

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Minutes Report

Monday, November 28, 2016

4:00 PM

Council Chambers

City Council

BE IT REMEMBERED that the Special Called meeting of the Hattiesburg City Council was held at 4:00 p.m. Monday, November 28, 2016, in Council Chambers at City Hall.

Those present included Mayor Johnny L. DuPree and members of the City Council Kim Bradley, Ward 1; Deborah Delgado, Ward 2 (Teleconference); Carter Carroll, Ward 3; Mary Dryden, Ward 4; and Henry Naylor, Ward 5. Others in attendance included Director of Administration/City Clerk, Kermas Eaton; City Engineer, Lamar Rutland; Fire Chief, Paul Presley; Assistant Fire Chief, Eddie Wilson; Police Chief, Anthony Parker; Director of Public Works, Larry Barnes; Director of Federal and State Programs, La'Keylah White; Director of the Water Department, Chadwick Frierson; Director of Parks and Recreation, Clemon Terrell; Director of Urban Development, Pattie Brantley; Planning Administrator, Ginger Maddox; Code Enforcement Manager, Mark Jordan; Clerk of Council, Debbie Bernardo; Deputy Clerk of Council, Lisa Luu; media; and the public.

The MEETING was called to order by Council President Carroll.

1. **2016-51** Adopt an Ordinance establishing a new Land Development Code and repealing Ordinance Number 2330, adopted 12-05-1989, and all subsequent amendments thereto and any other ordinances in conflict therewith.
 1. October PC Minutes (draft)
 2. Staff Summary - New LDC
 3. 2016 LDC - Home Builders Assoc - Letter of Support
 4. Hattiesburg LDC Edits - Home Builder Comments - 2nd Round Responses 9.12
 5. Hattiesburg LDC Edits - ADP 9-8-16
 6. Hattiesburg Land Development Code - Final Draft (9.12.16)
 7. ADP Letter of Support

Ms. Brantley announced that Ms. Maddox has passed the AICP (American Institute of Certified Planners) exam. Council members congratulated Ms. Maddox.

Ms. Maddox provided a brief overview and introduced Bob Barber, partner at Orion Planning and Design, who presented the Proposed Land Development Code to the Council. He said the revised Code has roughly half the number of pages as the current Code, makes use of more images and illustrations, is searchable and includes hyperlinks; also, he said it includes re-worked environmental and infrastructure standards, a simpler signs section, and a streamlined administration/enforcement section.

Mr. Barber said the new code is easier to follow, that additional conditions are listed in a separate section and that it includes a streamlining of the process. He said his presentation to the Council for adoption is the final step, as there has been an extensive review process in the community and, prior to that with staff. He said the Planning Commission recommended approval at its meeting October 5, 2016, and stated that the Homeowners Association wants language inserted at section 2.4.10 reflecting that the grandfather clause extends to the building and site.

Subsequent discussion related to the proposed streamlining of the process, which would make the Council the final voice on variances only when an appeal has been filed, and to zoning and use permits, signs, redevelopment incentives, and the level of public engagement at the charrettes and open meetings on the proposed Land Development Code.

Council member Bradley spoke in favor of retaining the section on streamlining the process; Council President Carroll said that the planning staff had been told twice that did not want this section included, and Council Vice President Dryden said that Council members are elected to represent and that these items should come before the Council.

Dennis Pierce of Pierce Construction in support to the land code. He asked that the language in section 2.4.10 be amended to read "and/or."

Builder Gary Fordham, whose office is at 723 Hardy Street, spoke on behalf of the Homebuilders Association. He said association members met with city staff members and the planning commission and that many, many changes were made; he said the association supports the proposed code, but does ask that the words "and/or" be inserted at section 2.4.10.

Joe White, president of the Planning Commission, discussed the many hours of work that Planning Commission members Linda McMurtry, Richard Conville and he have spent on the proposed land code and urged the Council to adopt it.

There were no other citizens present who wished to address the Council on the proposed Land Development Code, but Mr. Barber responded to questions from Mr. Pierce about the language in section 2.4.10.

Subsequent discussion related to adoption of the ordinance adopting the proposed Land Development Code, and specifically, whether it could be adopted with stipulations that the wording requested by the Homebuilders Association be added to section 2.4.10 and that the section related to the streamlining of the process be removed.

Attorney Jim Gladden provided options to the Council but said it is best not to stipulate with regard to substantive items; he stated that the section on streamlining the process is substantive. Also, he said that this type of revision will mean that the ordinance must be re-advertised. Subsequent discussion related to various options for adopting, amending and re-advertising the ordinance, with a conclusion that the ordinance be amended and re-advertised and brought back before the Council in January for a vote.

A MOTION was made by Council member Bradley to Adopt an Ordinance establishing a new Land Development Code and repealing Ordinance Number 2330, adopted 12-05-1989, and all subsequent amendments thereto and any other ordinances in conflict therewith, and to amend the ordinance later if necessary.

The MOTION failed for lack of a second.

2016-95 Bob Barber's Presentation on the new Proposed Land Development Code, 11-28-16.

1. New Proposed Land Development Code Presentation, 11-28-16

2016-96 Public Comment Sign-In Sheet for the Proposed Land Development Code, 11-28-16.

1. 11-28-16, Public Comment Sign-In Sheet

A MOTION was made by Council member Bradley and seconded by Council Vice President Dryden to adjourn.

There being no discussion, the motion received the affirmative vote of the Council as follows:

Yeas: 5 - Bradley, Delgado, Carroll, Dryden and Naylor

Nays: 0

Council President Carroll declared the meeting adjourned at 5:04 p.m., this 28th day of November, A.D., 2016.