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**June 5, 2014**  
**Gautier, Mississippi**

**BE IT REMEMBERED THAT** a regular meeting of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on June 5, 2014 at 6:00 P.M. in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present: David Wooten, Chairman, Larry Dailey, Jimmy Green, James Torrey, and Sandra Walters. Also present were Chandra Nicholson, Economic Development and Planning Director; Samantha Abell, City Manager; Patrick Collins, City Planner; Tricia Thigpen, Deputy City Clerk. Absent were Commissioner Greg Spanier and Josh Danos, City Attorney.

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David Wooten, Chairman asked if this would be a legal meeting without the City Attorney and Court Reporter present. Samantha Abell, City Manager assured the Commission that this is a legal meeting. The City Attorney and Court Reporter were not present because there was no Quasi- Judicial proceeding, or privately-initiated application, or discussion requiring a determination of legal sufficiency.

Chairman Wooten called the meeting to order.

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**AGENDA**

**GAUTIER PLANNING COMMISSION**

**June 5, 2014**

**6:00 P.M.**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF MINUTES (March 6, 2014, April 3, 2014, & May 1, 2014)**
- IV. APPROVAL OF AGENDA**
- V. PUBLIC COMMENTS**

**(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**

**VI. OLD BUSINESS**

**A. QUASI-JUDICIAL**

1. SANDHILL RV PARK MAJOR DEVELOPMENT - REQUEST FOR A MAJOR DEVELOPMENT ORDER FOR A 24.18 ACRE RECREATIONAL VEHICLE PARK IN A MURC-2 MIXED USE RECREATION COMMERCIAL-2 (PENDING), MARTIN BLUFF ROAD (GREG WILLIAMS dba DIRT, INC.) (GPC CASE #14-03-MD) *TABLED AT MARCH 6, 2014, APRIL 3, 2014, AND MAY 1, 2014 GPC MEETINGS. **THE PROPOSED ZONING CHANGE WAS NOT APPROVED BY CITY COUNCIL. THIS DEVELOPMENT REQUEST IS NOT LEGALLY SUFFICIENT FOR REVIEW SINCE THE REZONING APPLICATION FAILED. THE ITEM WILL BE REMOVED FROM THE AGENDA.***

**VII. NEW BUSINESS**

**A. LEGISLATIVE**

1. CONSIDER ADOPTION OF ADDITIONAL BOOKS OF THE 2012 INTERNATIONAL BUILDING CODE (CITY INITIATED)

**VIII. DIRECTOR'S REPORT**

**IX. ADJOURN**

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**APPROVAL OF MINUTES – MARCH 6, 2014; APRIL 3, 2014; AND MAY 1, 2014**

Larry Dailey, Planning Commissioner, stated that the minutes do not satisfy the request of the Planning Commission to add substantial discussion to the minutes.

Samantha Abell, City Manager, stated that she had reviewed the minutes and concurred that the discussion recorded was not sufficient to provide context for action taken. She suggested that the Commission could approve the minutes or table them until the next meeting. Mrs. Abell stated that the meeting minutes would be as detailed as City Council minutes, with discussion highlights, and action taken, with the exception of quasi-judicial proceedings which would be necessarily more detailed to record presentations and rebuttals.

Commissioner Dailey stated that he thought the intention was to give enough information for Council to understand why the Commission made their recommendation.

**Commissioner Dailey made a motion to postpone approving the minutes until the July 3<sup>rd</sup> meeting.**

David Wooten, Planning Commission Chairman, agreed with Commissioner Dailey that the minutes needed to contain more discussion. The Commission has gone to great lengths to provide Council with enough information to make a decision. Mrs. Abell stated that she had been made aware of the planning commission's dissatisfaction with meeting minutes. Therefore, the task had been delegated to the City Clerk's department. The purpose is a matter of due process, to ensure that the city planner who makes recommendations on land use applications is not also recording meeting minutes.

The Deputy City Clerk is trained and certified to take meeting minutes, Mrs. Abell stated. She assured the planning commission that the minutes would improve, though it will take time to satisfy expectations.

Sandra Walters, Planning Commissioner, asked if the commission could approve the March, April and May minutes, provided they are accurate and true and move on from here.

Mrs. Abell replied yes.

Commissioner Green asked if we have the information available to go back and add the discussion to the past three months of meeting minutes, if they are not approved. Mrs. Abell replied that all the Planning Commission meetings are recorded and discussion could be added if that is what they chose to do.

Mrs. Abell also stated that she contacted the City Council, by email and phone, for feedback on Council's expectations, since it is the Council who relies on the meeting minutes in order to understand the Planning Commission deliberations as a basis for decision-making. The City Council desires that the Planning Commission meeting minutes be taken the same as City Council minutes.

Commissioner Dailey stated he disagreed with Ms. Abell. Planning Commission minutes and City Council minutes are used differently. He also questioned if Council understands that they will be receiving a document that does not give them the background to make an informed decision.

Mrs. Abell replied that Mississippi Statutes requires a single public hearing in many instances, but that the Gautier City Council desires a public hearing by both the Planning Commission and City Council, in order to gain maximum public input. Mrs. Abell stated that

the City Council weighs heavily the Commission's input. If the Council didn't want the Commission's input, many applications would go straight to the Council. However, Staff time must be taken into consideration and Staff cannot spend the time required for high detail meeting minutes that were desired by Commissioner Dailey. The minutes will be detailed to the same extent as the minutes for Council.

Commissioner Dailey stated that with these stripped down minutes, Council would not be getting the full recommendation.

Chairman Wooten asked if Council had taken action on all the cases recorded in the minutes.

Mrs. Chandra Nicholson, Economic Development and Planning Director, replied that yes, the Council had taken action on all cases in the Commission minutes.

Chairman Wooten asked Commissioner Dailey if they could approve the Minutes and move forward. Chairman Wooten stated that the City Manager has assured the Commission that the minutes in the Future will contain more discussion.

Commissioner Dailey stated he would like to hear the opinion of the other Commissioners.

Commissioner Walters asked whether a court reporter would be present at future meetings.

Mrs. Abell replied that there will be a court reporter for all Quasi-Judicial cases.

Commissioner Walters asked Commissioner Dailey if, in his opinion, the Commission could just move on and approve the minutes.

Commissioner Dailey replied he just didn't know.

Commissioner Green stated he thought the minutes should contain more discussion.  
**Commissioner Green seconded Commissioner Dailey's motion to table the minutes until the July 3<sup>rd</sup> meeting.**

Commissioner Torrey asked Councilwoman-At-Large Mary Martin to give her opinion on the matter. Councilwoman Martin stated she was attending the meeting as a citizen not a Council Member.

**Commissioner Dailey withdrew his motion to table the minutes until the July 3<sup>rd</sup> meeting.**

**Commissioner Walters made a motion to approve the March 5, 2014 minutes provided they are accurate and true. Motion seconded by Chairman Wooten and the following vote was recorded:**

**AYES:        David Wooten  
               Larry Dailey  
               Jimmy Green  
               James Torrey  
               Sandra Walters**

**NAYS:        None**

**ABSENT:     Greg Spanier**

**Commissioner Walter made a motion to approve the April 3, 2014 Planning Commission minutes provided they are accurate and true. Chairman Wooten seconded the motion and the following vote was recorded:**

**AYES:        David Wooten  
               Larry Dailey  
               Jimmy Green  
               James Torrey  
               Sandra Walters**

**NAYS:        None**

**ABSENT:     Greg Spanier**

**Commissioner Walter made a motion to approve the May 1, 2014 Planning Commission minutes provided they are accurate and true. Commissioner Green seconded the motion and the following vote was recorded:**

**AYES:        Larry Dailey  
               Jimmy Green  
               James Torrey  
               Sandra Walters**

**NAYS: None**

**ABSTAINED: David Wooten**

**ABSENT: Greg Spanier**

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**APPROVAL OF AGENDA** - No changes to the agenda.

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**PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA-** No public comments.

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**OLD BUSINESS**

**A. QUASI-JUDICIAL**

**SANDHILL RV PARK MAJOR DEVELOPMENT - REQUEST FOR A MAJOR DEVELOPMENT ORDER FOR A 24.18 ACRE RECREATIONAL VEHICLE PARK IN A MURC-2 MIXED USE RECREATION COMMERCIAL-2 (PENDING), MARTIN BLUFF ROAD (GREG WILLIAMS dba DIRT, INC.) (GPC CASE #14-03-MD) TABLED AT MARCH 6, 2014, APRIL 3, 2014, AND MAY 1, 2014 GPC MEETINGS. *THE PROPOSED ZONING CHANGE WAS NOT APPROVED BY CITY COUNCIL. THIS REQUEST IS NOT LEGALLY SUFFICIENT FOR REVIEW AND WILL BE REMOVED FROM THE AGENDA.***

Mrs. Nicholson requested GPC Case #14-03-MD be removed from the agenda. The case was contingent upon approval of the proposed zoning changes and was not approved by Council.

**Chairman Wooten made a motion to rescind GPC Case #14-03-MD- SANDHILL RV PARK MAJOR DEVELOPMENT - REQUEST FOR A MAJOR DEVELOPMENT ORDER FOR A 24.18 ACRE RECREATIONAL VEHICLE PARK IN A MURC-2 MIXED USE RECREATION COMMERCIAL-2 (PENDING), MARTIN BLUFF ROAD (GREG WILLIAMS dba DIRT, INC.)**

**Commissioner Walters seconded the motion and the following vote was recorded:**

**AYES: David Wooten  
Larry Dailey  
Jimmy Green  
James Torrey**

**Sandra Walters**

**NAYS: None**

**ABSENT: Greg Spanier**

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### **Discussion on Old Business Items**

Commissioner Walters asked Mrs. Nicholson about the illegal carport that was built without a permit in the city right-of-way. The case was never settled and it has not appeared on the agenda.

Commissioner Dailey stated that the case needs to come back before the Commission and continue with their action. The Commission needs to complete the public hearing.

Commissioner Walters recommended postponing the discussion until the City Attorney was present.

Mrs. Abell stated that there is not a compromise that would be legally supported. The issue requires vacating a public right-of-way. The statute requires that the Council make a finding of fact that no public interest remains in retaining the right-of-way. However, there are utilities and adjacent property owners utilizing the roadway. Mrs. Abell suggested that the Planning Commission consider the merits of revising the unified development to allow for a variance that could be approved at the Director's level, with certain circumstances and conditions. However, per statute, the city must still seek compensation for the benefit enjoyed by the carport occupying public right-of-way.

Commissioner Dailey stated that he agreed with existing procedure, and Staff was correct to not list anything on the agenda unless it is ready for a decision. It should remain a tabled item until it is ready to come before the Commission for action.

Commissioner Green asked if The Boatman had met all the conditional use permit requirements by the Planning Commission. Mrs. Nicholson stated the Code Official can check on that.

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### **NEW BUSINESS**

A. LEGISLATIVE

CONSIDER ADOPTION OF ADDITIONAL BOOKS OF THE 2012 INTERNATIONAL BUILDING CODE (CITY INITIATED)

Mrs. Nicholson stated that this would just be an information session on the matter. The International Building Code should go straight to Council and not come before the Planning Commission.

Commissioner Dailey asked why that was the case, when the International Building Codes have always come before the Planning Commission. There was a weeks' worth of work put into the research of the codes.

Commissioner Wooten stated the Commission was asked in 2012 for their input on the exceptions in the International Building Code. The entire code was not approved on purpose by the Commission.

Mrs. Abell suggested tabling the discussion until the next meeting.

Commissioner Dailey asked why the change.

Ms. Abell stated that she spoke with the City Attorney and this item was not the purview of the Planning Commission. The city did not have an ordinance that placed building and fire codes under the authority of the Planning Commission, and for Staff to do so without direction would be usurping the authority of the City Council. The Planning Commission's purview is the Comprehensive Plan, Unified Development Ordinance and any special study requested by the Council related to zoning and land use. The City Manager stated that she would seek City Council and City Attorney input on the matter.

**Commissioner Dailey made a motion to table GPC Case # 14-08-UDO CONSIDER ADOPTION OF ADDITIONAL BOOKS OF THE 2012 INTERNATIONAL BUILDING CODE (CITY INITIATED). Commissioner Dailey seconded the motion and the following vote was recorded:**

**AYES:       David Wooten  
              Larry Dailey  
              Jimmy Green  
              James Torrey  
              Sandra Walters**

**NAYS: None**

**ABSENT: Greg Spanier**

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**DIRECTOR'S REPORT**

Mrs. Nicholson introduced Lee Bond as the new Building Official and Patrick Collins and the new City Planner.

Mrs. Nicholson deferred to the City Manager.

Mrs. Abell gave the Planning Commission an update on the ICSC ReCon Conference in Las Vegas.

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**Commissioner Dailey made a motion to adjourn the meeting until July 3, 2014 at 6:00 P.M. Motion seconded by Commissioner Walters and the following vote was recorded:**

**AYES: David Wooten  
Larry Dailey  
Jimmy Green  
James Torrey  
Sandra Walters**

**NAYS: None**

**ABSENT: Greg Spanier**

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**SUBMITTED BY:**

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Chandra Nicholson, Director  
Economic Development & Planning Director

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

David Wooten, Chairman  
Gautier Planning Commission