

Proceedings of the City Council Meeting of the city of Bay St. Louis, State of Mississippi, taken at a meeting held January 8, 2013 in the City Council Chambers at the Bay St. Louis Conference Center on Main Street. The meeting began at 5:30 p.m.

ATTENDANCE:

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

COUNCIL STAFF: Jane Carrow, Clerk of Council

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

ABSENT: Ray Kidd (Ward 6)

Council Member Boudin called the meeting of January 8, 2013 to order.

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

GUESTS

Randy Davis, Valkart & Associates, presented a presentation on road evaluations. He said his company evaluates City roads and helps the City set up a scope of work to repair their roads. He is a Civil Engineer. Other members of the work team include a driver and a GIS expert. Mr. Davis presented the Council with a study his firm did for Gulfport. The streets are evaluated as good, fair or poor. Council Member Taylor asked about the cost of this service to the City. Mr. Davis said the cost for Bay St. Louis would be approximately \$40,000 for the road work and recommendations and about \$20,000 for a bicycle path. Council Member Compretta asked if any grant money was available for this type of project. Mayor Fillingame advised the Council to take this issue under advisement and let the Administration secure a commitment for an 80% funding match from GRPC.

Katy Pietz, CASA, gave the Council a general background on the local CASA program. They have trained 42 volunteer advocates through the Youth Court in Hancock County. They work only with abused and neglected children in Hancock County. Their first case was in March 2010 and they have advocated for 213 children since that date. She said funding was cut 60% by the federal government and they have to rely on independent donors for funding. They are very happy with their accommodations in the Old City Hall especially since it is so close to the Youth Court. Ms. Pietz asked the Council for an extension of the time they will be allowed to stay in Old City Hall.

Motion to Allow CASA to Remain in Historic City Hall for Three Months

Council Member McDonald moved, seconded by Council Member Compretta, to allow CASA to remain in Historic City Hall without rent and revisit the situation in three months.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

PUBLIC FORUM

Jeff Harding asked what the status is concerning getting the Building Official certified. Mayor Fillingame said he is working on it. Mr. Harding asked if the Building Official was taking classes and what the time line is for completion. Mayor Fillingame said he is taking classes and there is no timeline but it should be completed within the next few months. Mr. Harding asked when the Building Official will take the test and how long it takes to get the results. Mayor Fillingame said he will take the test within a few months and they will get the results beyond that. The Mayor said the classes have not started yet and there will be others getting certified in other areas as well.

PLANNING & ZONING RECOMMENDATIONS

a) **MR. & MRS. KEITH RUBIO - application for a Variance to the Sign Ordinance.** The applicants are asking for a variance to the sign ordinance to install a 21 sq. ft. sign and allow it to be attached to the 1st level of the roof on the building. The maximum allowable copy area for the attached sign will not be exceeded. The property is located at 203 North Second St., parcel #149F-0-29-234.000, described as Lot 23 and Lot 24, (Barber Shop & Café) Beach Front Subdivision, Bay St. Louis, Hancock County, Mississippi. This property is zoned C-1, Highway Commercial District. P&Z recommended approval 4-0 with stipulation of maximum of 24 sq.ft. and it will not exceed the lowest ridge roof line.

Council Member Boudin asked if there was any opposition to this application. No one came forward.

Motion to Approve the Application

Council Member Compretta moved, seconded by Council Member Taylor, approve the application as recommended by the Planning & Zoning Commission.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

b) **KIRK & LINDA BROADHEAD - application for a Variance to the Zoning Ordinance.** The applicants' intentions are to add an addition to the rear of an accessory building. The applicants are asking for a 3.8' variance to the rear yard, for a 1.2' setback to the rear yard. The property is located at 311 Carroll Ave, parcel #149F-0-29-106.001, described as, Lot 31, Carroll Subdivision Bay St. Louis, Hancock County, Mississippi. This property is zoned R-2, Two-Family District. P&Z recommended approval 4-0 with stipulation that gutters be added to handle run-off water.

Council Member Boudin asked if anyone had any opposition to this application. No one came forward to speak. Chip Prevo, representing the Broadheads, was present to answer any questions. He said the overhang will not protrude over the property line and gutters will be added. No one else came forward to speak.

Motion to Approve the Application

Council Member Taylor moved, seconded by Council Member Reed, follow the recommendation of the Planning & Zoning Commission and approve the application with the stipulations that gutter be added to handle the run off of water.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

c) **MR. & MRS. WILLIAM GORDON - application for a Variance to the Zoning Ordinance.** The applicants' intentions are to construct a sunbrella (canvas) awning on a metal frame to the side yard of the residence. The applicants are asking for an 8' variance to the side yard, for a 0' setback to the side yard. The property is located at 306 N. Second St., parcel #149E-0-29-166.000, described as, Lot 315A, 1st Ward, Bay St. Louis, Hancock County, Mississippi. This property is zoned R-2, Two-Family District, which requires an 8' side yard. P&Z recommended approval 4-0.

Jimmy Crane and **Bill Gordon** came forward and told the Council that they are decreasing the size of the awning and will now only require a 1.5' variance. No one else came forward to speak.

Motion to Approve the Application

Council Member McDonald moved, seconded by Council Member Seal, follow the recommendation of the Planning & Zoning Commission and approve the application with the reduced awning size.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

d) JERRY G. CRUSE - application for a Variance to the Zoning Ordinance. The applicant is asking for a variance to the fence height regulation to allow a 6 ft. wooden fence to be installed to the front of the property where the maximum fence height is 4 ft. The property is located at 700 Block of St. Francis St., parcel # 137J-0-44-161.000, described as 3rd Ward, Lot 305, Part Lot 345, parcel #137J-0-44-168.000, described as 3rd Ward, Bay St. Louis, Hancock County, Mississippi. This property is zoned R-2, Two-Family District. P&Z recommended denial 3-1 (Knoblock).

Jerry Cruse said he requested the 6' fence at the back of his property so it would deter people from climbing over a 4' fence to get into his yard. He also wants to protect the historic trees in his back yard.

Council Member Boudin asked if anyone present had any opposition to the application. No one came forward.

Council Member Seal said the proposed fence sits directly on the property line and he would like the fence moved 6' in from the property line. Council Member McDonald said other people will have to look at the six foot fence. Mr. Cruse said the solid fence will be 4' and there will be 2' lattice work on top. Council Member McDonald requested the Building Department check the property and determine how far back Mr. Cruse should set the fence from the property line.

Motion to Table Application

Council Member McDonald moved, seconded by Council Member Seal, to table the application until the Building Department can make a recommendation on the position of the fence.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

e) JAMES R. & JIMMIE I. KORNDORFFER- application for a Special Subdivision Plat Approval and a Variance to the Zoning Ordinance. The applicants' intentions are to subdivide a parcel of land into two (2) new parcels. Parcel 1 and parcel 2 will meet the required 100' lot width and parcel 1 will meet the 12,000 sq. ft. minimum lot area. However, for parcel 2 the applicants are asking for a 3,246.20 sq. ft. variance to the minimum lot area. Parcel #149N-0-30-050.000, described as, 4th Ward, Lot 3B and Lot 3C, Bay St. Louis, Hancock County, Mississippi. The property is located at 120 Citizen St. The property is in an R-1, Single-Family District that requires a minimum 100' lot width and a total square footage of 12,000 feet. P&Z recommended denial 3-1 (Daigre).

Mike Haas was present to represent the Korndorffers. He asked the Council to consider this application as two separate applications. He would like them to first consider the variance to the lot size and then the subdivision. He said the Planning & Zoning Commission voted on it as if it was one issue. Mr. Haas said the owners have owned the property since 1970 and purchased it as two parcels. The tax assessor combined the two lots into one parcel.

Council Member Boudin asked if there was any opposition to the application. No one came forward to speak but Council Member Boudin made note of one letter of opposition that was in the file.

Motion to Approve the Application

Council Member Taylor moved, seconded by Council Member McDonald, to approve the subdivision of the property with the stipulation that both parcels meet the 12,000 square foot requirement.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

f) JERRY DIXON– application for a Special Subdivision Plat Approval and a Variance to the Zoning Ordinance. The applicants’ intentions are to subdivide a parcel of land into two (2) new parcels. Parcel A and parcel B will meet the required 12,000 sq. ft. minimum lot area. The applicants are asking for a 3ft. variance to the minimum lot width for parcel A and for a 70 ft. variance to the minimum lot width for parcel B. Parcel A #149C-0-20-045.000, described as, 1st Ward, Lot 161G and Parcel B # 149C-0-20-044.000, described as, 1st Ward, E. 97 x 259 of W. 161 F, Bay St. Louis, Hancock County, Mississippi. The property is located at 106 Felicity St. The property is in an R-1, Single-Family District that requires a minimum 100’ lot width and a total square footage of 12,000 feet. P&Z recommended approval 4-0.

Council Member Boudin asked if there was any opposition to this application. No one came forward to speak.

Motion to Approve the Application

Council Member Seal moved, seconded by Council Member Taylor, follow the recommendation of the Planning & Zoning Commission and approve the application with the stipulation that the 30’ driveway cannot drain any water on the adjacent properties.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal, and Taylor

VOTING NAY: None ABSENT: Kidd

g) CLEMENT R. BONTEMPS - AMERICAN LEGION POST 139 - application for an Amendment to the Zoning Ordinance. The applicant is requesting a change in the zoning parcels of land that are currently zoned R-5, Open Beach District to be rezoned to C-2, Neighborhood Commercial District. The reason for this amendment is there are changing conditions in a particular area, in which an amendment to the Ordinance is in the public interest and is necessary and is desirable. There is an increasing need for business sites, in addition to sites that are available, which is in the public interest and make it necessary and desirable to reclassify an area to extend the boundaries of an existing district. The property in question is located on South Beach Blvd., South of and adjacent to North East and North West of Washington St., parcel 1 #149P-0-30-014.000, described as 3rd Ward, Lot 249, parcel 2 #149P-0-015.000, described as 3rd Ward, Lot 335 & 336, parcel 3 #149P-0-30-026.000, described as 3rd Ward, Lot 360, Bay St. Louis, Hancock County, Mississippi. The property lies in an R-5, Open Beach District. P&Z recommended approval 3-2 (Chapman and Danzey).

Council Member Taylor said he is an officer and member of American Legion Post 139 and recused himself from the discussion and actions of this application and left the room. Mr. Rafferty said two other Council Members are members of the American Legion Post 139 and while this is a zoning issue and not a contract issue, the membership voted on the action and therefore, potentially the appearance of impropriety may exist. If these two Council Members recuse themselves, no quorum will be present to vote on the application. Since Council Member Kidd is absent due to health reasons, a meeting by telephone can be held with five days notice being given. Mr. Rafferty said it was his advice to the two Council Members to recuse themselves. Council Member Compretta and Council Member Seal recused themselves at this time and left the room. Notice of the Special Meeting will be advertised and put on the web page. Mr. Rafferty said the Ethics Commission meets on February 1, 2013 and he will ask that they give an opinion on this issue.

h) CITY OF BAY ST. LOUIS - application for an Amendment to the Official Zoning Ordinance and Map. The reason for this amendment is that there is a change in conditions in this general area for which, an amendment to the Ordinance is in the public interest and is necessary and desirable. The City of Bay St. Louis is requesting to change the current R-5, Open Beach District classification to an R-5A, Limited Open Beach District. The reason for this change is to allow the use of fences, gazebos piers and non-habitable structures that may be permitted as a Special Exception Use if found to be appropriate, in harmony and

compatible with the adjacent properties and surrounding neighborhood. The affected properties are located on the beach side of Beach Blvd from 618 N. Beach Blvd. to 612 S. Beach Blvd. Bay St. Louis, Hancock County, Mississippi. This property is zoned R-5, Open Beach District.

Parcel Numbers and Legal Descriptions as described in the Hancock County Tax Rolls.

149G-0-20-002.000 (1st Ward, Lot 217, Bay St. Louis, Water Lot)
149G-0-21-005.000 (218 Water Lot, 1st Ward, Bay St. Louis)
149G-0-21-006.000 (1st Ward, Lot 225, Water Lot, Bay St. Louis)
149G-0-21-009.000 (Lot 226, 1st Ward, Bay St. Louis)
149G-0-21-010.000 (1st Ward, Lot 228, Bay St. Louis)
149G-0-21-013.000 (1st Ward, Lot 230, Water Lot, Bay St. Louis)
149G-0-21-014.000 (1st Ward, Lot 239A, Ex Mauffray & Lot 238, Bay St. Louis)
149G-0-21-017.000 (1st Ward, Lot 239, Bay St. Louis)
149G-0-21-018.000 (1st Ward, Lot 255, Water Lot, Bay St. Louis)
149G-0-29-023.000 (Null)
149G-0-29-024.000 (Lot 258, 1st Ward, Bay St. Louis)
149G-0-29-027.000 (Lot 263, Water Lot, Bay St. Louis)
149G-0-29-028.000 (1st Ward, Lot 264, Bay St. Louis)
149G-0-29-031.000 (1st Ward, Bay St. Louis, lot 273, Water Lot)
149G-0-29-032.000 (1st Ward, Lot 306, Water Lot, Bay St. Louis)
149G-0-29-035.000 (Lot 311, 1st Ward, Bay St. Louis)
149G-0-29-036.000 (Lot B, 1st Ward, Ulman Subdivision)
149G-0-29-039.000 (Lot 316 & 312, 1st Ward, Bay St. Louis)
149G-0-29-040.000 (Lot 3, Beach, Carroll Subdivision)
149G-0-29-045.000 (Lot 1, Carroll Subdivision)
149G-0-29-046.000 (Lot 344, Water Lot, 1st Ward, Bay St. Louis)
149G-0-29-047.000 (1st Ward, Bay St. Louis, Part 349 & 388)
149G-0-29-049.000 (1st Ward, Bay St. Louis, Lot 388 & 398)
149F-0-29-159.000 (1st Ward, Lot 391, Bay St. Louis)
149F-0-29-217.000 (A, Beach Front Subdivision)
149F-0-29-218.000 (Reserved Lot, Sand Beach)
149F-0-29-219.000 (Lot B, Beach Front Subdivision)
149L-0-29-110.000 (2nd Ward, Lot 179 & 176, Bay St. Louis)
149L-0-29-146.000 (2nd Ward, Bay St. Louis, Lot 180 & 181, Part 206)
149L-0-29-147.000 (2nd Ward, Bay St. Louis, Part 206, 207,209 & 211)
149L-0-29-181.000 (2nd Ward, Bay St. Louis, Lot 280)
149L-0-29-182.000 (3rd Ward, Bay St. Louis, Lot 1 & North 15', Lot 2)
149L-0-29-184.000 (Null)
149L-0-30-202.000 (Lot 63, 3rd Ward, Bay St. Louis)
149L-0-30-208.000 (Lot 136, 3rd Ward, Bay St. Louis)
149L-0-30-209.000 (137, Water Lot, 3rd Ward)
149L-0-30-211.000 (3rd Ward, Lot 141, Bay St. Louis)
149L-0-30-227.000 (3rd Ward, Bay St. Louis, Lot 142)
149P-0-30-001.000 (Lot 244, 3rd Ward, Bay St. Louis)
149P-0-30-005.000 (3rd Ward, Bay St. Louis, Lot 245)
149P-0-30-006.000 (Lot 247, 3rd Ward, Bay St. Louis, Water)
149P-0-30-014.000 (3rd Ward, Lot 249, Bay St. Louis)
149P-0-30-015.000 (3rd Ward, Lot 335 & 336, Bay St. Louis)
149P-0-30-025.000 (3rd Ward, Lot 337, Bay St. Louis)
149P-0-30-026.000 (3rd Ward, Lot 360, Bay St. Louis)
149P-0-30-031.000 (3rd Ward, Lot 361, 363, 365, Water Lots)

P&Z recommended approval 4-0 with stipulation that if Clement Bontemps application is denied, it will be zoned R5-A, not C-2 by a vote of 4-0.

No action was taken on this application because parcels belonging to Clement Bontemps American Legion Post 139 are included.

NEW BUSINESS

Sidewalk Parking

Council Member McDonald said speed bumps are needed in the 300 Block of DeMontluzin. She would also like to see an ordinance banning parking on the sidewalk since it is a problem in her ward.

OLD BUSINESS

Keller Street Abandonments

Mr. Rafferty said notices have been sent to the applicants telling them what the need to do to comply with the ordinance. He also said the City needs to amend the ordinance to include a provision as a subparagraph stating the owners have to supply a meets and bounds description. That amendment will be ready for the next meeting.

940 South Beach

Mayor Fillingame said the property owner is scheduled to have his plans in and his permit and a potential contract by January 15, 2013.

Splash Pad Restrooms

Kenny Monti said he built the restrooms at the Splash Pad. He said the restrooms are ADA compliant. A professional engineer and architect were hired to do the design in 2011 into 2012. The drawings were stamped in February 2012 and the permit was issued in May 2012. In between the stamping of the drawings and the pulling of the permit ADA issued a mandate which they didn't catch. Other than that everything is in compliance with ADA. He said nothing needs to be changed. They would have to knock out two exterior walls to make changes now. Mr. Monti said Chris Jerreau who has been in a wheelchair for 23 years said everything is fine with the restrooms.

MAYOR'S REPORT

Motion to Approve Consent Agenda

Council Member Taylor moved, seconded by Council Member Boudin, to approve the consent agenda, consisting of:

1. Travel

Department: Police

Employee: Mary Coster

Date: Feb. 5, - Feb. 8, 2013

Location: Biloxi, MS

Reason for Travel: 2013 Crime Stoppers Conference

Sponsoring Organization: University of Mississippi

Registration: \$125.00

Meals: Reimbursed by City

Transportation: City Vehicle

Lodging: -0-

2. Travel

Department: Police

Employee: Robert O'Neal and Gary Hudgens

Date: Jan. 28 - Jan. 31, 2013

Location: Tunica, MS

Reason for Travel: Basic Crime Scene Training Class

Sponsoring Organization: Tunica Sheriff's office and Miss. Crime Lab

Registration: -0-

Meals: Reimbursed by City

Transportation: City Vehicle

Lodging: \$341.94

3. Travel

Department: Administration

Employee: Dana Feuerstein and Pat Tice

Date: Feb 27 – March 1, 2013

Location: Hattiesburg, MS

Reason for Travel: Certification Program

Sponsoring Organization: Center for Governmental Training

Registration: \$400.00

Meals: Reimbursed by City

Transportation: City Vehicle

Lodging: \$168.00

4. Approve awarding Fluoride Feed System to

Hemphill Construction in the amount of \$163,235.00
As recommended by Neel-Schaffer

5. Approve Street Closures for the
Krewe of Diamonds Parade 2/12/13
Line up at 11:00am at Commegere Park on Bookter St.
South on Bookter St. to Necaise Ave.
Necaise Ave. to Main St.
Main St. to Beach Blvd.
Beach Blvd. to Union St.
Union St. to Blaize Ave./Third St.
Turn right on Sycamore St. onto Old Spanish Trail
Back to Bookter St.

6. Authorization to publish redistricting maps

7. Authorization to publish precinct voting places
Two times before qualifying deadline on March 8, 2013
And twice prior to general election on June 4, 2013

8. Approve agreement with Bay St. Louis Republican
And Democratic executive committees and Hancock
County Circuit Clerk for the City of Bay St. Louis
To hold primary elections

9. Adopt resolution to add Third Municipality and Third
Appointment by the Governor to the County Port and
Harbor Commission to add Diamondhead to the Board

10. Approval to make payment upon receipt of
Funds for Bay St. Louis Municipal Harbor & Pier
To Gills Crane & Dozer Service in the amount of \$1,349,953.42

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

Motion to Begin the Lease Contract with Alice Moseley Folk Art and Antique Museum

Council Member Taylor moved, seconded by Council Member McDonald, to begin the lease contract with the Alice Moseley Folk Art and Antique Museum on February 1, 2013.

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

Motion to Approve the Docket of Claims

Council Member Compretta moved, seconded by Council Member Reed, to approve the docket of claims, including the certification from David Kolf that funds area available to pay the docket and he recommends payment, as follows:

General Fund:	\$	56,252.07
CDBG Fund		\$1,359,953.42
Utility Fund:	\$	<u>53,328.75</u>
Grand Total:		\$1,469,534.24

A vote was called for with the following response:

VOTING YEA: Boudin, Compretta, McDonald, Reed, Seal and Taylor

VOTING NAY: None ABSENT: Kidd

Doug Seal Council Member – Ward 1

Date

Wendy McDonald, - Ward 2

Date

Jeffrey Reed, Council Member – Ward 3

Date

Bobby Compretta, Council Member – Ward 4

Date

Ray Kidd, Council Member - Ward 6

Date

Jane Carrow, Clerk of Council

Date