off-Site Directional Signage – Add the following subsection at the end of Section 12.11:

F. An off-site directional sign shall not contain the name of the business, logo, or any other advertising materials, except as allowed by Section 12.18 Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referred to as an Off-Site Directional Sign Marquee.

Section 12.18 Sign Overlay District – Add the following Section at the end of Article XII after Section 12.17:

Section 12.18 Sign Overlay District

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44 12.18.1 District Creation and Purpose

45
46 The Sign Overlay District is hereby created and includes lands coterminous
47 with the Corridor Overlay District.

48
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69 flexibility than single Off-Site Marquees.
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98 businesses may be located on a parcel in conjunction with the
99 allowable number of free-standing business signs in accordance with
100 this Article. Off-Site Marquees Signs with less than three (3) listed
101 businesses on the marquee may not be located on the same parcel as
102 other free-standing business signs.
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104 4. Visibility – Off-site Sign Marquees shall not block the visibility of
105 another existing business or business sign. The TRC may require a
106 temporary field representation of the location and height before
107 approval is granted. In addition, if there is any question about visibility,
108 the TRC or the Economic Development Director may send the Sign
109 Marquee request to Planning Commission and City Council for a public
110 hearing.
111
112 5. Off-Site Sign Marquees shall not be placed in the clear visibility
113 triangle as shown in Table No. 28 in Section 11.11 of this UDO.

114
115 12.18.3 District Off-Site Sign Requirements
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117 A. Appearance and Materials - Within the sign overlay district, the Off-Site
118 Sign Marquee must incorporate a minimum of two architectural elements
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120 signs, and/or town center gateway sign. Namely, these architectural
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122 cover, copper metal backing, square wooden columns, fluted columns,
123 natural roughhewn wood with routed lettering, or some other detail
124 keeping with the theme "Nature's Playground" and the historic fishing
125 village feel. In addition, the marquee may incorporate the City's crane
126 (bird) insignia or Nature's Playground logo/theme.

127
128 B. Sign Size Limitations

1. Single Off-Site Marquees shall be limited to the same size requirements as a regular business sign.

2. Shared Off-Site Marquees shall be limited to the same size requirements as a regular business sign per business listed on the marquee.

C. Height Limitations

1. Single Off-Site Marquees shall be limited to the same height requirements as a regular business sign.

2. Shared Off-Site Marquees shall be limited to the same height requirements as a regular business sign for two (2) businesses listed on the marquee. Five (5) additional feet may be added to the maximum height of the sign per every two (2) additional businesses listed on the marquee.

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

Adopted: _____

Gordon Gollott, Mayor

Attest:

Approved as to form and legal sufficiency.

Cindy Russell, City Clerk

Josh Danos, City Attorney

New language is underlined.
Deleted language is ~~stricken~~.
To Be Codified.

CITY OF GAUTIER SIGN OVERLAY DISTRICT

Updated: 4/27/14



Legend

-  Sign Overlay District
-  Sandhill Crane Land

Excerpt from May 1, 2014 Planning Commission Meeting Minutes:

Commissioner Dailey made the motion to recommend approval of the Sign Ordinance Overlay District as proposed with the addition that the Economic Development Director has the discretion to allow additional signage for public amenities. Commissioner Spanier seconded the motion and the following vote was recorded:

AYES: Larry Dailey
 Jimmy Green
 Greg Spanier
 Sandra Walters

NAYS: None

ABSENT: David Wooten
 James Torrey

Motion carried.

Mayor and Council conducted Quasi-Judicial Procedures for Business Item#3-Public hearing and received public comments regarding 3677 Mackeral Drive, Gautier, MS. Barbara L. Aguillard, owner.

Motion made by Councilman Vaughan to table the Business Item #3 until July 17, 2014 Council Meeting. Motion seconded by Councilwoman Martin and unanimously carried.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDINANCE NUMBER 217-2014

ORDINANCE PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES AND PLACES OF EMPLOYMENT

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING CHAPTER 15 OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF ORDINANCES OF THE CITY OF GAUTIER, PROHIBITING SMOKING IN CERTAIN VENUES OPEN TO THE PUBLIC AND PLACES OF EMPLOYMENT; AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE CODE OF ORDINANCES OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:

SECTION 1. Authority & Intent

- A. The Gautier City Council held a public meeting on April 15, 2014 and received public feedback through the month of May 2014 on the potential adoption of a smokefree ordinance.
- B. In the interest of public health and safety, the City Council finds and declares that the purpose of this ordinance is to protect the public health and welfare of the citizens of this community by prohibiting smoking in public places and places of employment as defined hereafter.

SECTION 2. Amendment of Chapter 15

Article 1, Section 15-4 Smoking in Public Buildings is repealed as this is now covered by the amended Chapter 15, Article III, Division 3, Section 15-54.

In order to accomplish the intent as herein set out, the City of Gautier Code of Ordinances Chapter 15, Article III Tobacco Products is hereby amended by adding Division 3- Smoking Prohibitions, Section 15-54- Smoking Prohibited in Certain Public Places and Places of Employment (as shown below).

ARTICLE III. TOBACCO PRODUCTS

Division 3. Smoking Prohibitions

Section 15-54. Smoking Prohibited in Certain Public Places and Places of Employment

a) Definitions

The following definitions shall apply in the construction and enforcement of this section:

- (1) *Bars*. Means any premises where non-alcoholic or alcoholic beverages are sold or consumed.
- (2) *Business*. Means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit making purposes, including retail establishments, where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.
- (3) *Child Care Facility*. Means any state licensed child care facility including, but not limited to, licensed family day care or licensed group day care centers, licensed day camps, certified school-age programs and head start programs.
- (4) *City Buildings*. Means all City-owned and operated buildings and those portions of buildings leased and operated by the City.
- (5) *City Vehicles*. Means all automobiles, trucks, heavy equipment or motorized units owned, operated or leased by the City.
- (6) *Common Areas of Buildings*. Means all areas not part of a tenant's leased premises, including but not limited to lobbies, community rooms, hallways, laundry rooms, stairwells, elevators, enclosed parking facilities, pool areas, and restrooms contiguous thereto.
- (7) *Employee*. Means any person who is employed by an employer for direct or indirect monetary wages or profit, including those full-time, part-time, temporary or contracted for from a third party; employee also means any person who serves as a volunteer for a business or non-profit entity.
- (8) *Employer*. Means any person, partnership, limited liability company, corporation, or other entity, including a public or non-profit entity that employs the services of one or more individuals.
- (9) *Enclosed Area*. Means all space between a floor and a ceiling which is enclosed on all sides by walls or windows (exclusive of doors or passage ways) which extend from floor to ceiling, including all space therein screened by partitions which do not extend to the

ceiling.

(10) *Entrance.* Means a doorway and adjacent area which gives direct access to a building from a contiguous street, plaza, sidewalk or parking lot.

(11) *Health Care Facility.* Means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semi-private rooms, wards and entrances in the health care facilities.

(12) *Hotel and Motel.* Means any commercial establishment that offers rooms that contain a bed and toilet facilities to the general public for rent that is not an apartment complex or home.

(13) *Mall.* Means any enclosed indoor area containing common areas and discreet businesses primarily devoted to the retail sale of goods and services.

(14) *Place of Employment.* Means an enclosed area controlled by the employer which employees normally frequent during the course of employment, including but not limited to, work areas, employee lounges and restrooms, conference rooms and class rooms, employee cafeterias, hallways and vehicles. This also includes private offices, elevators, medical facilities, stairs, vehicles and all other enclosed facilities. A private residence is not a “place of employment” within the meaning of this section unless it used as a child care facility, adult day care, or health care facility.

(15) *Private Club.* Means a facility owned or operated by an associational corporation, which does not operate for a pecuniary gain or have regular employees. Affairs and management of the organization are typically conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and a constitution, or charter, to govern its activities.

It is an organization that has been granted an exemption from the payment of federal income taxes as a “club” under 26 U.S.C. Section 501 of the Internal Revenue Code.

Entry into and use of a private club is restricted to members only and the invited public.

(16) *Private Residence.* Means premises owned, rented or leased for permanent or semi-permanent habitation.

(17) *Public Place.* Means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, health care facilities, hotel and motel lobbies, laundromats, parking garages, public parks, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a “public place” unless it used as a child care, adult day care, or health care facility.

(18) *Restaurant.* Means any eating establishment, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. This term also includes a bar area within the restaurant.

(19) *Retail Tobacco Store.* Means an establishment which is not required to possess a retail food permit, whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products. A retail tobacco store that permits smoking on the premises shall post in a clear and conspicuous manner a sign at each entrance warning persons entering the establishment that smoking may be present on the premises, and that persons under the age of 18 years may not enter the premises.

(20) *Service Line.* Means an indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

(21) *Smoking.* Means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe,

hookah, or other lighted tobacco product in any manner or in any form.

(22) *Sports Arena or Venue.* Means any sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller skating rinks and indoor ice rinks, bowling centers and other similar places where members of the general public assemble to participate in or to witness sporting, cultural, recreational, or other events.

(23) *Tobacco Products.* Means cigars, cigarettes, chewing tobacco, snuff, or any other product in which tobacco is a primary ingredient and is either inhaled as in smoking, or chewed or dipped as in the use of chewing tobacco, or snuff.

(b) *City Property*

All City buildings, vehicles and sports arenas are subject to the provisions of this section and the use of tobacco products of any kind in such City buildings, vehicles or sports arenas is hereby prohibited.

(c) *Smoking Prohibited in Indoor Public Places*

Except as otherwise provided herein, it shall be unlawful for any person to smoke in indoor public places, including but not limited to the following:

(1) Aquariums, galleries, libraries and museums.

(2) Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels and motels.

(3) Bars.

(4) Bingo facilities.

(5) Child care facilities.

(6) Common areas in bed and breakfast establishments, hotels and motels and common areas of buildings.

(7) Convention facilities.

(8) Educational facilities.

(9) Elevators and enclosed stairwells.

(10) Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical

recital, or other similar performance.

(11) Health care facilities.

(12) Hotel and motel lobbies.

(13) Indoor shopping malls.

(14) Lobbies, hallways and any other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

(15) Polling places.

(16) Public forms of transportation, including but not limited to buses, taxicabs, or other public passenger vehicles.

(17) Public bus and transfer point shelters.

(18) Public places including parking garages and jails.

(19) Retail stores.

(20) Restaurants.

(21) Restrooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City.

(22) Self-service laundry facilities.

(23) Service lines.

(24) Service lobbies, waiting areas, and common areas open to the public of financial institutions, businesses and professional offices, and multi-unit commercial facilities.

(25) Sports arenas and venues.

(26) Waiting rooms, hallways, rooms in offices of any physician, dentist, psychologist, chiropractor, optometrist, optician, or other medical services provider.

(d) Exceptions

The following areas shall not be subject to the smoking restrictions of this section:

(1) Private residences except those being used for a child care, adult day care or health care

facility.

(2) Retail tobacco stores as defined hereinabove.

(3) Private clubs.

(e) Smoking prohibited in Certain Outdoor Areas

It shall be unlawful for any person to smoke in certain outdoor areas as follows:

(1) Within 10 feet immediately preceding the primary means of ingress and egress of an area where smoking is prohibited.

(2) Seating areas of outdoor sports arenas and venues.

(f) Signage

Signs prohibiting smoking shall be posted conspicuously at the primary entrance of the premises by the proprietor, employer, owner or other person in charge of the building. Signage shall include the international no smoking symbol and be no smaller than 6"x6". It shall be unlawful for any person to remove, deface or destroy any sign required by this section, or to smoke in a place where any such sign is posted.

(g) Proprietor's Responsibilities

The proprietor, employer, owner, or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall advise the smoker of this ordinance and request that he extinguish his cigarette or tobacco product and refrain from smoking. The proprietor, employer, owner or other person in charge of premises regulated hereunder shall post signage as required by this ordinance. The proprietor, employer, owner or other person in charge of premises regulated hereunder shall not provide ashtrays in areas where smoking is prohibited. All ashtrays shall be removed from any area where smoking is prohibited by this section by the owner, operator, manager, employer or other person having control of the premises.

(h) Enforcement

The chief of police, or his designee, shall have the power to enter upon the premises covered

by this section to ascertain whether the premises are in compliance with this section. Any person who desires to register a complaint under this section may contact the police department. A copy of this section shall be kept on file at the Economic Development & Planning Department/City Hall and shall be given to all applicants for a business license in the City. Applicable fines for violation of this ordinance may be found in the City's Comprehensive Fee Schedule.

(i) Non-retaliation

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer, because that employee, applicant or customer exercises any rights afforded by this section or reports, or attempts to prosecute, a violation of the section.

SECTION 3. All provisions of the ordinances of the City in conflict with the provisions of this section shall be and the same are hereby repealed and all other provisions of the ordinances of the City not in conflict with the provisions of this section shall remain in full force and effect.

SECTION 4. Should any sentence, paragraph subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole and, to that extent, the same shall remain in full force and effect.

SECTION 5. This Article shall be effective thirty (30) days from and after the date of its adoption.

Thereupon, upon motion duly made by **Councilman Colledge** to approve as provided and revised, seconded by **Councilman Anderson** to adopt the foregoing ordinance and received the following votes:

AYES: Gordon Gollott
 Mary Martin
 Rusty Anderson
 Adam Colledge

NAYS: Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan

Thereupon, the Mayor declared said Ordinance approved, passed and adopted on this the 3rd day of June, 2014.

Gordon Gollott, Mayor

Approved as to form and legal sufficiency

Joshua W. Danos, Esq.

Attest: _____
Cynthia Russell
City Clerk

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Patty Huffman, Grants and Projects Manager
Through: Chandra Nicholson, Director of Economic Development and Planning
Date: May 28, 2014
Subject: Potential Adoption of Ordinance Prohibiting Smoking in Public Places and Places of Employment

REQUEST:

The Economic Development and Planning Department requests City Council review of two potential smokefree air ordinances that the City of Gautier could adopt. The model policy from the Americans for Nonsmokers' Rights was provided by the MS State Department of Health. A second, less restrictive smokefree ordinance adopted last year by a neighboring city is included as an alternative.

BACKGROUND:

The City of Gautier received a technical assistance grant from the Mississippi State Department of Health, Office of Tobacco Control to assist with educating constituents on the benefits of a comprehensive community smokefree policy. One of the four primary goals of the Office of Tobacco Control is to eliminate exposure to secondhand smoke in public environments (i.e. worksites, restaurants, and other public places). According to the MS Department of Health, over 500 non-smoking Mississippians die each year as a result of exposure to secondhand smoke. According to the U.S. Surgeon General, there is no safe level of exposure to secondhand smoke.

DISCUSSION:

The City of Gautier held a public meeting on April 15, 2014 regarding the potential adoption of a smokefree air ordinance and accepted public comments through May 26th. In addition, a survey link was provided through the City's website and Facebook page for the same time period. 566 responses were received. A summary of the public input received is attached.

The major differences between the model ordinance and the alternate ordinance are: the less restrictive version exempts private clubs from the smoking prohibition unless they are open to the general public; outside restaurant areas can have some outside smoking areas; e-cigarettes are not prohibited, and there is no requirement that hotel and motel rooms must be smokefree, and no penalties are specified. (See the two documents for additional details.)

RECOMMENDATION:

The Economic Development and Planning Department staff recommends that City Council determine whether to adopt a smokefree ordinance at this time. City Council may:

1. Adopt the model ordinance provided by the Mississippi State Department of Health as presented (100% smokefree);
2. Adopt the alternate modified ordinance as presented;
3. Adopt one of the above ordinances with changes; or
4. Decline to adopt any smokefree ordinance at this time.

ATTACHMENT(S):

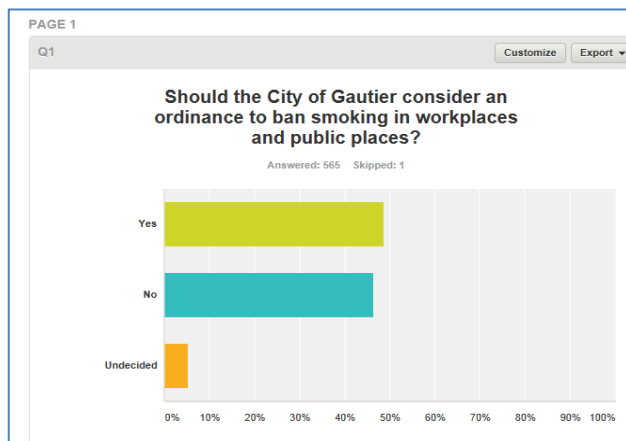
Ordinance Prohibiting Smoking in all Workplaces and Public Places (100% smokefree)
Ordinance Prohibiting Smoking in Certain Public Places and Places of Employment (alternate)
Smokefree Ordinance Public Input Summary

Responses from the Public on the Potential Adoption of a Smoke Free Ordinance in the City of Gautier

City Council Public Comments Meeting Held on April 15th:

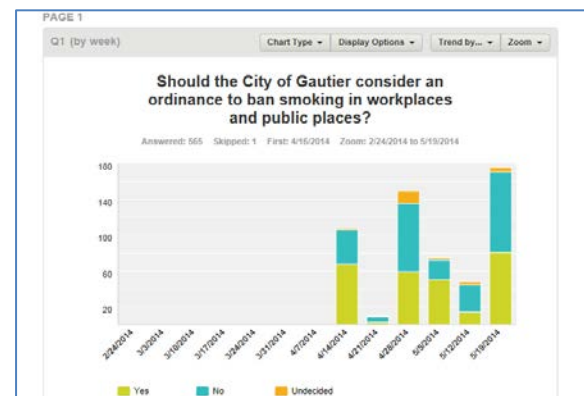
Informal Show of Hands:	Yes	11	(61%)
	No	7	(39%)

Informal Survey Monkey Survey Conducted from April 16th thru May 26th



Results:	Yes	48.59%
	No	46.29%
	Undecided	5.12%

566 Responses



516 Responses from FaceBook Survey Link

50 Responses from City Website Link

566 Total Survey Responses

Mississippi Press Online Poll (as of May 7, 2014):

Should Gautier adopt a smoke-free ordinance, prohibiting smoking in all workplaces and public places?

(# of responses unknown)

Should Gautier adopt a smoke-free ordinance, prohibiting smoking in all workplaces and public places?

No 53.64%

Yes 46.36%

Like Share 0

Tweet 6

[Return To Poll](#)

Other:

Q: Should the City of Gautier consider an ordinance to ban smoking in workplaces and public places?

Email messages sent to City Hall:

Yes 2 Responses

No 2 Response

Facebook Comments:

Yes 2 Individuals

No 7 Individuals

(See e-mailed comments below.)

Emailed Public Comments

Subject: Support of Ordinance to Prohibit Smoking

I hope that I am not too late to voice my support for the ordinance to prohibit smoking. I am sure that since this is coming up, I do not need to point to all the health reasons that this should be implemented. It pains me every time I have to walk past someone smoking especially with my children. I would love to see Gautier step up to the plate to protect its citizens and make this a healthier and more enjoyable place to live.

If there is anything else that I can do to support or aid this cause, please let me know!

Subject: Non Smoking Ban

I know it is past the 15th but I still wanted to weigh in on the nonsmoking ban. Simply put, smoking **KILLS** including 2nd hand. Smokers have the right to kill themselves but not me. We have to wear seat belts to protect ourselves just in case, but still have to put up with smoking, which we know **KILLS**. I have known several people who never smoked a day in their life, and die of lung cancer due to someone smoking in their breathing area. When will we finally say enough is enough? Let's face it the only reason cigarettes are not illegal is because of the money the government makes off of it.
Thank YOU.

Subject: Smoking Ordinance

I do not believe it is the RIGHT of any government to tell PRIVATE business what they can and cannot do. If they chose to have a ban on smoking then that is up to them. When governments get involved in this kind of "feel good" legislation, then businesses and private citizen suffer!

Subject: Ordinance that Prohibits Smoking in All Workplaces and Public Places

Hi;

I have been working out of town for the past few months and saw this information on the website. Could you let me know the status of the review and any vote that has been taken?

I am personally against the proposed ordinance even though I do not smoke. I don't believe the City or any government should have the right to tell a business what they can or cannot do if it doesn't violate any law. Smoking is legal! If we are going to approve something like this ordinance, why not prohibit smoking altogether, anywhere in the city...even in my yard??

Please let's not continue down the path of reducing our freedoms and restricting our right to be free! Wasn't the Constitution written to protect these very rights we are proposing to take away with this ordinance??

Motion made by Councilman Anderson to continue Council Meeting past 9:30 PM.
Motion seconded by Councilwoman Martin and unanimously carried.

Jason Williams (4351 Gautier-Vancleave Road- Business) concerned about electric cigarettes.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 122-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City of Gautier is hereby authorized to proceed with scheduling and hosting a competition site for a NFL Punt Pass & Kick (PP&K) Competition for youths age 6-15.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilman Guillotte**, seconded by **Councilwoman Martin** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 3, 2014.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager

From: Chandra Nicholson, Economic Development & Planning Director

Date: May 27, 2014

Subject: Consideration of the Cultural Services Division Hosting a NFL Punt Pass & Kick (PP&K) Competition for Youths Age 6-15

REQUEST:

The Cultural Services Division would like to proceed with scheduling and hosting a competition site for the City of Gautier.

BACKGROUND:

The City Council members have shown interest in providing additional events for area youth. The community has been very responsive to each event hosted by the City. The NFL PP&K Competition is the NFL's oldest "grassroots" initiative. The competition is open to all youths age 6-15. The event allows children to experience the fun of learning football fundamentals in an engaging and supportive non-contact environment.

DISCUSSION:

The NFL requires the event be "free" to participants and the host is responsible for organizing, advertising, and hosting the event. The NFL PP&K will list all competition sites on their web-site, so interested participants can find a nearby host site.

The Cultural Services Division plans to solicit sponsorship for the event to cover any advertising, snacks, give-a-ways, and other expenses. The NFL PP&K does provide a small host kit free of charge. Visit www.nflppk.com for more information.

RECOMMENDATION:

Staff recommends the City Council allow the Cultural Services Division to Host the Event.

The City Council may:

1. Approve the Request to Host the Event; or
2. Deny the Request to Host the Event.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 123-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City of Gautier is hereby authorized to accept a proposal from Global Valuation Services, Inc. to conduct an appraisal of the Lowe's property to be donated to the City of Gautier in conjunction with the Gautier Streetscape Phase 3 Project.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Colledge** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Adam Colledge

NAYS: Rusty Anderson

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 3, 2014.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Chandra Nicholson, Economic Development and Planning Director
Date: May 28, 2014
Subject: Proposal for Appraisal Services for Lowe's Property Donation on William Payne Adams Blvd.

REQUEST:

The Economic Development & Planning Department requests authorization to accept a proposal from Global Valuation Services, Inc. to conduct an appraisal of the Lowe's property to be donated to the City of Gautier in conjunction with the Gautier Streetscape Phase 3 Project.

BACKGROUND:

In order to meet the ROW acquisition requirements of FHWA/MDOT, the property being donated to the City of Gautier for the Streetscape Phase 3 Project, must have a formal appraisal. The appraisal must conform with the "Uniform Act" Standards. Global Valuation Services, Inc. has submitted a proposal to conduct the required appraisal in approximately three weeks for a fee of \$2,500.00. See the attached proposal for additional information.

RECOMMENDATION:

City staff recommends that City Council authorize acceptance of the proposal to prepare an appraisal for the Lowe's property donation on William Payne Adams Blvd. as presented.

The City Council may:

1. Authorize appraisal of the property by Global Valuation Services, Inc. as presented, or
2. Authorize appraisal of the property by Global Valuation Services, Inc. with changes, or
3. Disapprove appraisal of the property by Global Valuation Services, Inc.

ATTACHMENT(S):

Appraisal Proposal from Global Valuation Services, Inc.



Mississippi Gulf Coast Offices
2109 · 22nd Avenue
Gulfport, MS 39501
15225 Lemoyne Boulevard
Biloxi, MS 39532

Alabama Gulf Coast
5315 Montlimar Plaza Drive
Suite B
Mobile, AL 36609

Office 228-864-1188 Facsimile 866-313-4903

Martin Winfree, MAI
Jason Garner
Leah Garner
Mindy Whitten
Kevin Grace
Meagan Ncaise

Brandon Beaird
Maranda Henderson

May 29, 2014

City of Gautier
c/o Chandra Nicolson, Dir. Economic Development
3330 U. S. Highway 90
Gautier, MS 39553

Re: Proposal for the Purpose of Preparing an Appraisal of
255,000 Square Feet of Land behind Lowe's Home Improvement
Located west of North Dolphin Drive, Gautier, MS 39553
Gautier Streetscape Ph 3 Project STP-0494-00-(008)
LPA/106378-701000

Dear Ms. Nicholson:

We appreciate the opportunity to provide you with a proposal for our real estate appraisal services. Based upon your email communication, the appraisal will be prepared to meet the guidelines of the Mississippi Department of Transportation. The appraisal will be prepared in accordance with 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, and the Right-of-Way Operations Manual (ROM) as well as applicable State Law covered under Title 43 Chapters 37 & 39 of the Mississippi Code. We understand time is of the essence and can therefore begin immediately and complete this assignment by Friday, June 20, 2014.

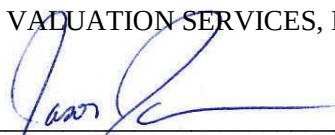
Our fee for the assignment is as follows:

255,000 Square Feet of Land behind Lowe's Home Improvement \$2,500

Please let us know if you require further information from us regarding this proposal.

GLOBAL VALUATION SERVICES, INC.

By:


Jason Garner, President

Proposal Accepted:

Client signature

Date

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 124-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City of Gautier is hereby authorized to enter into a Memorandum of Agreement with the Mississippi Transportation Commission for a study of transportation improvements to the north-east quadrant of the intersection of Interstate 10 and Highway 57.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Jones** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 3, 2014.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Patty Huffman, Grants & Projects Manager
Through: Chandra Nicholson, Economic Development and Planning Director
Date: May 28, 2014
Subject: MDOT Memorandum of Agreement for the I-10/Hwy. 57 Area Feasibility Study

REQUEST:

The Economic Development & Planning Department requests authorization to enter into a Memorandum of Agreement with the Mississippi Transportation Commission for a study of transportation improvements to the north-east quadrant of the intersection of Interstate 10 and Highway 57.

BACKGROUND:

The City of Gautier has requested MDOT to fund a study for the City of Gautier. City Council previously approved a request of \$64,000.00 in federal funds (80% match) and \$16,000.00 in local funds (20% match) to the Gulf Regional Planning Commission (GRPC). GRPC decided the study should be directly between MDOT and the City of Gautier. This agreement will establish the agreed conditions under which the City may utilize Surface Transportation Program funds and the subsequent acts needed to complete the proposed project.

RECOMMENDATION:

Economic Development and Planning staff recommends that City Council authorize entering into the Memorandum of Agreement with the Mississippi Transportation Commission for the I-10/Highway 57 transportation improvements study.

The City Council may:

1. Authorize entering into the Memorandum of Agreement as presented;
2. Authorize entering into the Memorandum of Agreement with changes; or
3. Disapprove entering into the Memorandum of Agreement for this project.

ATTACHMENT(S):

MDOT Memorandum of Agreement for Transportation Improvements Study

**MEMORANDUM OF AGREEMENT
BETWEEN THE MISSISSIPPI TRANSPORTATION COMMISSION
AND THE CITY OF GAUTIER, MISSISSIPPI
FOR A STUDY OF TRANSPORTATION IMPROVEMENTS TO THE
NORTH – EAST QUADRANT OF THE INTERSECTION OF
INTERSTATE 10 AND HIGHWAY 57**

This Agreement (the “Agreement”) is entered into by the Mississippi Transportation Commission (“the Commission”), a body corporate of the State of Mississippi, acting by and through the duly authorized Executive Director of the Mississippi Department of Transportation (“MDOT”), and the City of Gautier, Mississippi (the Local Public Agency or the “LPA”), a municipal corporation of the State of Mississippi, by authority granted under the provisions of Miss. Code Ann. (1972) Sections 65-1-8, as amended, for the purpose of establishing the agreed conditions under which the LPA may utilize Surface Transportation Program funds and subsequent acts to complete the proposed Project as described below, effective as of the date of last execution.

WHEREAS, the LPA has announced its intentions to perform a feasibility study of the North – East Quadrant of I-10 and SR 57 in Gautier, Jackson County, Mississippi to determine what improvements could be made to provide a catalyst for economic development (hereafter referred to as the “Project”); and

WHEREAS, the Commission and the LPA have agreed that the LPA will conduct the Project; and

WHEREAS, the LPA has received a commitment of certain Surface Transportation Program funds from the United States of America to apply toward performing the study, which funds are to be provided from FHWA, under the rules and exclusions which typically apply to FHWA funding; and

WHEREAS, it is anticipated that approximately \$64,000.00 in federal funds (80% match) and \$16,000.00 in local funds (20% match) will be available for the Project. The above funds are subject to normal reductions and obligational limitations; and

WHEREAS, the LPA will be responsible for all Project costs over and above the maximum amount of Federal Funds allocated to the Project by the Commission; and

WHEREAS, the MDOT requires the LPA to provide the local state share previously stated; and

WHEREAS, the LPA agrees that it will be bound by, and will comply with, any and all federal requirements and the MDOT operating procedures; and

WHEREAS, the Commission hereby consents to allow the LPA to manage the Project under the terms and provisions of this Memorandum of Agreement; and

WHEREAS, the LPA has funds available, or will have funds available, to complete the Project; and

WHEREAS, the Commission and the LPA desire to work in coordination and cooperation with each other in a government-to-government relationship for the benefit of both parties; and

WHEREAS, the Commission and the LPA desire to enter into an agreement setting out their mutual obligations, through which the proposed Project can be accomplished in the most expeditious manner possible; and

NOW, THEREFORE, for and in consideration of the premises and agreements of the parties as hereinafter contained, the Commission and the LPA, mutually agree to the following:

ARTICLE I: DUTIES AND RESPONSIBILITIES

A. THE LPA WILL:

1. Designate a full time employee of the LPA as the Project Director, who will serve as the person of responsible charge for the Project and will coordinate all Project activities with the MDOT Planning Division's designated project manager.
2. Follow the procedures set out in the latest online version of the Project Development Manual for Local Public Agencies (PDM) to the extent they are applicable to the Project. This shall include, but not necessarily be limited to, the use of the latest version of the LPA Consultant Operating Procedures for Professional Services.
3. Agree to be bound by any and all federal requirements and the MDOT operating procedures.
4. Agree that if any act of omission or commission on the part of the LPA causes loss of Federal funding from FHWA or any other source, or any penalty being imposed by the United States of America under the Clean Water Act, 33 U.S.C. § 1251, et seq. or any other provision of law, the LPA will be solely responsible for all additional costs.
5. If there is any requirement for "matching" funds, or if the anticipated cost of the Project will exceed the available Federal-aid funds, the LPA shall be solely responsible for providing said local share at such time as the funds may be required.
6. All contracts and subcontracts shall include a provision for compliance with Senate Bill 2988 from the 2008 Session of the Mississippi Legislature entitled "The Mississippi Employment Protection Act," as published in the General Laws of 2008 and codified in the Mississippi Code of 1972, as amended (Sections 71-11-1 and 71-11-3), and any rules or regulations promulgated by the COMMISSION, the Department of Employment Security, the State Tax Commission, the Secretary of State, or the Department of Human Services in accordance with the Mississippi Administrative Procedures Law (Section 25-43-

1, et seq., Mississippi Code of 1972, as amended) regarding compliance with the Act. Under this Act, the LPA and every sub-recipient or subcontractor shall register with and participate in a federal work authorization program operated by the United States Department of Homeland Security to electronically verify information of newly hired employees pursuant to the Illegal Immigration Reform and Immigration Responsibility Act of 1996, Public Law 104-208., Division C, Section 403(a).

7. The LPA will be required to acknowledge the MDOT and the FHWA for their participation in the Project in any news releases or other promotional material for the Project. The Project sponsor shall notify the MDOT Project Manager of any ceremonies related to the Project.
8. Promptly pay any consultants monies due them within 30 days of submittal of invoice from the consultant or contractor.
9. Allow the Commission to, without any notice, obligation or further compensation to the LPA, publish, re-publish, anthologize, use, disseminate, license, or sell the work in any format or medium now known or hereafter invented or devised. The Commission's rights shall include, without limitation, the rights to publish, re-publish, or license a third party to publish, re-publish, or sell the work in print, on the World Wide Web, or in any other electronic or digital format or database now known or hereafter invented or devised, as a separate isolated work or as part of a compilation or other collective work, including a work different in form from the first publication, and to include or license a third party to include the work in an electronic or digital database or any other medium or format now known or hereafter invented or devised.

B. THE COMMISSION WILL:

1. Allow the LPA to conduct the Project provided that the Project meets with MTC and FHWA approval and that all costs of the Project that are not covered by federal funds are borne by the LPA.
2. Enter into any cooperative agreements or permits necessary to allow the LPA access to the property of the Commission for the purposes of conducting the Project.
3. Work with the LPA, through the Planning Division's designated project manager, during the various phases of the work with the goal of producing a project that will be acceptable to the Commission upon completion.
4. Review all submittals in a timely manner, in accordance with the PDM, to allow the project to progress in an orderly fashion.
5. During the progress of the Project, assist the LPA in obtaining reimbursements of federal funding for any phase that is eligible for reimbursement. All costs associated with this process, and any other involvement by the MDOT staff in this Project, will be charged as a project cost.
6. Submit all documents to the Federal Highway Administration (FHWA) when

required or requested by the FHWA.

ARTICLE II. GENERAL PROVISIONS

- A. Should the LPA fail to complete the feasibility study as contemplated by this agreement, the LPA agrees that it will bear all costs of completion over and above the funds supplied by the FHWA through MDOT. The Commission shall have the right to audit all accounts associated with the Project, and should there be any overpayment by the Commission to the LPA, the LPA agrees to refund any such overpayment within 30 days of written notification. Should the LPA fail to reimburse the Commission, the Commission shall have the right to offset the amount due from any other funds in its possession that are due the LPA on this or any other project, current or future.
- B. It is understood by all Parties that regardless of the results of the feasibility study, the Commission has no responsibility or obligations as a result of the study.
- C. This Memorandum of Agreement shall be subject to termination at any time upon thirty (30) days written notice by either party. Such notice shall not, however, cancel any contract made in reliance upon this agreement and underway at the time of termination. Any contract underway shall be allowed to conclude under its own terms. The LPA agrees to bear complete and total legal and financial responsibility for any such agreement. Additionally, funds may be suspended/terminated under the provisions of Section E, below.
- D. It is understood that this is a Memorandum of Agreement and that more specific requirements for the conduct of the design of the transportation improvement project are contained in the Federal Statutes, the Code of Federal Regulations, the Mississippi Code, and the Standard Operating Procedures for MDOT, and other related regulatory authorities. The LPA agrees that it will abide by all such applicable authority.
- E. In the event that any act of omission or commission on the part of the LPA causes loss of Federal funding from FHWA or any other source, or any penalty being imposed by the United States of America under the Clean Water Act, 33 U.S.C. § 1251, et seq. or any other provision of law, the LPA shall be solely responsible for all additional costs.
- F. The Executive Director of MDOT may withhold federal funds for the Project for any of the following reasons:
 - 1. Failure to proceed with the work when so instructed by the MDOT or to adhere to the requirements of the contract.
 - 2. Failure to perform the work with sufficient workmen, equipment and materials to assure completion within contract time.
 - 3. Performing unacceptable work, or neglecting to perform any such work as may be rejected as unacceptable.
 - 4. Discontinuing the prosecution of the work.

5. Failure to comply with all federal, state and local laws, ordinances, regulations, permits, and all orders and decrees of bodies or tribunal's having jurisdiction or authority which affect those engaged or employed on the work or affect the conduct of the work.
6. Becoming insolvent, being declared bankrupt or committing any act of bankruptcy or insolvency.
7. Allowing a final judgment to stand unsatisfied.
8. Making an assignment for the benefit of creditors.
9. Failure for any other cause whatsoever to carry out the work in an acceptable manner.

Before federal funds are terminated, the LPA will be notified in writing by the Executive Director of the conditions which make termination of funds imminent. If no effective effort has been made by the LPA, its agents, employees, contractors or subcontractors, to correct the conditions of which complaint is made, within fifteen (15) calendar days after notice is given, the Executive Director may declare the Federal Funds suspended for the Project and notify the LPA accordingly. The LPA will then have forty-five (45) days in which to correct all conditions of which complaint is made. If all conditions are not corrected within forty-five (45) days, the Executive Director may declare the federal funds for the Project terminated and notify the LPA accordingly. If all conditions are corrected, within the forty-five (45) day period, the LPA will be reimbursed under the terms of this agreement, for all work satisfactorily completed during the forty-five days period.

ARTICLE III. NOTICE & DESIGNATED AGENTS

- A. For purposes of implementing this section and all other sections of this Agreement with regard to notice, the following individuals are herewith designated as agents for the respective parties unless otherwise indentured in the addenda hereto:

For Contractual Administrative Matters:

COMMISSION:
Melinda L. McGrath,
Executive Director, MDOT
P.O. Box 1850
Jackson, MS 39215-1850
Telephone: (601) 359-7002
Facsimile: (601) 359-7110

LPA:
Samantha D. Abell
City Manager
City of Gautier
3330 U.S. 90
Gautier, MS
Telephone: (228) 497-8000
Facsimile: (228) 497-8028

Legal Division
Special Assistant Attorney General
Chief Counsel Roy M. Tipton
P. O. Box 1850
Jackson, MS 39215-1850

Telephone: (601) 359-7600
Facsimile: (601) 359-7774

For Technical Matters:

COMMISSION:
Sammy Holcomb
Planning Analysis Manager – Planning Division
MDOT Administration Building
P. O. Box 1850
401 North West Street
Jackson, MS 39201
Phone: 601-359-7685
Facsimile: 601-359-7652

LPA:
Chandra Nicholson, P.E.
City of Gautier
3330 U.S. 90
Gautier, MS
Telephone: (228) 497-8000
Facsimile: (228) 497-8028

- B. All notices given hereunder shall be by U.S. Certified Mail, return receipt requested, or by facsimile and shall be effective only upon receipt by the addressee at the above addresses or telephone numbers.

ARTICLE IV. RELATIONSHIP OF THE PARTIES

- A. The relationship of the LPA to the COMMISSION is that of an independent contractor, and said LPA, in accordance with its status as an independent contractor, covenants and agrees that it will conduct itself consistent with such status, that it will neither hold itself out as, nor claim to be, an officer or employee of the COMMISSION by reason hereof. The LPA will not by reason hereof, make any claim, demand or application or for any right or privilege applicable to an officer or employee of the COMMISSION, including but not limited to workers' compensation coverage, unemployment insurance benefits, social security coverage, retirement membership or credit, or any form of tax withholding whatsoever.
- B. The COMMISSION executes all directives and orders through the MDOT. The LPA executes all directives and orders pursuant to applicable law, policies, procedures and regulations. All notices, communications, and correspondence between the COMMISSION and the LPA shall be directed to the designated agent shown above in Article III.

ARTICLE V. RESPONSIBILITIES FOR CLAIMS AND LIABILITY

To the extent permitted by law, the Commission and the LPA agree that neither party nor their agents, employees, contractors or subcontractors, will be held liable for any claim, loss, damage, cost, charge or expenditure arising out of any negligent act, actions, neglect or omission caused solely by the other party, its agents, employees, contractors or subcontractors.

ARTICLE VI. MISCELLANEOUS

No modification of this Memorandum of Understanding shall be binding unless such modification shall be in writing and signed by all parties. If any provision of this Memorandum of Understanding shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Memorandum of Understanding is invalid or unenforceable, but that by limiting such provision it

would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

ARTICLE VII. AUTHORITY TO CONTRACT

Both parties hereto represent that they have authority to enter into this Memorandum of Understanding.

So Agreed this the _____ day of _____, 20__.

City of Gautier, Mississippi
By and through the City Manager

Samantha D. Abell, City Manager

ATTEST:

City Clerk

So Agreed this the _____ day of _____, 20__.

MISSISSIPPI TRANSPORTATION COMMISSION
By and through the duly authorized
Executive Director

Melinda L. McGrath
Executive Director
Mississippi Department of Transportation

Book _____, Page _____

Business Item #8 – Order authorizing the renewal contract for Interlocal Agreement with Multi-Agency Narcotics Enforcement Team was tabled until the June 17, 2014 Council Meeting.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 125-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Docket of Claims is hereby approved, provided that all entries thereon are true, correct, properly entered and not fraudulent.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Colledge** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 3, 2014.

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	SBM REPORTING, LLC	141764	06/03/2014	05/19/2014			175.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-090-698	05/01/2014 PLANNING MTG	MK217	05/07/2014			175.00	
001	AT&T	141778	06/03/2014	05/22/2014			52.12	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-092-605	MONTHLY SERVICE	2284977070	05/14/2014			52.12	
001	AT&T	141781	06/03/2014	05/22/2014			69.10	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-092-605	MONTHLY SERVICE	2284972172	05/14/2014			69.10	
001	IBM CORPORATION	141784	06/03/2014	05/22/2014			897.53	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-040-730	AS400 PMT JUL 2014	5412579	05/18/2014			897.53	
001	AT&T	141876	06/03/2014	05/27/2014			3,038.22	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-092-605	MONTHLY SERVICE	2284978000	05/14/2014			3,038.22	
001	SOUTHERN PEST CONTROL INC	141882	06/03/2014	05/28/2014			333.30	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-092-698	CITY FACILITIES	276575	05/19/2014			333.30	
001	C SPIRE WIRELESS	141883	06/03/2014	05/28/2014			665.64	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-100-605	POLICE CELLS	0032680896	05/11/2014			665.64	
001	JASON PUGH	141889	06/03/2014	05/28/2014			184.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-022-681	PER DIEM: SHRM EXPO	06222014	12/12/2013			184.00	
001	BANCORPSOUTH INSURANCE SERVS INC	141890	06/03/2014	05/28/2014			150.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-092-625	PUBLIC OFFICIAL BOND:ELBIN	37545	05/23/2014			150.00	
001	FUELMAN OF MS	141892	06/03/2014	05/29/2014			4,801.59	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-090-525	UNL FUEL	NP41288353	05/19/2014			38.88	
	001-092-525	UNL FUEL	NP41288353	05/19/2014			202.94	
	001-100-525	UNL FUEL	NP41288353	05/19/2014			3,674.51	
	001-161-525	UNL & DSL FUEL	NP41288353	05/19/2014			461.03	
	001-170-525	UNL & DSL FUEL	NP41288353	05/19/2014			295.65	
	001-205-525	UNL FUEL	NP41288353	05/19/2014			128.58	
001	FUELMAN OF MS	141897	06/03/2014	05/29/2014			4,598.39	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-090-525	UNL FUEL	NP41331346	05/26/2014			112.95	
	001-100-525	UNL FUEL	NP41331346	05/26/2014			3,689.29	
	001-161-525	UNL & DSL FUEL	NP41331346	05/26/2014			317.01	

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	FUELMAN OF MS	141897	06/03/2014	05/29/2014			4,598.39	(CONTINUED)
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-170-525	UNL FUEL		NP41331346	05/26/2014		233.62	
	001-205-525	UNL FUEL		NP41331346	05/26/2014		245.52	
001	INTERNATIONAL PERSONNEL MANAGEMENT ASSOC	141898	06/03/2014	05/29/2014			448.92	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-022-660	PO-EL102 ENTRY POLICE TEST		24201238	05/14/2014		171.00	
	001-022-660	FF-EL101 FIREFIGHTER TEST		24201238	05/14/2014		106.92	
	001-022-660	ADMINISTRATION FEES		24201238	05/14/2014		171.00	
001	SINGING RIVER SERVICES	141899	06/03/2014	05/29/2014			3,000.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-022-604	LIFE CARE PLUS PROGRAM		05062014	05/20/2014		3,000.00	
001	SINGING RIVER E.P.A.	141900	06/03/2014	05/29/2014			330.25	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-631	BROWN FD 95237002		05122014	05/22/2014		47.44	
	001-161-631	MARTIN BLUFF FD 58380001		05132014	05/23/2014		224.82	
	001-201-629	SIGNAL LIGHTS 17546		05132014	05/23/2014		34.43	
	001-092-631	CITY LIMIT SIGN 17546		05132014	05/23/2014		23.50	
001	SINGING RIVER E.P.A.	141901	06/03/2014	05/29/2014			9,933.15	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-201-633	STREET LIGHTING		05162014	05/27/2014		4,995.12	
	001-201-629	SIGNAL LIGHTS		05163014	05/27/2014		1,185.58	
	001-092-631	CITY HALL		05162014	05/27/2014		1,196.91	
	001-170-631	FRAZIER PARK		05162014	05/27/2014		47.82	
	001-170-631	SENIOR BLDG		05192014	05/27/2014		523.18	
	001-161-631	CENTRAL FD		05162014	05/27/2014		419.30	
	001-170-631	CITY PARK		05162014	05/27/2014		192.84	
	001-092-631	PUBLIC WORKS		05162014	05/27/2014		348.90	
	001-092-631	HWY 90 SIGN		05162014	05/27/2014		23.50	
001	SINGING RIVER E.P.A.	141902	06/03/2014	05/29/2014			2,788.86	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-100-631	POLICE STATION 66298004		05162014	05/27/2014		1,661.98	
	001-161-631	SOUTH FD 76008001		05172014	05/28/2014		272.53	
	001-201-629	SIGNAL LIGHT 89113001		05162014	05/27/2014		56.06	
	001-170-631	CITY PARK RESTRMS 89912001		05162014	05/27/2014		250.21	
	001-201-633	STREET LIGHTS 90345002		05162014	05/27/2014		353.46	
	001-092-631	RECORDS BLDG 90790001		05162014	05/27/2014		153.45	
	001-092-631	DIGITAL SIGN 97127001		05162014	05/27/2014		41.17	
001	SINGING RIVER E.P.A.	141903	06/03/2014	05/29/2014			959.33	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-201-633	DOLPHIN ST 94987002		05162014	05/27/2014		114.82	
	001-201-633	DOLPHIN ST 94988002		05162014	05/27/2014		132.19	
	001-201-633	DOLPHIN ST 94989002		05162014	05/27/2014		122.63	
	001-201-633	DOLPHIN ST 94990002		05162014	05/27/2014		589.69	

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	STAPLES CREDIT PLAN	141906	06/03/2014	05/29/2014			167.76	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-040-500	HP951XL INK CARTRIDGE	9804	05/08/2014		94.99		
	001-040-500	AERO STAPLER (2)	9804	05/08/2014		20.00		
	001-040-500	PILOT PENS BOLD (2 BX)	9804	05/08/2014		45.98		
	001-040-500	HIGHLIGHTER (1 BX)	9804	05/08/2014		6.79		
001	SINGING RIVER E.P.A.	141912	06/03/2014	05/29/2014			1,555.57	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-170-631	BACOT PARK	10137	05172014	05/28/2014	1,523.11		
	001-201-629	SIGNAL LIGHTS	10138	05172014	05/28/2014	132.46		
001	REYNOLDS WHOLESALE CO.	141913	06/03/2014	05/29/2014			605.09	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-170-559	TRIGGER SPRAY BOTTLES	40353	05/14/2014	140706	2.98		
	001-170-559	CS BROWN FOLD TOWELS (4)	40353	05/14/2014	140706	39.90		
	001-170-559	CS BROWN ROLL TOWELS (4)	40353	05/14/2014	140706	95.80		
	001-170-559	JUMBO TISSUE ROLLS (4)	40353	05/14/2014	140706	118.00		
	001-170-559	38X58 BX CAN LINERS (2)	40353	05/14/2014	140706	65.90		
	001-170-559	SANI-FRESH SOAP 12CT	40353	05/14/2014	140706	49.50		
	001-170-559	GAL PEARLIZED HAND SOAP (4)	40353	05/14/2014	140706	43.80		
	001-170-559	GAL BLEACH (6)	40353	05/14/2014	140706	9.95		
	001-170-559	CS CLOROX SPRAY (2)	40353	05/14/2014	140706	119.76		
	001-170-559	BX LATEX PF GLOVES (10)	40353	05/14/2014	140706	59.50		
001	GULF COAST BUSINESS SUPPLY CO.	141914	06/03/2014	05/29/2014			113.65	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-092-510	CS BWF PAPER TOWELS (3)	86871	05/15/2014	140699	47.97		
	001-092-510	CS CTP TOILET PAPER	86871	05/15/2014	140699	27.99		
	001-092-510	CLOROX 32OZ (12)	86871.1	05/20/2014	140699	37.69		
001	SAFETY SYSTEMS OF BILOXI	141915	06/03/2014	05/29/2014			445.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-161-639	SERVICE EXTINGUISHERS	47189	05/15/2014	140686	445.00		
001	LAWRENCE PRINTING COMPANY, INC.	141916	06/03/2014	05/29/2014			232.01	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-090-500	MINUTE BOOK: PLANNING COMM	73869	05/23/2014	140650	217.25		
	001-090-500	SHIPPING	73869	05/23/2014	140650	14.76		
001	FOSTER'S AIR CONDITIONING & HEATING INC	141917	06/03/2014	05/29/2014			453.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-100-635	SERVICE CALL: SUB STATION	0000153040	05/14/2014	140705	453.00		
001	SHERWIN-WILLIAMS	141919	06/03/2014	05/29/2014			99.12	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-170-577	SHERSTRIPE FIELD PAINT	6847-0	05/15/2014	140696	99.12		

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Pund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	CUSTOM PRODUCTS CORPORATION	141920	06/03/2014	05/29/2014			59.75	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-201-559	2-NO PARKING ON ROADWAY SIGN		250520	05/27/2014	140710	49.90	
	001-201-559	SHIPPING		250520	05/27/2014	140710	9.85	
001	STAPLES BUSINESS ADVANTAGE DEPT ATL	141923	06/03/2014	05/29/2014			102.79	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-090-500	2013 PUBLISHER: HUFFMAN		3231208075	05/14/2014	140703	102.79	
001	EMERGENCY MEDICAL PRODUCTS, INC	141926	06/03/2014	05/29/2014			150.45	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-639	EMF3250GC-C TRAUMA KIT		1646498	05/15/2014	140702	139.95	
	001-161-639	SHIPPING		1646498	05/15/2014	140702	10.50	
001	MINGLEDORFF'S INC	141927	06/03/2014	05/29/2014			18.08	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-092-635	A/C BELTS (2)		5285896-00	05/22/2014	140723	9.52	
	001-092-635	A/C BELTS (2)		5285896-00	05/22/2014	140723	8.56	
001	LA POLICE GEAR	141930	06/03/2014	05/29/2014			313.50	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-100-535	TACTICAL POLO TAN (2)		2431355	05/16/2014	140510	28.00	
	001-100-535	TACTICAL POLO BLACK (1)		2431355	05/16/2014	140510	14.00	
	001-100-535	TACTICAL POLO NAVY (3)		2431355	05/16/2014	140510	70.00	
	001-100-535	ELASTIC WAIST BASIC PANT		2431355	05/16/2014	140510	18.50	
	001-100-535	LG TACTICAL LEATHER BELT (2)		2431355	05/16/2014	140510	86.00	
	001-100-535	XL TACTICAL LEATHER BELT		2431355	05/16/2014	140510	46.00	
	001-100-535	TACTICAL POLO XXL BLACK		2431355	05/16/2014	140510	14.00	
	001-100-535	ELASTIC WAIST BASIC PANT		2501160	05/16/2014	140510	18.50	
	001-100-535	ELASTIC WAIST BASIC PANT		2501160	05/16/2014	140510	18.50	
001	REEVES CO. INC.	141932	06/03/2014	05/29/2014			30.13	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-535	SERVICE TAB: CHIEF		273947	05/13/2014	140687	12.58	
	001-161-535	SERVICE TAB: DEPUTY CHIEF		273947	05/13/2014	140687	12.58	
	001-161-535	SHIPPING		273947	05/13/2014	140687	4.97	
001	ECONOMY BOOTS SALES & SERVICE	141933	06/03/2014	05/29/2014			200.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-535	WORK BOOTS: MCCLURE,M		34564	05/07/2014	140652	100.00	
	001-161-535	WORK BOOTS: FREMIN,J		34560	05/07/2014	140674	100.00	
FUND TOTAL	1 Claims	to	Checks	32 Total	36,071.30 Manual	Held	Total	36,071.30

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
012	URBAN PLANNING CONSULTANTS, INC	141888	06/03/2014	05/28/2014			10,000.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	012-021-750	ADMIN SERVS: DOWNTOWN REVIT	9711	04/30/2014		10,000.00		
012	KEYSTONE RIDGE DESIGNS INC	141931	06/03/2014	05/29/2014			9,635.35	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	012-021-750	AG26-AUGUSTINE BENCH WITH BACK	0000014935	05/19/2014	140553	3,899.40		
	012-021-750	AG16 AUGUSTINE FLAT BENCH 6'	0000014935	05/19/2014	140553	2,337.70		
	012-021-750	CUSTOMIZED Y3-38 YUMA 38	0000014935	05/19/2014	140553	2,037.00		
	012-021-750	32 GALLON SQUARE ELEVATED LID	0000014935	05/19/2014	140553	121.25		
	012-021-750	SHIPPING	0000014935	05/19/2014	140553	1,240.00		
FUND TOTAL	12 Claims	to	Checks	2 Total	19,635.35 Manual	Held	Total	19,635.35

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
172	JACKSON-GEORGE REGIONAL LIBRARY	141766	06/03/2014	05/20/2014			3,883.60	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	172-350-650	LIBRARY SUPPORT		MAY 2014	05/16/2014		3,883.60	
FUND TOTAL 172 Claims	to	Checks	1 Total	3,883.60 Manual		Held	Total	3,883.60

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
176	AT&T	141780	06/03/2014	05/22/2014			124.08	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-605	MONTHLY SERVICE	2284972244	05/14/2014			124.08	
176	AT&T	141782	06/03/2014	05/22/2014			185.14	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-605	MONTHLY SERVICE	2284970676	05/14/2014			75.14	
	176-170-605	MAY 2014 DSL	2284970676	05/14/2014			110.00	
176	ENTERPRISE FUND	141877	06/03/2014	05/27/2014			443.79	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-632	SERVICE 04/11-05/13	872968	06/17/2014			443.79	
176	JAMES ADAMS	141865	06/03/2014	05/28/2014			500.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-699	CLEARING:SHEPARD STATE PARK	05282014	03/31/2014			500.00	
176	AD2 INC	141886	06/03/2014	05/28/2014			140.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-699	HOST FEE MAY 2014	2424	05/15/2014			25.00	
	176-170-699	SHOPPING CART MAY 2014	2424	05/15/2014			115.00	
176	FUELMAN OF MS	141893	06/03/2014	05/29/2014			112.53	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-525	UNL FUEL	NP41288353	05/19/2014			112.53	
176	FUELMAN OF MS	141896	06/03/2014	05/29/2014			67.76	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-525	UNL FUEL	NP41331346	05/26/2014			67.76	
176	SINGING RIVER E.P.A.	141909	06/03/2014	05/29/2014			1,881.17	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-631	PARK FACILITIES	76854002	05172014	05/28/2014		1,662.66	
	176-170-631	HOUSE	76855002	05172014	05/25/2014		218.51	
176	FOSTER'S AIR CONDITIONING & HEATING INC	141918	06/03/2014	05/29/2014			866.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-635	DIAGNOSTIC: BATH HOUSE	152795	05/08/2014			85.00	
	176-170-635	PULL COIL & CLEAN: BATH HOUSE	P944157E	05/08/2014	140692		200.00	
	176-170-635	PARTS: BATH HOUSE	P944158E	05/08/2014	140692		381.00	
	176-170-635	PRECISION TUNE UP: BATH HOUSE	P944156E	05/08/2014	140692		200.00	
176	DIXIE GLASS & TRIM INC	141921	06/03/2014	05/29/2014			31.08	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-635	15X39 3/32 CLEAR ANNEALED	1029787	05/19/2014	140715		31.08	
176	CUPIT SIGNS INC	141925	06/03/2014	05/29/2014			70.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	176-170-559	EASTER BANNER 3X6	10061	04/22/2014	140578		70.00	
FUND TOTAL 176 Claims		to	Checks	11 Total	4,421.55 Manual	Held	Total	4,421.55

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	CITY OF GAUTIER	141765	06/03/2014	05/20/2014			43,427.11	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-680-821	ST LNS #3 90/57 SWR	05162014	05/20/2014		7,877.45		
	400-680-822	ST LNS #4 90/57 WTR	05162014	05/20/2014		10,948.67		
	400-680-822	ST LNS #4 90/57 SWR	05162014	05/20/2014		9,019.22		
	400-680-823	ST LNS #5 ALLEN RD	05162014	05/20/2014		2,149.95		
	400-680-824	ST LNS #6 OLD SPAN TR	05162014	05/20/2014		3,765.83		
	400-680-825	ST LNS #7 OLD SPAN TR	05162014	05/20/2014		9,665.99		
400	AT&T	141779	06/03/2014	05/22/2014			58.24	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-650-605	MONTHLY SERVICE	2284974594	05/14/2014		58.24		
400	CABLE ONE	141783	06/03/2014	05/22/2014			65.10	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-698	MAY 2014:23421-132488-01-8	05272014	05/20/2014		65.10		
400	AT&T	141875	06/03/2014	05/27/2014			60.99	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-650-605	MONTHLY SERVICE	2284975234	05/14/2014		60.99		
400	BAY ICE	141881	06/03/2014	05/28/2014			98.75	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-559	REFILL ICE 60 @ .79	512598	05/12/2014		47.40		
	400-651-559	REFILL ICE 65 @ .79	512540	05/19/2014		51.35		
400	CLEARWATER SOLUTIONS LLC	141887	06/03/2014	05/28/2014			845.53	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-583	CLEANOUT-RELIEF VALVE (25)	GAUTIER17	05/14/2014		625.00		
	400-651-559	MIXED GRASS SEED 20LBS	GAUTIER17	05/14/2014		42.78		
	400-651-559	KEYS(20)	GAUTIER17	05/14/2014		42.16		
	400-651-559	PADLOCKS,TAPE	GAUTIER17	05/14/2014		38.42		
	400-651-583	PVC PRESSURE PIPE	GAUTIER17	05/14/2014		19.06		
	400-651-559	HEX LOCK NUTS/CARRIAGE BOLTS	GAUTIER17	05/14/2014		78.11		
400	FUELMAN OF MS	141894	06/03/2014	05/29/2014			118.81	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-525	UNL FUEL	NP41288353	05/19/2014		118.81		
400	FUELMAN OF MS	141895	06/03/2014	05/29/2014			55.86	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-525	UNL FUEL	NP41331346	05/26/2014		55.86		
400	SINGING RIVER E.P.A.	141904	06/03/2014	05/29/2014			1,013.69	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-631	SCHOONER WELL 20688	05092014	05/21/2014		844.07		
	400-651-631	LIFT STATIONS 20688	05092014	05/21/2014		169.62		

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	SINGING RIVER E.P.A.	141905	06/03/2014	05/29/2014			1,046.12	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-631	LIFT STATIONS 20649	05132014	05/22/2014			771.32	
	400-651-631	LIFT STATIONS 28779	05132014	05/23/2014			170.51	
	400-651-631	LIFT STNS 89627001	05132014	05/24/2014			23.50	
	400-651-631	LIFT STNS 89702001	05142014	05/24/2014			80.79	
400	2012 GUD BONDS DEBT SERVICE	141907	06/03/2014	05/29/2014			116,316.67	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-680-816	JUN 2014 PRN PMT	06012014	05/30/2014			104,166.67	
	400-680-817	JUN 2014 INT PMT	06012014	05/30/2014			12,150.00	
400	ARISTA INFORMATION SYSTEMS INC	141908	06/03/2014	05/29/2014			4,115.15	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-650-698	APR 2014 STATEMENTS	46948	05/13/2014			1,115.15	
	400-650-698	APR 2014 POSTAGE	1425201405	05/13/2014			3,000.00	
400	SINGING RIVER E.P.A.	141910	06/03/2014	05/29/2014			7,529.93	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-631	LIFT STATIONS 17882	05162014	05/27/2014			2,374.51	
	400-651-631	WATER WELLS 17882	05162014	05/27/2014			3,506.55	
	400-651-631	CITY HALL SOUTH 17882	05162014	05/27/2014			1,648.87	
400	SINGING RIVER E.P.A.	141911	06/03/2014	05/29/2014			3,852.29	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-631	LIFT STNS 17875	05172014	05/28/2014			216.82	
	400-651-631	LIFT STNS 17884	05172014	05/28/2014			1,643.56	
	400-651-631	LIFT STNS 17883	05172014	05/28/2014			1,444.66	
	400-651-631	WATER WELL 17883	05172014	05/28/2014			547.25	
400	SOUTHERN WATERWORKS SUPPLY, INC	141922	06/03/2014	05/29/2014			321.75	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-559	CORRUGATED BAND COUPLER 36'	53373	05/13/2014	140633		321.75	
400	STAPLES BUSINESS ADVANTAGE DEPT ATL	141924	06/03/2014	05/29/2014			1,614.09	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-500	HP950XL MULTI PACK INK	3231385287	05/16/2014	140718		187.98	
	400-651-500	HP LASERJET PRO PRINTER (2)	3231762548	05/21/2014	140722		1,097.90	
	400-651-500	TONER CARTRIDGE CYAN	3231762553	05/21/2014	140722		80.74	
	400-651-500	TONER CARTRIDGE YELLOW	3231762553	05/21/2014	140722		80.74	
	400-651-500	TONER CARTRIDGE BLACK	3231762553	05/21/2014	140722		80.74	
	400-651-500	TONER CARTRIDGE MAGENTA	3231762553	05/21/2014	140722		85.99	
400	COBURN'S	141928	06/03/2014	05/29/2014			993.03	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-581	BLUE MARKING PAINT	606825067	04/23/2014	140630		93.60	
	400-651-583	GREEN MARKING PAINT	6068250671	05/01/2014	140630		93.60	
	400-651-581	WATER STOP	606825202	04/23/2014	140629		65.37	
	400-651-583	4" BACKFLOW PREVENTER	6068252021	05/12/2014	140629		91.44	
	400-651-581	4" PVC DRE FITTING CLEANOUT	606815689	04/23/2014	140620		26.52	

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	COBURN'S	141928	06/03/2014	05/29/2014			993.03	(CONTINUED)
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-581	4" PVC SDR THREADED PLUG	606815689	04/23/2014	140620	20.52		
	400-651-581	5/8 X 3/4 WATER METER	606815689	04/23/2014	140620	576.00		
	400-651-581	2 SCH 40 MALE ADAPTER	606815689	04/23/2014	140620	6.60		
	400-651-581	3/4 X 1/8 RUBBER WASHER	606815689	04/23/2014	140620	4.50		
	400-651-581	4 PVC SDR CAP	606815689	04/23/2014	140620	14.88		
	400-651-581	4X3 FERNCO COUPLING	606815689	04/23/2014	140620	56.52		
	400-651-581	CR RTN:4X3 FERNCO COUPLING	C606909428	05/19/2014	140620	-56.52		
400	RED RIVER SPECIALTIES, INC	141934	06/03/2014	05/29/2014			104.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-559	ALECTO 41S WEEDKILLER	465503	05/14/2014	140643	104.00		
FUND TOTAL 400 Claims	to	Checks	18 Total	181,637.11	Manual	Held	Total	181,637.11

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
404	DELTA SANITATION OF MS, LLC	141884	06/03/2014	05/28/2014			112.50	
	Account Number				Invoice #	Date	P.O.	Amount
	404-677-695				0000425188	05/15/2014		112.50
FUND TOTAL 404 Claims	to	Checks	1 Total	112.50 Manual		Held	Total	112.50

Docket of Claims
Release date from 06/03/2014 thru 06/03/2014

SUMMARY OF ALL FUNDS

FUND 1 Claims	to	Checks	32 Total	36,071.30 Manual	Held	Total	36,071.30
FUND 12 Claims	to	Checks	2 Total	19,635.35 Manual	Held	Total	19,635.35
FUND 172 Claims	to	Checks	1 Total	3,883.60 Manual	Held	Total	3,883.60
FUND 176 Claims	to	Checks	11 Total	4,421.55 Manual	Held	Total	4,421.55
FUND 400 Claims	to	Checks	18 Total	181,637.11 Manual	Held	Total	181,637.11
FUND 404 Claims	to	Checks	1 Total	112.50 Manual	Held	Total	112.50
Total for all Funds		Checks	65 Total	245,761.41 Manual	Held	Total	245,761.41

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 125-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Consent Agenda Items 1-5 are hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Vaughan** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 3, 2014.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 126-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City of Gautier is hereby authorized to enter into a Memorandum of Agreement with the Mississippi Department of Archives and History (MDAH) for a Certified Local Government (CLG) Grant for the category of Publications/Marketing.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Vaughan** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting June 3, 2014.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Patty Huffman, Grants & Projects Manager
Through: Chandra Nicholson, Director of Economic Development and Planning Dept.
Date: May 27, 2014
Subject: Gautier Historic Preservation Commission Appointments

REQUEST:

The Economic Development and Planning Department requests City Council approval of two candidates to fill vacancies on the Gautier Historic Preservation Commission along with the re-appointment of five incumbents who are willing to be re-appointed.

BACKGROUND:

“The city is authorized to establish a preservation commission to preserve, promote, and develop the city’s historical resources and to advise the city on the designation of historic districts, landmarks, and landmark sites and perform such other functions as may be provided by law. All members of the commission are appointed by the city and shall serve at the will and pleasure of the city and shall serve staggered terms. The commission shall consist of 9 members residing in the City of Gautier.

All members of the commission shall serve for terms of 3 years and shall be eligible for reappointment. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. To the extent available in the community, the city shall appoint professional members from the primary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields.”

DISCUSSION:

Currently, five members of the Historic Preservation Commission are willing to be re-appointed. These members include Gaynell Atkinson, Ray Brown, Vivian Dailey, Leonard Fuller, and Mary Elsie Hubley. Two vacancies were advertised in the Mississippi Press and on the city’s website to fill positions previously held by James Henry LeBatard and Sue McCanlis. Applications for the Commission were received from Henry Enrico (Rico) Borrazzo and Gwen Parker.

RECOMMENDATION:

The Economic Development and Planning Department staff recommends that City Council approve the five re-appointments and the two new candidates to the Historic Preservation Commission as proposed based on the qualifications and experience of these individuals.

City Council may:

- 1) Approve the list of appointments/re-appointments to the Historic Preservation Commission as presented; or
- 2) Disapprove one or more of the proposed appointments and or re-appointments.

ATTACHMENT:

List of potential Historic Preservation Commission appointments
Resumes/applications from Henry Enrico Borrazzo and Gwen Parker

Gautier Historic Preservation Commission
Appointments
For Approval at June 3, 2014 City Council Meeting

<u>Name and Address:</u>	<u>Term Expiration:</u> <u>(Staggered 3 year terms)</u>
1) Bill Bray, Chair (appointed Jan. 14, 2014- completing Teresa Jackson's term) 2005 Heron Lane 522-6268, 623-5304 (cell) wgbay@bellsouth.net	01-05-15
2) Leonard Fuller, Vice-Chairman (Renewal) 3008-B Oak Street 497-6520 nitafuller@cableone.net	01-05-15
3) Vivian Daily (Renewal) 2135 Kingslea 238-6674 vdailey@cableone.net	01-05-15
4) Mary Elsie Hubley (Renewal) 2405 Orrell St. 497-6495 mehubley@cableone.net	01-05-16
5) Ray Brown (Renewal) 1225 Stanfield Point Road 497-4697 cell: 228-327-4483 superReb@cableone.net	01-05-16
6) Henry Enrico (Rico) Borrazzo (New) (completing James Henry LeBatard's term) 3708 Shamrock Court 623-7835 jricob@aol.com	01-05-16
7) Gaynell Atkinson (Renewal) 3017 Jacks Rd. 497-4675, cell 990-5708 auntgay@gmail.com	01-05-17
8) Mike Martin (appointed Oct. 15, 2013, completing Jack Womack's term) mtmartinsr@yahoo.com 219-1304	01-05-17
9) Gwen Parker (New) (completing Sue McCanlis' term) 3509 Hoyt St. 762-0119 Gwen_Wells@live.com	01-05-17



CITY OF GAUTIER



BOARD AND COMMISSION CANDIDATE PROFILE FORM

Contact Information

Name Henry E. Borrazzo (Rico)
 Street Address 3708 Shamrock Ct
 City, St., Zip code Gautier, MS 39553
 Home Phone 228-623-7835
 Work Phone cd 727-488-0088
 E-Mail Address hricob@aol.com
 Place of Employment retired

Background Information

Position Applying for: Historic Board
 Reason for interest in position: Student of history for 40 years.
 Prior involvement with the City: Mullett Festival, Gautier Pride, Asset Review City of Gautier

Commission/Board or Committee

Please mark a (x) next to the following commission, committee or board that you wish to participate in. You will be notified which commission, committee or board that you've been chosen to serve on.

- ☐ Recreation Advisory Committee
- ☐ Technical Review Committee
- ☐ Planning Commission
- ☒ Historic Preservation Commission
- ☐ Library Board
- ☐ Municipal Election Commission

Previous Volunteer Experience

Summarize your previous volunteer experience.

various programs with the Gautier Rotary Club - Mullett Festival - Christmas Parade - Visit to Nursing Homes - City of Gautier Inventory Program

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed) Henry (Rico) Borrazzo
 Signature [Signature]
 Date April 23, 2014

Our Policy

It is the policy of the City of Gautier to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest in volunteering with us.

Henry Enrico (Rico) Borrazzo

3708 Shamrock Court
Gautier, Ms. 39553

Phone: 228.623.7835
cell: 727.488.0088
E-mail: hricob@aol.com

Work History

Retired - U.S. Homeland Security

June 2004 to Jan 2014, External Affairs- Intergovernmental Specialist Community Relations

Currently assisting the City of Gautier City Clerks Office with Fixed Assets for the City

Public Service:

- President & Chairman of the Board for Cornerstone Mortgage Corporation for Massachusetts, New Hampshire & Florida
Position held in private section
- Chairman of Tewksbury Industrial & Historical Group, Tewksbury, Ma
10 years from 1974 -1984
- Executive Director of Wilmington Housing Authority, Wilmington, Ma
Responsible for all activities involving public housing, section 8 & HUD housing
10 years from 1971-1981
- Chairman of Fireman Pension Board, Gulfport, Fla
Responsible for all investments
10 years from 1981- 1991

Other

- Member of Pascagoula Elks , Pascagoula, Ms. 40 years
- Member of Gautier American Legion, Gautier, Ms. 15 years
- President of St. Petersburg, Exeter Condo Association 5 years
- Certified in Community Emergency, St. Petersburg, Fla 13 years
- Member of Gautier Rotary, Gautier, Ms. 8 years

Personal

Married to Julia Borrazzo

4 children

8 grandchildren



CITY OF GAUTIER



BOARD AND COMMISSION CANDIDATE PROFILE FORM

Contact Information

Name	Gwen Parker
Street Address	3509 Hoyt St
City, St., Zip code	Gautier MS, 39553
Home Phone	228-627-0635 Cell
Work Phone	228-762-0119
E-Mail Address	Gwen_Wells@live.com
Place of Employment	Jackson County Utility Authority

Background Information

Position Applying for :
Reason for interest in position:
Prior involvement with the City:

Commission/Board or Committee

Please mark a (x) next to the following commission, committee or board that you wish to participate in. You will be notified which commission, committee or board that you've been chosen to serve on.

- ☐ Recreation Advisory Committee
- ☐ Technical Review Committee
- ☐ Planning Commission
- ☒ Historic Preservation Commission
- ☐ Library Board
- ☐ Municipal Election Commission

Previous Volunteer Experience

Summarize your previous volunteer experience.

Youth for Christ, Girl Scouts, Women of Venture,

Agreement and Signature

By submitting this application, I affirm that the facts set forth in it are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

Name (printed)	Gwen Parker
Signature	
Date	5/5/14

Our Policy

It is the policy of the City of Gautier to provide equal opportunities without regard to race, color, religion, national origin, gender, sexual preference, age, or disability.

Thank you for completing this application form and for your interest in volunteering with us.

Gwen L. Parker**3509 Hoyt St.****Gautier, MS 39553****Mobile: 228-627-0635****Email: gwen_wells@live.com****WORK EXPERIENCE****Jackson County Utility Authority Pascagoula, MS 5/2013-Present
Customer Service Supervisor**

Supervise four employees, process bill payment. Create new customer accounts. Ensure all invoices are processed. Maintain receivables. Handle all customer complaints. Create standard operating procedure. Monitor and maintain main office and satellite office. Handle ACH set up for customer accounts. Fill request for vacant positions. Monitor and maintain time and work schedule. Daily deposits of cash, checks, and credit cards.

**Keesler AFB, MS United States 07/2009 -5/2013
Supervisor Skills Development**

Supervise nine employees engaging in skills development. Assign tasks to subordinate. Prepare budget, monetary requirements, inventory supplies and consignments on all contractors. Ensure that all invoices are processed in accordance with the Federal Financial System. Upload daily accountability equipment, operation cost. Monitor financial, payroll, and upload invoices conduct monthly and weekly publicity and marketing.

**Meditations LLC Columbus, GA United States 05/2006 - 03/2007
Supervisor of Marketing and Sales**

Supervised fifteen employees & monitored their day to day activities. Initiated formal request for filling vacant positions. Regulated performance evaluations. Handle complaint and grievances. Ensured that all rules, regulations, policies, and procedures for budget submissions are followed. Executed the budget by directing/accomplishing tasks such as data analysis, establishing account structures, continuous monitoring of funds, reconciliation, and adjusting funds. Performed and directed all tasks associated with end of year budget close out.

**David's Bridal Atlanta, GA United States 03/2005 - 02/2006
Event Planner Manger**

Planed, supervised, administered, and carried out educational, recruiting, cultural festivals, or other program such as Bridal shows, competitions, and workshops. Managed community and private events. Maintained financials and payroll.

Interviewed customer to see how we could meet their needs make their event wonderful.
Ordered and tracked supplies for the entire facility, coordinated receipt of orders with vendors and staff.

Enterprise Rent-A-Car, Atlanta, GA United States 12/2002 - 12/2005
Assistant Manager

Coordinated and arranged various meetings and conferences in the local area.
Composed and prepared a variety of correspondence, reports, records, briefing materials, and statistical and narrative material.
Conducted employee training organizational strategies for improving customer service.
College recruiting select applicant and ensure proper orientation.

Convergys, Hattiesburg, MS United States 08/1999 - 6/2002
Supervisor Customer Service

Training Assistant and launching of Wal-mart.com
Served as the first contact for the Wal-mart.com service area in handling telephone calls to the customer service center.
Maintained duties outside of normal business hours. Maintained and monitored call outs
Assist customers with program requests and emergency calls.
Billing inquiries and collections inquiries.

Education:

University of Southern Mississippi Hattiesburg, MS
Major: History (Liberal Arts) Minor: Spanish

References: Upon request

Experience:

Member of the United States Air National Guard
14 years' experience in supply management: inventory, purchasing,

20 years of sales and customer service experience.
10 years of marketing and event planning

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

RESOLUTION NUMBER 015-2014

RESOLUTION APPOINTING MISSISSIPPI MUNICIPAL LEAGUE 2014 VOTING DELEGATES FOR THE CITY OF GAUTIER

WHEREAS, the Mississippi Municipal League amended the bylaws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a second vice president and to vote on any proposed bylaw changes; and

WHEREAS, the amended bylaws require the governing authority board (Alderman, City Council, City Commission) to designate in its minutes the voting delegate and two alternates to cast the vote for each member municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE (Governing Authority board) of the CITY OF GAUTIER.

In accordance with the bylaws of the Mississippi Municipal League, the voting delegate(s) for the 2014 Mississippi League election to be held at the annual convention on June 23-June 25, 2014 are as follows:

Voting Delegate: Gordon Gollott, Mayor
First Alternate: Mary Martin, Councilwoman At Large
Second Alternate: Rusty Anderson, Councilman Ward 4

That public interest and necessity requiring same, this Resolution shall become effective upon passage.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by **Councilwoman Martin**, seconded by **Councilman Vaughan**, and

Was adopted by the following vote, to-wit:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

The Mayor thereby declared the motion carried and the Resolution adopted this the 3rd day of June, 2014.

(SEAL)

ATTEST:

ADOPTED: June 3, 2014

CITY CLERK

MAYOR

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the 3rd day of June, 2014.

ATTEST:

APPROVED: June 3, 2014

CITY CLERK

MAYOR

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Cindy Russell
Date: May 27th, 2014
Subject: Resolution Appointing Mississippi Municipal League 2014 Voting Delegates

REQUEST:

The City Clerk Department requests City Council approval of a resolution appointing Mississippi Municipal League 2014 voting delegates for the City of Gautier.

BACKGROUND:

The Mississippi Municipal League amended the bylaws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a second Vice President and to vote on any proposed bylaw changes. The amended bylaws require the governing authority board to designate in its minutes the voting delegate and two alternates to cast the vote for each member municipality.

DISCUSSION:

On Tuesday, June 24th at the MML Annual Conference, an election will be held to select the MML 2nd Vice President. Each City in good standing must identify a voting delegate along with two alternates. The voting delegate will vote the will of their City in voting for the MML 2nd Vice President at the MML Annual Conference. A list of qualifying candidates will be provided to the nominated delegates. In accordance with the bylaws of the Mississippi Municipal League, the voting delegate(s) for the 2014 Mississippi League election to be held at the annual convention on June 26-June 28th, 2014 are as follows:

Voting Delegate: Gordon Gollott, Mayor
First Alternate: Mary Martin, Councilwoman At Large
Second Alternate: Rusty Anderson, Councilman Ward 4

RECOMMENDATION:

Based on the voting delegates selected, Staff's recommendation that City Council approve the resolution appointing Mississippi Municipal League 2014 Voting Delegates.

The City Council may:

- 1) Approve the Resolution.
- 2) Disapprove the Resolution.

ATTACHMENT(S):

Resolution

Cindy Russell

To: mayor@gautier-ms.gov; marymartincouncilwomanatlarge@yahoo.com;
councilmanward1@gautier-ms.gov; councilmanward2@gautier-ms.gov;
councilmanward3@gautier-ms.gov; councilmanward4@gautier-ms.gov;
councilmanward5@gautier-ms.gov; 'gollottd@bellsouth.net';
councilwomanatlarge@gautier-ms.gov; CaseyCvaughan@yahoo.com; 'Rusty Anderson';
'Adam'; 'Samantha Abell'
Cc: tthigpen@gautier-ms.gov; Chassity V. Bilbo (cbilbo@gautier-ms.gov)
Subject: RE: MML Conference

FYI

Thank you for volunteering to participate in the 2014 MML 2nd Vice-President voting process. Listed below are the City of Gautier's voting delegates:

- | | |
|--------------------------------------|---------------------------|
| 1. Mayor Gordon Gollott | voting delegate |
| 2. Councilwoman at Large Mary Martin | 1 st alternate |
| 3. Councilman Ward 4 Rusty Anderson | 2 nd alternate |

The names will be on a resolution appointing the 2014 voting delegates for the City of Gautier on the June 3rd agenda.

Thank You,

Cindy

From: Cindy Russell [mailto:crussell@gautier-ms.gov]

Sent: Monday, May 19, 2014 5:15 PM

To: mayor@gautier-ms.gov; marymartincouncilwomanatlarge@yahoo.com; councilmanward1@gautier-ms.gov;
councilmanward2@gautier-ms.gov; councilmanward3@gautier-ms.gov; councilmanward4@gautier-ms.gov;
councilmanward5@gautier-ms.gov; 'gollottd@bellsouth.net'; councilwomanatlarge@gautier-ms.gov;
CaseyCvaughan@yahoo.com; 'Rusty Anderson'; 'Adam'; 'Samantha Abell'

Subject: MML Conference

Mayor & Council,

Please find attached the Sample Ballot for the MML second vice president along with a by-law change that will be voted on at the MML Annual Conference in June. We will need 3 councilmembers (voting delegate, 1st alternate & 2nd alternate) to represent the City on Tuesday, June 24, 2014 at 9:00am, at the Mississippi Gulf Coast Coliseum. The purpose of the meeting is to vote on the attached amendment & the 2nd Vice-President. At last year's conference the candidates were given 5 minutes to speak about why they should be chosen. Below is a list of the qualifying candidates running for 2nd Vice-President.

- Juan R. Barnett, Mayor of Heidelberg
- Doug Lee, Mayor of Lucedale
- Dave Nichols, Mayor of Monticello

To participate in the election process, the MML must receive our delegates as soon as possible. Our council will need to vote on the item on the June 3rd council meeting, so please send me your nominations from the council as soon as possible.

Thanks

Cynthia "Cindy" Russell
City of Gautier
City Clerk
3330 Hwy 90
Gautier, Ms. 39553
(228) 497-8014



PRESIDENT, MAYOR TIM WALDRUP, ELLISVILLE
FIRST VICE PRESIDENT, MAYOR ALTON SHAW, WESSON • SECOND VICE PRESIDENT, MAYOR JIMMY COCKROFT, KOSCIUSKO

SHARI T. VEAZEY, EXECUTIVE DIRECTOR

ATTENTION CITY CLERK

MML 2014 Election of 2nd Vice President Voting Delegate/Alternates Information

On Tuesday, June 24, 2014 at the MML Annual Conference, an election will be held to select the MML 2nd Vice President. Each member city in good standing (dues are paid in full by May 15, 2014) must identify a voting delegate along with two alternates. The voting delegate will vote the will of their city or town in voting for the MML 2nd Vice President at the MML Annual Conference. **The list of qualifying candidates is attached.**

To participate in the election, the MML must receive this completed form by June 13, 2014

Please complete the information below. If possible, please provide a cell phone number for the voting delegate and each alternate. Voting delegates will be updated on the status of the election by text message or by voice mail:

Please Print:

Voting Delegates Name/Title: Mayor Gordon Gollott

Email Address: mayordgautier-ms.gov

Cell Phone Number: 228-238-2691

First Alternate Name/Title: Councilwoman at Large Mary Martin

Email Address: mary.martin.councilwomanatlarge@yahoo.com

Cell Phone Number: 228-217-2792

Second Alternate Name/Title: Councilman Ward 4 Rusty Anderson

Email Address: bayoumoondog2me.com

Cell Phone Number: 228-218-9483

Return by Mail or Fax to:
The Mississippi Municipal League
600 E. Amite Street, Ste. 104
Jackson, Mississippi 39201

OR

FAX: (601) 353-6980

Page 181 of 210

RESOLUTION

RESOLUTION APPOINTING
MISSISSIPPI MUNICIPAL LEAGUE
2014 VOTING DELEGATES
FOR THE CITY OF _____

WHEREAS, the Mississippi Municipal League amended the bylaws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a second vice president and to vote on any proposed bylaw changes; and

WHEREAS, the amended bylaws require the governing authority board (Alderman, City Council, City Commission) to designate in its minutes the voting delegate and two alternates to cast the vote for each member municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE (Governing Authority Board) OF THE CITY OF _____

In accordance with the bylaws of the Mississippi Municipal League, the voting delegate(s) for the 2014 Mississippi Municipal League election to be held at the annual convention on June 23-June 25, 2014 are as follows:

Voting Delegate: (Name and title)

First Alternate: (Name and title)

Second Alternate: (Name and title)

That public interest and necessity requiring same, this Resolution shall become effective upon passage.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by _____, seconded by _____, and was adopted by the following vote, to-wit:

YEAS:

NAYS:

The President thereby declared the motion carried and the Resolution adopted, this the (day, month, year).

(SEAL)

ATTEST:

ADOPTED:

CLERK OF COUNCIL

PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the (day, month, year).

ATTEST:

APPROVED:

CITY CLERK

MAYOR



PRESIDENT, MAYOR TIM WALDRUP, ELLISVILLE
FIRST VICE PRESIDENT, MAYOR ALTON SHAW, WESSON • SECOND VICE PRESIDENT, MAYOR JIMMY COCKROFT, KOSCIUSKO

SHARI T. VEAZEY, EXECUTIVE DIRECTOR

2014 Qualifying Candidates MML 2nd Vice President May 2, 2014

The following candidates will be on the ballot for the position of MML 2nd Vice President:

1. Mayor Juan R. Barnett, City of Heidelberg
2. Mayor Les Fillingame, City of Bay St. Louis
3. Mayor Doug Lee, City of Lucedale
4. Mayor Dave Nichols, Town of Monticello
5. Mayor Whitney Rawlings, City of McComb

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 128-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Minutes from Recessed Council Meeting held May 20, 2014 are hereby approved.

IT IS FURTHER ORDERED that the City Manager or City Clerk is authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Vaughan** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 3, 2014.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi the following:

RESOLUTION NUMBER 016-2014

RESOLUTION OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, REQUESTING THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY DESIGNATE HILDA FIRE TOWER AS A MISSISSIPPI LANDMARK

WHEREAS, The Gautier Historic and Preservation Commission through its scope, mission, purpose of preserving and promoting historic locations throughout the City of Gautier has identified the need to preserve the Hilda Fire Tower and have the Hilda Fire Tower identified as a Mississippi Landmark.

WHEREAS, The Hilda Fire Tower has served as a city landmark for many years;

WHEREAS, The Hilda Fire Tower serves as the entrance to the city off Interstate 10;

WHEREAS, The Hilda Fire Tower represents the history of Gautier's first major industry of lumber and sawmilling that helped to develop the community;

WHEREAS, The Hilda Fire Tower has played a major role in protecting the lumber business of the area for many years;

WHEREAS, The City of Gautier's name, in fact, came from the Gautier and Son's Sawmill business; and

WHEREAS, The Hilda Fire Tower is closely identified with the history of the city and is now an important part of the city's historical community;

BE IT THEREFORE RESOLVED, That the City of Gautier hereby supports the Gautier Historic Commissions mission of preserving the Hilda Tower as a historic location and being identified as a Mississippi Landmark and urges the Mississippi Department of Archives and History (MDAH) to designate the Hilda Fire Tower located at 6200 Gautier-Vancleave Road, Gautier, MS 39553 as a Mississippi Landmark.

Motion made by **Councilwoman Martin**, seconded by **Councilman Vaughan** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 3, 2014.



Gautier Historic Commission

Gautier, Mississippi

City Hall
3330 Highway 90
Gautier, MS 39553-5124
Phone (228) 497-2332
FAX (228) 497-8028

May 12, 2014

Mrs. Samantha Abell
City Manager
3330 West Hwy 90
Gautier, MS 39553

Dear Mrs. Abell:

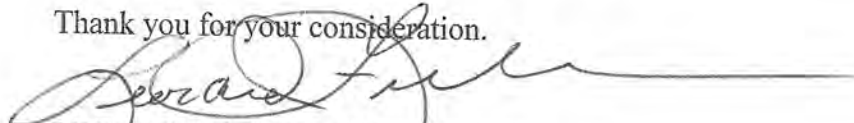
The Gautier Historic and Preservation Commission is in the process of trying to preserve the Hilda Fire Tower and list it as a Mississippi Landmark. Today it serves as a city landmark to the entrance to the city off Interstate 10. The fire tower is closely identified with the history of Gautier and is now an important part of the city's historic community. We wish to preserve the tower for its historic value to the city and for future generations. By placing the tower on the Mississippi Landmark status, we would be able to preserve the tower.

To establish a Mississippi Landmark, we will need the city to make a resolution to save the fire tower. We are asking the council to make a resolution to do so. For your information, I have enclosed a copy of the historic commissioners' resolution.

Many of the fire towers in the state have been torn down and cut up for scrap iron. Only two within the state have been placed on the Ten Most Endangered Historic Places in Mississippi.

I hope that the council will consider this resolution so that we can preserve the tower. The tower has been a part of the city for many, many years, and failure to preserve it would be a major historical loss for the city.

Thank you for your consideration.


LEONARD FULLER, Vice-Chairman
Gautier Historic and Preservation Commission

You may contact me at 228-497-6520 or by email: nitafuller@cableone.net



Gautier Historic Commission

City Hall
3330 Highway 90
Gautier, MS 39553-5124
Phone (228) 497-2332
FAX (228) 497-8028

Gautier, Mississippi

July 10, 2014

Copy

In a regular meeting of the Gautier Historic and Preservation Commission, the following resolution was passed to acquire a Mississippi Landmark Designation for the Hilda Fire Tower located at 6200 Gautier-Vancleave Road in Gautier, Mississippi.

RESOLUTION

Resolution that the Mississippi Department of Archives and History designate the Hilda Fire Tower, located at 6200 Gautier-Vancleave Road, Gautier, MS 39553, as a Mississippi Landmark.

Whereas the Hilda Fire Tower has served as a city landmark for many years;

Whereas the Hilda Fire Tower serves as the entrance to the city off Interstate 10;

Whereas the Hilda Fire Tower represents the history of the city's first major industry of lumber and sawmilling that helped to develop the community;

Whereas the Hilda Fire Tower has played a major role in protecting the lumber business of the area for many years;

Whereas the City of Gautier's name, in fact, came from the Gautier and Son's Sawmill business; and

Whereas the Hilda Fire Tower is closely identified with the history of the city and is now an important part of the city's historical community; now, therefore be it

Resolved that the Gautier Historic and Preservation Commission urges the Mississippi Department of Archives and History (MDAH) to designate the Hilda Fire Tower located at 6200 Gautier-Vancleave Road, Gautier, MS 39553 as a Mississippi Landmark.

Signed and passed on July 10, 2014.

WILLIAM (BILL) BRAY, Chairman

LEONARD FULLER, Vice-Chairman
Researcher

Mary Elsie Hubley, Secretary

City of
Gautier



Drawing by
the City of Gautier
GIS Division

GAUTIER HISTORICAL TOUR



1. MARTIN CEMETERY
2. GEORGE FARRAGUT HOME
3. GEORGE FARRAGUT MARKER
4. JEAN BAPTISTE GRAVELINE
5. LOOK OUT FIRE TOWER
6. ST. PIERRE'S EPISCOPAL CHURCH
7. WEST PASCAGOULA SCHOOL
8. TUCEI'S FISH CAMP
9. HISTORIC GAUTIER CEMETERY
10. THE OLD PLACE
11. SINGING RIVER POTTERY
12. SINGING RIVER LEGEND
13. GAUTIER & SONS SAWMILL
14. GENERAL STORE/DEPOT
15. LITTLE RED SCHOOL HOUSE
16. LIZZE LADNIER HOUSE
17. FRANKLIN CEMETERY
18. GAUTIER SCHOOL
19. NEW ERA CHURCH
20. CREOSOTE PLANT
21. JENNIE ORRELL HOUSE/RAILROAD
22. LABROT HOUSE
23. TWELVE OAKS
24. McRAE CEMETERY
25. OLDFIELDS-LEWIS HOME
26. LEWIS CEMETERY
27. GRAVELINE INDIAN MOUND
28. LYON CONSOLIDATED SCHOOL
29. OLD SPANISH TRAIL

Section 39-7-11, (2) of
**THE ANTIQUITIES
LAW OF MISSISSIPPI**

Mississippi Code of 1972,
as amended

All other sites, objects, buildings, artifacts, implements, structures and locations of historical or architectural significance located in or under the surface of any lands belonging to the State of Mississippi or to any county, city or political subdivision of the state may be declared

Mississippi Landmarks by majority vote of [the Board of Trustees of Mississippi Department of Archives and History]. Every Mississippi Landmark shall be so designated based upon its significance within the historical or architectural patterns of a community, a county, the State of Mississippi, or the United States of America. Upon such action by the board, the designation of the Mississippi Landmark shall be recorded in the deed records of the county in which the landmark is located. All such designated sites or items located on public lands within the State of Mississippi may not be taken, altered, damaged, destroyed, salvaged, restored, renovated or excavated without a permit from the board or in violation of the terms of such permit.

What does Mississippi Landmark status mean?

Any proposed work that could affect the historical or architectural character of a Mississippi Landmark is subject to review by the Permit Committee. Property owners are required to notify the Permit Committee in the early planning stage, and always prior to the letting of bids, of proposed projects that may affect designated or potential Mississippi Landmarks. This is done by filing a *Notice of Intent Form of Public Construction, Public Improvement, or Transfer of Public Property to Private Ownership*. This form may be obtained from the Historic Preservation Division.

Staff members of the Historic Preservation Division are available to work with public officials, architects, and engineers to insure compliance with the Antiquities Law. There is no charge for this service.

Can private property be designated a Mississippi Landmark?

Yes. The law provides a process for the designation of private property at the → request of the owner. Interested property owners must submit a notarized resolution requesting Mississippi Landmark designation, along with documentation of the historical or architectural significance of their property. Resolution forms can be obtained from the Historic Preservation Division. The review process for publicly owned Mississippi Landmarks, as described above, applies to privately owned Mississippi Landmarks as well.

How can I get more information on the Mississippi Landmark Program?

Contact: {

Mississippi Department of Archives and History
Historic Preservation Division
P. O. Box 571
Jackson, Mississippi 39205-0571
Telephone 601-576-6940
Fax 601-576-6955
e-mail: msshpo@mdah.state.ms.us

A complete copy of the Antiquities Law can be obtained from the Historic Preservation Division, Mississippi Department of Archives and History.

THE ANTIQUITIES LAW AND The Mississippi Landmark Program

Section 39-7-3 of

THE ANTIQUITIES LAW OF MISSISSIPPI

Mississippi Code of 1972,
 as amended

It is hereby declared to be the public policy and in the public interest of the State of Mississippi to locate, protect, and preserve all sites, objects, buildings, shipwrecks, and locations of historical, archaeological, or architectural significance, including, but not limited to, historically or architecturally significant buildings, structures relating to significant engineering accomplishments, prehistoric and historical American Indian or aboriginal campsites, dwellings, and habitation sites, archaeological sites of every character, treasure imbedded in the earth, sunken or abandoned ships and wrecks of the sea or any part or the contents thereof, maps, records, documents, books, artifacts, and implements of culture in any way related to the inhabitants, prehistory, history, natural history, government, or culture in, on or under any of the lands, tidelands, submerged lands, and bed of the sea within the jurisdiction of the State of Mississippi.

Frequently Asked Questions

What is the Antiquities Law?

The Antiquities Law, passed in 1970 and amended in 1983, affirms the State's interest in locating, protecting, and preserving historic properties. These properties, which include sites, objects, and buildings of historical, archaeological, or architectural significance, are identified in the law as "Mississippi Landmarks." The Antiquities Law places the responsibility of implementing the law on the Board of Trustees of the Mississippi Department of Archives and History. The Board has established a Permit Committee, composed of the Department director and professional staff in the Department's Historic Preservation Division, to designate properties as Mississippi Landmarks and to review any proposed changes to these properties. This process insures that Mississippi's historic, architectural, and cultural heritage is preserved for future generations.

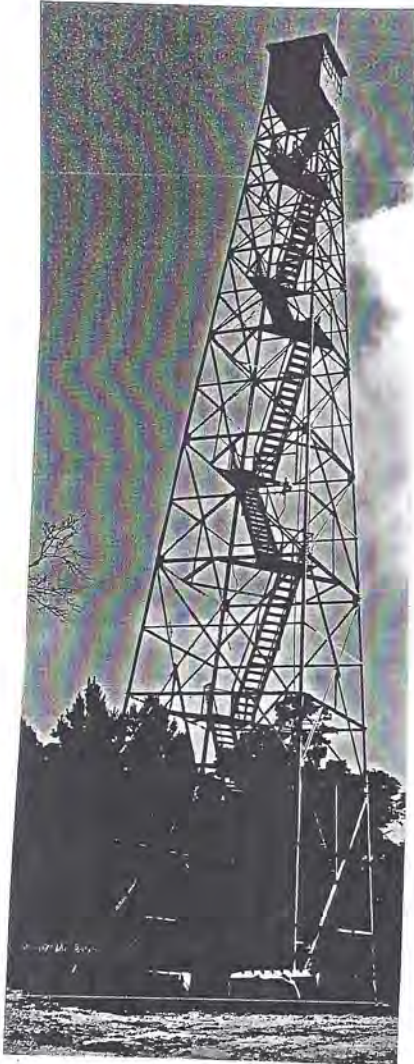
What properties does the Antiquities Law affect?

Any publicly owned property (belonging to the state, counties, municipalities, or other political subdivisions) may be determined to have significance and designated as a Mississippi Landmark by the Permit Committee.

How are properties designated as Mississippi Landmarks?

The process begins when a property is identified as eligible for Mississippi Landmark status and is officially placed "under consideration." The owner of the property is then notified and given the opportunity to comment on the possible designation of the property. Public comment is also solicited through a legal notice in the local newspaper. The comment period is thirty days. At its next meeting after the comment period, the Permit Committee considers any comments received and takes formal action on the designation of the property as a Mississippi Landmark. The Mississippi Landmark designation is then recorded in the deed records of the appropriate county's Chancery Clerk office as a perpetual preservation easement.

Hilda Lookout Tower



The detection and control of fires has been a special problem to the Forest Service throughout history. Federal involvement in fire control began with the National Park Service and was later introduced into the forest reserves. In a forest under proper protection with a watch station, one man could detect fires and notify the proper response team to extinguish the fire.

The opening of the Fernando Gautier and Sons Sawmill in Gautier in 1867 gave rise to the importance of the timber industry in this area. In addition, the location of the Creosote Plant in 1874 which provided treatment of timber against rot and the Toredoworm, was a major boost to the local timber industry. With the community relying heavily on jobs connected to the timber industry, the need to protect the forest was critical, and the location of a fire tower in the area was of great importance.

The earliest lookout stations, dating back to 1905, were high peaks. The South Mississippi forest flatlands provided no high elevations, so structures made of wood became the first towers in the 1920s. At the inception of the Civilian Conservation Corps (CCC), a workforce of massive construction projects began in 1933 and continued through 1942. Consequently, the lookout tower became the most distinctive structure used in forest-fire control.

In 1934, Mississippi had 16.2 million acres in forest land. Fire fighting became necessary to protect the forests. Mississippi had already constructed 394 towers throughout the state. However, some of these towers have been taken down and cut up for scrap iron. The tower in North Gautier is called the Hilda Lookout Tower (ID#711246).*

During World War II, the aircraft warning service was established, and in 1942, volunteers were placed in selected fire towers located along the Mississippi Gulf Coast to detect foreign aircraft. After the end of World War II and the phasing out of the Civilian Conservation Corps, the forest protection was turned over to the Mississippi Forestry Commission which was founded in 1926.

The Hilda Lookout Tower, located in Gautier, was used extensively from the 1930s until the 1980s until updated communications became available along with airplane

reconnaissance. The tower is 110 feet high, depending upon the foundation. A house on top of the tower is 10' x 10', part metal and part wood, and it houses an observer. At the height of fire season and high winds, a person would keep watch around the clock. The Hilda Tower used a compass table with two sighting arms at each end. A person could line up the two pointing arms with the smoke and communicate the degrees to the next fire tower by ham radio. The other fire tower would do the same, and where the two lines crossed on the map would be the location of the fire. The volunteer U. S. Coast Guard has erected a communication antenna on top of the tower. The tower still gives good visibility over the surrounding area and the City of Gautier. The Hilda Tower is a landmark of importance to the City of Gautier in recognizing its past history of forestry and sawmilling.

*Hilda, located just off Old Spanish Trail, was a place named for a turpentine manufacturer's wife. Hilda appears on the L&N Railroad map West of the Gautier Depot. Hilda was also the location of the First Consolidated Lyon's School.



History of the Timber, Lumber Business in Gautier

From 1874 to 1949, there was a vast forest of virgin timber in Jackson County, Ms. During this period, Jackson County was an ideal location for sawmills and a timber boom. The Leaf, Chickasawhay, Escatawpa and Pascagoula Rivers were excellent water ways to transport logs to the sawmills.

Timber was responsible for the area's first industry. When the lumber boom began in 1880, Jackson County ranked second in the state in total valuation of its timber products. The sawmills of the county had a combined capacity of producing six million feet of lumber a day. At the turn of the century, the county was responsible for furnishing four-fifths of the lumber shipped from the Mississippi Gulf Coast.

With the vast amount of lumber being produced from the forest, it was apparent that a means of detecting and locating forest fires was critical. Mississippi constructed 394 towers throughout the state. The tower in North Gautier is called the Hilda Lookout Tower (ID#711246). The tower was used from the 1930's until the 1980's.

One of the early steam sawmills in the district was built by Tetar at West Pascagoula (Gautier). Many sawmills sprang up in the area, but the most notable one was the Gautier & Sons Mill in 1866. Fernando Upton Gautier came to the West Pascagoula area, bringing with him the sawmill operation from the Tchouticabouffa area. Soon after the mill became operational, it began producing 10,000 to 30,000 board feet a day. The sawmill was forced out of business due to the 1906 hurricane. Lumber from the mill built the old stately homes still standing among the beautiful moss-draped oak trees in the historic areas of Gautier. Fernando Gautier later sold a part of his property to the L&N Railroad, making it a railroad stop for water to be used in the train's steam engine. The name of the West Pascagoula station became known as Gautier in 1910.

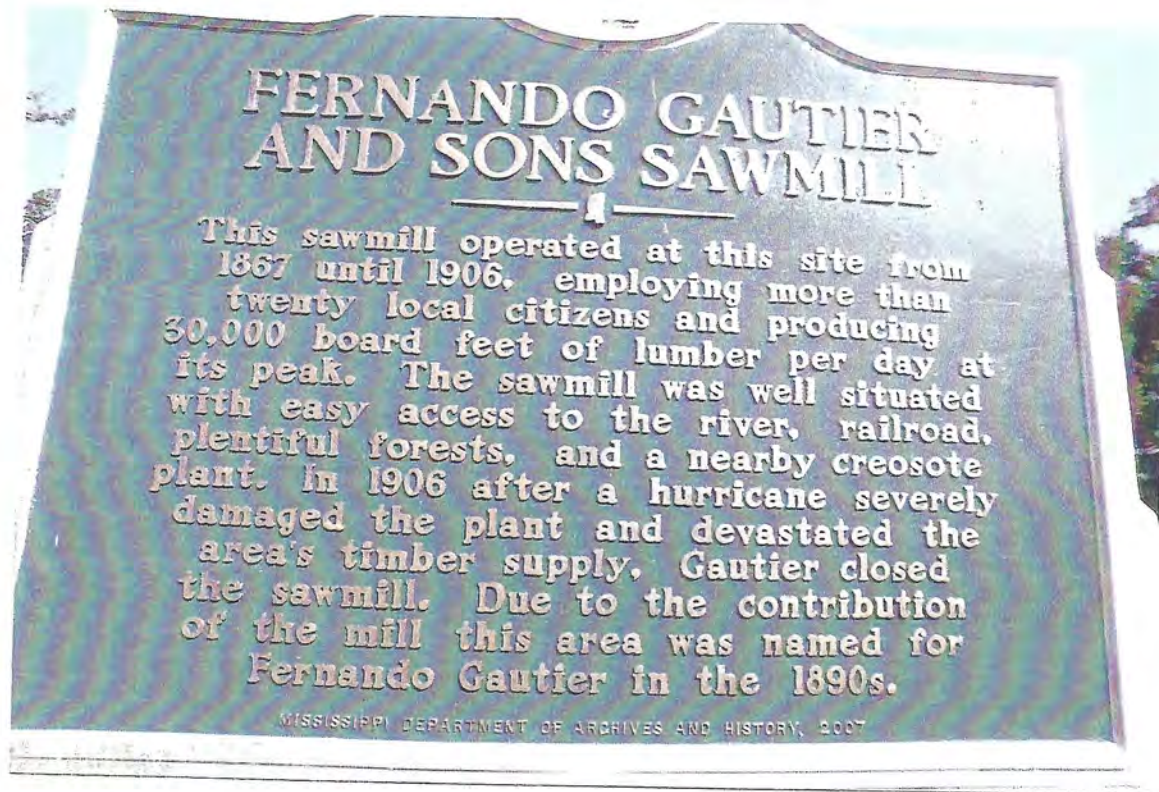
In 1874, the first pressure treating plant was constructed and operated by Putnan and Tobias. It forced the creosote through the wood, enabling it to last for decades. In 1881, the L&N Railroad began operation.

The opening of the L&N Railroad Creosote Plant was a major boost to the expansion of the settlement. The timber industry continued with the L&N Sawmill. Logs were floated down the West Pascagoula River (Singing River), and hoisted up to be cut into cross ties and bridge timbers for the construction of the railroad. The plant was the oldest timber-treating plant in United States. The plant was closed in 1954, and timber milling was no longer operated in Gautier except for some small mills.

Sources:

Jack Womack: A Short History

Jackson County Genealogical Society: History of Jackson County:1989



Fernando Upton Gautier (1832-1891) lived on the Tchouticabouffa in 1844. He became a farmer and engaged in logging on the Biloxi River. His entrepreneurship later included a store and sawmill.

Fernando moved to West Pascagoula (Gautier) after the Civil War and moved his sawmill operation in 1865. He joined with his two sons, Henry and Walter, to build the F. Gautier and Sons Sawmill.

Hilda Fire Tower symbolizes forest conservation

By JOANNE ANDERSON
Correspondent

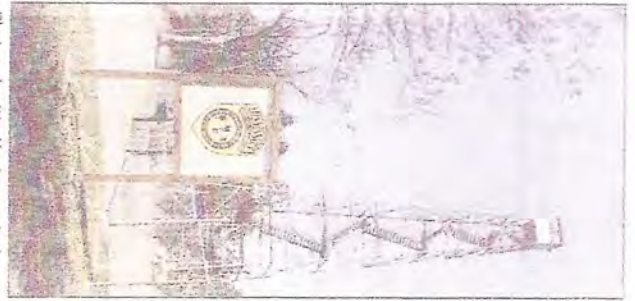


Photo submitted by Joanne Anderson
Hilda Fire Tower in Gautier

Of 261 fire towers that have served Mississippi, one of those that remains standing is the Hilda Fire Tower on the east side of Gautier-Vance Road in Gautier, just south of Interstate 10. It is on the itinerary of the Gautier Historic Commission Tour.

This tower was used extensively from the 1930s to the 1980s, when airplane surveillance became a key part of fire lookout. It is about 110 feet high, according to Leonard Fuller, GHC chairman. The house on top is 10 feet square, constructed partly of metal and partly of wood, and is where the observer was housed.

"At the height of five sea-son and high winds, a person would keep watch around the clock," Fuller said.

During World War II, the aircraft warning service was established, and in 1942,



volunteers were placed in selected fire towers located along the Mississippi Gulf Coast to detect foreign aircraft. After the war and the phasing out of the Civilian Conservation Corps, forest protection was turned over to the Mississippi Forestry Commission.

In the pre-GPS era, the Hilda Tower had a compass table with two sighting arms at each end. The observer would line up the two pointing arms with the smoke and communicate the degree angles to the next fire tower by hand radio. That tower would reciprocate, and at the point where the two lines crossed on the

map would be the fire location.

Today, the U.S. Coast Guard has erected a communication antenna on top of the tower, which still gives good visibility over the surrounding area and the city of Gautier.

"The Hilda Tower is a landmark of importance to the city in recognizing its past history of forestry and sawmilling," Fuller said. "With the community relying heavily on jobs connected to the timber industry, the need to protect the forest was critical, making the location of a fire tower in the area of great importance."

Hilda was in fact a community located just off Old Spanish Trail and named for a turpentine manufacturer's wife. It appears on the L&N Railroad map west of the Gautier Depot and also was the location of the first Consolidated Lyon's School.

The Hilda fire tower was probably built between 1933 and 1942 by the CCC. Before fire towers were used, the earliest lookout stations dating back to 1905 were high peaks. Since the South Mississippi forest lands provided no high elevations, structures made of wood became the first towers in the 1920s.

Tower

Continued from Page 1C

In 1934, Mississippi had 16.2 million acres in forestland, according to GHC research. Some of the towers built throughout the state have been taken down and cut up for scrap iron. Only five Mississippi towers are listed in the National Historic Lookout Register.

These towers, according to www.Lookouts.com, are:

1) The Airey Tower in DeSoto National Forest in Stone County. It was constructed in 1934 by a CCC company with enrollees from New Jersey. It is a radio relay site and is on standby status for fire detection.

2) The Moore Lookout Tower is in Bienville National Forest in Scott County. The first listing on the Register from Mississippi, it is an impressive example of a tower design that was constructed only on the National Forests in the Gulf States, and even there was not common. Built by a local contractor and a CCC crew, the 100-foot steel tower is topped with a 12-square-foot wooden cab with catwalk.

3) The Paret Tower is in DeSoto National Forest in Perry County. It was built in 1934 by a CCC unit with enrollees from New Jersey. Located on the former Black Warrior Ranger District of the DeSoto National Forest, it views a 16,000-acre National Forest tract used as a firing range by the National Guard. It is one of the few remaining of about 50 state and federal fire towers in southern Mississippi.

4) The University Tower is in DeSoto National Forest in Stone County. Once the U.S. Navy owned 23,000 acres of land in southern Mississippi to provide virgin longleaf timber for ship masts. After wooden sailing ships were phased out, this land was transferred to the State of Mississippi 100 years ago as

US Gazetteer > Mississippi Gazetteer > Mississippi Features > Mississippi Cultural Features Type: tower

Mississippi Cultural Features: Towers

☐ Additions and/or corrections to the database are encouraged! [Simple Add/Edit Procedure.](#)

Displaying 1 to 75 of 394 records

Next ▶

Name	County	USGS Topo Map
Airey Lookout Tower	Stone	Airey
Alderge Lookout Tower	Benton	Canaan
Amite Lookout Tower	Amite	Liberty
Ashley Lookout Tower	Copiah	Georgetown
Bagley Lookout Tower	Lafayette	Malone
Banner Lookout Tower	Calhoun	Banner
Barge Lookout Tower	Winston	Barge Lake
Batesville Lookout Tower	Panola	Batesville
Baxter Lookout Tower	Jasper	Montrose North
Beaumont Fire Tower	Perry	Beaumont
Benndale Fire Tower	George	Avent
Benton Lookout Tower	Benton	Camp Hill
Big Creek Lookout Tower	Wayne	Water Oak
Bilbo Lookout Tower	Pearl River	Big Swamp
Blue Hill Lookout Tower	Prentiss	Altitude
Brownsville Lookout Tower	Hinds	Brownsville
Buck Branch Lookout Tower	Pearl River	White Sand
Bude Lookout Tower	Franklin	Bude
Buffalo Lookout Tower	Wilkinson	Garden City
Carrollton Lookout Tower	Carroll	Coila
Cato Lookout Tower	Rankin	Braxton
Center Lookout Tower	Union	New Albany East
Choctaw Lookout Tower	Choctaw	Reform
Church Hill Lookout Tower	Jefferson	Church Hill
Clem Lookout Tower	Jefferson Davis	Mount Carmel
Coffeeville Lookout Tower	Yalobusha	Coker Lake
Coursey Lookout Tower	Smith	White Oak
Covington Lookout Tower	Covington	Collins
Crawford Lookout Tower	Benton	Whitten Town
Crosby Lookout Tower	Wilkinson	Laneheart
Crystal Springs Lookout Tower	Copiah	Crystal Springs
Dearbrook Lookout Tower	Noxubee	Cliftonville
Denmark Lookout Tower	Lafayette	Denmark
Dennis Lookout Tower	Tishomingo	Belmont
Elico Lookout Tower	Jackson	Vestry
Energy Lookout Tower	Clarke	Snell
Enterprise Lookout Tower	Clarke	Stonewall
Errata Lookout Tower	Jones	Sandersville
Fairview Lookout Tower	Itawamba	Fulton SE
Franklin Lookout Tower	Franklin	Meadville
Franklin Lookout Tower	Franklin	Meadville
Glen Lookout Tower	Alcorn	Kendrick
Glenville Lookout Tower	Panola	Looxahoma
Green Lookout Tower	Greene	Jonathan
Greens Creek Lookout Tower	Jefferson Davis	Bunker Hill
Hamilton Lookout Tower	Calhoun	Atlanta
Harrison Lookout Tower	Harrison	Success
Hazlehurst Lookout Tower	Copiah	Hazlehurst
Heidelberg Lookout Tower	Jasper	Heidelberg
Heucks Lookout Tower	Lincoln	Fair Oak Springs
Hickman Lookout Tower	Stone	Silver Run
Hilda Lookout Tower	Jackson	Gautier North
Hiwanna Lookout Tower	Wayne	Shubuta
Holder Lookout Tower	Jasper	Lake Como
Hoodtown Lookout Tower	Copiah	Utica East
Hopewell Lookout Tower	Itawamba	Bexar
Hurley Lookout Tower	Jackson	Harleston
Improve Lookout Tower	Marion	Improve
Jasper Lookout Tower	Jasper	Paulding
Jeff Davis Lookout Tower	Warren	Yokena
Jefferson Davis Lookout Tower	Jefferson Davis	Prentiss East
Kosciusko Lookout Tower	Attala	Kosciusko
Lacy Lookout Tower	Pearl River	McNeill
Lafayette Lookout Tower	Lafayette	Oxford South
Lamar Lookout Tower	Lamar	Baxterville NE
Latimer Lookout Tower	Jackson	Latimer

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Lauderdale Lookout Tower	Lauderdale	Meridian South
Leaf Lookout Tower	Perry	McLain
Lee Lookout Tower	Stone	Browns Lake
Lee Lookout Tower	Lee	Mooreville
Leesdale Lookout Tower	Adams	Jeannette
Lincoln Lookout Tower	Lincoln	Zetus
Lone Pine Fire Tower	Forrest	McLaurin
Luce Fire Tower	George	Earlville
Maben Lookout Tower	Oktibbeha	Double Springs

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DM 5 = Degrees/Minute/Seconds Lat (DM 5) Long (DM 5)

Hazlehurst (Wilson)	Unknown	314911	902648	N/A
Heidelberg	Unknown	315407	885506	N/A
Helena	Not Standing	303050	882955	Gone <2005
Heucks	Unknown	313646	901815	N/A
Hickman	Unknown	304400	891546	N/A
Hiwannee	Unknown	314747	883751	N/A
Holder	Unknown	315800	891016	N/A
Homing	Unknown	310934	903528	N/A
Hoodtown	Unknown	320003	903610	N/A
Hopewell	Unknown	340928	881500	N/A
Hurley	Unknown	304039	883001	N/A
Hurley	Unknown	303937	883003	N/A
Improve	Unknown	312155	894332	N/A
Jackson (Hilda)	Standing	302550	883909	Standing 01/2005
Jasper	Unknown	320602	890307	N/A
Jeff Davis	Unknown	321208	905231	N/A
Jefferson Davis	Unknown	313218	894806	N/A
Knoxville	Unknown	312337	910320	N/A
Kosciusko	Standing	330433	893718	Standing 2005
Lacy	Unknown	303807	893915	N/A
Lafayette (Thackers)	Standing	341937	893447	Standing 03/2004
Lake Lowndes	Unknown	332418	881905	N/A
Lamar	Standing	310849	893005	Standing 10/2005
Latimer	Unknown	303203	885136	N/A
Lauderdale (Tamola)	Unknown	323049	882732	N/A
Leaf	Unknown	310027	885044	N/A
Lee	Unknown	342155	883628	N/A
Lee	Not Standing	305131	892017	Gone (footings present) <2005
Leesdale	Unknown	312834	911004	N/A
Lexington	Unknown	330341	900100	N/A
Lincoln	Standing	313111	903207	Standing 01/2001
Lodi	Unknown	333250	892655	N/A
Lone Pine	Unknown	311017	890909	N/A
Longview	Unknown	332517	885327	N/A
Lorman	Unknown	315049	910608	N/A
Louin	Unknown	320530	891505	N/A
Luce	Not Standing	305713	882918	Gone <1971
Maben	Standing	332959	890421	Standing 2007
Madison	Not Standing	322801	901037	Gone <04/2003
Marietta	Unknown	343217	882952	N/A
Marion	Unknown	322628	884047	N/A
Mars Hill	Unknown	325645	891515	N/A
Maxie	Not Standing	305716	891119	Gone - moved to farm near Sumrall <2004
McCool	Standing	330633	891909	Standing 2003
McCower	Unknown	332034	883219	N/A
McHenry	Not Standing	304347	890840	Gone <11/1958

Hilda fire tower

1 message

Sam Morgan <smorgan@mfc.state.ms.us>
To: nitafuller@cableone.net

Tue, Jun 14, 2011 at 4:48 PM

Mr. Fuller,

As the Jackson County forester for the Mississippi Forestry Commission, I would like to learn more about the Hilda fire tower located at 6200 Gautier – Vancleave Rd. Surprisingly, there is very little information to be found on the internet.

Along with the history of the tower, I am also looking to find any possible local, state, or federal grants that may be available to assist in preserving this historical icon.

The tower is currently in disrepair, but in fair condition. I would estimate that within 2-3 years it will be unsafe to climb the timber stairs. As a matter of public safety the State will likely remove the tower within the next 10-15 years unless preventative maintenance can be done.

Thank you for your time,

Samuel Morgan

Jackson County Forester

Mississippi Forestry Commission

6200 Gautier- Vancleave Rd.

Gautier, MS. 39553

(601)- 528-0544

the Netherlands, established the Royal Netherlands Military Flying School at Hawkins Field.

The Civil Air Patrol in Jackson attempted to gather funds and support for the restoration of this historic building; however, they have not found success, as the airport authority that owns the terminal has continued to let the building deteriorate. However, there is hope for the terminal as the building is a Mississippi Landmark, helping to protect it from demolition, and a Save America's Treasure's grant of \$350,000 was approved in 2009 to stabilize the building.

Mississippi Industrial College Holly Springs, Mississippi

The search is still on for ideas on redevelopment of the structures that were built as part of the college founded for African Americans in 1905. At the request of the owners of the property at the time, the Christian Methodist Episcopal Church, the complex was designated a Mississippi Landmark by the Mississippi Department of Archives and History in 2002.

The complex of buildings was then sold to Holly Springs-based Rust College which is located across the street from the Industrial College. Without funds to maintain or restore the buildings, many have fallen prey to deterioration and a storm several years ago caused the roof of one building to completely collapse, and now some walls of the same building have collapsed. Rust College has been working for several years to try and get federal funding for the buildings, however they have not been successful.

Save

More Fire Tower West, Mississippi

The Mississippi Forestry Service has allocated funds to repair and replace many of the damaged steps, fix the twisted and rusted beams, and replace the roof. Some cosmetic repairs still need to be made to the interior of the structure, but at present it is structurally sound. The tower will not be opened to tours, but visits to the tower may be incorporated with other tours so that interested visitors are able to at least see the structure.

Kippys Road and Turkey Creek North Gulfport, Mississippi

The Turkey Creek community has experienced mixed success, setbacks, and unexpected challenges. Turkey Creek is significant as it was developed as a post-Civil War African American community and in the late 19th and early 20th centuries, it grew to become a thriving community as numerous African Americans came to the Coast in search of work.

In addition to an individual listing for the Benton House, the Turkey Creek community was listed on the National Register of Historic Places as a historic district in 2009. Nevertheless, escalating threats of urban sprawl, deforestation and environmental problems continually must be faced. A tightening band of transportation and commercial development, and the proximity to active and inactive chemical plants pose additional obstacles to community survival. However, hopes have been lifted by support from historic preservationists and environmental justice advocates who learned of the plight of the area largely through MHT's timely concern and publicity.

During Hurricane Katrina, Turkey Creek suffered severe flooding and high winds which damaged many of the houses. After the storm volunteer groups assisted with repairs and the National Trust for Historic Preservation donated money to help with recovery of the neighborhood. Eight houses within the Turkey Creek Historic District, including the home of the community's founder, Melinda Benton, were awarded grants through the Hurricane Relief Grant Program for Historic Preservation, administered by the Mississippi Department of Archives and History. As the restoration of these

*Mississippi's 10 Most
Endangered Historic Places
Mississippi Heritage Trust*

TO: *Mississippi Landmark Applicants*
From: Hal Bell, Review and Compliance Assistant
Subject: *Mississippi Landmark Designation*

Thank you for your inquiry regarding the designation of a historic property as a *Mississippi Landmark*. Attached is a flier that briefly explains the *Mississippi Landmark* program and answers frequently asked questions about the state's Antiquities Law, which governs the *Mississippi Landmark* program.

We trust that it is clearly understood that this designation, which is being made at the request of the owner, entails a long-term commitment on the part of the owner to the preservation of this historic property. Once a property is made a *Mississippi Landmark*, the Department of Archives and History will only consider rescinding the designation under extraordinary circumstances

To assist the Department in expediting the evaluation process, please complete the enclosed "Mississippi Landmark Eligibility Assessment Questionnaire" and return it to the Historic Preservation Division along with the following materials:

- 1) Photographs.** For buildings, please submit at least two photographs of the exterior that provide a good overall view of the structure and at least two photos of the interior that illustrate the primary rooms and any significant details, such as stairways, mantels, and/or artwork.
- 2) Map.** Please include a copy of a city, county, or USGS map with the location of the historic property clearly indicated. The map should be sufficiently detailed to easily locate the property.
- 3) Resolution.** To speed the designation process by avoiding time-consuming legal notifications and public notices if the property is determined eligible for landmark designation, please complete the appropriate version of the enclosed "Resolution for *Mississippi Landmark* Designation." Historic properties belonging to the state, counties, municipalities, school districts, and other political subdivisions should use the "Resolution for *Mississippi Landmark* Designation of Publicly Owned Property," which must be signed by the chief elected official or agency head of the governing body. Properties belonging to private nonprofit organizations should use the "Resolution for *Mississippi Landmark* Designation of Privately Owned Property," which must be signed by the chief officer or legal representative of the organization. The resolution must be notarized.
- 4) Legal description.** The precise legal description of the historic property for which *Mississippi Landmark* designation is sought must be attached to the completed resolution as "Exhibit A." This should be the property description as recorded in the county deed records.

The Permit Committee of the Board of Trustees of the Department of Archives and History meets on the second Thursday of each month to handle matters related to the *Mississippi Landmark* program. In order for a request for *Mississippi Landmark* designation to be processed, a complete packet of the above listed items should be received by the Department at least one week prior to the meeting. Submission of incomplete or inaccurate information in the packet will delay the processing of the *Mississippi Landmark* evaluation/designation.

Again, thank you for your interest in the *Mississippi Landmark* program. If you have additional questions, please feel free to contact me at the above address or phone number.

Enclosures

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi the following:

RESOLUTION NUMBER 017-2014

RESOLUTION REQUESTING DEPARTMENT OF DEFENSE TO RECOGNIZE NATIONAL DEFENSE AND SECURITY VALUE OF KEESLER AIR FORCE BASE AND ITSC-130 TACTICAL AIRLIFT MISSION AND TO PRESERVE AND RETAIN MISSION KEESLER DURING CURRENT FISCAL RE-ORGANIZATION

WHEREAS, Keesler Air Force Base plays an essential role in the defense and security of our nation through its numerous technical and operational training programs, including its C-130 Tactical Airlift Mission;

WHEREAS, it has been noted that the Department of Defense is in the process of reorganizing its military missions and may be looking at the C-130 Tactical Airlift Mission at Keesler Air Force Base; and

WHEREAS, for many years Keesler Air Force Base has been the leading center in the nation for the training of personnel for technical, tactical, and operational purposes, and continues to assist the nation in the defense of its national security both at home and abroad through cyber-training programs, its C-130 Tactical Airlift Mission, other flight mission programs, and logistical and operational training programs; and

WHEREAS, the C-130 Tactical Airlift Mission is strategically located at Keesler because of its proximity to other related training and operational programs at Keesler, and should be recognized as an important and integral part of the overall defense contribution of Keesler Air Force Base; and

WHEREAS, Keesler Air Force Base is a vital part of the economic fabric of the Mississippi Gulf Coast and its personnel have become an essential partner in our local community, but more importantly, it's missions such as the C-130 Tactical Airlift Mission have become a cornerstone of the national defense and security structure that protects and defends our nation; and

WHEREAS, as recognition of the importance and quality of the missions and personnel located there Keesler Air Force Base was awarded the 2013 Air Force Installation Excellence Award; and

WHEREAS, it is in the best interest of our nation to protect and preserve both the missions and personnel located and stationed at this outstanding Air Force Base during this current round of re-organization by the Department of Defense by retaining the C-130 Tactical Airlift Mission at Keesler Air Force Base;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, AS FOLLOWS:

SECTION ONE. The United States Department of Defense is hereby requested and urged to preserve and retain the C-130 Tactical Airlift Mission and personnel at Keesler Air Force because of their critical and essential role in the security and defense of our nation, and, if programs and personnel within the Defense Department structure must be relocated or re-aligned, those programs and personnel should be transferred to rather than from Keesler Air Force Base, which is currently recognized by the Air Force itself with its award for the highest quality facility and operation.

SECTION TWO. The City Clerk is hereby directed to send certified copies of this resolution to the members of the Mississippi Congressional Delegation, thereby requesting them to represent the best interest of both the nation and the people of Mississippi by urging the Department of Defense to preserve and retain the C-130 Tactic I Airlift Mission and personnel at Keesler Air Force Base.

Motion made by **Councilwoman Martin**, seconded by **Councilman Vaughan** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 3, 2014.

Mayor

A.J. Holloway

Council Members

George Lawrence, Ward 1

Felix Gines, Ward 2

Dixie Newman, Ward 3

Robert L. Deming III, Ward 4

Paul A. Tisdale, Ward 5

Kenny Glavan, Ward 6

David Fayard, Ward 7



P.O. Box 429
Biloxi, Mississippi 39533

May 28, 2014

The Honorable Gordon Gollott
Mayor, City of Gautier
3330 Highway 90
Gautier, MS 39553

SUBJECT: Preservation of C-130 Tactical Airlift Mission for Keesler Air Force Base

Dear Mayor Gollott,

Attached is Resolution Number 229-14, which requests the Department of Defense to recognize the National Defense and Security value of Keesler Air Force Base and its C-130 Tactical Airlift Mission and to preserve and retain that mission at Keesler Air Force Base during the current fiscal re-organization.

It is the desire of the City of Biloxi Mayor and City Council that the City of Gautier, as well as the other Coastal cities, join in and adopt a similar resolution.

Thank you, in advance, for your support as we strive to retain the current mission of Keesler Air Force Base and its contributions to our Mississippi Gulf Coast as a whole!

Sincerely yours,

Kenny Glavan
Vice President
Biloxi City Council

KG/spr
Attachment

STATE OF MISSISSIPPI

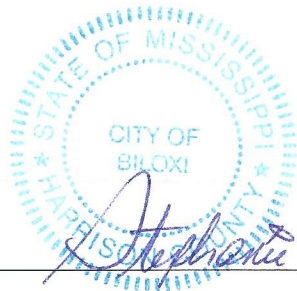
COUNTY OF HARRISON

CITY OF BILOXI

CERTIFICATE

I, the undersigned, Stephanie P. Rosetti, Assistant Deputy Clerk of the Council, of the City of Biloxi, Mississippi, do hereby certify that the attached Resolution Number 229-14 is a true copy of the original Resolution, which will be placed on the record of the Council Minutes of the City of Biloxi, Mississippi, of a duly held meeting on the 6th day of May, 2014, and that the original Resolution appears on record in the Clerk of the Council's Office from which this copy is taken and compared.

DONE this the 28th day of May, 2014.



Stephanie P. Rosetti

RESOLUTION NO. 229-14

RESOLUTION REQUESTING DEPARTMENT OF DEFENSE TO RECOGNIZE NATIONAL
DEFENSE AND SECURITY VALUE OF KEESLER AIR FORCE BASE AND ITS C-130
TACTICAL AIRLIFT MISSION AND TO PRESERVE AND RETAIN THAT MISSION AT
KEESLER DURING CURRENT FISCAL RE-ORGANIZATION

WHEREAS, Keesler Air Force Base plays an essential role in the defense and security of our nation through its numerous technical and operational training programs, including its C-130 Tactical Airlift Mission;

WHEREAS, it has been noted that the Department of Defense is in the process of reorganizing its military missions and may be looking at the C-130 Tactical Airlift Mission at Keesler Air Force Base; and,

WHEREAS, for many years Keesler Air Force Base has been the leading center in the nation for the training of personnel for technical, tactical, and operational purposes, and continues to assist the nation in the defense of its national security both at home and abroad through cyber-training programs, its C-130 Tactical Airlift Mission, other flight mission programs, and logistical and operational training programs; and,

WHEREAS, the C-130 Tactical Airlift Mission is strategically located at Keesler because of its proximity to other related training and operational programs at Keesler, and should be recognized as an important and integral part of the overall defense contribution of Keesler Air Force Base; and,

WHEREAS, Keesler Air Force Base is a vital part of the economic fabric of the City of Biloxi and its personnel have become an essential partner in our local community, but more importantly, it's missions such as the C-130 Tactical Airlift Mission have become a cornerstone of the national defense and security structure that protects and defends our nation; and,

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WHEREAS, as recognition of the importance and quality of the missions and personnel located there Keesler Air Force Base was awarded the 2013 Air Force Installation Excellence Award; and,

WHEREAS, it is in the best interest of our nation to protect and preserve both the missions and personnel located and stationed at this outstanding Air Force Base during this current round of re-organization by the Department of Defense by retaining the C-130 Tactical Airlift Mission at Keesler Air Force Base;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION ONE. The United States Department of Defense is hereby requested and urged to preserve and retain the C-130 Tactical Airlift Mission and personnel at Keesler Air Force because of their critical and essential role in the security and defense of our nation, and, if programs and personnel within the Defense Department structure must be relocated or re-aligned, those programs and personnel should be transferred to rather than from Keesler Air Force Base, which is currently recognized by the Air Force itself with its award for the highest quality facility and operation.

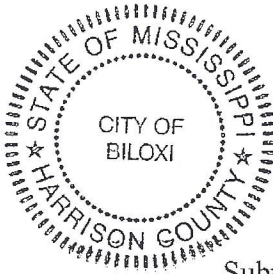
SECTION TWO. The Clerk of Council is hereby directed to send certified copies of this resolution to the members of the Mississippi Congressional Delegation, thereby requesting them to represent the best interest of both the nation and the people of Mississippi by urging the Department of Defense to preserve and retain the C-130 Tactical Airlift Mission and personnel at Keesler Air Force Base.

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The foregoing Resolution having first been reduced to writing, was read by the Clerk and moved by Councilmember Fayard, seconded by Councilmember Newman, and was adopted by the following vote:

YEAS:	Lawrence	Tisdale	NAYS:	None
	Gines	Glavan		
	Newman	Fayard		
	Deming			

The President then declared the Resolution adopted this the 6th day of May, 2014.



ATTEST:

APPROVED:

Keeli Campbell
DEPUTY CLERK OF THE COUNCIL

Paul L. Tisdell
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 8 day of May, 2014.

APPROVED:

RG Holloway
MAYOR

Motion made by Councilwoman Martin to recess the meeting until June 17, 2014 at 6:30 P.M. Motion seconded by Councilman Vaughan and unanimously carried.

APPROVED BY:

MAYOR

ATTEST:

CITY CLERK

Submitted for approval by the Mayor and Members of the Council of the City of Gautier, Mississippi at the meeting of June 17, 2014.