

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in regular session at the Waveland Civic Center, 335 Coleman Avenue, Waveland, MS on June 7, 2011 at 6:30 p.m., to take action on the following matters of city business.

Present at the meeting Aldermen Stahler, Kidd and Lafontaine. Alderman Geoffrey presided as Mayor Pro Tem at this meeting.

Also present was City Attorney Gary Yarborough, City Clerk Lisa Planchard

Absent from the meeting was Mayor David Garcia who was a guest speaker and participant in the 2011 National Flood Insurance Program Community Rating System Weighting Forum from June 5-9, 2011.

PUBLIC COMMENTS

Re: Judge Jay Lagasse of the Waveland Civic Association thanked the Mayor and Board for the use of the Garfield Ladner Memorial Pier for the Special Needs Children's Fishing Rodeo. He said they would like to use the Pier again next year, moving the date to April due to the extreme heat.

MAYOR'S REPORT

Re: Mayor Pro Tem Geoffrey asked to let the record show that he would be presiding over this meeting as Mayor Garcia was in Philadelphia, Pennsylvania to attend the 2011 National Flood Insurance Program Community Rating System Weighting Forum from June 5-9, 2011.

Re: Mayor Pro Tem Geoffrey said on Monday May 30th the Bourgeois/Steiffel/Ray American Legion Post 77 held its Memorial Day Service at the beach, Veterans Memorial. The event was very well attended and included Mayor Garcia as a key speaker. Aldermen Garcia, Stahler and Kidd were also in attendance.

Re: The Waveland Civic Association sponsored the Special Needs Kids Fishing Rodeo at the Garfield Ladner Memorial Pier on June 4, 2011. Each child received a fishing pole, bucket with tackle, lunch and a certificate.

COURT DEPARTMENT

Re: Court Clerk Paula Fayard came before the Board to present the Court Collections update

Mrs. Fayard said that she gave each Board member a copy of the collections report from May. Alderman Kidd asked about the response on the letters that have already been sent out. Mrs. Fayard (Paula) said some have responded, but not a lot. She said that she has been trying (inaudible). Alderman Lafontaine asked if licensees had been suspended. Mrs. Fayard (Paula) said not yet. Alderman Lafontaine asked if we could begin doing this? Mrs. Fayard (Paula) said that she was sending a second letter. Alderman Lafontaine requested that the City suspend the drivers licenses if the Court receives no response after the first letter; a second letter is not required (the recipients may be just leaving the letter in the mail box to get returned to the City). Alderman Lafontaine asked what the Board thought about this. All Board members agreed. Alderman Kidd said there is \$1,406,711.00 (outstanding) and if at least a quarter of this could be collected, this would be extremely beneficial. Even a small percentage would help a lot. Alderman Kidd asked what the Court Department could do to speed up this process. Mrs. Paul Fayard replied, "more help". Alderman Lafontaine noted a driver's license suspension would affect the person's insurance greatly. **(EXHIBIT A)**

ALDERMEN'S COMMENTS

Re: Alderman Lafontaine thanked the Waveland Civic Association for the Fishing Rodeo and thanked the Fire Department for volunteering their time at this event.

Re: Alderman Lafontaine asked about the blighted property list; he asked to add the Days Frontier Building, Waveland Market Center Building and the old Majik Market Building at the corner of Waveland and Sears Avenue. If anyone knows of any others, please contact the Building Department to ask that they be added.

Re: Alderman Lafontaine asked about the Margie Street (at Old Spanish Trail) property and the cars on that property. Recovery Manager/Building Official Brent Anderson said

the property owner was due in Court this week. He said the property owner promised to remove the vehicles prior to Court, but that remained to be seen.

Re: Alderman Lafontaine asked Mr. Anderson about the grinder pumps that S.H. Anthony took from individual's properties (mentioned at the last meeting). Mr. Anderson said they think they still have 2 pumps, but can't find them. He said they will be bringing them to the City yard if they locate them. Alderman Lafontaine said that he had spoken to "Joey" (Boudin?) at the Fishing Rodeo; Joey told him many of the pumps were brought to a dump next to him; there is a big pile out there, but was not sure of whose property it was (who dumped it). Mr. Anderson said "it very well could be". Everything has been demobilized and there is not a yard for storage.

Re: Alderman Lafontaine said that he had received the stats for the Animal Shelter via e-mail. He specifically asked about the amount of animals (60+) that were taken to the Animal Shelter in 1 day. Animal Shelter Director said it is kitten and puppy season and told the Board this stat was correct; but actually it was more like 80+ animals they took in on 1 day. She said the animals are coming from the County and Bay St. Louis, however more were coming from the County. She said there were several large litters of kittens brought in (6-8 each). Most are being sent out to foster care and Pet Smart. Alderman Lafontaine asked if the Shelter was turning animals away. Ms. Allen said she is constantly on the phone with Rescue Groups to send animals out. She said there are sick animals coming in that have to be euthanized to prevent contamination of the healthy animals at the shelter.

Re: Alderman Lafontaine asked about the letter for Ernie Zimmerman (regarding the Mayor's Letter of Support for approving artificial reefs at three locations along the beachfront). Mrs. Planchard said that she would get with the Mayor on this and asked Alderman Lafontaine to get with Tammy (Fayard, Mayor's Secretary) to get her the phone number so she can call Mr. Zimmerman and get the details for the letter the Mayor is to write.

Re: Alderman Lafontaine apologized for not making it to the Memorial Day Service; he was called into work that day.

Re: Alderman Kidd said that he had met with Library Director, Patty Furr and Ms. Mary Perkins last week. He requested the Board do what they can to help the Library financially in the future.

Re: Alderman Kidd asked Mr. Anderson about the ditch along Carroll Avenue that continues to have flowing water in it, even through this dry spell. Alderman Kidd said that he realizes drainage work has been done, walked the ditches, and has concerns that there is a water leak. Mr. Anderson said he would check on this problem.

Re: Alderman Kidd asked Mr. Anderson about the completion date for S.H. Anthony. Mr. Anderson said he had a meeting with company representatives last week and there is very little left to do. He said they did a full walkthrough and have a few items remaining on the checklist. Alderman Kidd asked about the company having removed Mr. Craig Lafontaine's surveyor markers. Mr. Anderson said this and all of the requests that have been submitted are being handled.

Re: Alderman Kidd reminded everyone that storm season is upon us and recommended that everyone start getting prepared now with things such as storm shutters.

MINUTES

Re: Approve the minutes of the Special Meeting of May 25, 2011 and table approval of the minutes of the Regular Meeting of May 18, 2011 until the Board has time to review further.

Alderman Stahler moved, seconded by Alderman Kidd to table the minutes of the regular meeting of May 18, 2011 and approve the minutes of the Special Meeting of May 25, 2011 as submitted by the City Clerk.

Alderman Lafontaine asked if the approval of the minutes of the regular meeting of May 18, 2011 be tabled due to the Mayor's Secretary's computer being crashing and their not having received the minutes until the day before the meeting. They would like further time to review. Note: The Minutes of May 18th were particularly lengthy.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

RSVP

Re: Claims

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the RSVP Claims. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

DOCKET OF CLAIMS

Re: Claims Numbers 68649-68761

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the Docket of Claims, as submitted by the City Clerk being numbered 68649-68761. **(EXHIBIT C)**

Alderman Lafontaine asked about docket No. 68664, telephone costs at Police Department, AT&T. Purchasing Clerk Joy Normand said they have multiple phone lines. She said that she is currently working with the Representative with AT&T to see if she can get a package bundle with fewer lines to cut costs. Alderman Kidd said that he had been meeting with some Representatives with Verizon Wireless and would love to have them come before the Board to discuss. Alderman Lafontaine asked about Docket No. 68704 to Hancock Little League for purchase of an ice machine and asked if this is the city's ice machine. City Clerk Planchard said that it is the property of the City now; the City purchased this ice machine from the Little League organization in new condition, (Little League bought it, but later decided they did not have need for it). She said this is a brand new ice machine that was sold to the City at approximately half price according to Mr. Chris Johnson. Alderman Kidd questioned Ms. Normand earlier regarding concrete purchased from Bailey Lumber. Ms. Normand said the concrete was paid for out of Gustav Funds for installing dozens of street signs purchased to replace those lost during Gustav.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

TIDELANDS FUNDS

Re Ms. Regina Bello of Compton Engineering came forward discuss Tideland Funds as they relate to future projects.

Ms. Bello gave Mr. Mickey Lagasse's regrets for not being able to attend this evening. Ms. Bello stated that she handed each Board member a letter from Mr. Lagasse explaining the basis of Tideland funding, purposes and Compton's part in the

application and ongoing design, etc. process. Ms. Lagasse requested a workshop to get ideas from Board members as to how they would like to see 2013 Tidelands funds to be spent for application to DMR. Alderman Lafontaine suggested setting a workshop date and time to allow the citizens to provide input. City Clerk Planchard asked for a date so that she could advertise. The Board decided on Tuesday, June 14, 2011 at 6:30 p.m. at the Civic Center. (EXHIBIT D)

BIDS/PURCHASING

Re: Bids taken under advisement

Alderman Kidd moved, seconded by Alderman Stahler to accept and take under advisement the bid(s) opened this evening at 6:00 pm for Dirt, Sand and Gravel; selection decision pending review of and approval by Public Works Director Brent Anderson and City Attorney Gary Yarborough.

Alderman Lafontaine said there was only one bid received, from Hardies Trucking.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

PLANNING AND ZONING

Re: Request as submitted by Mr. Gary Veglia

Gary Veglia appeared before the commission with a tabled request for a zoning change from R-1 to C-3 on his property located at 4168 Highway 90. Legal description: S ½ lot 5, (Pt. SW ¼ -SW ¼), City of Waveland, Hancock County, Mississippi.

Steve Hand moved, seconded by Clarence Harris to recommend that the Board of Mayor and Aldermen approve rezoning the parcel as Commercial Highway District C-3 provided that the applicant acknowledge in a manner satisfactory to the City Attorney that applicant has been advised and understands that Waveland law does not permit the use of the parcel as an access road, truck staging area or in any other manner as an accessory use to the nearby scrap metal yard in Hancock County.

Alderman Kidd moved, seconded by Alderman Lafontaine to approve the request as submitted, following the recommendation of the Planning and Zoning Board.

During discussion, **City Attorney Yarborough said he would like the Clerk to incorporate into the record, the minutes of the April 25, 2011 Planning and Zoning Commission meeting as well as the transcript of that meeting by Ms. Amanda Schmitt, CSR and also the minutes of the Planning and Zoning Commission dated May 23, 2011 meeting, i.e. after the initial matter was tabled; it was sent back to Planning and Zoning. I would like that to be attached to the record. (EXHIBITS E)** City Clerk Planchard said she would attach. Mr. Yarborough asked Mr. Veglia to step forward offering him the opportunity present his issue to the Board. Mr. Yarborough asked Mr. Veglia if this was his application for zoning change from R-1, which is the most restrictive we have under the Ordinance to C-3 Commercial Highway. Mr. Yarborough offered Mr. Veglia to present his request for the application. Mr. Veglia said he purchased the property back in 1991 as commercial and then with Waveland (inaudible/cough in audience) they told me it automatically reverts back to R-1. (Inaudible by Mr. Veglia). Mr. Yarborough asked, "Did you commercial you had was C-2 commercial under the County zoning ordinance?" Veglia replied (inaudible... C-3 now). Mr. Yarborough explained that the City has Commercial 1; the C-3 is most forgiving under the ordinance. Mr. Yarborough said the uses are not identical to those that are allowed under the County ordinance, which is the C-2 you had previously.

Yarborough said, "As far as the information we have from the record of Planning and Zoning, do you have any contract with Southern Transport related to the property contingent on the change to a C-3 zoning?" Mr. Veglia said, "No". Mr. Yarborough said, "And you acknowledge and understand that a junkyard is not allowed anywhere within the City of Waveland as a by right use; do you understand that?" Mr. Veglia said, "I understand that." Mr. Yarborough asked, "And is not allowed in any circumstances anywhere in a C-3 zone; do you acknowledge that?" Mr. Veglia said, "I acknowledge that." Mr. Yarborough said, "And you also understand that an accessory use to a junkyard is likewise not allowed in any parcel as is used in the City of Waveland, except under circumstances which would allow a conditional use, which a C-3 does not allow that; do you understand that?" Mr. Veglia said, "I understand that." Alderman Kidd said that he had spoke with many residents, and his concern about this property is it looking like Margie Street (referring to the appearing to be auto junk yard at the corner of Margie Street and Old Spanish Trail). Mr. Kidd anticipates problems, since it is a one lane road, for residents to travel up and down the road, with particular problems at the corner. He said if the Board votes to rezone this to C-3, what is going to happen in the future. Alderman Kidd asked Mr. Veglia about his intentions of putting anything on the property. Mr. Veglia said that he has none at this moment. He said that he is trying to sell it; where this came up is about 3 months ago I had a chance to sell it. Dollar General was interested in it and when they found out (inaudible). Alderman Kidd asked Mr. Veglia if at one time, was there was natural drain/ditch/wetlands that was filled in on this property. Mr. Veglia said he had fill dirt put in; he had hired Duke Levy & Associates to do a drainage plan, and engineering plan which the City required him to do. Veglia said, "We did that and did what was required to do so there should be no issues at the property at all." Alderman Lafontaine asked if this property is currently being used as a parking lot for the employees of the scrap yard. Mr. Veglia said, "Yes it is." Mr. Yarborough said, "Are you aware Mr. Veglia that a parking lot is not allowed in an R-1 district as a sole use on a property?" Mr. Veglia said, "Uh, no I wasn't aware of that". Mr. Yarborough asked, "Are you aware or has there been discussions with Southern Material that if a C-3 zoning is approved, there's a potential for that to be used as a parking lot for Southern Material?" Mr. Veglia said, "Not anymore." Mr. Yarborough asked, "What do you mean by 'Not anymore'?" Mr. Veglia said, "After the last commission meeting, they told me it's not allowed, so I called them up and told them, you know, (inaudible)." Alderman Lafontaine asked if they are still parking on it. Mr. Veglia response (inaudible). A citizen from the audience yelled, "yes". Alderman Lafontaine said, "Gary didn't you just say that even if it's passed as C-3, then it cannot be used as a parking lot?" Mr. Yarborough said, "Under no circumstances can it be used as parking, as an addition or used for a non-conforming use, which if it is used in relation to a scrap yard, which Southern Materials is, it would non-conforming use and would not be allowed. Under some circumstances in C-3 zones, parking lots are allowed by right, but not as an accessory use to a non-conforming junk yard." Mr. Veglia said, "I will call them in the morning and tell them to quit parking there." Alderman Lafontaine said his only concern is, "How do you control that? How do you say, Ok they're parking there, whether it be for the scrap yard or whether they're catching a bus somewhere else to work?" Mr. Yarborough said, "Once it's a C-3 zone, by right there is a parking lot issue, which it is currently being used as a parking lot, from the Director of Planning and Zoning, it was previously being used as a parking lot as a terms of relief agreement with Southern Transport which is my concern with this issue. As far as what the standard is for a zoning change: there are always issues when someone is requesting a zoning change, the standard is: 1) you have to (here the applicant is Mr. Veglia) he has a burden of showing, by clear and convincing evidence facts to support a zoning change. There are different levels of proof that are applicable. You're in a lawsuit for a car wreck. The standard is preponderance of the evidence; you have to prove more likely than not. Criminal matters, you have beyond reasonable doubt. Clear and convincing is somewhere between the two. Mr. Veglia has the burden here to show, by clear and convincing evidence, that there has either been 1) a mistake in the Ordinance, which there is no proof of, or 2) that the neighborhood has changed to such an extent that the zoning change should be required; the change in zoning should be allowed." Mr. Yarborough said, "For the record, I see from Planning and Zoning, all Mr. Veglia has attested to, which is what he has here, he has requested a zoning change because he wants it. He wants to be able to sell his property. As far as what proof there is of a change that would make it a change in the scope of the neighborhood, I personally don't think there is any that would allow Mr.

Veglia here to meet his clear and convincing standard.” Alderman Kidd said his concern is for the residents in the area and the last thing those residents need to see is a lot of traffic in their area. He said that this would make a lot of traffic on a one-way road in a residential area. There all already problems now and if the Board approves C-3, there will be more problems with residents getting in and out on the road; he is not too keen to rezone it to C-3. Mr. Veglia said he when he bought the property, it was commercial up, and it was commercial up to the annexation. Mr. Veglia further comments (inaudible). As far as access, Mr. Veglia said he has 160 ft. across the front, 6.5 acres. Alderman Kidd and Alderman Lafontaine held discussion between themselves... inaudible. Mr. Yarborough said, “Anything that you all have as far as, one of the other issues is, what is the neighborhood... any personal knowledge the Aldermen have related what the circumstances are of the neighborhood which would help guide the determination to support the findings, please state that too.” Mrs. Karen Ruhr, resident on Fricke Road said she would like to comment about the clear and convincing evidence, that it does not change the demographics of their neighborhood. She said she would like the Board to know that from the corner of that service road where the Necaise’s live, that’s considered an entrance. She said his (Mr. Veglia’s) property runs on the service road, not on the highway to Fricke Road, which is all zoned residential. She said she does not know how much highway frontage, but the depth of the 6.5 acres is way into what is zoned residential. She said in her opinion, it definitely redefines their residential neighborhood; they built homes there 26 years ago and chose to rebuild there after Katrina because it is a residential neighborhood. Mrs. Ruhr said at the Planning & Zoning meeting, and it may differ what she told them, she didn’t believe they didn’t have any choice but to let the property convert back to commercial, but said, “We do have a choice or say in it, I would most definitely prefer that it stay residential and not go commercial. She said when they went before the Planning & Zoning Commission, they thought it was automatic because this was highway property, it had to be commercial. But when you rethink it, it’s as much residential as it is commercial. She said the depth goes back all the way to Buddy Lane and that’s a good way back off the service road. Mr. Yarborough said, “Mr. Veglia’s burden here is to show the character of the neighborhood around him has changed such to make the changing of his property to a different zone is warranted. What he has here, and I have a copy of the **City’s zoning map (EXHIBIT E)** of the City of Waveland to attach to the record too, Madam Clerk, and I’ll pass it around so the Board can see and I’ve highlighted for the record, Mr. Veglia’s property as a pink dot, and the neighborhood north and south... inaudible (cough in audience)...area is R-1. And just for the record, the Material Transport property is one that’s in the County with that issue; it’s actually R-2. The County has noticed them of a non-conformity in their use and actually stopped the work there. They are currently proceeding with work, but only under an appeal bond. They have appealed the matter to Circuit Court. But the only area zoned C-2 was the one directly abutting the highway... (inaudible)... property likewise R-2.” Mrs. Ruhr described the neighbors and noted their long time residency status. Alderman Kidd asked if there were any other comments about this issue. Mr. Veglia said, “You know by not changing it back to what it was, you’re effectively costing me \$250,000 to \$350,000; that’s the difference in value of that property, from commercial down to residential.” Alderman Lafontaine asked Mr. Steve Hand, Planning & Zoning Commissioner how many people showed up at their meeting. Mr. Hand stated that for whatever reason, persons along Fricke Road misunderstood that that the property would not necessarily have to be commercial. He said perhaps the residents in attendance at their meeting thought perhaps they had no other choice and therefore would have to go with commercial. Mr. Hand said there seems to objection be an objection to allowing entrance from Fricke Road. He told Board members that if they did change the zone, because this is a 6+ acre site, it would have to come before Site Plan review of Planning and Zoning. Mr. Hand told Aldermen Kidd he feels that his concerns about the congestion and use of Fricke Road are valid; he said it could be handled via no access from Fricke Road. Alderman Lafontaine asked what the zoning was previously. Mr. Hand said it was Hancock County C-2, which is equivalent to the City of Waveland’s C-3, with some variations. Hand said when it was annexed in 2006 under the existing Waveland Ordinance, the property became R-1. Waveland has a C-1 which is neighborhood commercial, which is far less intense. Hand said the County’s R-2 is very similar to the City’s R-2 and that is where Southern All Metals Recycling is located. Mr. Yarborough read into the record the uses of C-1 directly from Section 608.1 of the Zoning Ordinance. Alderman Stahler asked if the property could be

sub-divided to make the highway front portion commercial and the back portion residential. Alderman Lafontaine clarified, "In other words, a buffer to the residential homes that surround the area". Mr. Hand explained that this would have to be negotiated with property owners involved and around the property to provide this "buffer, but would still have to go before site plan review. Alderman Kidd said that after listening to the property owners, he just can not vote for changing the zone to C-3. Alderman Stahler called for question

A vote was called for with the following results:

Voting Yea: None

Voting Nay: Stahler, Lafontaine and Kidd

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

City Attorney Gary Yarborough said for the record that Mr. Veglia's request failed for a 0-3 vote.

**PARKS AND RECREATIONS/GARFIELD LADNER MEMORIAL PIER/PIER
Re: Mr. Gene Bernache presented a request to sell refreshments from the parking lot between the Garfield Ladner Memorial Pier and the Veterans Memorial; also rent kayaks and beach chairs from beach area.**

Alderman Kidd moved, seconded by Alderman Stahler to table a request from Mr. Gene Bernache to sell drinks and refreshments from the parking lot between the Garfield Ladner Memorial Pier and the Veterans Memorial; also rent Kayaks from same location in an effort to draw tourists to the Waveland beach Coleman Avenue area. Mr. Bernache would also request using one corner of the parking lot for storage of beach chairs over night. Mr. Yarborough asked the Board to approve the contract for a 30 day extension so that he could review the contract.

During discussion, Alderman Kidd asked the City Attorney for this opinion on this issue. Mr. Yarborough asked about the types of beverages that would be sold. Mr. Bernache said soda, *Gatorade*©, and possibly snow-cones; no alcohol or beer. Mr. Yarborough asked what Mr. Bernache is looking at renting. Mr. Bernache said kayaks and beach chairs. He said he went before the Hancock County Board of Supervisors who asked him for his proposal until they develop a policy. He said the County was not receptive to his leaving the chairs on the beach in the evening when they are not being rented. Mr. Bernache said the County wanted everything removed from the beach at the end of the day, so he will be requesting use of the western most edge of the parking lot (away from the entrance) for a small area to store the 20 or so chairs and perhaps park a trailer with 4-6 kayaks he would rent right from the trailer. He would like to place 10 chairs on the beach (County property) on the east and west sides of the pier. Alderman Kidd said there will be some major construction coming to this area soon (Waterfront Recreation Project) and the parking lot will be closed, along with the beach from the pier to the Veterans Memorial, and wanted to know how this would work for Mr. Bernache's business. Alderman Lafontaine said they will be building a large pavilion and lighthouse at the end there. Alderman Stahler said this should enhance Mr. Bernache's business in the long haul, but for a while there will be construction. Mr. Yarborough told Mr. Bernache that the City is still in the planning process with this project. Alderman Stahler said it will not affect his business this summer for sure. Mr. Yarborough said the first thing he must do is get with the Secretary of State to determine what if any transient vendor requirements/limitations they may impose. Yarborough told Mr. Bernache the City would have to have some insurance requirements, a hold harmless for the City; the other issue we may have is that Mr. Bernache is using the property exclusively for profit. He said it will have to be determined whether that issue will go to the City or to the Secretary of State for answers must be determined. Mr. Yarborough said he will have to write an agreement and told Mr. Bernache he would have to be licensed as a transient vendor with the City of Waveland. City Attorney Yarborough asked Mr. Bernache what kind of

business he was forming. Mr. Bernache said sole proprietorship, but may consider a corporation or LLC if this business succeeds.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

BIDS/HAZARD MITIGATION PROJECTS (HMGP)/PROJECTS/GENERATOR BIDS

Re: Reject Bids and Re-advertise for Trailer Mount Mobile Generators

Alderman Kidd moved, seconded by Alderman Lafontaine to reject all bids and re-advertise for two (2) 140 kw Trailer Mount Mobile Generators.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

EVENTS/RED BEANS AND RICE COOK-OFF

Re: Approve the City's participation in the Red Beans and Rice cook-off for the American Cancer Society

Alderman Lafontaine moved, seconded by Alderman Kidd to approve the City's participation in the Hancock County Red Beans and Rice Cook-Off on Monday, June 13, 2011. Cost to the City would be \$100.00.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

CHARTER/AMENDMENTS/WARD BOUNDARIES

Re: Amendment to the Special Charter of the City of Waveland, Mississippi Correcting the Ward Boundaries and Modifying the Powers of Corporation

Alderman Kidd moved, seconded by Alderman Lafontaine to approve an Amendment to the Special Charter of the City of Waveland, Mississippi correcting the Ward Boundaries and Modifying the Powers of Corporation. **(EXHIBIT F)**

Alderman Stahler questioned Section 25 regarding purchasing of land. City Attorney said this Amendment was a change related to the general taking powers related to the powers of Incorporation and boundary changes. Alderman Lafontaine questioned some of the language in the Amendment. City Attorney Yarborough explained that there is verbage in the original charter which can be updated to comply with current times.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

COURT DEPARTMENT/CONTRACTS

Re: Renewal of ASAP Contract

Alderman Stahler moved, seconded by Alderman Kidd to continue the annual contract with Alternative Sentencing and Arrest Programs, Inc. (ASAP) regarding court collections for the period of 30 days, then approve the annual contract with ASAP regarding court collections for the period of 12 months from that time; contract is subject to finalization by City Attorney as a result of negotiations with Mr. Keith Switzer of ASAP. **(EXHIBIT G)**

During discussion Mrs. Marybeth Dorn and Mr. Keith Switzer addressed the Board explaining the services their company provides to the City. Mrs. Dorn explained the process of collections as it pertains to the Waveland Court Department. She said that she basically helps the Court Clerk in her collections. Mr. Switzer said the services described by Mrs. Dorn are ancillary, he said their company's ultimate goal is to have the person better off when they finished their program than when they began.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

TRAVEL/CITY HALL

Re: City Clerk Lisa Planchard and Deputy City Clerk Tammy to attend CMCC Certification Classes in Hattiesburg, MS

Alderman Stahler moved, seconded by Alderman Kidd to approve travel for City Clerk Lisa Planchard and Deputy City Clerk Tammy Fayard to attend the Certification Program for Municipal Clerks, Tax Collectors and Deputy's in Hattiesburg, Mississippi August 11-12, 2011. Cost to the City will be lodging for one night, per diem for evening meal each and a registration fee of \$75.00 each. A City vehicle will provide transportation.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

REQUESTS FOR CASH/CENTRAL FIRE STATION

Spread on the minutes the Request for Cash Reimbursement, #R-118-379-01-HCCR in the amount of \$217,554.00 – Central Fire Station as reviewed and approved by Tom Worrel, Comptroller. **(EXHIBIT H)**

PAY REQUEST/CENTRAL FIRE STATION

Re: Pay Request #17 from CDM - Central Fire Station

Alderman Stahler moved, seconded by Alderman Lafontaine to approve Pay Request #17 in the amount of \$6,344.30 from CDM for professional engineering services associated with the design, bidding and construction administration of the Waveland Central Fire Station.

(EXHIBIT I)

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

PAY REQUEST/POLICE STATION

Re: Approve Pay Request #11 in the amount of \$178,922.05

Alderman Kidd moved, seconded by Alderman Lafontaine to approve Pay Request #11 from C. Perry Builders for the Waveland Police Station in the amount of \$178,922.05.

(EXHIBIT J)

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

POLICE DEPARTMENT/PERSONNEL

Re: Chief Varnell appeared before the Board to request 2 full time police officer positions to fill recent resignations.

Mr. Yarborough asked if these positions are within the Police Department budget. Chief Varnell said yes. Alderman Stahler asked if Chief Varnell is replacing the positions with a sergeant and patrolman. Chief Varnell said that he is not replacing Sergeants anymore, these will both be patrolmen. Chief Varnell said he already has sergeants in place. Alderman Kidd asked what will be the rate of pay. City Attorney Yarborough said that will be approved whenever the Board takes up the actual hiring issue. Alderman Lafontaine asked how many sergeants we currently have. Chief Varnell said there are currently two, with 10 patrolmen and 4 Investigators. Alderman Stahler noted there are 17 currently employed with the Police Department including the Chief. Chief Varnell said there are plenty of qualified applicants, and the Police Department will be in a dilemma because there are two more employees who will shortly be leaving to go with Highway Patrol. Alderman Stahler asked what the procedure is, advertise, or do you have a stack of people. Chief Varnell said he has people, but there are people he has to offer these positions to first before he advertises. In addition, he has applications already submitted to draw from. Alderman Lafontaine said that he thinks we need to replace the 2 that are leaving but he does not agree with part time police officers, these need to be full time police officers; agreeing that these two positions need to be offered to those who were laid off first. Chief Varnell said that he has letters prepared to go into the mail offering those officers previously laid off. Mr. Yarborough said he thinks what the Chief was asking as far as the budget we are alright, any hiring will come back before the

Board at that time. Yarborough said the issue was that there was a hiring freeze was the issue. Alderman Lafontaine asked about the two potential resignations (going to the Highway Patrol) and whether the City will be provided 2 weeks notice. Chief Varnell said we will be given two weeks notice. His officers should be notified whether they are accepted into the Highway Patrol around the 1st of July and would leave about 2 weeks thereafter when there academy starts.

EXECUTIVE SESSION

Re: Personnel issues, City Hall and Charter Issues specific to Employees

Alderman Kidd moved, seconded by Alderman Stahler to consider going into Executive Session to discuss personnel issues in City Hall and Charter issues specific to employees.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

Alderman Lafontaine moved, seconded by Alderman Kidd to go into Executive Session to discuss personnel issues in City Hall and Charter issues specific to employees.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

With no positive or negative action taken Alderman Lafontaine moved, seconded by Alderman Stahler to come out of Executive Session.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

ADJOURN

Re: Adjourn meeting at 8:31 pm.

Alderman Kidd moved, seconded by Alderman Lafontaine to adjourn the meeting at 8:31 pm.

A vote was called for with the following results:

Voting Yea: Stahler, Lafontaine and Kidd

Voting Nay: None

Absent: None

Other: Alderman Geoffrey presided as Mayor Pro Tem

The foregoing minutes were presented to Mayor Garcia on June 24th, 2011.

Lisa Planchard
City Clerk

The Minutes of June 7, 2011 have been read and approved by me on this day the 24th day of June, 2011.

David A. Garcia
Mayor

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