

MINUTES
WAVELAND PLANNING & ZONING COMMISSION
JULY 28, 2014

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 p.m. on Monday, July 28, 2014 at the Waveland City Hall, located at 301 Coleman Avenue, Waveland, Mississippi.

Chairman Roger Estopinal called the meeting to order at 6:00 p.m. Present were Commissioners Jay Fountain, Clarence Harris, Tish Ortiz, Zoning Official Christine Gallagher, Sherry Blankenship of the Building Department and City Attorney Gary Yarborough. Commissioner Mike Kopke was absent. Chairman Roger Estopinal established there was a quorum present.

Chairman Roger Estopinal called for a motion to accept the minutes from the Special Meetings of May 29, 2014 and June 26, 2014.

Jay Fountain moved, seconded by Clarence Harris to approve the minutes as written. the motion.

After a unanimous vote by all members present in favor of the motion, Chairman Roger Estopinal declared the motion carried.

The City of Waveland requests a zoning change from CO-1 to CO-2 on the properties located at 111, 113, 115, & 117 North Beach Boulevard. Legal description: Block 6 lots 5-8, Waveland Terrace Subdivision, City of Waveland, Hancock County, Mississippi.

City Attorney Gary Yarborough said that he would speak to the request. Mr. Yarborough said that the request is for the four lots on the SW corner of Terrace Avenue and North Beach Boulevard. The parcels numbers are 161E-0-02-131-134.000. The character in nature of the neighborhood is subject to change and the proposal would allow a restaurant to be developed on that property site. This is an application of The City of Waveland for that re-zoning to allow that perspective use. Mr. Yarborough asked that the zoning commission consider adopting that use to change the zoning as requested.

Chairman Roger Estopinal asked the commissioners if they had any questions. Commissioner Harris asked if this is the same property owned by Kevin Jordan that he had previously appeared before the commission. He also asked if Mr. Jordan was going to build the restaurant or would this property be sold once the zoning is changed.

Mr. Yarborough said that his understanding is that he does not know if Mr. Jordan is planning to sell the property or if it would be through a lease or a sale, but it would be developed as a restaurant. Commissioner Harris asked as to what effect this would have on Terrace Avenue or the properties back toward Coleman Avenue. Mr. Yarborough said that he did not believe that there would be any negative impact on traffic. It would just be a unit restaurant facility. He also said hopefully it would bring some activity to that part of the community which is kind of empty right now. Commissioner Harris

asked if the property going back toward Bourgeois Street, if anyone wanted to build a restaurant, they would have to come before the commission with the same request. Mr. Yarborough said that is correct. This request is only related to those four parcels.

Chairman Roger Estopinal asked if there was anyone present to comment on this request. There were no comments on the request.

Chairman Roger Estopinal called for a motion on the request.

Jay Fountain moved, seconded by Clarence Harris to recommend that the Board of Mayor and Aldermen approve the request as submitted.

Commissioner Roger Estopinal asked if there was any one else present to comment on the request. There were no comments on the request.

After a unanimous vote by all members present in favor of the motion, Chairman Roger Estopinal declared the motion carried.

Colonial Management Group, LP appeared before the commission with a request for a conditional use in order to operate an outpatient medical clinic to be located at 407 Highway 90. Legal description: Phase 1 (pt. NE 1/4, 34-8-14) Waveland Professional Plaza, City of Waveland, Hancock County, Mississippi.

Mr. Yarborough said just for the record, Madam Clerk, what is this property zoned C-1, is that correct? Mrs. Gallagher said the zoning on this property is C-3.

Mr. Yarborough asked if there was anyone present to speak on the behalf of Colonial Management group, LP. Mr. Yarborough asked that the representative state his legal name, address and position if applicable

James Scully, with Colonial Management Group, 1936 Fallwood Drive, Orlando, Florida 32827. I am the Director of Business Development.

Mr. Yarborough told Mr. Scully to address the commission and that the request is for a conditional use under Section 906.3 of Zoning Ordinance 349.

Mr. Scully said that according to zoning, the property is currently zoned C-3. We do note that C-1 is available as well for that location and under C-1 zoning, it does require conditional zoning since we are a medical outpatient clinic. At this time we are requesting a conditional use.

Mr. Yarborough asked Mr. Scully as to what type of outpatient medical clinic are you requesting.

Mr. Scully said that they are a methadone clinic that provides outpatient help for those patients who need to travel within a certain radius of the City of Waveland. We are not a

pharmacy. We do not prescribe prescriptions, people do not come in and get reimbursed from their insurance company for that. We are a private pay as well.

Mr. Yarborough asked Mr. Scully to describe in detail what your practice is and the proposed use of the property.

Mr. Scully said that their practice is to help rehabilitate those individuals who are addicted to opiates and pain killers in the United States. It is our purpose to wean individuals off of drugs with most likely illicit pain pills, sometimes heroin. Also it is our job to prescribe a medication that they use as they come off of what we call "withdrawals" from not using drugs and more. It is our requirement that they show withdrawal symptoms when they enter into our clinic. We have a professional M.D. who is on site to intake those clients. Those individuals are therefore seen by a nurse as well. The Dr. specifies the dose that they need to take on a daily amount. They come in daily and our hours are normally 5:30 a.m. thru 10:30 to 11:00 a.m. for dosing and therefore makes it very easy for those that need this type of medication to survive daily to come in early and yet still are able to go to work. What we want to do is to be able to put these individuals back into society and allow them to work and not to continue down the path that they currently might be on.

Mr. Yarborough asked if the methadone is housed at the facility. Mr. Scully said that they have a pharmacy located within the facility that is inspected by the DEA, by State and Board of Pharmacy as well. We also use a professional contractor for security that the United States Government uses as well for security. We make sure all precautions are taken.

Mr. Yarborough said that you stated that individuals would be traveling. Where would they be traveling from, what is the radius that they would be traveling from? Mr. Scully said that they look at doing the outlying statistical area, such as Gulfport, Biloxi, and Waveland as well and anywhere along Highway 90 corridor. We have been requested by the State of Mississippi to help ease the issue or help those that need help. Mr. Scully said that there is a demand for what we offer in this area of southern Mississippi and the State of Mississippi has requested us to look at this area.

Mr. Yarborough said that this property is owned by Johnny Neumeyer. Mr. Yarborough asked if they have a lease with the owner. Mr. Scully said that the property management company does have a lease with Mr. Neumeyer.

Mr. Yarborough asked how, if at all, the use would increase traffic hazards around the site. Mr. Scully said that they do not feel that it would increase. The patient growth is not instant. We don't go to having 50-75 people on the door step, you open the door and get involved in the community. Our program director, our regional director would be very active in the community letting those out there know that we are there to help them to rehabilitate them and help them. We budget or allocate for 6-10 people for the first month. By the end of the calendar year, we are looking for around 75-80 people. We always follow state code when it comes to 40 patients per Doctor, per counselor. When

we get more than 40 people, we add another counselor on board, possibly from the City of Waveland. That is how we continue to grow.

Mr. Yarborough asked if the people will be traveling to and from the facility. Mr. Scully said that they will be but that they do not see a large increase from 80-85 people. Mr. Yarborough asked how regularly does an individual come to the facility. Mr. Scully said they come daily and that they are open seven days a week, we follow state and federal law.

Mr. Yarborough asked how, if at all, this will impact fire hazards around the property or neighborhood. Mr. Scully said at this point he does not see any impact for fire hazards as we know.

Mr. Yarborough said his expectation is that we have some citizens here that may think that you may adversely affect the character of neighborhood. What is your comments, if anything, on that. Mr. Scully said that what we say in every community that we go into, which is heroin, pain addition does not pick who it wants to attack or hurt. It could be a doctor, a lawyer, or your friend down the street or a family member. We go into these communities to help these individuals. That is our goal. We are not going to open up a facility to allow individuals to hang out. In many cases we hire off duty police officers or security officers to make sure these things do not happen. We do not let the exterior of the facility become worn down, etc. We have annual and every three years inspections done by a federal program to make sure our facility is up to standards.

Mr. Yarborough asked if methadone affects their driving. Mr. Scully said that it did not. He said that most of their patients drive or get rides. They come in take their methadone and leave.

Mr. Yarborough asked how, if at all, it would benefit the City of Waveland. Mr. Scully said that not just Waveland, but the surrounding cities would benefit in a sense by helping those that might not be able to get it because the help is too far away or help is just not here. Mr. Scully said again that we do bring in staff such as a doctor, nurse, pharmacists, also a director and several counselors. These are jobs that will be generated.

Mr. Yarborough asked if the methadone clinic would create an increase in traffic of heroin addicted individuals to the City of Waveland. Mr. Scully said that those traveling in to get their dose of methadone will get their dose and leave, so yes.

Mr. Yarborough asked if the commissioners had any questions for the applicant.

Chairman Estopinal asked if they had any statistics of crime rate or if crime had increased at other locations. Mr. Scully said that actually crime should decrease, He said that there may be some in the community who might not be getting treatment or know about the treatment committing crimes to get their next high or to steal their next oxycodone or to buy their next five dollar bag of heroin. Once they know the services that we provide, they can come in once they show signs of withdrawal, and get their daily dose of

methadone. What methadone does is gives them the state that sensing the opiate in the brain that does not harm them like heroin or oxycodone does. Pregnant women addicted to heroin can take this as it does not harm babies. In areas where we do operate, county jails actually bring their pregnant women in who are addicted to heroin to our clinics.

Commissioner Jay Fountain asked about the daily hours of operation. Mr. Scully said Monday through Sunday 5:30 a.m. – 10:30 a.m. for dosing and then 10:30 a.m. – 2:00 p.m. to do counseling, Doctors comes in usually three times a week, Monday, Wednesday and Friday or Tuesday, Thursday, Friday. That is when (inaudible) is performed. When our outpatients show up for the first day, to begin the process, they must schedule an appointment, they just cannot randomly show up. We give them the information to call. Saturday and Sunday, we open up the same time. It usually depends where we are located. Clinics in Florida or multiple clinics within certain distance, we mirror the hours so that we don't cause our patients to think we do different things at different places. Commissioner Fountain asked what happens if a patient comes in at 3:00 and you are closed for dosing at 11:00. Mr. Scully said at 2:00 we are closed and the alarm is on. Our counselors teach our patients that we are here to get their lives back on track. We are not there every day to help regulate the problem and not go forward. State regulation requirement in most places is to involve them in heavy counseling and programs. Most of our clinics have job programs or job boards. Our job is to get them back into the community. Commissioner Fountain asked again what will the person do who shows up at 3:00 and there is no drugs available. What do you think they are going to do? Mr. Scully said that at this point this has never happened. Commissioner Fountain said that he found that hard to believe. Commissioner Fountain asked as to how far are people traveling. Mr. Scully said that they looked at Gulfport and surrounding communities. We are not saying that in this case we are accepting someone from Slidell. That is not going to happen. We are here to help the surrounding communities. When an individual comes in to get dosed, get intake, they will sign a code of conduct of rules and guidelines that has the hours of operation and that they are not allowed to do anything vicious or venomous toward a staff member, the clinic, towards another patient or anything else towards those lines. So when they come in they know the hours of dosing. Sometimes you might have someone show up around 11:30 or 12:00, in those cases they can call the clinic and sometimes special things can be made or special times can be set. The majority of the staff is there early in the morning because our claim is to help these individuals to come in early in the morning, get their daily dose and then go to work, go to college, or public service or whatever it is in their life to help them re-establish to get them on the right way. Commissioner Fountain asked what the percentage of people is that come to the clinic that actually have jobs. Mr. Scully said that he does not have those numbers. Commissioner Fountain asked in regard to security, will they be there twenty four hours a day? Mr. Scully said that in their clinic the entire pharmacy is monitored twenty four hours a day by alarm. Our hours of any normal business. We will open for our hours, individuals come in get their daily dose and then go back to their life, whether it is a job, public service, family, whatever. Commissioner Jay Fountain asked Mr. Scully if the individuals taking methadone have to take it daily. Mr. Scully said that they do. Commissioner Fountain said that the individuals coming from Biloxi must drive back and forth daily. Mr. Scully said that is correct. Commissioner Fountain asked if

individuals are provided vouchers for transportation. Mr. Scully said that they do not provide that but they do have message boards at every clinic where they can put up messages for car pool rides, jobs that are hiring, etc. Commissioner Fountain asked Mr. Scully if he had tried to secure other locations in different areas. Mr. Scully said that they did not, they looked at Waveland. Commissioner Fountain asked Mr. Scully as to what made them choose Waveland. Mr. Scully said that his superior, Katie Peck, visited the area and has also spoken with the Mayor as well as the State of Mississippi, the Governor, as well as Desoto, which stands for main individuals who are in charge of all methadone facilities in the state of Mississippi. Desoto has also recommended this area as well. Commissioner Fountain said that he thinks this is an out of the way place being such a small city for a clinic and that he thinks it would be more useful in a larger city. Mr. Scully said that most of the clinics are in smaller cities. He said that in the larger cities, the need is met. We are going to the smaller areas where the help is needed. Mr. Scully said that in most cases, states operate methadone clinics. They have some sort of state funding, but the state can only do so much and we continue to go out to the smaller areas where people need help. He said that his boss, Katie Peck, is the individual who goes out and meets with mayors, governors, and she has the task of finding the locations.

Mr. Yarborough asked Mr. Scully where the location is for the nearest methadone clinic. Mr. Scully said that he did not know. Another representative said that they believe the closest one would be in New Orleans, or Mobile and there is one in Jackson. Mr. Yarborough said that it would be clear to say that people from Gulfport or Biloxi needing methadone would have to come to Waveland to get a fix. Mr. Scully said yes but he would like to correct that by saying "this is not a fix". Mr. Yarborough said that earlier that your goal is to cure these people. How many people actually come off of methadone? Mr. Scully said that there are people who continue to function with it for several years. It becomes a safety net and at that point their daily dosage is whittled down. It is their net to prevent them forever going back down the road to addiction. We like to see a success rate of greater than two-thirds of all of our patients. Some slowly come off of methadone use and go back to working daily. Every state has certain guidelines, phase 1, phase 2, phase 3, and depending on the phase and how long they have been on the program you start to have certain responsibilities that are take homes. Mr. Scully said that at a certain time, say you are in phase 3, you have been with a methadone clinic say 5+ years, you are allowed to go in once a week, gather up your methadone for the week and take it home in a lock box. Mr. Scully said that would be the responsibility of the individual and at any point, we can call them back to check their doses to make sure everything is right, but then again we are trying to treat our patients as normal people. We want them to live normal lives and we want to help them along that path.

Chairman Estopinal said that you stated that this is not used as a fix. Mr. Scully said that is correct. Chairman Estopinal asked if there is documentation to prove that. Mr. Scully said that there is over 30 years+ of documentation that methadone, when used properly to help those individuals, replaces the high an individual gets when using heroin or oxycodone, hydrocodone or any of the other opiates. He said that the opiate sensor in the brain still registers but the individual can still function. Mr. Scully said that these are students, taxi cab drivers, mothers, and normal daily people. He said that he has seen

mothers bring their children with them to the clinics. Chairman Estopinal said then would it be safe to say that this would be an antidote for their problem. Mr. Scully said that it is.

Commissioner Jay Fountain asked Mr. Scully if they conduct background checks or possible screening of the patients. Mr. Scully said that when they come in they verify by driver's license and at the same time he said that he thinks that the State of Mississippi, participates in the pill mill, which is everyone who gets diagnosed with some type of pain killer has to be registered. Anyone who has an open prescription of oxycodone or hydrocodone cannot come into their clinic not showing signs of withdrawal from this issue and try to get a methadone fix as well. Mr. Scully said they do not do a criminal check. We just verify they are who they say they are and they are diagnosed by an actual doctor and the doctor prescribes them a correct dosage. When they start seeing our counselors on a daily basis, then after a month, it's on a weekly basis. After a couple of months it is every two weeks. Our medical professional counselors are there to guide them.

Commissioner Fountain asked as to how they know whether or not people have committed crimes or are sexual predators. He said that they would be coming into the neighborhood and there are a lot of children in the area and if you are not going to screen the individuals to see if they have criminal backgrounds, seems to me that you are going to need a lot of security. Mr. Scully said that from traveling around the country to the clinics that he has been at, if they even have an officer/security guard, it is only one. These individuals are not going to come to a methadone clinic to commit crime, or commit harm, they are coming there with a purpose to get their life back. Commissioner Fountain said that they are coming there to get their methadone and like I said earlier, if they come from Biloxi or Ocean Springs and not get treated or ya'll don't have it, what do you think they are going to do in that neighborhood. Mr. Scully said that the individuals are seeking them out and they are speaking to a counselor or program director, they know what is provided. When they call to schedule an appointment, the program director makes it very clear to them that they must show signs of withdrawal and they are not using drugs and they are legitimately coming in for help. He said that you're normal, average, everyday stereotyping a heroin addict, hydrocodone, oxycodone user is not going to go to a methadone clinic. They are going to be on the streets or going through medicine cabinets or where ever they can get their next fix at. It is not at a facility. Commissioner Fountain said that what he is saying is what if they come there and the clinic is closed they are going to look into to getting some for somewhere. He said that unless you are there twenty four hours a day to treat people, if you are not there to treat them, how will they cope with what they are already dealing with. Commissioner Fountain said that they will do anything to get drugs and he cannot see this clinic in this area where there are a lot of children and churches and different things, He asked Mr. Scully why wouldn't the individuals be recommended to a rehab facility instead of your clinic. Mr. Scully said that it has been proven that detox does not work and those who do detox eventually fall off the bandwagon. Commissioner Fountain said that most places give you drug test, so how do individuals get jobs unless you are self-employed. Mr. Scully said that the individuals that come to the clinic are not on any type of drugs, which

is the key point. They must show signs of withdrawal and be off of oxycodone, hydrocodone, heroin and that they are coming in for help. Commissioner Fountain asked if the individual is drug tested at their job, does the methadone show up in the drug test. Mr. Scully said that it does not. The methadone is going in to help stimulate the opiate in the brain without the additive treatment that the drugs have. Commissioner Fountain asked Mr. Scully if they have had any serious trouble at any of the other clinics. Mr. Scully said that they have not, and the patients at the clinics become individuals who are able to help the clinic. He said that they has been two robberies, one in Savannah about a year ago and one in south Texas about three years ago and both times the individuals were not patients and the clinics were robbed for the money. He said that in the robbery in Savannah, the patients actually ran out to get the tag number.

Commissioner Fountain said that since the drugs are dispensed during certain hours, would you say that they will be 60-70 people at a time. Mr. Scully said there is a maximum at the facility. There is a 40-1 ratio, a doctor, program director and a counselor, the program director and counselor can only see up to 8 people. Mr. Scully said per state regulations they are not allowed to see another patient and they would have to hire additional program directors and counselors. At the point where we have 4 counselors in the facility three or four years down the road, it doesn't show we have people traveling here but it shows that there is that many people out in the community that we are helping.

Commissioner Clarence Harris said that his concern is that they have not done a survey showing the need for a city as small as Waveland. He also said he would like to know how the patients are paying. Mr. Scully said that it is private pay or third party pay. In most cases you have individuals who have jobs that are paying their 12, 13, or 14 dollars a day to come in and get this. It is not a freebie or handout. They pay their money to buy their methadone so that they can go on to function the rest of the day. It is not Medicare, Medicaid or a voucher system. It can also be a third party payment, such as a parent, grandparents or a church. Churches have deposited money in a member's account. Commissioner Harris asked what if the patient cannot afford to pay any longer, then they cannot receive treatment. Mr. Scully said that they are not allowed to cold turkey cut someone off. If at a point the can no longer pay, they must see a program director or counselor and then will direct them to the program to help them for which it will be a charge account. If a patient loses a job or if off for a period of time, then you can work off of a payment plan to pay charges down or they can go to a third party payment plan. Commissioner Harris asked if there is subsidizing from the state or federal government. Mr. Scully that they do not receive any type of funding. He said that the state has their own clinics that they run in major metropolitan areas. Commissioner Harris asked why couldn't a facility like this team up with the hospital or locate close to the hospital instead of locating it where it could possibly deter other businesses locating next to the clinic. People has the perception that anyone on methadone or drugs are bad. I really don't think that but that is the perception most people have. Commissioner Harris said that he has not heard anything that would benefit the City of Waveland tax wise or benefit the citizens but at the same time you are asking the City to allow you operate your clinic that could possibly harm the city more than help. Commissioner Harris said that he thought

they should have a survey saying that this area is in need of this type of service. Mr. Scully said that we could always produce a request for a letter of recommendation from the State of Mississippi. The issue of tenants, a lot of locations that we are in, we do have tenants around us such as gas stations, hair salons, post offices, and other businesses. We would like to locate near a hospital if we can but in an instance we cannot find a building or zoning, we will look based upon recommendation where they want us to go to find the best needed area for what we need. We cannot open in a 2,000 square foot facility. We need a 6,000 square foot facility and we have to be sure we have ample parking. Once we find a location we have to be sure of the zoning that allows the clinic. 9 out of 10 times an outpatient rehab facility falls under a conditional use in the city for this reason, in order for you to be able to ask questions and we can give you satisfactory answers. This requires a lot of planning and once our building is built out DEA will come and do an inspection to make sure it is right. The Board of Pharmacies will also make sure that our clinic is top notch. Once those two Federal agencies are satisfied then we have to go to the state. The State of Mississippi has to give their approval and then we have to go to KARF which is another federal agency which is involved with mental health and they have to approve. After four regulatory agencies give approval then we are allowed to open the doors.

Mr. Yarborough asked Commissioner Tish Ortiz if she had any comments. Commissioner Ortiz asked based on the population of Hancock County, do we know how many residents are addicted to opiates. Mr. Scully said that they did not know. He said that these are people hiding their addictions from everyone and you will not know it until they hit rock bottom and someone comes home and all their things are gone or pawned or their car has been stolen. The only statistics you can look at are the heroin overdoses or hospital statistics. Commissioner Ortiz said that years ago there was a clinic in Slidell but she said that she did not know if it was still in operation. Mr. Scully said that he did not think it was open. Commissioner Ortiz asked if they see an increase in homelessness. Mrs. Scully said that they do not. We want to integrate the individual's back into society. That is our number one plan, when they first see a counselor, they are asked numerous questions to get an idea who the individual is and they tailor where they need assistance. Commissioner Ortiz asked if they have clients who try to play the system. Mr. Scully said that they cannot play the system. It is state watched and managed. Pain doctors prescribing pain medications had to go to a state list and enter the names, and what was being prescribed for the patient. Once that started to happen pain doctors started to disappear and pill mills got shut down. Once the pill mills closed, the price of oxycodone or hydrocodone on the streets went from ten to fifteen dollars by prescription now costs eighty to eighty five dollars on the street. Heroin is more prevalent in every state and is cheaper and easier to obtain.

Commissioner Jay Fountain asked how often the patients are tested to be sure they are not using other drugs. Mr. Scully said they have random drug tests. Each counselor is responsible to generate the list and post on the board and when the patient enters the clinic they are to check the board and if their name is there they must report to the nurse and get their urine drug screen tested, which is sent off daily. Commissioner Fountain asked what the procedure is if they tested positive. Mr. Scully said they are not

penalized, they detox them. They are not kicked out, we understand they have an issue. If it is an individual that has take homes or larger dose, we will focus on the issue and work to get them back to where they were before making a mistake. Commissioner Fountain asked what the percentage of success is. Mr. Scully said we want to see two thirds of all of our patients succeed. We have sixty seven clinics between two states. It all depends on the community. We have a compliance department and he travels to all the clinics to make sure they are following policies and procedures.

Chairman Estopinal said that he had one question regarding the cost per visit. Mr. Scully said that the cost would be between twelve to fifteen dollars. Chairman Estopinal said that you previously said there are approximately forty five people. Mr. Scully said that is correct. Chairman Estopinal said and that is enough to operate with twelve to fifteen dollars per person times forty five people per month. Mr. Scully said no that is daily.

Chairman Roger Estopinal asked if there was any one present to comment on the request.

Debbie Richter asked how patients are acquired. Mr. Scully said that they go to the local hospitals and let them know what service they provide and leave their information for future patients in need. Also our program director will be out in the community going to shelters, detox facilities, hospitals as well as police and sheriff departments. Mrs. Richter asked if they administer a drug test the first time they are seen by the clinic. Mr. Scully said absolutely, they are given several tests. Mrs. Richter asked about advertising. Mr. Scully said that they do not advertise. He said that the only signage will be on the front side of their door. Mrs. Richter asked about securing the methadone. Mr. Scully said that they have a gun/jewel type safe which weighs over three thousand pounds with sensors on them and it is locked up in the pharmacy that has another sensor on it and then behind another door with a sensor on it. When the clinic is opened each day they have to shut off the alarm for the clinic, the alarm in the pharmacy and then the alarm for the safe.

Alfred Harris said that he does not have any questions but would like to speak against it. Mr. Harris said that he has had two friends that has lost children not necessarily because of it but they mixed other drugs with it. Mr. Harris said that he would like to know how many people are cured. Mr. Harris said that every time this question has been asked, Mr. Scully has dodged the question by answering that would like two thirds of the people but he has never said how many they actually have. Mr. Harris said that the location is next to Sonic which is a drive up restaurant where they sit in their cars and a lot of teenagers and our youth go there and he thinks that this is a bad location for it. He said that he is 100% against it coming into Waveland and it will allow people to come in that we don't need here. Mr. Harris said that he also thinks that it will hurt businesses here and stop future businesses from coming in. He did some research and he has seen how they operate in New Orleans and they were nothing but trouble, individuals hang out there contrary to what has been said and the police department is usually called there. Mr. Harris said that he recommends that the board denies this request.

Mikelle Williamson said that Mr. Scully stated earlier that it was recommended that they

locate here and that they seek out smaller areas. She said that the website shows locations in New Orleans, Birmingham, Jackson, and Mobile. Waveland has less than five thousand people and cannot compare to the larger cities. Ms. Williamson said that you want to bring people in from Biloxi, then why not go to Biloxi. She said that we probably do have people here that need help. People have to want the help and there are programs out there now that are not taken advantage of where they could get help if they wanted it. She said that the clinic will draw people from the Slidell area since there is there is no place available for them. Ms. Williamson said that she has not heard anything as to where or how this will economically benefit the City of Waveland. She said that with the amount of patient's costs per month and the costs to pay the staff how they could have enough money to operate. Ms. Williamson said that she recommends that this request denied. She said that she is not against people that need help but I have not heard anything that warrants the City of Waveland needing or wanting this.

Sue Ashman said that she has a lot of investments in Waveland and this is probably a good thing but not in the City of Waveland. Ms. Ashman said that she thinks it should be more centrally located between Long Beach and Gulfport.

Chari Rapp asked if it was said that methadone could cause overdoses. Mr. Scully said that it could if more than their daily dose is taken. Ms. Rapp asked if it was possible for the patients to withhold their dosage. Mr. Scully said that the dosage must be taken at the clinic and he described the normal procedure for dosing. Ms. Rapp said she lost a very close friend who overdosed and left behind two young children. Ms. Rapp said that she strongly opposes the request.

Commissioner Jay Fountain said that it was said earlier that at some point the patients would be able to take their dosages home. Mr. Scully said that is correct, after they have been in the program for a period of time. Commissioner Fountain asked then what will stop someone else from taking them. Mr. Scully said that methadone is under lock and control of their possession for patients that have been in the program, for over five years and there are functioning in society at full extent. These patients have earned the right to not show up every day at the clinic, so they can go on with their lives and they are given six to seven days of dosage and repeat each week. Commissioner Fountain said that with all the security phases you discussed, you are going to give the patients a week's amount to take home where it could be possible for teenagers or anyone else to get access to the methadone.

Sherry Blankenship asked Mr. Scully if they have been on methadone for five years, then why are they not off of it. Mr. Scully said that they taper off of the daily dosage, it becomes more of a security blanket for them. He said that the fear of what is out there is more troubling to them than anything else and the patient feels that if they stopped using methadone, the fix of heroin or opiates would return. Ms. Blankenship said that is an addiction as well. She said that this is just changing one addition for another.

Chairman Roger Estopinal asked if there were any further questions. There were no further comments.

City Attorney Gary Yarborough said for the record the National Highway Transportation Commission stated that the manufacturer of methadone recommends that those taking methadone refrain from driving. Mr. Yarborough said that before the commission is a conditional use application to operate a clinic in a C-3 zone. Section 302.16 describes a conditional use as a conditional use that would not be appropriate generally or without restriction through the zoning district by which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such conditional use are made in this zoning ordinance. Section 906.3 analyzes the elements for conditional use. 1. Whether or not it substantially increased traffic hazards or congestion. 2. Whether it substantially increases fire hazards. 3. Whether it adversely affects the character of the neighborhood. 4. Whether it adversely affects the general welfare of the city. 5. Whether or not it overtaxes public utilities or community facilities. 6. Whether it is in conflict with the Comprehensive Plan. Mr. Yarborough said that there are two questions presented to the commission relative to the use. The first is whether the applicant had permitted use would the City benefit from the proposed use and secondly whether the surrounding area would not be adversely affected. Mr. Yarborough said that if you find in the affirmative for both of those, you may recommend the project for approval to the Board of Mayor and Aldermen. Mr. Yarborough said that the first question you can vote on is whether or not the City would benefit from the proposed use. You can have a motion either in the affirmative or not as to whether the City could benefit from the proposed use.

Chairman Roger Estopinal called for a motion on the request. Commissioner Jay Fountain moved, seconded by Clarence Harris that the City would not benefit from the proposed use. Commissioners Fountain, Harris and Ortiz voted for the motion. Mr. Yarborough said that since the proposed use fails to meet the first special finding, the second one is irrelevant and application is denied.

Chairman Roger Estopinal asked if there was anyone else present to address the commission. No one else was present to comment.

The date of the next regularly-scheduled meeting will be Monday, August 25, 2014. Chairman Roger Estopinal called for a motion to adjourn the meeting.

Jay Fountain moved, seconded by Tish Ortiz to adjourn the meeting. After a unanimous vote by all members present, in favor of the motion, Chairman Estopinal declared the motion carried and the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Christine Gallagher, Zoning Official