

SPECIAL CALL MEETING SEPTEMBER 16, 2021

Be it remembered that the Mayor and Board of Aldermen of the City of Ocean Springs met in a Special Call meeting at City Hall in the City of Ocean Springs at 6:00 p.m. on September 16, 2021. The Mayor presiding, Aldermen Burgess, Authement, Wade, Cox, Papania, Blackman, and Impey were present. Also present were City Attorney Robert Wilkinson, City Clerk Patty Gaston, Deputy City Clerk Vicky Hupe, Police Chief Mark Dunston, Building Official Darrell Stringfellow, City Planner Wade Morgan, Planning & Grants Coordinator Amanda Moser, and Executive Assistant to the Mayor & Board Meggan Switzer.

The Mayor called the meeting to order.

The Special Call Meeting is for the purpose of all matters regarding:

a) Special Hearing – The Sands

A motion was made by Alderman Cox, seconded by Alderman Impey, and unanimously carried to accept the agenda.

A motion was made by Alderman Papania, seconded by Alderman Cox, and unanimously carried to open the public hearing regarding The Sands Development.

Attorney Robert Schwartz representing The Sands LLC spoke of the various options to make the two existing buildings on the property compliant. He said the current homes can be made compliant with building code R-1A. He said an engineer has reviewed the existing structures and has submitted an affidavit which was provided for the minutes as item 6 in the Schwartz packet. He said they are willing to do any alterations required by the Planning Department to make the existing structures compliant. Also included in the documents submitted for the minutes are three proposed modifications to the buildings as item 9. The modification order of priority is 1, 2, and then 3. He ended by saying there are no issues with density or other previous issues because there are 5.6 acres and over 242,000 square feet for compliance of the two structures. Any future developments on the site would require full compliance with any zoning and building regulations.

Michael Butler stressed that he wants to comply with the City's ordinances and that he will make the two existing buildings compliant so that they do not have to be removed.

Attorney William Guice representing "the neighbors" said the Board should aid its citizens in the enforcement of zoning and building codes, not to get around the regulations. He said a property owner cannot get a variance for a hardship that the property owner created. He said there are only 4 acres of usable land for the project. He said for the existing buildings to be preserved Building 1 would require a 13,500 square foot lot and the height reduced 10.2' but it is still too close to Building 2. Building 2 would require a 100' wide 13,500 square foot lot and the height reduced 2.2' but it is still too close to

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Martin Avenue. He included in his provided documents a petition signed by 89 people in Ocean Springs to enforce zoning ordinances and to prohibit construction not in conformity to the ordinances of the City of Ocean Springs.

Attorney Robert Schwartz replied that Mr. Guice implied The Sands can't get a variance because they did something wrong. He said the two original buildings were approved by City permits with the rules that applied at the time and should not be penalized for following the rules that applied at the time of building. He added there are no lot size requirements in place at this time other than minimum requirements, there is no current plat in place so there is ample property for any required lot size within the 5.6 acres. He said adjoining the two buildings together which would be permitted would alleviate the multiple lot requirement.

Attorney William Guice added that chimneys and parapets are not considered under height restrictions.

City Attorney Robert Wilkinson announced that all correspondence between the parties regarding this hearing will be included in the record. He added both parties have until next Friday at 5:00 p.m. to submit supplemental material for the record.

Public Comment:

Greg Williams spoke in favor of The Sands development in compliance with the highest and best use of the property to increase the City's tax revenue.

Mike Illanne said others were allowed to speak against them personally rather than the compliance of the existing buildings. He spoke against The Sands development as it is non-compliant and said the City worked with the developer in the noncompliance of the buildings. He requested the City apply zoning ordinances.

Scott Edwards requested the City follow R-1A guidelines without variances or special provisions.

Karen Stennis requested the City comply with the zoning laws.

A motion was made by Alderman Authement, seconded by Alderman Cox, and unanimously carried to close the public hearing.

A motion was made by Alderman Impey, seconded by Alderman Authement, and unanimously carried to go into a closed session to determine the necessity of going into an executive session.

The City Clerk returned to the meeting and announced that a motion was made by Alderman Authement, seconded by Alderman Blackman, and unanimously carried to remain in executive session to discuss the Illanne litigation.

A motion was made by Alderman Impey, seconded by Alderman Blackman, and unanimously carried to come out of an executive session where the following action was taken:

A motion was made by Alderman Impey, seconded by Alderman Authement, and unanimously carried to authorize Dogan & Wilkinson to file an appeal to the Supreme Court in the matter of the Illanne Consolidated Appeal.

A motion was made by Alderman Impey, seconded by Alderman Blackman, and unanimously carried to adjourn the meeting.

The meeting ended at 7:23 p.m.

Betty Maston 10/05/2021
City Clerk Date

[Signature] 10/05/2021
Mayor Date

