



City of Gulfport, Mississippi

Agenda City Council

2309 15th Street
Gulfport, MS 39501

Monday, July 15, 2024

11:30 AM

*Gulfport City Hall
Council Chambers*

11:30 A.M.

Declaration of Special Call Meeting

Policy Issues

Appeal

- 1 Appeal - Variance Approval - allowing for an 8-foot fence where 4-feet is the height limit - 1524 & 1526 Olive Avenue (Zoned R-1-7.5 (Single-family)) - Case #2404ZB042 - Ward 2.

Resolution

- 2 Resolution - approving Amendment No. 1 to Agreement with GPT SFM, LLC for Operation and Maintenance of the Gulfport Sportsplex and the Goldin Sportsplex Facilities, and for related purposes.

Budget Amendments

- 3 Budget Amendment #100 - increasing Leisure Services Contractual line item, for the GPT SFM, LLC Operation and Maintenance of the Gulfport Sportsplex and the Goldin Sportsplex Facilities Agreement.
- 4 Budget Amendment #101 - allocating funds for Sportsplex Facilities Capital Improvements.

Setting of Next Meeting and Adjournment

MEMORANDUM

To: Mayor Billy Hewes and
Gulfport City Council

From: Su-Lin Featherston, Planning Administrator
Urban Development Department

Date: July 1, 2024

Re: Variance 2404ZB042, by owner Kay Webber Cochran, seeking approval for an 8-foot fence where 4-feet is the height limit, Tax Parcels 0811H-02-035.000, 0811H-02-034.000, 1524 Olive Avenue, 1526 Olive Avenue, Zoned R-1-7.5 (Single-family), Ward 2

Zoning Board of Adjustments and Appeals recommendation: To approve applicant request.

Motion: Mr. Boddie

Second: Mr. Kaigler

Leslie North	- Chairman
Mary Ann Wiginton	- Yea
Michael Daniels	- Nay
Robert Pharr	- Yea
Nathan Boddie	- Yea
Nicholas Hahn	- Absent
Hal Kaigler	-Yea

Action: Motion carried 4-1

Speaking for the Petition:

1. Myrtis Franke

Speaking against the Petition:

1. James Thompson
2. Janet Lawrence

On April 18, 2024, the Zoning Board of Adjustments and Appeals recommended approval of the above referenced case.

Please place the attached item on the Council agenda for July 16, 2024.

Technical Report

VARIANCE

GENERAL INFORMATION

Case File Number: 2404ZB042

Hearing Date: April 18, 2024

Current Zoning/Use: R-1-7.5 / Single-family

Legal: Variance 2404ZB042, by owner Kay Webber Cochran, seeking approval for an 8-foot fence where 4-feet is the height limit, Tax Parcels 0811H-02-035.000, 0811H-02-034.000, 1524 Olive Avenue, 1526 Olive Avenue, Zoned R-1-7.5 (Single-family), Ward 2

TECHNICAL DETAILS

Variances involve special cases where unique factors contribute to justify a use of property that does not conform to the City's enforced ordinances. Therefore, variances should not be granted unless they are able to adequately meet the following conditions:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (b) The special conditions and circumstances do not result from the actions of the applicant;
- (c) That an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution;
- (d) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of this ordinance;
- (e) That the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and the hardship;
- (f) That the use proposed is permissible by right or with planning approval or by special exception.

(Ord. App. A Sec. VIII (B)(2)(c)(1))

Technical Report

VARIANCE

The applicant is seeking approval for an eight-foot fence in the front facade where four-feet is the height limit between the primary and continuous front façade line and the front property line. The fence is already installed on the property. The applicant was approved to have a six-foot tall fence on the front facade. A two-foot decorative lattice was added. The eight-foot fence has taken the applicant beyond the scope of the approved permit.

- (a) Applicant did not adequately address this section. They did not identify any peculiarities with the land, structures, or buildings that create special conditions or circumstances. The applicant answered this question by explaining that she was given a two-foot variance to allow for a six-foot fence on the continuous front façade. In this circumstance, there isn't a special condition or circumstance that exists as it relates to the applicant's property the applicant went beyond the scope of work that was approved for the permit.
- (b) Applicant did not adequately address this section. The "special condition" was indeed brought on by the applicant. The fence was installed at the six-foot height and contained a two-foot decorative lattice. As a result of the two-foot lattice, the fence is eight-feet and not the previously approved six-feet.
- (c) Applicant does not adequately address this question. Applicant does not present any unnecessary hardships created by the physical character of the property.
- (d) The applicant does not adequately address this question. However, the applicant stated that she was not aware of how the two-foot lattice would affect her previously approved fence height. Applicant also states that she instructed the fence installer to make the fence the allowable fence height per the ordinance. In this case, the normally allowable two-foot lattice, does not apply to the continuous front façade. As a result, the applicant went above the scope of work they were approved for.
- (e) The applicant states that the height of the fence is "in harmony with the surrounding neighborhood". There are similar existing fences in the area that pre-date the fence ordinance. Approval of the variance will not confer special privilege to the applicant.
- (f) This property is zoned R-1-7.5, for single family and is allowed by right.

EXECUTIVE SUMMARY

Applicant is currently seeking approval for an eight-foot fence in the front facade where four-feet is the required height limit. The applicant was previously approved for a two-foot variance to allow for a six-foot fence located at 1526 Olive Ave. The applicant installed a six-foot fence that contains a two-foot lattice, giving her an eight-foot fence. As it stands, the fence ordinance does not grant the provisional two-foot decorative lattice in the front and continuous façade. Therefore, the additional variance for the height is required.

While the six hardship criteria have not been met, there are other properties in the nearby area that have similar fences to what the applicant currently has installed on her property. Staff has confirmed the location of the fence does not obstruct any traffic views. The applicant's request would be in harmony with the surrounding area.

Technical Report

VARIANCE

Any approval should consider these conditions:

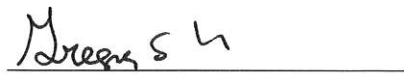
1. Must not obstruct the view of traffic.
2. Approval allows for eight-foot fence where four feet is the height limit between the primary and continuous front façade line and the front property line.

DEPARTMENTAL CONDITIONS

<u>Engineering:</u>	No comment. Memo dated 04/09/2024.
<u>Public Works:</u>	No conditions. Memo dated 04/04/2024.
<u>Traffic and Safety:</u>	No conditions. Memo dated 04/02/2024.
<u>Building Code Services:</u>	Must not obstruct the view of traffic. Memo dated 04/09/2024.
<u>GIS:</u>	No conditions. Memo dated 04/01/2024.
<u>Police Department:</u>	No comment. As of 04/08/2024.
<u>Fire Department:</u>	No conditions. Memo dated 03/27/2024.
<u>City Arborist:</u>	No conditions. Memo dated 03/27/2024.

DIRECTOR APPROVAL

This report has been reviewed and approved by:



Greg Holmes
Director of Urban Development Department



- US or State Highway
- Street
- Alley

Parcels

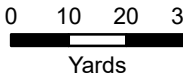
Buildings

Zoning

- R-1-7.5 - Single Family
- Residence District (Low Density)
- SB - Sand Beach

Site Information

0811H-02-034.000
0811H-02-035.000
Zoning: R-1-7.5 (Single-family)
Size: 13820 sqft
Flood: X



1 inch = 100 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.



CASE NUMBER

2404ZB042

Urban Development - Planning Division
1410 24th Avenue | Gulfport, MS 39501 | (228) 868-5710

ZONING BOARD OF ADJUSTMENTS AND APPEALS APPLICATION

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS
(A separate submission form is required for each request)

- ☐ Appeal of Planning Administrator
☐ Excessive Height
☒ Fence Variance
☐ Special Exception
☐ Variance

TAX PARCEL NUMBERS

0	8	1	1	H	-	0	2	-	0	3	5	.	0	0	0	0	8			-			-								
0	8	1	1	H	-	0	2	-	0	3	4	.	0	0	0	0				-			-								
					-			-				.								-			-								

Property Address:

1524 ~~1526~~ Olive Avenue, Gulfport
Lot(s) _____ Block(s) _____ Subdivision _____

General Description of Request:

8 foot fence height - past
Variance approved from 8 foot ^{3.5m} property line

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct.
I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request. We can only accept applications with **original signatures**.

OWNER:KAY WEBBER COCHRAN

Printed Name of Owner

3861A Highway 7, South

Mailing Address

OXFORD, MS 38655

City

State

Zip Code

Home Phone

Work/Cell Phone

662-380-3811

Email

KAYBOWENWEBBER@gmail.com

Signature of Owner

Kay Webber Cochran**AGENT:**

Printed Name of Agent

Mailing Address

City

State

Zip Code

Home Phone

Work/Cell Phone

Email

Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

Name of Owner (PRINT) _____

Address (Street, City, State, Zip Code) _____

Phone (Home) _____ (Work) _____ (Cell) _____

Tax Parcel Number(s) Owned: _____

Signature: _____

1. I have a six feet fence with a two foot lattice on top. I am asking for approval of two feet over the six feet permitted height.
2. The fence has no safety issues.
3. None. Second Street has similar fences. Across the street a fence made of brick but a bit taller.
4. None
5. No
6. As noted above.

VARIANCE SUBMISSIONS

Answer the following six questions individually and thoroughly as a separate attachment.

1. Demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. (i.e., What is special about your property that you need to request a variance?)
2. Demonstrate that the special conditions and circumstances do not result from the actions of the applicant. (i.e., Show that you did not cause the need for the variance.)
3. Demonstrate that an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution. (i.e., Explain what your hardship is and why the property cannot comply with the zoning ordinance. Further, explain why this hardship is not commonly found on other properties?)
4. Demonstrate how the literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of the zoning ordinance. (i.e., Explain how the request meets the right of reasonable economic return and/or the right to reasonable development of your property which might generally be expected in your district.)
5. Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and hardship. (i.e., Will you receive any special benefit that others who follow the Zoning Ordinance cannot receive?)
6. State whether the use proposed is permissible by right, with planning approval or by special exception with respect to uses of land or structures.

I was not aware the lattice was going to put the fence over the six feet high limit. I told fence person I wanted a fence not to exceed city rules.

I had the fence built, had grove once removed at a large expense then replaced by to remove it or cut it down to city acceptable compliance would be the third expense.

Other properties across the street in neighborhood have heights like mine.



COVENANT AFFIDAVIT

I, KAY WEBBER COCHRAN being property owner or agent of the property 1526 Olive Avenue
PRINT NAME PRIMARY ADDRESS OR PARCEL

which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.

Kay Webber Cochran
SIGNATURE

13th February 2024
DATE

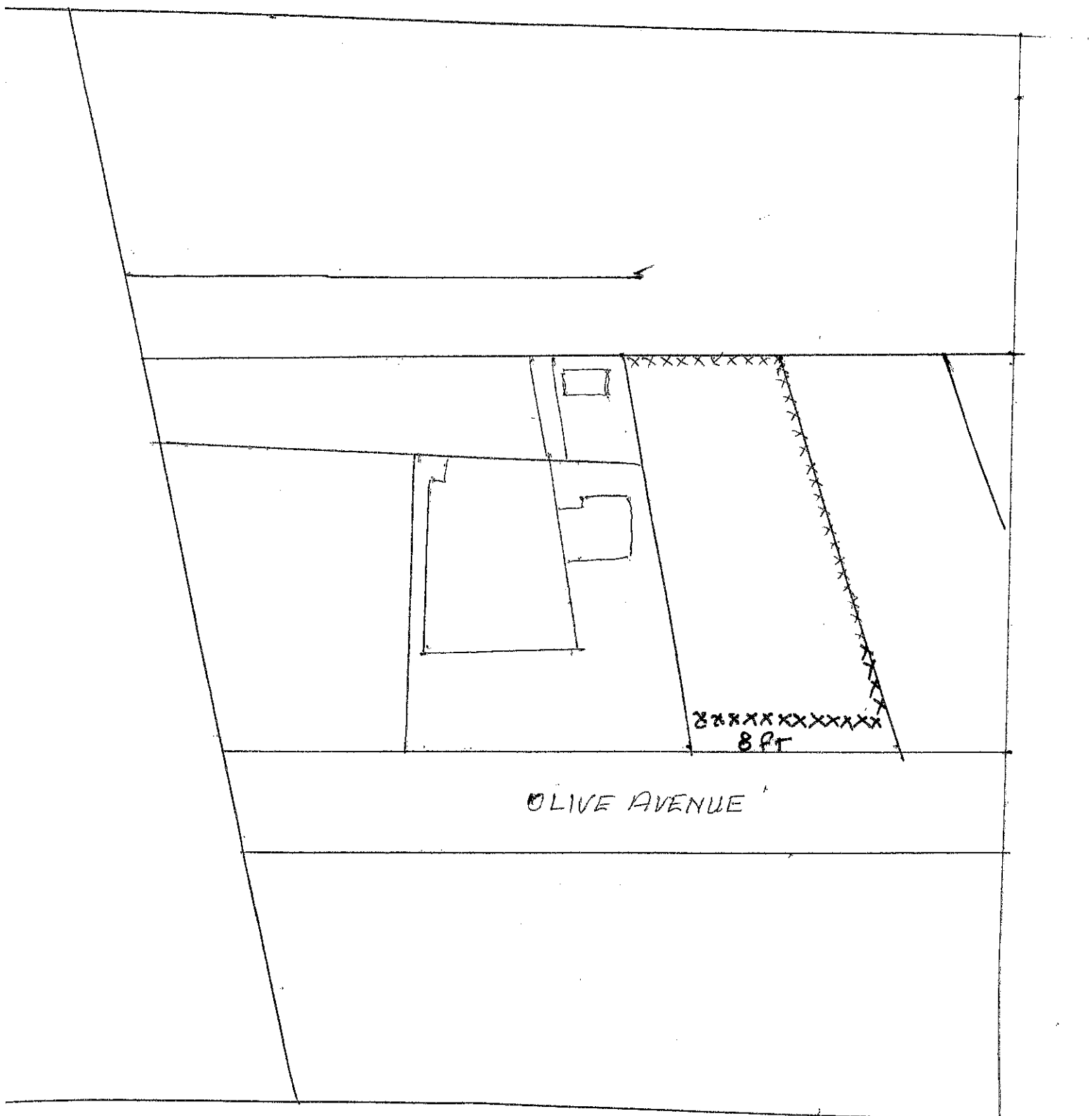
STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the 13th day of February, 20 24

Samuel Sweeting
NOTARY PUBLIC

05/22/27
COMMISSION EXPIRATION





Variance for 8 ft to street/property line has been granted. Height is this variance request. an eight feet tall fence rather than 6 feet!

TAX YEAR 2024



LAND ROLL CHANGE REQUEST FORM

The Tax Assessor's office will no longer combine or split parcels upon request unless there is a deed or other legal document filed of record in the Chancery Clerk's office within the proper legal time frame and which meets the statutory requirements, or unless there is an official written request given to this office by a governing entity.

Owner: KAY WEBBER COCHRAN Date: 2/23/24

Address: 1526 OLIVE AVENUE
GULFPORT, MS 39501

Phone # 662-380-3811 Request taken by: Rebecca Green

BEFORE THIS REQUEST CAN BE COMPLETED BY THE TAX ASSESSOR'S OFFICE THE FOLLOWING MUST BE CHECKED BY A DEPUTY FOR EACH PARCEL INVOLVED AND MUST BE SIGNED BY THE PROPERTY OWNER.

Parcel Numbers Involved

0811H-02-035.000

0811H-02-034.000

- ☐ SPLIT
- ☒ COMBINATION (PARCEL # TO KEEP) 0811H-02-034-000
- ☐ ARE PARCELS CONTIGUOUS YES ☐ NO ☐
- ☐ ARE PARCELS MIXED TITLE YES ☐ NO ☒
- ☐ ARE THERE IMPROVEMENTS INVOLVED YES ☒ NO ☐
- ☐ IF THERE ARE IMPROVEMENTS, WHICH PARCEL OR PARCELS ARE THE IMPROVEMENTS LOCATED ON both

- ☐ IS THERE A HOMESTEAD INVOLVED YES ☐ NO ☒
- ☐ IF THERE IS A HOMESTEAD INVOLVED, WHICH PARCEL HAS THE PRIMARY HOME ON IT N/A
- ☐ ARE PARCELS IN SAME TAXING DIST YES ☒ NO ☐
- ☐ IF THIS IS A SPLIT FOR A MOBILE HOME, HAS THE SPLIT BEEN APPROVED BY ZONING YES ☐ NO ☒
- ☐ ARE ALL APPLICABLE GOVERNMENTAL REQUESTS ATTACHED YES ☐ NO ☐

PROPERTY OWNER

If a mortgage company pays the taxes on any of the parcels involved in this request, it is up to you, the property owner, to notify the mortgage company of the change that may result from this request if approved.

Signature of property owner: Kay Webber Cochran
If not signed in front of a Deputy Tax Assessor this form must be notarized.



February 21, 2024

Re: Tax parcels 0811H-02-035.000 (Lots 20 & 21)
and 0811H-02-034.000 (Lots 17, 18, & 19) MISS LAND & ABST CO
SUBD OF EAST GULFPORT

To Whom It May Concern:

The property owner requests to combine the above mention two parcel numbers into one tax parcel. The proposed request will be consistent will the current zoning and subdivision regulations of the City of Gulfport. The Planning Division has no objection to this request. It is the applicant's responsibility to ensure that the proposed combination of parcels doesn't violate their neighborhood covenants. Please provide proof of ownership of the above mention tax parcels to the Harrison County Tax Assessor office along with this letter from the City of Gulfport when submitting your request for the proposed parcel combination.

If you have any questions or comments, please contact this office at (228) 868-5710.

Sincerely,

A handwritten signature in black ink, appearing to read "Su-Lin".

Su-Lin Featherston
Planning Administrator
Urban Development Planning Division
City of Gulfport, MS



Area Map

Printed 02/14/24

0811H-02-033.000
OLIVE AVE

0811H-02-032.000

0911E-03-015.000

0811H-02-070.000

0811H-02-034.000

1524 OLIVE AVE

0811H-02-035.000

0811H-02-068.000

0911E-03-016.000

0811H-02-036.000

0811H-02-041.001

0811H-02-037.000

0811H-02-038.000

- Addresspoints
- Parcels



1 inch = 30 feet

DATA DISCLAIMER:

All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness or adequacy of the information contained on this map are expressed or implied.

SCANNED

STATE OF Mississippi

COUNTY OF Harrison

WARRANTY DEED



J. Gordon 1st Judicial District
Instrument 2020 2244 D -J1
Filed/Recorded 2/27/2020 02:30 P
Total Fees \$ 36.00
3 Pages Recorded

FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, the undersigned **Reynolds Engineering, LLC, a Mississippi Limited Liability Company** does hereby grant, bargain, sell, convey and warrant unto **Kay Webber Cochran** fee simple title in and to the following described land and property, lying and being situated in the First Judicial District of Harrison County, Mississippi, to wit:

REVIEWED

SEE ATTACHED EXHIBIT "A"

This conveyance is subject to any and all prior restrictive covenants, reservations and easements of record as well as prior reservations of all gas and minerals.

The above described real property is no part of the homestead of the Grantor nor is it adjacent or contiguous thereto.

IT IS AGREED and understood that the taxes for the current year have been pro-rated as this date on an estimated basis. When said taxes are actually determined, if the proration as of this date is incorrect, then the Grantor agrees to pay to the Grantee, or its assigns, any deficit on an actual proration, as likewise, the Grantee agrees to pay to the Grantor, or its assigns, any amount overpaid by it.

WITNESS MY SIGNATURE, this the 24 day of Feb, 2020

GRANTOR

[Signature]
President Reynolds Eng

EXHIBIT "A"

Lots 20 and 21 of Block 4, MISSISSIPPI LAND AND ABSTRACT COMPANY'S SUBDIVISION, of East Gulfport, as per official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi,

LESS AND EXCEPT: Commencing at the Northwest corner of Lot 20, Block 4, MISSISSIPPI LAND AND ABSTRACT COMPANY'S SUBDIVISION, of East Gulfport, and from said point of beginning run thence in a Northeasterly direction along the North line of said Lot 20 a distance of 120 feet to the Northeast corner of said Lot 20; thence run South along the East line of said Lot 20 a distance of 15.73 feet; thence run Southwesterly a distance of 116.47 feet, more or less, to point of beginning and being a part of said Lot 20, Block 4, MISSISSIPPI LAND AND ABSTRACT COMPANY'S SUBDIVISION, of East Gulfport, Harrison County, Mississippi.

LESS AND EXCEPT:

A part of Lot 20, Block 4, MISSISSIPPI LAND and ABSTRACT COMPANY'S SUBDIVISION of East Gulfport Addition, as shown in Deed Book 54, Page 257 of the Land Deed Books, First Judicial District, City of Gulfport, Harrison County, Mississippi and being more particularly described as: Commencing at the Northwest corner of said Lot 20; thence run North 80 degrees 46 minutes East a distance of 24.6 feet to the point of beginning; thence continue North 80 degrees 46 minutes East a distance of 91.87 feet to the East line of said Lot 20; thence run South along the said East line of Lot 20 a distance of 11.89 feet; thence run South 88 degrees 12 minutes West a distance of 90.72 feet to the point of beginning. Containing 539 square feet.

Together with an easement for ingress and egress over that certain parcel being more particularly described as follows:

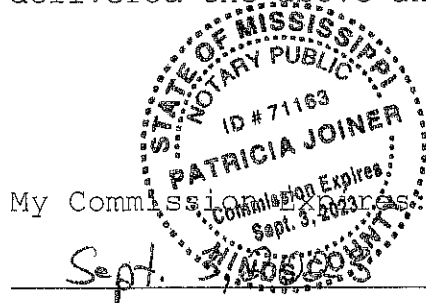
A parcel of land being a part of a vacated alley lying between Lot 20 Block 4 and Lot 19 Block 4 of MISSISSIPPI LAND AND ABSTRACT COMPANY'S SUBDIVISION, of East Gulfport, more particularly described as: Begin at the Northwest corner of said Lot 20 and then run North along the East margin of Olive Street a distance of 10 feet to the Southwest corner of Lot 19; thence run in a Northeasterly direction along the South line of said Lot 19 a distance of 25 feet; thence run South and parallel to the East margin of Olive Street a distance of 12 feet, more or less, to the North line of the property conveyed by this instrument to Grantee; thence in a Westerly direction along the said North line of the property conveyed to Grantee 25 feet, more or less, to the Northwest corner of said Lot 20 and being the point of beginning.

ACKNOWLEDGMENT

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24th day of February, 2020, within my jurisdiction, the within named Carl Ray Furr who acknowledged that he/she/they executed and delivered the above and foregoing instrument.



Patricia Joiner
NOTARY PUBLIC

Grantor:
Reynolds Engineering, LLC,
460 Brianwood Drive
Ste. 115
Jackson, MS 39205 601-209-7777

Prepared by and return to:
Franke & Salloum, PLLC
P.O. Drawer 460
Gulfport, MS 39502
(228) 868-7070

1526 Grantees:
Kay Webber Cochran
Olive Street
Gulfport, MS 39501
662-380-3811

TITLE NOT EXAMINED



STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT



1st Judicial District
Instrument 2008 2571 D -J1
Filed/Recorded 3 26 2008 11 10 A
Total Fees 15.00
3 Pages Recorded

CORRECTED WARRANTY DEED

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, ROBINSON-MAYER BUILDERS, LLC, a Mississippi limited liability company ("Grantor"), does hereby sell, convey and warrant unto KAY B. WEBBER, an unmarried woman ("Grantee"), the following described real property situated and being located in the First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

All that portion of Lots 17, 18, 19 and 20, Block 4 of MISSISSIPPI LAND AND ABSTRACT COMPANY'S SUBDIVISION, Gulfport, Mississippi, and recorded in Book 54 at Page 257 of the Records of Deeds to Land in the First Judicial District of Harrison County, Mississippi and also all that portion of the vacated alleys within said Block 4 and being more particularly described as follows:

BEGINNING at a point on the West margin of Lot 19 in Block 4 of Mississippi Land and Abstract Company's Subdivision of East Gulfport, which is 55 feet South of the Northwest corner of said Lot 19 in Block 4; and from said point of beginning, South 00 Degrees 20 Minutes 35 Seconds West along the East margin of Olive Avenue or Street a distance of 75.00 feet to an iron pipe found at the Northwest corner of Lot 20, Block 4; thence North 81 Degrees 09 Minutes 10 Seconds East a distance of 24.48 feet to an iron rod found; thence North 88 Degrees 23 Minutes 06 Seconds East a distance of 90.70 feet to an iron rod set on the East line of said Lot 20, Block 4; thence North 00 Degrees 33 Minutes 19 Seconds West a distance of 11.89 feet to an iron rod found; thence North 81 Degrees 19 Minutes 53 Seconds East a distance of 4.87 feet to an iron rod set on the centerline of a vacated alley running North and South; thence North 00 Degrees 12 Minutes 47 Seconds East along said centerline a distance of 21.74 feet to an iron rod set on the centerline of a vacated alley running East and West; thence South 73 Degrees 18 Minutes 46 Seconds West along said centerline a

2

distance of 30.36 feet to an "X" found in concrete; thence North 00 Degrees 05 Minutes 46 Seconds East a distance of 47.77 feet to an iron rod found; thence South 86 Degrees 59 Minutes 38 Seconds West a distance of 90.30 feet to the point of beginning, having an area of 7452.2 square feet, more or less.

Grantor also hereby conveys and quitclaims unto Grantee any and all interest it may have in and to the portion of the vacated alley which is east of and adjacent to the portion of Lot 20 conveyed to Lena F. Spight Adams by Peggy Marie Peden by deed dated January 12, 1979, and recorded in Deed Book 848 at Page 539, and further conveyed by Lena F. Spight Adams to Grantor by quitclaim in the deed dated May 25, 2006, and recorded as Instrument No. 2006-4610D-J1. Title to this portion of the vacated alley was vested in Peggy Marie Peden by decree in Cause No. 73,717 in the Chancery Court of the First Judicial District of Harrison County, Mississippi, entered February 13, 1979, and recorded in Deed Book 851 at Page 473, although Peggy Marie Peden had previously conveyed the adjoining portion of Lot 20 to Lena F. Spight Adams. Such portion of the vacated alley was included in Ms. Adams' tax parcel for the above described property, and Ms. Adams maintained and paid taxes on such portion of the vacated alley for more than ten years.

This conveyance is made subject to any and all covenants, conditions, restrictions, easements, rights of way, and prior oil, gas and mineral reservations of record pertaining to the subject property.

This Corrected Warranty Deed is executed to correct an error in a direction in the legal description of that Warranty Deed filed June 30, 2006, as Instrument No. 2006-5784D-J1.

Taxes for the year 2006 and all subsequent years are assumed by the Grantee.

WITNESS THE DULY AUTHORIZED SIGNATURE of the member of said company
on this the 25 day of March, 2008.

ROBINSON-MAYER BUILDERS, LLC

BY: Robinson Holdings, LLC, Its Member

By: [Signature]
Terry G. Robinson,
Its Authorized Member

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this the 25th day of March, 2008, within my jurisdiction, the within named Terry G. Robinson, who acknowledged that he is the Authorized Member of Robinson Holdings, LLC, Member of Robinson-Mayer Builders, LLC, a Mississippi limited liability company, and that for and on behalf of said company and as its act and deed, he executed the above and foregoing instrument, after first having been duly authorized by said company so to do.

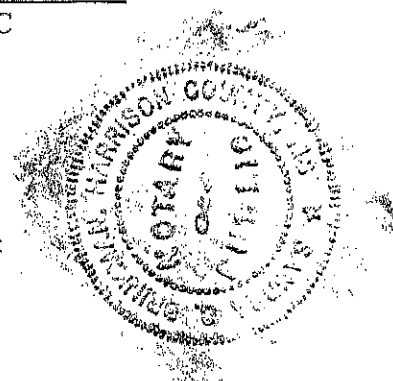
[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES:

11-25-09

GRANTOR'S ADDRESS:
1311 Spring Street, Suite B
Gulfport, MS 39507
Phone: (228) 896-9939

GRANTEE'S ADDRESS:
1526 Olive Avenue
Gulfport, MS 39501
Phone: (228) 822-1492



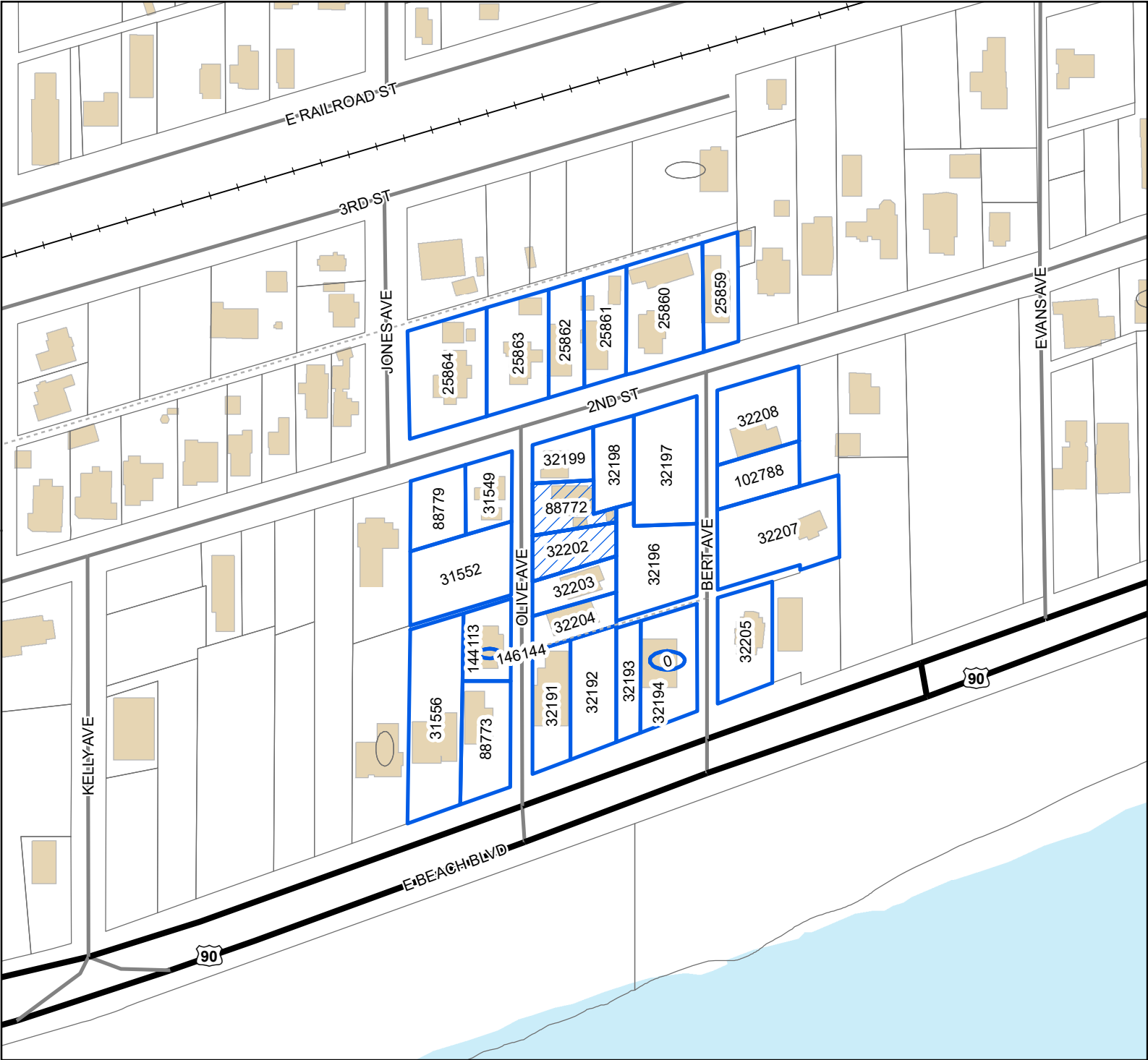
Instrument Prepared By
and Return To:

Balch & Bingham LLP, P.O. Box 130, Gulfport, MS 39502;
Phone: (228) 864-9900

Indexing Instructions:

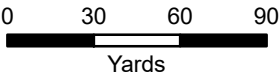
Part of Lots 17, 18, 19 and 20, Block 4, Mississippi Land and Abstract Company's Subdivision, 1st Judicial District, Harrison County, MS

Mail	PPIN	Parcel ID	Name	Address	City	State	ZIP
Y		0811H-02-035.000	KAY WEBBER COCHRAN (OWNER)	386A HWY 7 SOUTH	OXFORD	MS	38655
			Adjacent Property Owners (2404ZB042)				
	31556	0811H-02-042.000	ROBICHAUX LINDA HOOKS	120 LINEAGE LANE	FLOWOOD	MS	39232
	32193	0811H-02-038.000	DOT LLC	507 DAVID WORK DR	ROSEDALE	MS	38769
	32191	0811H-02-040.000	HOPKINS GEORGE P III & BECKY T	1016 E BEACH BLVD	GULFPORT	MS	39501
	32199	0811H-02-033.000	COLEMAN RONALD	1528 OLIVE AVE	GULFPORT	MS	39501
	88773	0811H-02-041.000	BARBER DENNIS N	P O BOX 803	GULFPORT	MS	39502
	25863	0811H-02-029.000	HYNAN COLLEEN S	1133 EGGLESTON ST	NAPA	CA	94559
	25859	0911E-04-040.000	PARKER LESLIE WAYNE & DEBORAH C	P.O.BOX 1535	GULFPORT	MS	39502
	88772	0811H-02-034.000	WEBBER KAY B	386 A HWY 7 SOUTH	OXFORD	MS	38655
	25864	0811H-02-028.000	SMITH J ADRIAN & CHERYL PARKER	1030 2ND ST	GULFPORT	MS	39501
	32205	0911E-03-019.000	SAYLOR BRUCE V & LANA T -TRUSTEES	960 E BEACH BLVD	GULFPORT	MS	39501
	25861	0811H-02-031.000	BISHOP WADE C & RUTH L	1020 2ND ST	GULFPORT	MS	39501
	32203	0811H-02-036.000	JACOBSON DANIEL A & KATIE MULLINS	1761 HELANE CT	BENICIA	CA	94510
	32208	0911E-03-014.000	FANCA GEORGIA A & CYRIL T JR	1526 BERT AVENUE	GULFPORT	MS	39501
	32192	0811H-02-039.000	BAILEY SHERWOOD R JR	P O BOX 6039	GULFPORT	MS	39506
	25860	0911E-04-041.000	RSGG INVESTMENTS HOLDINGS GROUP LLC	13928 PUERTO DR	OCEAN SPRINGS	MS	39564
	31552	0811H-02-068.000	POPE CARL J	P O BOX 283	GULFPORT	MS	39502
	32204	0811H-02-037.000	BEVERLY FRANK B	1514 OLIVE AVE	GULFPORT	MS	39501
	31549	0811H-02-070.000	CULVEYHOUSE JAMES BERNARD	1101 2ND ST	GULFPORT	MS	39501
	25862	0811H-02-030.000	BISHOP WADE C & RUTH L	1020-2ND STREET	GULFPORT	MS	39501
	32196	0911E-03-016.000	BROWN JACQUELINE	931 OLD TOWNE STREET	GULFPORT	MS	39507
	32198	0811H-02-032.000	LAWRENCE JANET S	P O BOX 8974	GULFPORT	MS	39506
	32197	0911E-03-015.000	KAIGLER DELIA H	1529 MAGNOLIA ST #10	GULFPORT	MS	39507
	102788	0911E-03-014.001	FANCA GEORGIA ANNE & CYRIL T JR	1526 BERT AVE	GULFPORT	MS	39501
	144113	0811H-02-041.001	SMITH CHRISTINE	1515 OLIVE AVE	GULFPORT	MS	39501



Legend

-  Site
-  Adjacent Properties
-  US or State Highway
-  Street
-  Alley
-  Railroad
-  Buildings
-  Water Features



1 inch = 200 feet



DATA DISCLAIMER: All information that is provided on this map is believed to be correct. However, no liability is assumed by the City of Gulfport for errors in substance or form of any of the materials published on this map. The GIS Division, City of Gulfport, provides the information represented on this map as a service to the community and makes every effort possible to provide quality information. However, no claims, promises, or guarantees about the accuracy, completeness, or adequacy of the information contained on this map are expressed or implied.

RE: Variance 2404ZB042, by owner Kay Webber Cochran, seeking approval for an 8-foot fence where 4-feet is the height limit, Tax Parcels 0811H-02-035.000, 0811H-02-034.000, 1524 Olive Avenue, 1526 Olive Avenue, Zoned R-1-7.5 (Single-family), Ward 2

To Applicants and Adjacent Property Owners:

The City of Gulfport Zoning Board of Adjustments and Appeals will hold a public hearing to consider the above application at 3:00 P.M. on **Thursday, April 18, 2024**, in the Council Chambers at the Gulfport City Hall located at 2309 15th Street.

For more information, visit <https://www.gulfport-ms.gov/agendas/> then click the City of Gulfport Zoning Board for **Thursday, April 18, 2024**. A map showing the location of the property involved is located at this website. If you have any questions or comments, please contact this office at the phone number 228-868-5710 or email planners@gulfport-ms.gov. The application is available for viewing in the Planning Division office at 1410 24th Avenue.



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36845	536503	Print Legal Ad-IPL01664790 - IPL0166479		\$71.65	1	72 L

Attention: Matilda Welch
GULFPORT URBAN DEVELOPMENT
PO BOX 1780
GULFPORT, MS 39502

accountspayable@gulfport-ms.gov

LEGAL NOTICE PUBLIC HEARING

In conformance with Section VIII of the Comprehensive Zoning Ordinance of the City of Gulfport, Mississippi, 1979, as amended, notice is hereby given advising that the Zoning Board of Adjustment and Appeals will hold a public hearing in the City of Gulfport, Mississippi at 3:00 P.M., Thursday, April 18, 2024 in the Council Chambers of the Gulfport City Hall located at 2309 15 th Street to consider the following requests. A copy of the requests will be available for public review at the office of the Department of Urban Development-Planning Division located on first floor of the William H. Hardy Building, 1410 24 th Avenue.

Variance 2403ZB032, by agent Terry Robinson, seeking approval for zero required parking for retail use, Tax Parcel 0910N-06-014.000, 3200 B Ave, Zoned B-2 (General-business), Ward 4

Variance 2404ZB041, by owner Kay Webber Cochran, seeking approval for an additional accessory structure, Tax Parcels 0811H-02-034.000, 0811H-02-035.000, 1524 Olive Ave, 1526 Olive Ave, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2404ZB042, by owner Kay Webber Cochran, seeking approval for an 8-foot fence where 4-feet is the height limit, Tax Parcels 0811H-02-035.000, 0811H-02-034.000, 1524 Olive Avenue, 1526 Olive Avenue, Zoned R-1-7.5 (Single-family), Ward 2

Variance 2404ZB048, by agent Terry Robinson, seeking approval for parking to pull out onto city right of way, Tax Parcel 0910N-06-014.000, 3200 B Ave, Zoned B-2 (General-business), Ward 4

Variance 2404ZB052, by agent Patricia Tomasello, seeking approval for lot size of 6352 square feet where 7500 square feet is required, Tax Parcel 0710O-02-102.002, 29th Street, Zoned R-B (Residence-business), Ward 1

Variance 2403ZB036, by agent Robert Addison Riemann, seeking approval for an additional wall sign on the eastern elevation, Tax Parcel 0809K-02-002.001, 15223 Creosote Road, Zoned B-4 (Highway-business), Ward 3

This the 28th day of March 2024
A. Leslie North, Chairman
City of Gulfport Zoning Board of Adjustment and Appeals
IPL0166479
Apr 3 2024

STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Mary Castro, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

1 insertion(s) published on:
04/03/24

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

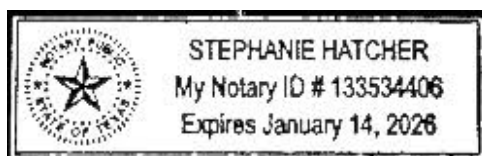
Mary Castro

Sworn to and subscribed before me this 3rd day of April in the year of 2024

Stephanie Hatcher

Notary Public

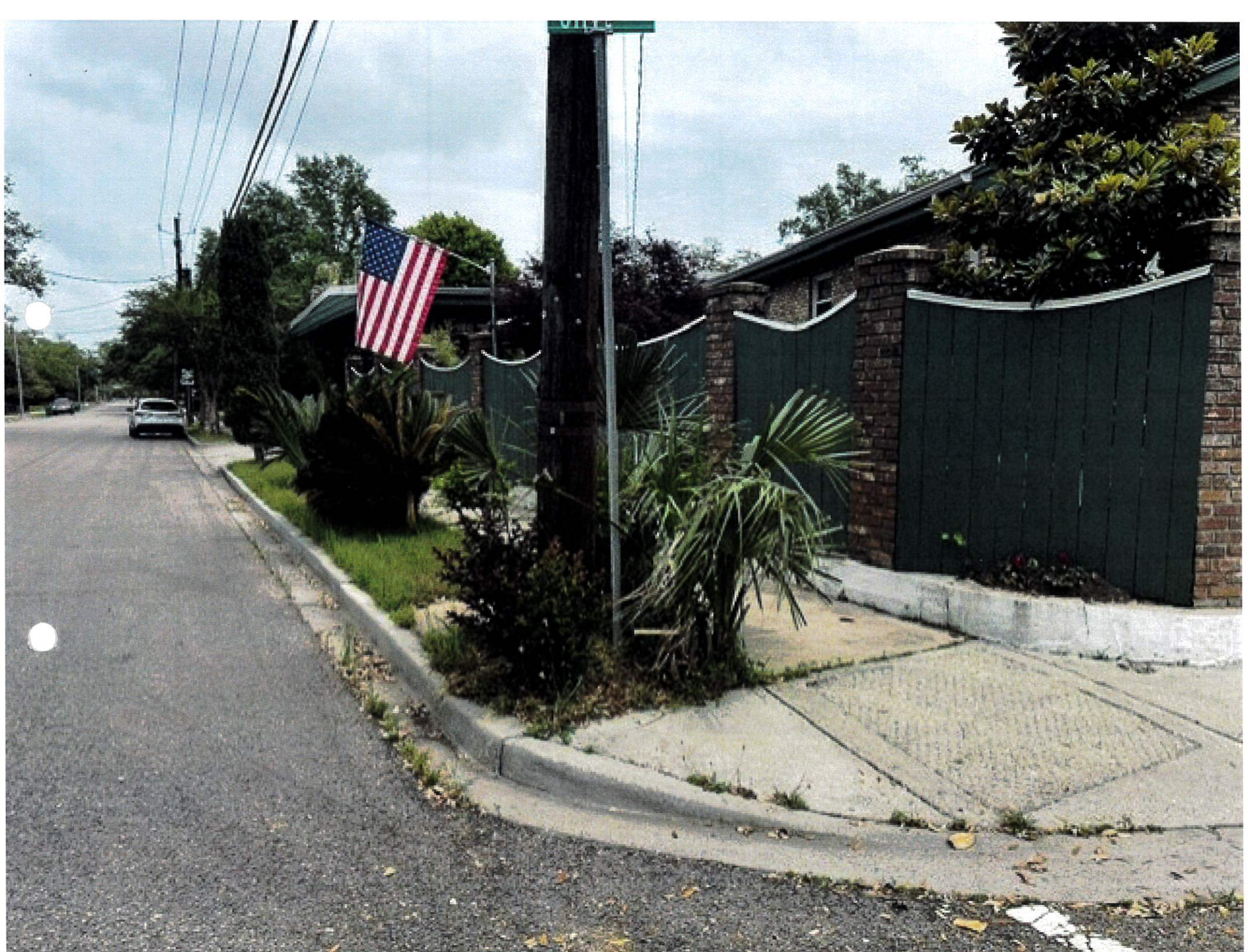
* The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

tabbies®
EXHIBIT
B
2404ZB042



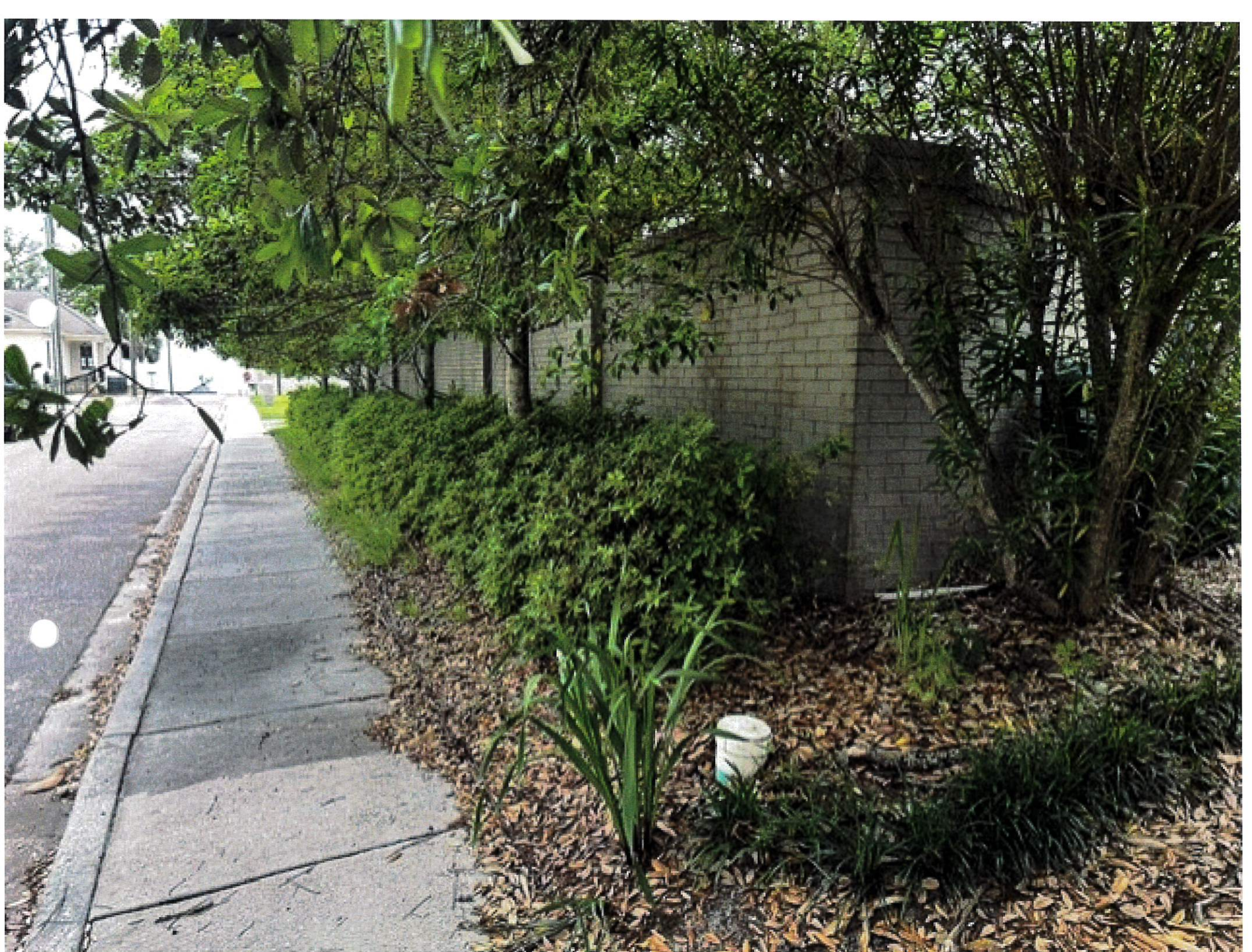












Su-Lin Featherston

From: Gregory Holmes
Sent: Friday, May 3, 2024 02:12 PM
To: Su-Lin Featherston
Subject: Fwd: 1524 Olive Ave. Request

RECEIVED
05/21/24 JJ

Sent from my iPhone

Begin forwarded message:

From: Gregory Holmes <GHolmes@gulfport-ms.gov>
Date: May 2, 2024 at 4:43:35 PM CDT
To: Ronald Coleman <rcoleman225@sbcglobal.net>
Cc: Su-Lin Featherston <sbolin@gulfport-ms.gov>
Subject: RE: 1524 Olive Ave. Request

Good Afternoon,

Your appeal has been received. Staff will reach out to you with the next steps.

Thanks,

Gregory L. Holmes
Director of Urban Development
The City of Gulfport
Phone: 228-868-5710
Fax: 228-868-5708



From: Ronald Coleman <rcoleman225@sbcglobal.net>
Sent: Thursday, May 2, 2024 4:22 PM
To: Gregory Holmes <GHolmes@gulfport-ms.gov>
Subject: Fw: 1524 Olive Ave. Request

Caution! This message was sent from outside of the City of Gulfport email system. Be careful where you click.

[Allow sender](#) | [Block send](#)

Good afternoon Mr. Holmes.
Pursuant to our 05/02/2024 phone conversation, attached is my timely written request for an appeal of the 04/18/2024 decision of the zoning appeal board.

Please confirm receipt of the appellate request, and the next step in the appeal process.
Your attention to this matter is appreciated.
RGC

----- Forwarded Message -----

From: Ronald Coleman <rcoleman225@sbcglobal.net>
To: margaremtobin@yahoo.com <margaremtobin@yahoo.com>
Sent: Monday, April 29, 2024 at 11:35:30 AM CDT
Subject: Re: 1524 Olive Ave. Request

Dear Mr. Holmes,
Thank you for your email of this date.
Please consider this response my written request for an appeal from the decision of the Gulfport zoning board on 04/18/2024 Agenda #2404ZB042 involving the property located at 1524-1526 Olive Ave.
Please verify receipt of this email and advise of the next step in the appeal process.
Ronald Coleman

On Monday, April 29, 2024 at 10:59:21 AM CDT, Ronald Coleman <rcoleman225@sbcglobal.net> wrote:

----- Forwarded Message -----

From: Gregory Holmes <gholmes@gulfport-ms.gov>
To: 'Ronald Coleman' <rcoleman225@sbcglobal.net>
Sent: Monday, April 29, 2024 at 10:44:43 AM CDT
Subject: RE: 1524 Olive Ave. Request

I apologize . I had a death in the family, and was out of the office. The City doesn't have a form for appeal. We will accept an written appeal. Please do a records request for the variance information. I attached a copy of the record form.

Thanks,

Gregory L. Holmes

Director of Urban Development

The City of Gulfport

Phone: 228-868-5710

Fax: 228-868-5708



From: Ronald Coleman <rcoleman225@sbcglobal.net>
Sent: Friday, April 26, 2024 7:16 AM
To: Gregory Holmes <GHolmes@gulfport-ms.gov>
Subject: 1524 Olive Ave. Request

Good morning Mr. Holmes.

I was dismayed to hear of the outcome of the zoning hearing.

I need two things from you;

1. The copy of the 8 foot variance grant referred to in Ms. Cocharan's Petition. I was never aware of a hearing on such a petition.
2. The city form used to file an appeal of the 04/18/2024 hearing.

Please send the documents to me via email.

As time for appeal is limited please forward the information as soon as possible.

RGC

Ronald Coleman

Manager of Business Development

Berry Bros. General Contractors, Inc.

P.O. Box 253

1414 River Rd

Berwick, LA 70342

Cell: 228-324-4330

Home: 713-520-7080

Office: 800-747-8771

CITY OF GULFPORT
ZONING BOARD OF ADJUSTMENT AND APPEALS

Variance 2404ZB042

TRANSCRIPT OF HEARING

April 18, 2024

TRANSCRIPT OF HEARING HELD BEFORE THE CITY OF GULFPORT
ZONING BOARD OF ADJUSTMENT AND APPEALS HELD IN THE CITY
COUNCIL CHAMBERS, GULFPORT, MISSISSIPPI, ON THE 18TH DAY OF
APRIL 2024 COMMENCING AT 3:00 P.M. AND REPORTED BY
NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

LESLIE NORTH, President
MARY ANN WIGINTON
ROBERT PHARR, JR.
NATHAN BODDIE
HAL KAIGLER
MICHAEL DANIELS

STAFF PRESENT:

GREG HOLMES
SU-LIN FEATHERSTON
SAMUEL SWEETING
BRYCE CLUGH

1 4. Variance 2404ZB042

2 MR. CLUGH: Variance 2404ZB042 has been duly
3 and timely noticed as required by law. The applicant is
4 seeking approval for an eight foot fence where four feet is
5 the height limit, 1524 Olive Avenue, 1526 Olive Avenue,
6 zoned R-1-7.5 single family, Ward 2.

7 A copy of the packet Exhibit A considered is
8 hereby offered to the record.

9 MS. NORTH: Okay. Is there anybody here to
10 speak for the petition?

11 MS. FRANKE: Again, I'm Myrtis Franke. And
12 you've got photographs that I gave you of the fence itself
13 and the setback and the planning that's going on, and the
14 neighbors' fences, are all in that that I gave you.

15 MR. BODDIE: Can y'all pass one of those
16 back?

17 MR. KAIGLER: They're all different.

18 MS. FRANKE: The one directly across the
19 street is as high or higher. The one on the corner that's
20 green, kind of dips, but it's there. But they're all to the
21 sidewalk.

22 MS. NORTH: Do you want to like have the
23 photo and then hand it to the person at the end and we'll
24 pass it down, that way we know which properties you're
25 talking about.

1 MS. FRANKE: This is the correct one right
2 here.

3 MS. NORTH: Okay. So that's the fence?

4 MS. FRANKE: Yes. This is the other one next
5 to her.

6 MR. KAIGLER: So these are the adjacent?

7 MS. FRANKE: Yeah.

8 MR. KAIGLER: Which is the one in question?

9 MS. NORTH: Okay. Which one is Mr.
10 Coleman's?

11 MS. FRANKE: It's the green one. And then
12 these, one of these -- let me see -- one of them is the
13 fence across the street.

14 MR. PHARR: It's this one.

15 MS. FRANKE: No, that's on the corner.
16 That's down at the end of the street.

17 MS. NORTH: All right.

18 (Discussion amongst commissioners.)

19 MS. NORTH: This is one down the street.
20 This is the one I think next door.

21 MS. WIGINTON: Yeah.

22 (Discussion amongst commissioners.)

23 MS. FRANKE: Those are just the ones on that
24 street.

25 (Discussion amongst commissioners.)

1 MS. NORTH: Those are neighbors who are
2 supporting it.

3 MS. WIGINTON: Okay. Do you want these with
4 yours?

5 MS. NORTH: Anybody else need to see these?
6 Is there any question?

7 MR. DANIELS: So the fence, this is already
8 currently up, correct?

9 MS. FRANKE: Yes, it is.

10 MR. DANIELS: It's already at eight feet
11 already, correct?

12 MS. FRANKE: Yes.

13 MS. BODDIE: Ms. Franke, a couple more
14 questions for you.

15 MS. FRANKE: Sure.

16 MR. BODDIE: So the fence as it stands was
17 built at the intended spot, you know, because we were here a
18 couple of months ago.

19 MS. FRANKE: We were here before, yes, to
20 locate it where it currently is.

21 MR. BODDIE: And it was built --

22 MS. FRANKE: Yes.

23 MR. BODDIE: -- where everybody said it was.

24 MS. FRANKE: Yes.

25 MR. BODDIE: Okay.

1 MS. FRANKE: Where you said it had to be.

2 MR. BODDIE: Gotcha. Okay.

3 MS. FRANKE: Okay? But she asked for that so
4 much back, it's about nine feet from the sidewalk.

5 MR. BODDIE: Okay.

6 MS. FRANKE: Yeah.

7 MR. BODDIE: And so the fence is there. And
8 we're not changing it. We're not asking to change anything.

9 MS. FRANKE: No, we're not. The height.
10 It's the lattice work. Otherwise she'd have to take it off.
11 The solid part is six feet. There was a question that day
12 about was it really six or eight feet. The builders told me
13 eight feet, so -- I mean, six feet -- so that's what I said.

14 But I went back and measured it. It is eight
15 feet. And I told her, I said, you got to go get a variance
16 because that lattice work, I don't know that that's allowed
17 without a permit.

18 So that's why we're here.

19 MR. BODDIE: And the lattice work, correct me
20 if I'm wrong, that's the city's attempt to kind of bridge
21 the gap between people asking for solid eight foot fences
22 and a standard six foot fence, the variance for two feet of
23 lattice. Is that what I remember correctly?

24 MS. FEATHERSTON: Correct.

25 MR. BODDIE: So that's the compromise.

1 MS. FEATHERSTON: Yes.

2 MR. BODDIE: Okay.

3 MR. PHARR: The original variance that was
4 approved was approved for six feet, what I'm reading here.
5 And subsequently two feet was added to it with lattice work
6 above.

7 What I'm thinking now is they're asking for a
8 variance to allow the other additional two feet to be added
9 to this current fence that's existing.

10 So it's just a formality sounds to me like.

11 Okay.

12 MS. NORTH: Yes.

13 MR. DANIELS: Also it would allow just
14 (inaudible) if something was to happen to this fence that an
15 eight foot fence could be erected without lattice, is that
16 correct?

17 MS. FEATHERSTON: If approved.

18 MR. DANIELS: If approved.

19 MS. NORTH: Okay.

20 MS. FRANKE: Thank you.

21 MS. NORTH: Is there anybody else here to
22 speak for this petition?

23 MR. DANIELS: I have one more question, I'm
24 sorry.

25 Is the fence -- I mean, I could look at the

1 other pictures, is the fence right in front of the house, as
2 well, or just on the side?

3 MS. FRANKE: It's on that side piece.

4 MR. DANIELS: Oh. So not in the front.

5 MS. FRANKE: No. It connects to the -- if
6 you look at the property and the house, it's that -- the
7 vacant piece next to it, it shows you it goes nine feet from
8 the street itself. There's a big vacant lot there that she
9 fenced in.

10 MR. BODDIE: So that lot's been vacant since
11 Katrina?

12 MS. FRANKE: That's correct.

13 MR. BODDIE: And she's kind of enclosed it as
14 her back yard because there's really no back yard?

15 MS. FRANKE: That's right.

16 The eight feet was a safety issue in the end.
17 You can climb that six foot pretty easy because I've had
18 them jump mine in the pool.

19 MS. NORTH: Yeah. Anybody else here to speak
20 for the petition?

21 Anybody here to speak against the petition?

22 MR. THOMPSON: James Thompson, 1904 22nd
23 Avenue.

24 I only filled out one card. Do I need to
25 fill out another?

1 MS. NORTH: Does he need to do another one?

2 MR. THOMPSON: I put them both up there.

3 MS. FEATHERSTON: No. He put both case file
4 numbers.

5 MR. THOMPSON: I want to get directly to
6 this. I was here at the last meeting.

7 My friends and neighbors, clients, over the
8 years live right above this property. She's built this
9 fence you see, and y'all are talking about height which I
10 think is incorrect because the front of a solid fence should
11 be on four feet because it matches her house. But it's
12 eight feet right now.

13 My concern and our concern is the setoff.
14 That fence is all the way out here, and our people can't see
15 anything. Gulf of Mexico is gone with this eight foot fence
16 in there.

17 It's the setoff which we think is illegal and
18 inappropriate and shouldn't be there.

19 And my client has met with the gentleman
20 downstairs -- I want to say his name is Greg something --
21 and, you know, and everybody tells us, including my recent,
22 that the fence is too damn far out to the street.

23 You know, here's the house, and here's the
24 fence. And it's supposed to be back here. We want it back.

25 If they would have agreed -- when we left

1 this meeting the last time we were here, we stood out front,
2 including Ms. Franke and everybody, and agreed they had
3 already had a big section taken down in the back, that we
4 would leave it there.

5 And we were agreeable we could see.

6 He flies off to Houston, my client, his wife
7 works in Detroit as a lawyer and commutes. And I didn't go
8 by there. I don't live down there.

9 About three weeks, go back, there it is, way
10 out there by the street blocking everything.

11 So ours is the setoff. We think the height
12 is legally totally inappropriate, build a fence and then ask
13 for forgiveness later.

14 But the setoff, I think the fence could only
15 be in the front. The fence, we thought, was going to run
16 down the side of the house. But when she moved it out and
17 put a front on, it blocked everything.

18 And I think the front of the fence can't be
19 higher than four feet without a variance. We're talking
20 about the lattice work. But I don't think the front of that
21 fence can be six foot tall and add the lattice.

22 But if the fence was back from -- I'm trying
23 to be as clear as I can. I drive there all the time. It
24 needs to be set back further from the road.

25 I'd compare it to a building variance for

1 building a house or a structure eight setoff, ten foot
2 square and everything.

3 But the fence is too damn far out. You can
4 put that in the record. I'm disturbed because I've set up
5 with my old fences and people's fences, build them, you have
6 to go get them torn down.

7 And it should never have been there. We met
8 here before about it. But they went ahead and built it out
9 there anyway.

10 This is further out to Olive. If your
11 pictures show it, I don't know what else to tell you.

12 MR. BODDIE: Let me ask you this. Would your
13 client be willing to remove their fence that's on the
14 corner?

15 MR. THOMPSON: In the house he has, it's
16 probably grandfathered in, if I were to guess.

17 MR. BODDIE: Is that a yes?

18 MR. THOMPSON: As a matter of fact, I think
19 the two letters from the neighbors are grandfathered in
20 fences.

21 That house he bought been there for, I won't
22 guess, a hundred years.

23 MR. BODDIE: But as far as --

24 MR. THOMPSON: I probably would.

25 MR. BODDIE: As far as blocking visibility,

1 you know, visibility is already blocked. I mean, there are
2 fences that are really tall that are grandfathered, you
3 know, north, south, and east and west.

4 MR. THOMPSON: But that wasn't -- I
5 apologize.

6 MR. BODDIE: Let me ask you this. Is your
7 client's property beachfront?

8 MR. THOMPSON: No. It faces Olive.

9 MR. BODDIE: Okay. So what right would they
10 have to that waterfront view to tell somebody else that they
11 cannot build a fence?

12 MR. THOMPSON: When he looks out of his house
13 out his window, it was there.

14 Well, just the fence is inappropriate. It's
15 not in the right place. Everybody in Gulfport's got a right
16 to it.

17 MR. BODDIE: So I live around the corner a
18 couple of blocks away. And I've had a beachfront view for
19 ten years. And I live three or four parcels north of
20 Highway 90. And any day now, somebody could come build a
21 house, build multiple houses on the side of me and take that
22 view away.

23 And it's not my right. I have no right to
24 that view. I have the privilege of enjoying that view.

25 So right now up and down Olive across the

1 street, you've got -- forgetting about being grandfathered
2 -- forgetting about being grandfathered -- we have multiple
3 fences, nice fences, and everything up and down Olive is
4 very nice. It's a beautiful little corner on Second Street.

5 But nice fences that are there, they've been
6 there. Yes, they obstruct views. But, you know, the fence
7 that was erected, whether it's six foot or eight foot, how
8 is that --

9 MR. THOMPSON: But my complaint, what I
10 really wish, was just to move it back setoff-wise.

11 MR. BODDIE: Its placement was --

12 MR. THOMPSON: The height, you know, if it's
13 back far enough where we can see, I'm not going to say my
14 clients care, but if it's six foot or eight foot, it
15 wouldn't affect us.

16 But I can tell you that fence appears to be
17 built where it's not legally proper to build it. It's the
18 setoff right now.

19 And I own beach property down here and all
20 kind of property on the coast for years. Mockingbird Lane,
21 me personally, and a lot of places.

22 I know there are cases in the law about
23 vision and sight to see, but you buy that right to see. I'm
24 not going down there. That's not where we're at.

25 That fence is too far out to the west. And I

1 don't think it was appropriately built there. It shouldn't
2 have been allowed to be there. Shouldn't have been there,
3 got built, and got allowed.

4 The last time I was here, it wasn't out
5 there. But now we come back, and there it is out here.

6 If it would have been put back where we think
7 legally it's required to have been built, then we'd be fine.
8 I don't think six foot or eight foot or 20 feet would
9 matter. But it's looking this way, not this way.

10 My objection is these -- the way it's set
11 out.

12 Yes, and I understand about fences and
13 obstructions and ownership of property very well. I've been
14 practicing law 50 years.

15 MR. BODDIE: Understood. Thank you.

16 MR. KAIGLER: I believe today this variance
17 is just on the height.

18 MS. WIGINTON: It is.

19 MR. THOMPSON: I know. But we --

20 MR. KAIGLER: We can't make a decision,
21 that's already been done, I think by this board.

22 MR. THOMPSON: I don't know if it has, and I
23 apologize if I'm interrupting.

24 I was here at the meeting, and there wasn't
25 really a decision about there because when we left and we

1 spoke downstairs to the parties, we agreed -- a section was
2 down, eight, ten, 12 feet, which was fine back. And that's
3 where it was going to be stopped.

4 And Lou, when he got back from his trips, and
5 I just (inaudible) I said whoa, I was shocked. Big giant
6 fence way out here almost to the street.

7 What is the setoff from the street or from
8 the fence? Is it a property line or center of street?

9 MS. FEATHERSTON: It's a property line.

10 MR. THOMPSON: Where is the property line?
11 How many feet back?

12 MS. FEATHERSTON: The blue line represented
13 on that map outlines her property.

14 MR. THOMPSON: But what is the amount of
15 setoff back from her property line? Eight feet, 12 feet, 20
16 feet?

17 MS. FEATHERSTON: When she did the site plan
18 for her fence when she came and pulled the permit, she
19 followed her site plan. When it was inspected by the
20 inspectors, they inspected it, and she did follow her site
21 plan.

22 I don't have her site plan in front of me,
23 but fences can go with the continuous front facade all the
24 way up to the property line.

25 So she is within her right for that fence and

1 the continuous front facade, and she did her due diligence
2 to come to the zoning board to ask for a higher height than
3 what we allow in the continuous front facade, which would be
4 the property lines that abuts to her front property line and
5 then going inward.

6 MR. THOMPSON: My question still is, the
7 setoff from where? What's the point of beginning of the
8 setoff of the fence back? Where's the point of beginning?
9 Middle of the street, her property line, what?

10 MS. FEATHERSTON: It's off of her property
11 line.

12 So she is set off of her property line. As
13 long as when you're setting posts, you are not setting them
14 on your property line to cross it, she is set off, so she is
15 within her right.

16 MR. THOMPSON: What is the setoff on her
17 property line?

18 MS. FEATHERSTON: I'm not sure.

19 MR. THOMPSON: We're told downstairs, my
20 client spoke with the gentleman downstairs with this zoning
21 and whatever, and he says it's wrong, and it shouldn't be
22 there.

23 MS. NORTH: All right. Okay.

24 MR. THOMPSON: I'm just saying that's my --

25 MS. NORTH: I think --

1 MS. FEATHERSTON: It is within her property,
2 the fence is within her property.

3 MR. THOMPSON: Oh, I didn't say it was not
4 within her property.

5 MS. NORTH: So I think, you know, we've heard
6 your comments about the location. But, you know, we're here
7 to talk about the height. And we really can't --

8 MR. THOMPSON: I agree when I read the
9 agenda, and I was in Mobile, but I decided to come here and
10 finish this.

11 Yes, I saw that. But what are we to do about
12 the setoff?

13 We're told by my client, he meets with the
14 gentleman --

15 MS. WIGINTON: That's not ours.

16 MR. THOMPSON: -- and tells him it's wrong --

17 MS. NORTH: We can't deal with that.

18 MS. WIGINTON: The only thing we can deal
19 with is what is in this petition that's before us now.

20 MR. THOMPSON: Yes, ma'am.

21 MS. WIGINTON: And that's the height of the
22 fence.

23 MR. THOMPSON: The height is fine. But the
24 location. How do we -- I know I can read your faces...

25 MS. NORTH: We have other cases, and we

1 cannot address your issue.

2 MR THOMPSON: But do we petition to tear the
3 fence down or what?

4 MS. WIGINTON: We don't make those decisions
5 here.

6 MS. NORTH: Right.

7 MS. WIGINTON: That's not our responsibility.

8 MS. NORTH: Go visit the zoning office.

9 MR. DANIELS: Can I interject real fast,
10 please?

11 I understand what you're saying. I think
12 (inaudible) a similar what your question is, to me, is
13 looking at Olive Avenue, looks like on her description or
14 her illustration, the eight foot fence would be in front of
15 Olive Avenue all the way around, is that what I'm
16 understanding?

17 MR. THOMPSON: Yes, sir. It goes all the way
18 down.

19 MR. DANIELS: Is that what we're looking at
20 here, the eight foot fence would run in front of Olive
21 Avenue back. And so I guess the understanding is that
22 normally in the front would be four feet, correct?

23 MS. FEATHERSTON: Correct.

24 MR. THOMPSON: That's right.

25 MR. DANIELS: And so I guess what his

1 question is, how far back?

2 So if there was a house on this piece of
3 property, then technically that fence would have to be even
4 with that -- the front of the house, is that correct?

5 MS. FEATHERSTON: Yes.

6 MR. DANIELS: Okay. So --

7 MR. THOMPSON: I'm sorry. Front facade is my
8 understanding.

9 MR. DANIELS: -- because there's no house on
10 there, then you can build it just --

11 MR. THOMPSON: But I would think it would
12 still be the front facade of her house. It can't just
13 protrude out because there's no house there.

14 MS. FEATHERSTON: If I can offer an
15 explanation.

16 Okay. On the property with the house, the
17 front of the house, your corners, that's how going from
18 those corners to the front of your property is what's called
19 your continuous front facade.

20 Where you want to fence in that front yard,
21 your height limit is four feet unless you go to a Zoning
22 Board of Adjustments & Appeals and get permission to
23 deviate.

24 Then from your corner of your house to your
25 rear is where you're allowed by right to go up to the six

1 foot.

2 So what she came to for was not placement
3 because she's allowed to place that in her continuous front
4 facade, it is because of the height in that front yard.

5 So in the property that is vacant if you were
6 to follow along the front corner of her house going forward,
7 that is why she was able to do the six foot fence and if
8 approved continue to have the six foot with the two foot
9 lattice for an eight foot fence.

10 MR. THOMPSON: I understand the height. I'm
11 still trying to figure because I was here before how the
12 variance and the setoff ever got approved because it had to
13 have a setoff.

14 MS. FEATHERSTON: The variance did not
15 require a setoff. The variance required the height and a
16 continuous front facade. That square portion in front of
17 her house.

18 MR. THOMPSON: So you're saying where the
19 fence is bounded now the setoff is legal and it's where it's
20 supposed to be or can be.

21 MS. FEATHERSTON: Correct.

22 MR. THOMPSON: Okay. That's what I'll tell
23 my client.

24 And we object to the height obviously because
25 if you look over a four foot fence opposed to the eight feet

1 there's a big difference.

2 So we're opposed to the eight foot
3 particularly in the front.

4 You know, if she wants to stagger it and go
5 high in the back, side of the house, we don't care. But
6 this is right in the front as we look out of our house. If
7 it was four foot, it would obviously be better. But it's
8 eight foot. If it was back, if you do graduated fence, you
9 know, and then go up to eight feet, I don't think my people
10 would care, and we probably can't object to it anyway.

11 And I can tell I looked at y'all's faces,
12 I've taken more of your time than y'all wanted me to.
13 Couple of you I think want to drag me out, the rest look
14 pretty happy.

15 I used to be on the zoning board, by the way,
16 when Ken Combs was the mayor. So been there, done that.

17 MS. NORTH: Thank you, Mr. Thompson.

18 MR. THOMPSON: I was going to ask is there
19 going to be something written that I can pick up or can
20 receive later from the office?

21 MS. FEATHERSTON: If you're wishing to do the
22 appeal process, you'll have 15 days --

23 MR. THOMPSON: Well, they're going to vote on
24 the height I guess right now.

25 MS. FEATHERSTON: Right. So it depends on

1 how the vote goes will depend on your next step.

2 MS. NORTH: All right. Thank you.

3 MR. THOMPSON: Thank you for putting up with
4 me.

5 MS. NORTH: Is there anybody else here to
6 speak against the petition?

7 MS. LAWRENCE: I'm Janet Lawrence, 1019
8 Second Street. My property is adjacent to this, as well,
9 abuts up on the back side of it, on the back side of subject
10 property.

11 And there's just a couple of things that I'd
12 like to say. I just think code should be code no matter who
13 you are or where your property is. That's why after Katrina
14 we put in all these codes and building, you know, zoning and
15 all this kind of stuff.

16 And I just think, you know, we've been here
17 one time. I'm too old to keep coming back and coming back
18 on stuff like this.

19 I mean, that's the reason we went to codes
20 and zoning regulations.

21 So, you know, I'm against it. I think it
22 should be -- I don't think there's -- you know, variances
23 are for need, and I don't think there's a super duper need
24 here because if it's safety, it didn't go in front of my
25 property on the back side of her house. It's all open so

1 they can get straight to big glass windows to the back side
2 of the house.

3 I just think everybody should be back to six
4 feet like was agreed on the first time.

5 MS. NORTH: Thank you.

6 MS. LAWRENCE: Thank you.

7 MS. NORTH: Any questions for Ms. Lawrence?

8 All right. Thank you.

9 Is there anybody else here to speak against
10 the petition?

11 Is there any discussion or questions before
12 we call for a motion?

13 All right. Do we have a motion?

14 MR. BODDIE: I'll make a motion to approve
15 the applicant's request.

16 MS. NORTH: Motion to approve. Is there a
17 second?

18 MR. KAIGLER: Second.

19 MS. NORTH: We have a second. Call for the
20 vote.

21 MR. PHARR: Yea.

22 MR. KAIGLER: Yea.

23 MS. WIGINTON: Yea.

24 MR. BODDIE: Yea.

25 MR. DANIELS: Nay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. NORTH: Okay. Motion carried.

BEFORE THE CITY OF GULFPORT
ZONING BOARD OF ADJUSTMENT AND APPEALS

Variance 2404ZB042

COURT REPORTER'S CERTIFICATE

I, Norma Jean Ladner Soroë, Certified Shorthand Reporter, do hereby certify that to the best of my skill and ability I have reported the hearing held before the City of Gulfport Zoning Board of Adjustment and Appeals and that the foregoing 23 pages constitute a true and correct transcription of said hearing held on the 18th day of April 2024.

I do further certify that my certificate annexed hereto applies only to the original and certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control and direction.

Witness my signature this the 10th day of June 2024.

NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the _____ day of _____, 2024, the following Resolution:

A RESOLUTION BY THE GULFPORT CITY COUNCIL APPROVING AMENDMENT NO. 1 TO CONTRACT WITH GPT SFM, LLC FOR THE OPERATION AND MAINTENANCE OF THE GULFPORT SPORTSPLEX AND THE GOLDIN SPORTSPLEX FACILITIES, AND FOR RELATED PURPOSES

WHEREAS, on March 19, 2024, the Governing Authority for the City of Gulfport, Mississippi approved a contract with GPT SFM, LLC, a private entity, for the operations and maintenance of the Gulfport Sportsplex and the Jack and Florence Goldin Sportsplex facilities located in the City of Gulfport; and

WHEREAS, such agreement was subsequently executed by the parties and went into effect on April 1, 2024; and

WHEREAS, attached as Exhibit “L” to this agreement was the “Operating Budget” for the time period of April 1, 2024, through September 30, 2024, as prepared by GPT SFM, LLC and which was approved by the City’s Governing Authority as part of this agreement on March 19, 2024; and

WHEREAS, since the time when this agreement went into effect, it has become apparent that some expenses associated with the operations and maintenance of this facility were inadvertently not included in and/or omitted from the proposed “Operating Budget” (Exhibit “L” to the referenced agreement); and

WHEREAS, GPT SFM, LLC has submitted an amended version of Exhibit “L” as an amended “Operating Budget” for the time period of April 1, 2024, through September 30, 2024,

a copy of which is affixed to a proposed “Amendment No. 1” to the referenced agreement, a copy of which is attached hereto as Exhibit “1”; and

WHEREAS, the expenses that are proposed to being added to the proposed amendment “Operating Budget” (i.e., the amended version of Exhibit “L”) – as Amendment No. 1 to the referenced agreement – include additional operational expenses associated with facility use (leased areas) and assumption of equipment rentals; and

WHEREAS, the amount of “Base Compensation” as set out in the agreement with GPT SFM, LLC was based in part on the “Operating Budget” (Exhibit “L” to the agreement) and since the same is now in need of amendment, the amount of “Base Compensation” referenced in the agreement to be paid by City (as Owner) to GPT SFM, LLC (as Operator) is similarly in need of amendment and the schedule of partial payments of “Base Compensation” (to be made by GPT SFM, LLC), which was attached as Exhibit “G” to the agreement, is also in need of amendment to reflect the change in amount of “Base Compensation”; and

WHEREAS, the Governing Authority finds it is in the best interests of the City to approve the attached proposed “Amendment No. 1” to the Contract with GPT SFM, LLC (Sports Facilities Management, LLC) for the purposes of amending the “Operating Budget” for the April 1, 2024, through September 30, 2024, time period (Exhibit “L” to the contract) in order to address the noted omitted expenses associated with the operations and maintenance of the Gulfport Sportsplex and the Goldin Sportsplex facilities for the subject time period and to amend the amount of “Base Compensation” to be paid by City to GPT SFM, LLC as part of this agreement and equally amend the schedule of partial payments of such “Base Compensation” to be paid to GPT SFM, LLC (as reflected in the amended version of Exhibit “G” to this agreement, which is affixed to the proposed Amendment No. 1 to this agreement (Exhibit “1” to this Resolution)).

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters, facts, and things recited in the Preamble hereto are hereby adopted as the official findings of the Governing Authority.

SECTION 2. That Amendment No. 1 to the Agreement with GPT SFM, LLC for the operations and maintenance of the Gulfport Sportsplex and the Goldin Sportsplex facilities for the City of Gulfport, be and the same is hereby approved, in the form as attached hereto as Exhibit “1” hereto; and the Mayor is, hereby, authorized to execute and deliver the same on behalf of the City of Gulfport.

SECTION 3. That payment of the additional amount of “Base Compensation” set forth in the attached and approved Amendment No. 1 to the Agreement with GPT SFM, LLC, to the extent the same is required to be paid to GPT SFM, LLC prior to the Governing Authority’s next regularly scheduled meeting following August 1, 2024, (as part of the amended schedule of period payments of “Base Compensation” also approved in the attached Amendment No. 1) be and hereby is approved and authorized to be paid by the Mayor or his designee by way of special checks.

SECTION 4. That this Resolution be, and it is hereby ordered to be spread on the minutes of the Governing Authority, and to be in full force and effect immediately upon its passage and enactment according to law.

The above and foregoing Resolution, after having been first reduced to writing and read by the Clerk, was introduced by _____, seconded by _____, and was adopted by the following roll call vote:

AYES

NAYS

ABSENT

WHEREUPON, the President declared the motion carried and the Resolution adopted this the _____ day of _____, 2024.

(SEAL)

ATTEST:

ADOPTED:

CLERK OF THE COUNCIL

PRESIDENT

The above and foregoing Resolution was submitted to and approved by the Mayor, this the _____ day of _____, 2024.

APPROVED:

MAYOR

**STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT
CITY OF GULFPORT**

**MEMORANDUM OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES
AGREEMENT BETWEEN THE CITY OF GULFPORT, MISSISSIPPI
AND GPT SFM, LLC FOR OPERATION AND MAINTENANCE OF THE CITY'S
SPORTSPLEX AND GOLDIN SPORTSPLEX FACILITIES AND RELATED SERVICES**

THIS MEMORANDUM OF AMENDMENT NO. 1 (herein “**Amendment No. 1**”) is made and executed on the date(s) hereinafter set forth, by and between the **City of Gulfport, Mississippi** (herein the “**City**”) under authority and approval of its Governing Authority, and **GPT SFM, LLC** (herein the “**Contractor**”).

WITNESSETH THAT:

WHEREAS, effective April 1, 2024, the City entered into a Professional Services Agreement with Contractor entitled “Professional Services Agreement Between the city of Gulfport, Mississippi and GPT SFM, LLC for Operation and Maintenance of the City’s Sportsplex and Goldin Sportsplex Facilities and Related Services” (“Contract” or “original Contract”), whereby Contractor was to provide various professional services to City, to include operation and maintenance of the City’s Sportsplex and Goldin Sportsplex facilities; and

WHEREAS, the existing original Contract provides that it may be amended or modified by written document signed by the City and Contractor (Section 14.18); and

WHEREAS, the original Contract further states that the “Operating Budget” may be amended during the course of a year upon mutual written agreement of the parties (Section 1.15 and Section 8.2.1); and

WHEREAS, the parties find there is a need at this point to amend the Contract in order to amend the “Operating Budget” (Exhibit “L” to the Contract) to reflect additional expenses associated with maintenance and operations of the facilities (to include assumption of equipment rentals and additional operational expenses associated with facility use (lease areas)) and which such amended Operating Budget therefore also requires an amended “Schedule of Partial Payments for Base Compensation” (Exhibit “G” to the Contract) and an amended “Base Compensation” amount as reflected in Section 3.1 in the Contract.

NOW THEREFORE, for the mutual benefits and consideration from each party to the other, it is hereby covenanted and agreed that the Contract (the Professional Services Agreement) be, and hereby is, further amended as follows, to-wit:

1. The amount of “Base Compensation” for the April 1, 2024, through September 30, 2024, time period as referenced in the first sentence in Section 3.1 in the Contract (such Section entitled “**Base Compensation Fee; Schedule of Partial Payments**”) is amended from “\$724,068.21” to now be “\$757,606.21.”
2. Exhibit “L” to the Contract, which is the “Operating Budget” for the April 1, 2024, through September 30, 2024, time period, is amended and replaced by the “Amended Exhibit ‘L’” attached hereto.
3. Exhibit “G” to the Contract, which is the “Schedule of Partial Payments for Base Compensation” is amended and replaced by the “Amended Exhibit ‘G’” attached hereto and which while only addressing partial payments of “Base Compensation” for the April 1, 2024, through September 30, 2024, time period, will be further amended later to address partial payments of “Base Compensation” amounts for the remaining term of this Contract.
4. All other provisions, terms, and conditions set out or otherwise included in the original Contract previously executed and which into effect on April 1, 2024, and all other Exhibits thereto, shall continue to be in effect and are not amended or altered by the amendments herein.

THIS MEMORANDUM OF AMENDMENT NO. 1 is made, dated, executed and signed on the day and dates hereinafter set forth by the officers duly authorized so to act.

(SIGNATURES ON FOLLOWING PAGE)

City:

CITY OF GULFPORT, MISSISSIPPI

Post Office Box 1780
Gulfport, Mississippi 39502-1780
(228) 868-5811

Contractor:

GPT SFM, LLC

17755 U. S. Highway 19 North, #300
Clearwater, Florida 33755
(727) 474-3845

By: _____
Billy Hewes, Mayor

By: _____

Attest: _____
Deputy City Clerk

Its: _____

Dated: July _____, 2024

Dated: July _____, 2024

AMENDED EXHIBIT “G”
(amended July 15, 2024)

to

*PROFESSIONAL SERVICES AGREEMENT BETWEEN THE
CITY OF GULFPORT, MISSISSIPPI AND GPT SFM, LLC FOR OPERATION
AND MAINTENANCE OF THE CITY’S SPORTSPLEX AND GOLDEN
SPORTSPLEX FACILITIES AND RELATED SERVICES*

Schedule of Adjusted Partial Payments for Base Compensation for Fiscal Year 1
(for April 1, 2024, through September 30, 2024)

Partial Fiscal Year (1)*			
Invoice Date	Invoice Amount	Retainage	Total City Retainage
1-Apr	\$ 110,205.75	0%	\$ -
15-Apr	\$ 103,470.09	0%	\$ -
1-May	\$ 89,641.38	0%	\$ -
1-Jun	\$ 96,841.00	5%	\$ 4,842.05
1-Jul	\$ 123,606.00	5%	\$ 5,839.50
1-Aug	\$ 130,151.00	5%	\$ 5,839.50
1-Sep	\$ 103,691.00	5%	\$ 4,516.50
Total	\$ 757,606.21		\$ 21,037.55

AMENDED EXHIBIT "L"

(amended July 15, 2024)

to

PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF GULFPORT, MISSISSIPPI AND GPT SFM, LLC FOR OPERATION AND MAINTENANCE OF THE CITY'S SPORTSPLEX AND GOLDEN SPORTSPLEX FACILITIES AND RELATED SERVICES

Operating Budget for April 1, 2024, through September 30, 2024

GULFPORT SPORTSPLEX & GOLDIN PARK Operating Budget Calendar 2024

		Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	6 Month Budget
INCOME								
Recreational Programs								0
40850 Diamond Programs	40310- Non Tournament Field Rentals	7,300	7,300	7,300	7,300	7,300	7,300	43,800
40890 Multi-Purpose Programming	40310 - Non Tournament Field Rentals	3,733	3,733	3,733	3,733	3,733	3,733	22,400
40895 Light Rental Fees	40310 - Non Tournament Field Rentals	1,545	1,545	1,545	1,545	1,545	1,545	9,268
Total 40800 Recreational Programs - Youth & Adult		12,578	12,578	12,578	12,578	12,578	12,578	75,468
Tournament Rentals								0
41160 Diamond Tournaments	40430 - Events & Tournaments - License/Facility Fee	15,294	15,294	15,294	11,470	7,647	15,294	80,292
41180 Multi-Purpose Tournaments	40430 - Events & Tournaments - License/Facility Fee	1,175	1,175	1,175	1,175			4,700
Total 41100 Facility Rentals		16,469	16,469	16,469	12,645	7,647	15,294	84,992
41400 Special Events & Entertainment								
Food and Beverage								
41510 Concession Food & Beverage Sales	40610 Concession Stand	1,800	9,250	37,033	42,653	34,391	68,782	193,909
Total 41500 Food and Beverage		1,800	9,250	37,033	42,653	34,391	68,782	193,909
Pro/Merch Shop								0
41620 Apparel	40710 Pro Shop Retail Sales	0	0	3,362	3,873	1,561	6,245	15,042
Total 41600 Pro/Merch Shop		0	0	3,362	3,873	1,561	6,245	15,042
Other Revenues								0
41905 Gate Fees	40410 - Events & Tournament - Gate/Ticketing/Admissions	0	29,237	29,237	22,449	13,575	27,151	121,648
41910 Advertisement/Sponsorship Income	40810 - Sponsorship/Advertising - Facility	4,583	4,583	7,917	8,750	8,750	9,583	44,167
41940 Hotel Rebates	40420- Events & Tournaments - Hotel Rebates	0	0	0	0	3,387	13,549	16,937
Total 41900 Other Revenues		4,583	33,820	37,153	31,199	25,713	50,283	182,752
City Base Payment		213,676	89,641	96,841	123,606	130,151	103,691	757,606
TOTAL INCOME		249,106	161,758	203,437	226,554	212,041	256,873	1,309,769
		35,430	72,117	106,596	102,948	81,890	153,182	
COST OF GOODS SOLD								
50000 - Part Time Labor Costs		5,315	10,818	15,989	15,442	12,283	22,977	82,824
Recreational Programs								0
50850 Attendant Staff - Diamonds	50910 Event Staff							0
50855 Attendant Staff - Multi Purpose	50910 Event Staff							0
Total 50800 Recreational Programs		0	0	0	0	0	0	0
Tournament Rental COGS								0
51160 Facility Rental Staffing Costs	50910 Event Staff							0
Total 51100 Facility Rental COGS		0	0	0	0	0	0	0
Gate Fees								0
51160 Gate Fee Staffing Costs	50910 Event Staff							0
51165 Gate Fee Ticket Costs	50910 Event Staff	2,436	2,436	2,436	1,871	1,131	2,263	12,574
Total Gate Fee COGS		2,436	2,436	2,436	1,871	1,131	2,263	12,574
Food & Beverage								0
51505 Concessions Staff Costs	50610 - F&B Concessions - Staff							0
51510 Concessions F&B Costs	50610 F&B Concessions COGS	630	3,238	12,962	14,929	12,037	24,074	67,868
Total 51500 Food & Beverage		630	3,238	12,962	14,929	12,037	24,074	67,868
Pro Shop								0
51620 COGS - Apparel / Retail	50710 Pro Shop Retail Prod COGS	0	0	1,513	1,743	703	2,810	6,769
51630 COGS - Sporting Goods	50730 - Pro Shop Other COGS							0
Total 51600 Pro Shop		0	0	1,513	1,743	703	2,810	6,769
Other Cost of Goods Sold								0
51910 Advertisement Hard Cost	50810 - COGS Sponsorship/Advertising	229	229	396	438	438	479	2,208
Total 51900 Other Cost of Goods Sold		229	229	396	438	438	479	2,208
Total Cost of Goods Sold		8610	16721	33296	34422	26592	52603	172243
Gross Profit		240,496	145,038	170,140	192,132	185,449	204,270	1,137,526

AMENDED EXHIBIT "L"

(Continued)

Page 2 of 2

Expenses								
Advertising / Marketing								
60010 Advertising Production/Website	60110 - Website	833	833	833	833	833	833	5,000
60015 Advertising / Marketing - Other	60130- Advertising	833	833	833	833	833	833	5,000
60020 Gifts/Giveaways/Promotionals	60150 - Business Development	0	0	0	0	0	0	0
60035 Facility Marketing	60130- Advertising	833	833	833	833	833	833	5,000
Total 60000 Advertising / Marketing		2,500	2,500	2,500	2,500	2,500	2,500	15,000
Bank Service Charges & Other Fees	60220 Bank Service Charge							

Total 60400 Bank Service Charges & Other Fees		682	1,388	2,052	1,982	1,576	2,949	10,629
Business Licenses and Permits								
60510 State/County Permits	60310 - Business Licence and Permits	5,000						5,000
Total 60500 Business Licenses and Permits		5,000	0	0	0	0	0	5,000
General & Administrative Expenses								
62010 Office Supplies		417	417	417	417	417	417	2,500
62020 Postage & Delivery	60365 - Postage & Delivery	63	63	63	63	63	63	375
62030 Office Printing & Equipment	60345 - Office Printing & Equipment	167	167	167	167	167	167	1,000
62070 Computer & IT Expenses	60335 - IT & Office Equipment	1,200	1,200	1,200	1,200	1,200	1,200	7,200
62080 Employee Relations/Incentives	60630 - Employee Bonus	208	208	208	208	208	208	1,250
62090 Employee Training & Continued Education	60325 - Employee Training	417	417	417	417	417	417	2,500
62130 Facility Signage	61115 - Facility Decor & Graphics	625	625	625	625	625	625	3,750
62525 Travel	60370 - Travel	1,250	1,250	1,250	1,250	1,250	1,250	7,500
62545 Meals & Entertainment	60340 Meals & Entertainment	417	417	417	417	417	417	2,500
62600 Office & Facility Lease Payments		0	0	0	0	6,545	6,545	13,090
Total 62000 General & Administrative Expenses		9,763	4,763	4,763	4,763	11,308	11,308	46,665
Insurance Expense								
Total 63300 Insurance (GL, Property, Umbrella)	60440- Insurance	4,751	4,751	4,751	4,751	4,751	4,751	28,508
Supplies and Services								
64020 Decorations - Office/Building	60315 - Decorations	83	83	83	83	83	83	500
64040 Kitchen Janitorial Supplies	61145 - Kitchen Equipment	2,917	2,917	2,917	2,917	2,917	2,917	17,500
64042 Building Janitorial Supplies	61140 - Janitorial Exp	3,750	3,750	3,750	3,750	3,750	3,750	22,500
64090 Safety Supplies	61180 - Safety Supplies	292	292	292	292	292	292	1,750
64130 Uniforms - Employee	60330 - Uniform Exp	5,000	227	227	227	227	227	6,136
64007 F&B Inventory	61145 - Kitchen Equipment	32,148						32,148
Total 64000 Supplies and Services		44,190	7,269	7,269	7,269	7,269	7,269	80,534
Salaries and Wages								
65010 SFM Management & Salaried Labor	60610 - Management Salaries	31,667	31,667	31,667	31,667	31,667	31,667	190,000
65070 Management Company Fees	60510 - Mgmt Fee	0	0	0	0	0	0	0
65090 Hourly Admin Support Staff	60620- Hrly Wages	8,333	8,333	8,333	8,333	8,333	8,333	50,000
Total 65000 Salaries and Wages		40,000	40,000	40,000	40,000	40,000	40,000	240,000
Total 66000 Other Payroll Expenses		8,400	8,400	8,400	8,400	8,400	8,400	50,400
Repairs and Maintenance								
67220 Building Ops General Maint.	61110 - Bldg Ops	1,667	1,667	1,667	1,667	1,667	1,667	10,000
67225 Building Maint Supplies	61130 - Hardware & Supplies	833	833	833	833	833	833	5,000
67226 Safety Equipment, PPE, First Aid Kits	61180 - Safety Supplies	417	417	417	417	417	417	2,500
67230 Grounds Exterior Maint.	61125 - Grounds Ext Mtn	2,083	2,083	2,083	2,083	2,083	2,083	12,500
67235 Chemicals	61125 - Grounds Ext Mtn	4,167	4,167	4,167	4,167	4,167	4,167	25,000
67236 Fuel	61120 - Fuel	1,667	1,667	1,667	1,667	1,667	1,667	10,000
67237 Sports Field Materials	61125 - Grounds Ext Mtn	3,750	3,750	3,750	3,750	3,750	3,750	22,500
67240 Repair and Maintenance	61160 - Powered Equipment - Rename to Repairs & Mtn	1,667	1,667	1,667	1,667	1,667	1,667	10,000
67245 Equipment Maintenance	61165 - Preventative Mtn	1,667	1,667	1,667	1,667	1,667	1,667	10,000
67250 Sport Equipment Maintenance	61185 - Sports Equipment	1,000	1,000	1,000	1,000	1,000	1,000	6,000
6726 Sport Equipment Lease		0	0	0	6,816	6,816	6,816	20,448
67260 Maintenance Wages - SFM Labor	60620- Hourly Wages	16,667	16,667	16,667	16,667	16,667	16,667	100,000
Total 67200 Repairs and Maintenance		35,583	35,583	35,583	42,399	42,399	42,399	233,948
Utilities		14,583	14,583	14,583	14,583	14,583	14,583	87,500
Utility Deposit		0	0	0	0	0	0	0
Total 68600 Utilities		14,583	14,583	14,583	14,583	14,583	14,583	87,500
TOTAL EXPENSES		165,452	119,238	119,901	126,647	132,787	134,159	798,184

Net Surplus	75,044	25,800	50,239	65,485	52,662	70,111	339,342
	52530.73261	18059.9653	35167.36653	45839.688	36963.67616	49077.67812	237539.1067

City of Gulfport

Budget Amendment Request

Fund Name	<u>General Fund</u>	Council Meeting Date:	<u>07/15/24</u>
Department #	<u>411</u>	Budget Amendment Number:	<u>2024-100</u>
Department Name	<u>Leisure Services</u>		

	<u>Original Budget</u>	<u>Prior Amendments</u>	<u>This Amendment</u>	<u>Revised Budget</u>
Expenditures:				
Personnel Services	<u>3,500,453</u>	<u>(611,569)</u>	<u>-</u>	<u>2,888,884</u>
Supplies	<u>955,357</u>	<u>(163,464)</u>	<u>-</u>	<u>791,893</u>
Contractual Services	<u>2,668,710</u>	<u>754,269</u>	<u>33,538</u>	<u>3,456,517</u>
Capital	<u>459,044</u>	<u>60,547</u>	<u>-</u>	<u>519,591</u>
Total Expenditures	<u>7,583,564</u>	<u>39,783</u>	<u>33,538</u>	<u>7,656,885</u>

**Total Budget Amendments
as a percentage of the
total originally adopted budget** **0.97%**

SUMMARY:

This budget amendment appropriates funds for the amendment to the operating budget for the operator at the Gulfport Sportsplex.

10% PUBLICATION RULE:

Per Mississippi state statute, public notice must be provided (in the same manner as the municipality must use for the publication of its final adopted budget) when budget amendments result in a ten percent increase or decrease in a municipal department's total budget. For purposes of determining if a ten percent change has occurred, all amendments made to a department's budget since its budget was originally adopted, or since the last adopted published revision, must be added together.

Is publication required due to this budget amendment?

 X **No.** Total budget amendments do not exceed ten percent of the total of either the department's originally adopted budget amendment or its last adopted published revision.

 Yes. The adopted revision will be published within two weeks of the adoption of this budget amendment.

Budget Amendment 2024-100



DEPARTMENT OF
FINANCE AND
ACCOUNTING

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5705

William H. Hardy Building
1410 24th Ave. 2nd Floor
Gulfport, MS 39501

MEMORANDUM

TO: City Councilmembers
Billy Hewes, Mayor
Wayne Miller, Chief Administrative Officer

FROM: Todd Harman, Director of Finance and Accounting *TH*

DATE: July 15, 2024

RE: Budget Amendment 100 – Sportsplex Operating Budget

The Operator at the Gulfport Sportsplex requests an increase to the operating budget and city base payment in the amount of \$33,538 to be paid out of unobligated General Fund cash reserves.

The money will fund:

- \$20,448 for the leased John Deere maintenance equipment.
- \$13,090 for lease payments due to the City of Gulfport.

Please reach out if you have any further questions. Thanks in advance for your consideration.

City of Gulfport

Budget Amendment Request

Fund Name	<u>General Fund</u>	Council Meeting Date:	<u>05/21/24</u>
Department #	<u></u>	Budget Amendment Number:	<u>2024-86A</u>
Department Name	<u>General Fund</u>		

	<u>Original Budget</u>	<u>Prior Amendments</u>	<u>This Amendment</u>	<u>Revised Budget</u>
Transfer Out - Gen Fund	<u>-</u>	<u>3,187,256</u>	<u>200,000</u>	<u>3,387,256</u>
Total Expenditures	<u>-</u>	<u>3,187,256</u>	<u>200,000</u>	<u>3,387,256</u>

**Total Budget Amendments
as a percentage of the
total originally adopted budget** **100.00%**

SUMMARY:

The budget amendment appropriates funding for Project TBD - Sportsplex Capital Improvements.

10% PUBLICATION RULE:

Per Mississippi state statute, public notice must be provided (in the same manner as the municipality must use for the publication of its final adopted budget) when budget amendments result in a ten percent increase or decrease in a municipal department's total budget. For purposes of determining if a ten percent change has occurred, all amendments made to a department's budget since its budget was originally adopted, or since the last adopted published revision, must be added together.

Is publication required due to this budget amendment?

 X **No.** Total budget amendments do not exceed ten percent of the total of either the department's originally adopted budget amendment or its last adopted published revision.

 Yes. The adopted revision will be published within two weeks of the adoption of this budget amendment.

Budget Amendment 2024-86A

City of Gulfport

Budget Amendment Request

Fund Name	<u>Capital Projects - City Funded</u>	Council Meeting Date:	<u>05/21/24</u>
Department #	<u></u>	Budget Amendment Number:	<u>2024-101B</u>
Department Name	<u>Capital Projects - City Funded</u>		

Project TBD - Sportsplex Capital Improvements

	<u>Original Budget</u>	<u>Prior Amendments</u>	<u>This Amendment</u>	<u>Revised Budget</u>
Transfer from Gen Fund	-	-	200,000	200,000
Total Revenues	-	-	200,000	200,000
Personnel Services	-	-	-	-
Supplies	-	-	-	-
Other Services	-	-	-	-
Capital	-	-	200,000	200,000
Total Expenditures	-	-	200,000	200,000

Total Budget Amendments
as a percentage of the
total originally adopted budget **0.00%**

SUMMARY:

The budget amendment appropriates funding for Project TBD - Sportsplex Capital Improvements.

10% PUBLICATION RULE:

Per Mississippi state statute, public notice must be provided (in the same manner as the municipality must use for the publication of its final adopted budget) when budget amendments result in a ten percent increase or decrease in a municipal department's total budget. For purposes of determining if a ten percent change has occurred, all amendments made to a department's budget since its budget was originally adopted, or since the last adopted published revision, must be added together.

Is publication required due to this budget amendment?

 X **No.** Total budget amendments do not exceed ten percent of the total of either the department's originally adopted budget amendment or its last adopted published revision.

 Yes. The adopted revision will be published within two weeks of the adoption of this budget amendment.

Budget Amendment 2024-101B



DEPARTMENT OF
FINANCE AND
ACCOUNTING

P.O. Box 1780
Gulfport, MS 39502
Phone: 228-868-5705

William H. Hardy Building
1410 24th Ave. 2nd Floor
Gulfport, MS 39501

MEMORANDUM

TO: City Councilmembers
Billy Hewes, Mayor
Wayne Miller, Chief Administrative Officer

FROM: Todd Harman, Director of Finance and Accounting *TH*

DATE: July 15, 2024

RE: Budget Amendment 101 – Sportsplex Capital Expenditures

The Administration requests to transfer \$200,000 from the General Fund to the city funded Capital Projects Fund and establish a project for capital expenditures at the Gulfport Sportsplex based on information from our outside consultant for the Sportsplex and the City's Building Maintenance department.

The money will fund:

- \$50,000 for new concession equipment. This equipment is needed to allow the operator at the Sportsplex to generate revenues for the benefit of the City.
- \$50,000 for turf improvements. These improvements are needed to alleviate safety concerns associated with your turf on the fields.
- \$100,000 for air conditioner replacements. Based on an evaluation from the city's Building Maintenance department, a large percentage of air conditioners at the Sportsplex are well-past end-of-life and need to be replaced to ensure operations at the Sportsplex.

Please reach out if you have any further questions. Thanks in advance for your consideration.