

**MINUTES
WAVELAND PLANNING & ZONING COMMISSION
AUGUST 8, 2016**

A special meeting of the Waveland Planning & Zoning Commission was held at 6:00 p.m. on Monday, August 8, 2016 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 John Becker, Clarence Harris, Charlotte Watson, Zoning Official Christine Gallagher, and Belinda Thomas, assistant for Building and Zoning Department. Commissioner Mike Kopke was not present. City Attorney Rachel Yarborough, Public Works Director Brent Anderson and Mickey Lagasse with Compton Engineering was also present. Chairman Roger Estopinal established there was a quorum present.

Chairman Roger Estopinal said that the special meeting was called to hear a tabled request from Bay Waveland Housing Authority.

Chairman Roger Estopinal said that there were some concerns regarding a letter from Compton Engineering stating some violations regarding the 8" culverts. Chairman Estopinal said that it was his understanding that the ordinance called for 15" culverts. City Attorney Rachel Yarborough said the subdivision ordinance does require a minimum of a 15" diameter drainage. However, our specific drainage ordinances #276 and #343, they specifically address drainage and construction run off. Ordinance #276 does establish the 15" minimum however #343 amends ordinance #276 to allow the Public Work Director to deviate from the minimum to allow for a smaller diameter. She said that the ordinance is more specific to the purpose and would be the ordinance that controls. City Attorney Rachel Yarborough said that the intention of the subdivision ordinance was to take into consideration what the requirements of what the drainage ordinances were and because it had been amended by prior ordinances, it left out the conditional language that allows the Public Works Director to deviate in his opinion.

Gerrod Kilpatrick, Engineer, and Karen Ladner representing Bay Waveland Housing Authority appeared before the commission with a tabled request for final plat approval on their Residential Planned Development, Camille Court, located at 500 Camille Circle. Legal description: Division of the NE ¼ of the SE ¼, Lot 4-1 & B & 5-A, City of Waveland, Hancock County, Mississippi.

Chairman Roger Estopinal asked if the commissioners had any questions. Commissioner John Becker said that he had spoken to Brent Anderson, Public Works Director, since the previous meeting, and that Brent explained the situation. He also said that with Mrs. Yarborough's legal perspective, he understands clearly what was done on this situation. Commissioner Becker said that he would like to ask a question while there is a quorum present and with the City Attorney present. He said that he would like to know when the independent c/o's were issued to allow for tenants to move in without final plat approval.

City Attorney Rachel Yarborough said that she did not know the answer to the question but Brent Anderson would be the one to answer the question. Brent Anderson said that he was unsure of the exact date. Janine Lee with Bay Waveland Housing Authority said that temporary c/o's were issued on June 30, 2016. Brent Anderson said temporary c/o's allows the building official to authorize temporary occupancy due to the fact that we were only waiting on plat review. Chairman Roger Estopinal asked what did the temporary c/o allow. Brent Anderson said that it allows individuals to occupy the dwellings once everything has been inspected and approved by the different departments, contingent upon final plat approval. He said that everything else according to the way our ordinance reads and directed has been taken care of. Commissioner Clarence Harris said that he listened to the City Attorney and with the conversation that Brent had. He said that it seemed to him that as a board and between the Building Inspector and Director making some decisions and based on our ordinance, that the board is really not informed on this. He said that in his opinion, maybe they should not even be here. Commissioner Harris said that based on the last meeting, it seemed like there were some issues, but now it has been discussed and everybody knows what the consensus is going to be. He said that he does not feel comfortable sitting on a board where something has been discussed without the board knowing about it. He said that he also has some other issues about the complex. City Attorney Rachel Yarborough said that when she read the minutes, they were very thorough. She said that as City Attorney she appreciated that the Commission was very diligent and that they take their positions very seriously because it is detrimental to public safety and welfare that all of the caveats and ins and outs that what appear to be very complex plans are put into effect. City Attorney Rachel Yarborough said that she appreciates the commissioners as well as the Board. She said that she does not want the commissioners to feel that they are minimizing the research and what the commissioners have done and all of the consideration that has been put into this. She said that by the minutes, that this has been a very lengthy and well thought out process for this commission. City Attorney Rachel Yarborough said that because the minutes and thought process were so clear through the minutes, she said that is how we got to the point where we could actually have a very honest and in depth discussion as to what had occurred in the past by looking through the communications and files from Compton and Macho/Patano and the commission minutes and what has been accrued and discussed. She also said that because of the commission being so thorough that is why we are here today to answer any underlying foundational questions. Brent Anderson told Commissioner Clarence Harris that he is available anytime to answer questions by email or phone. He said that both departments are his and so he should be able to answer both building and public works by one phone call. He said that he never wants anyone to think that, like Rachel said, it is a very simple answer that maybe should have been presented prior to sitting in an open meeting. Brent Anderson said that he would be happy to have a one on one workshop or just call him and he would be glad to answer any questions. Brent Anderson told to Commissioner Harris he should never feel that he could not call him prior to or the Aldermen will even call him prior to a board meeting to have the right answer because some of it in our day to day job is rather simple because it is so laid out for us. He said that the Commissioners unfortunately don't see all that we see on a daily basis so there is no disrespect, so call me and if you need something answered, we will get it for you. Commissioner John Becker said that he feels that there

was no transparency at all and so when Gerrod Kilpatrick, Engineer for Bay Waveland Housing appeared, the Commissioners asked him several times about the smaller culverts and all we were told was that the Public Works Director told him to install the 8 inch pipes. Commissioner Becker said that when the report came in from Compton, it cited the smaller culverts as a deviancy and the Commissioners felt there was no transparency what so ever and it all came down to the Public Works Director. He said that is why he called Brent because he wanted to know why it kept coming back to Brent. Commissioner Becker said he also felt as Commissioner Harris' point they are feeling that what is the point, no disrespect to Mr. Kilpatrick, Mrs. Yarborough or you, Brent, but what are we supposed to do. Brent Anderson said that he understood. He said that City Attorney Rachel Yarborough explained the ordinances well. Brent Anderson said that he knew what the ordinances said and maybe in the future or maybe we should get the commissioners a copy of the drainage ordinances or any that are pertinent. He said that it is a huge part of the general overall drainage ordinance of the City and there are areas of the city that will not take a 15" culvert. Brent Anderson said that he would like to explain to Clarence Harris and Roger Estopinal that the reason that he had to go with a smaller culvert is because it went from a zero elevation and we only dropped with a quarter of an inch within 300-400 feet. He said that he then had to take it over a quarter of a mile down to Chadwick to make a turn. He said that if a 15" culvert had been installed, the culvert would have had a hump in the driveway because only about half of it would have been used or else half of the 15" culvert would have had to be buried so as not to have a hump in the driveway. Brent Anderson said that the best thing to do was to sod the bottom and once it takes, it should suck the water out. He said that he went by the area and it was holding about 3-4" of water but a lot of it is still silting in. He said that it is still fresh and nothing has really sucked in to the vegetation yet and everything is still running off under it and would probably take one more final cleaning. Brent Anderson said that once the good vegetation gets in there, their grounds keeper on the Old Spanish Trail property does a great job at keeping the ditches clear. He said that some of it is the city's responsibility. He said that we have taken a quarter of a mile ditch on about a quarter of an inch fall, and it's just flat, there is nothing that you can really do about it. Commissioner Clarence Harris said that he would like to thank Mrs. Yarborough. He said he had to apologize because at the last meeting, the gentlemen representing the housing authority said that the plans did not indicate any culverts and he said that the city decided that some were needed. Commissioner Harris said that looking at it now, maybe it would have been better without any. Public Works Director, Brent Anderson said that it would have been taking a chance since there is a new asphalt street if water would have kept shedding across, it would have eventually eaten the new asphalt out. Commissioner Harris said his point is no matter what culvert was installed, he don't think it's going to drain. He said that he lives in that area and passes it every day. He said that until the drainage is changed, it is not going to drain down Herlihy Street until it is changed all the way to St. Joseph Street. Brent Anderson said that was correct. Brent Anderson said that Karen Ladner is one proud lady of the Housing Authority and she has stayed on us since this project has started and will probably still after it's completed. Brent Anderson said that by what we did by being able to put in some type of drain system in there was really a huge change because we were literally flooding the yards prior to putting the drains. Brent Anderson said that he has not had anyone go by and check on the drainage, he said

that he was waiting for them to finish the elevations on the concrete ditch they are putting in there. He said that he had to wait on the elevations and that is the city's responsibility. Commissioner Harris said that he had one other comment. He said that he mentioned it at the last meeting in regard to a fence. Commissioner Harris said that he would like to see a fence separating the apartments from the gravel road to the detention pond. Karen Ladner said that their construction is over. She said that the city built the units after "Camille", and the City has worked with them. Karen Ladner said that she has worked through seven Mayors. She said that through the years the City has done everything to help the Housing Authority because they know that they have taken care of the poorest of the poor in the State of Mississippi. Karen Ladner said that they have had numerous city employees as residents through the years in their complex. She said that the Housing Authority does not have any money but if the City could find some money, they would be glad to take donations. She said that in fact if the City would like, they could deduct the fence from the payment in lieu of taxes which the cooperation agreement would allow them to do. Commissioner Clarence Harris said that the commission could not make that decision. Karen Ladner said that she thinks that the concerns are about the trucks going back and forth. Commissioner Harris said that his concern is for the residents living back there and he thinks that the road should be separated from the complex. Karen Ladner said that the only time that the road would be used is if bad weather came in and electrical hit the main line back there, the road is only for city personnel and the lift station. Commissioner Harris said that he thinks it should be separated from the complex. He said that was just his opinion. Chairman Roger Estopinal said that he would like to say that the commissioner's received the review letter from Compton Engineering the same day as our last meeting on July 25, 2016 stating the concerns and violations. He said that if it was explained better with the letter and some of the other articles, the Commissioners felt they needed more information and answers. Mickey Lagasse with Compton Engineering said that he had 15 years' experience with planning and zoning. He said that during that time he handled maybe 5 subdivisions. He said that Compton received the information for review, and what should have happened is when the initial plans were turned over for review, they should have called for an open meeting to explain the original letter because the request was for a review for a subdivision. He said that the City's ordinance is probably right but it was never a subdivision of property. City Attorney Rachel Yarborough said that the city ordinance designates this as a Residential Planned Development which by terms of the Zoning Ordinance requirements it is to be evaluated by the subdivision regulations which takes into account other things such as storm water runoff, drainage plan etc. City Attorney Rachel Yarborough said that it is not technically a subdivision but it would encompass all the guarantees that a formal subdivision would follow. Mickey Lagasse said the he was not sure as to how privy the commissioners were to the all the information but the letter was three pages long and some of the issues were concerns, some were not, but because of Compton's professional liability, we have to list them all. Mickey Lagasse said that they tried to get the letter back to the Commissioners as quickly as possible. He said that in the future once the plans are reviewed, maybe we should meet with the Commissioners and possibly the Engineers to explain the review. Mickey Lagasse said that typically he was not sure how many more developments like this they will ever do, so chances are that a private developer having these same issues is not very likely. He said that he would like to

apologize if it was something on Compton's end, but we have to follow what the ordinance states. Mickey Lagasse said that any future reviews by Compton will be done in a timely manner. He said that every subdivision will have issues that need to be discussed and reviewed. Chairman Roger Estopinal said that as a board the commissioners have to look at the city's best interest. He said that is why he asked that the City Attorney be present. Commissioner Charlotte Watson said that she agrees with Commissioner Clarence Harris that this has been discussed and is practically a done deal. She said that she felt as if the commissioners did not need to be here. Commissioner Charlotte Watson asked City Attorney Rachel Yarbrough for the date that ordinance #343 was enacted. Zoning Official Christine Gallagher said the date that the ordinance was approved was 10-21-2009. Commissioner Charlotte Watson asked City Attorney Rachel Yarbrough if there was any other red flags that should concern the City. Attorney Rachel Yarbrough said that she would encourage the Commissioners to address any concerns that they have. She said that she noted that Mr. Harris had concerns about standing water in front of apartments 507 and 509, also that one of the oak trees was in a hole that was holding water and those are all valid concerns. Commissioner Charlotte Watson asked City Attorney Rachel Yarbrough if there were any further issues that stands out or if she would be comfortable in saying that everything is good and the city has no liability if this is passed. City Attorney Rachel Yarbrough said that it would be hard to for see and hard to say. She said that it would take a lot of speculation and she said that is why a lot of the times we hire experts to review these plans such as the drainage and storm water plans. City Attorney Rachel Yarbrough said that she would rely on their professional opinion if they submitted it and stamped it and said that it was compliant and that it would work as a reasonable determination as an engineer. She said that she is not an engineer and that she does not think that she has requisite expertise to say that plan will work and that it will not expose the city to any liability or that there is not going to be some back up. She said that there are plans that she can not necessarily review and she is not an engineer. Commissioner Charlotte Watson said that she was asking the City Attorney since she has the legal back ground and that she would be aware of specifics of the law and that is why she was asking the question. Commissioner Charlotte Watson said that she did not have any further question. Commissioner Clarence Harris said that he had some concerns and talked to an employee with Yates Construction in regard to some drainage. Gerrod Kilpatrick said there are some regrading that has to be completed. He also said there are a few issues internally that has to be worked out. Commissioner Harris said that he feels better knowing that they are trying to take care of any issues. Gerrod Kilpatrick said that there are a couple of trees that appear to be depressed and that they have added drainage piping/inlets to help alleviate and to try to save the trees.

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

Chairman Roger Estopinal called for a motion on the request. Commissioner Clarence Harris moved, seconded by Commissioner John Becker to recommend that the Board of Mayor and Aldermen approve the applicant's request for final plat approval on their Residential Planned Development, Camille Court, located at 500 Camille Circle. Legal

description: Division of the NE ¼ of the SE ¼ , Lot 4-1 & B & 5-A, City of Waveland, Hancock County, Mississippi. After a unanimous vote by all members present, Chairman Roger Estopinal declared the motion carried.

Chairman Roger Estopinal asked if there was any one else present to address the commission. There were no further comments.

Chairman Estopinal called for a motion to adjourn the meeting.

Commissioner Charlotte Watson moved, seconded by Commissioner Clarence Harris to adjourn the meeting. After a unanimous vote by all members present, in favor of the motion, Chairman Roger Estopinal declared the motion carried and the meeting adjourned at 6:20p.m.

Respectfully submitted,

Christine Gallagher, Zoning Official